



KEVIN KAMENETZ
County Executive

ANDREA VAN ARSDALE, Director
Department of Planning

Baltimore County Agriculture Advisory Board
Meeting Minutes
(Minutes Approved 1/13/16)

MEETING: November 4, 2015 Field Meeting 3:00 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 3:00 pm.

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

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

MEMBERS ABSENT: Ann Jones, David Martin

OTHERS PRESENT: Wally Lippincott, Carmela Iacovelli, Catherine and Joseph Warfield (landowners at the field meeting)

RECESS: The meeting was recessed at 3:01 pm.

MEETING RECONVENED: The meeting was reconvened at 3:30 pm by Gail Ensor, Chair.

Warfield, Catherine and Joseph (03-99-18A) – 4900 Kemp Road, Reisterstown 70.87 +/- acres

Request – Board review of a lot location for an owner's lot.

Discussion: The Board and staff members visited this property during the field meeting and met with Mr. and Mrs. Warfield on site. Staff, Board Members, and the Warfield's discussed the location of the proposed lot and the challenges of the topography. Mrs. Warfield said that the lot and house will be wider rather than narrow to fit into the location and that the location is dependent on where the septic and well can be located. The proposed access will be directly from Kemp Road via an existing easement. Wally Lippincott stated that the recommendation will be for a one acre lot with a stipulation that if needed, for well and septic requirements, the lot can be up to two acres.

RECESS: The meeting was recessed at 3:45 pm.

BOARD MEETING AT THE BALTIMORE COUNTY CENTER FOR MARYLAND AGRICULTURE

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

MEMBERS ABSENT: David Martin, Ann Jones

OTHERS PRESENT: Wally Lippincott (Staff), Carmela Iacovelli (Staff)

INTRODUCTION: The meeting was reconvened at 4:20 pm by Gail Ensor, Chair.

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

A. Approval of Minutes of: September 9, 2015.

Discussion: Gail Ensor presented a correction to the minutes of September 9, 2015 under “Old Business” section VI.A. – change the word “stated” to “suggested” on page 6.

Motion: To approve the minutes of September 9, 2015 as corrected.

Motion by: John Merryman

Second by: Russell Berk

Decision: Unanimous Approval

B. Addition or Deletion of Agenda Items.

The discussion on 5.B. “Renewable Energy” is postponed until the next meeting.

Background: A Baltimore County easement owner Jerry Phillips has asked for solar panels on 7 acres of his farm. This will be for commercial production of solar energy to be sold to the power company. This is permitted by Zoning with a Special Exception on County properties. The State recently enacted legislation to allow solar on easement properties with a limitation of 5 acres or 5% of the property allowed to have solar panels subject to regulation. The State has not passed the regulation at this time. County easements allow the uses permitted on State Districts or by County regulation. It appears that the County would need to pass its own regulations to permit this if the Board thinks it is a good use of farm land.

Motion: To postpone this item until the next meeting.

Motion by: John Merryman

Second by: Scott Welsh

Decision: Unanimous Approval

II. MALPF EASEMENT LANDOWNER REQUESTS/ISSUES

A. Nash, Carl & Sandra (03-94-01) – 16709 Cedar Grove Rd., Sparks, MD 86+/- acres

Request – Board review of a new lot location for a child’s lot for their son Larry C. Nash.

Mr. and Mrs. Nash would like the Board's consideration and recommendation for a third location for the one acre child's lot. The new location is near the original location along the east side the parcel in the wooded area. Soils in this area are primarily Class III (GaC) with a small amount of Class II (GhB), and Class VII (MdE). The proposed access will be a 20 foot wide easement access.

Mr. and Mrs. Nash initially received the Board's recommendation for a child's lot for the property on April 8, 2008 and September 9, 2015 and a recommendation for subdivision of an up to two acre lot as a "General Exemption" for an agricultural subdivision at the August 5, 2015 meeting. Upon Departmental review of the area originally considered for the child's lot, the Nash's decided to relocate the child's lot to another area of the property. This property went under easement in 1995 and there are no dwellings currently on the property.

DISCUSSION: The State MALPF indicated that they did not like the location of the previously recommended lot since it was near the center of the property and the access road would cut through a field. Upon further discussion with our Environmental department they agreed to the current location which is very close to the first location proposed (along the eastern boundary of the property in the wooded area). The Nash family is agreeable with the location. The lot will have an in-fee access to Cedar Grove Road. This request will go to the State for the November 24, 2015 Foundation meeting.

Motion: The Board recommends approval of the new location of the child's lot for Larry Nash on Cedar Grove Road as outlined on the new aerial map provided on November 4, 2015.

Motion by: John Merryman Second by: Scott Welsh
Decision: Unanimous Approval

B. Warfield, Catherine and Joseph (03-99-18A) – 4900 Kemp Road, Reisterstown 70.87 +/- acres

Request #1– Review to request a recommendation for an owner's lot.

Background

Mr. and Mrs. Warfield would like the Board's consideration and recommendation for an owner's lot of up to two (2) acres in the location shown on the aerial map. The location is in the vicinity of the other structures and is along the boundary of the property along Kemp Road. Soils in this area are primarily Class IV (MaD), with a small amount of Class III (GhC) and (MaC). The proposed access will be directly from Kemp Road. This request has not yet been reviewed by the Baltimore County Department of Planning or the Environmental Impact Review section of EPS and will also go to the State MALPF Board for their review and approval.

DISCUSSION: See Above Discussion in Field Minutes.

Motion #1: The Board recommends approval of an owner's lot in the location as shown on the attached exhibit. The lot will be 1 acre or up to 2 acres if necessary to meet County building requirements.

Motion by: Russell Berk Second by: Scott Welsh
Decision: Unanimous Approval

Further Discussion: The Chair (Gail Ensor) had questions regarding the lot size and what size of lot to survey (1 acre or 2 acres)? Wally Lippincott replied that the size will depend on the well and septic and if they can be located on the one acre along with the dwelling. John Merryman also asked whether the motion

for an agricultural subdivision can be included in the original motion or if it should be separate. It will be separate for now.

Request #2 – to request a recommendation for the subdivision of the up to two (2) acre lot to be considered an Ag Subdivision.

Background

The Warfield'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 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

Motion #2: The Board recommends approval for the owner's lot for Mr. and Mrs. Warfield to be considered an Agricultural Subdivision.

Motion by: Russell Berk

Second by: John Merryman

Decision: Unanimous Approval

III. BALTIMORE COUNTY EASEMENT/LANDOWNER REQUESTS/ ISSUES

None to Discuss

IV. BALTIMORE COUNTY PERMITS & DEVELOPMENT APPLICANTS

None to Discuss

V. PROGRAM POLICY

A. Criteria for Reduced Acreage Farm/Barn Requests

Request

Board review and discussion of criteria that should be considered for Legitimacy of a Farm/Reduced Acreage Farm requests.

Background

The County does not require a building permit for agricultural structures. For large farms and working farms under easement it is clear that they are entitled to this process. For owners of small acreages in the Rural Areas who plan to build a structure that exceeds zoning limitations they are advised by the Zoning Office that they can either apply for a Special Hearing or they can seek a determination of whether the use is for agricultural purposes. They are referred to the Planning Department and we provide them the application for Reduced Acreage/Legitimate Farm Use and schedule them to go before the Baltimore County Land Preservation Advisory Board (Advisory Board).

The Advisory Board visits the properties and listens to the requests of the landowners before making its recommendation. This is a time consuming responsibility and without clear criteria the Board is concerned

about being consistent in its approach. The Advisory Board requested that staff research the issue and report back to the Board with their findings.

DISCUSSION: Carmela Iacovelli presented an overview of the issue and handed out some materials for the Board to review (Form A-17 and a list of potential criteria). The Board and staff discussed the list of criteria and whether these could be useful in determining whether a farm operation was a legitimate small acreage farm. John Merryman stated that there needs to be consensus among the Board members about the criteria before they meet with landowners and that it is otherwise difficult to discuss the request in front of the landowners. This list will be helpful in providing the Board with criteria. The goal is to determine if a property is a working farm that is making money and not just a hobby farm with one or two animals that are “pets”. When there is doubt these landowners can be referred to Zoning to go through the variance process. Another point of discussion was what happens when a “Legitimacy of Farm” status is given by the Board but the landowner does not comply with the requirements. Wally Lippincott stated that the issue then becomes a Zoning violation. May need staff follow-up in these circumstances.

Motion: No Motion. For Discussion Only.

B. Board Review and discussion: Should Renewable Energy Generation Facilities be located on Baltimore County Agriculture Easements?

DISCUSSION: Postponed until next meeting

C. Budget – Board and Staff discussion of the budget for the easement program.

DISCUSSION: Wally Lippincott gave an overview of the Budget to the Board. There is \$1.5 Million available from the County bond fund and transfer taxes will provide an additional \$100,000/year. There are some funds for Imminent Threat applicants. The County Executive provided \$1.34 M for the FY ‘15/’16 round of applications. We anticipate that the same amount of funding will be available for the matching money for FY ‘17/’18. There was a general discussion of the landowners/properties that received easement offers, the appraisals and average Fair Market Value (FMV)/acre, and the 75% of FMV cap that the State placed on offers this year.

Challenges noted:

- land values have decreased due to the economic downturn and lack of market for development, this decreased development pressure,
- need to find a way to make easements attractive to landowners,
- reaching the next generation of landowners,
- cost of land and viability of farming

VI. OLD BUSINESS – Updates: Discussion of prospective Board members.

DISCUSSION: Gail Ensor announced that she was able to recruit a new perspective Board member, Justin Harrison. He has a background in horses, cattle, runs a CSA and worked for the Soil Conservation Service. He lives on his family’s farm that is preserved under a MALPF easement. He was also recommended by the Farm Bureau.

VII. STATUS OF EASEMENT TRANSACTIONS/ INSPECTIONS/ UPDATES

A. Update for the MALPF FY 13/14 properties that have not yet settled.

DISCUSSION: Two properties from the FY 13/14 round settled recently: the Marilyn Smith Property and the Sullivan-Higgs Property. There is one remaining FY '13/'14 property easement settlement pending: Hutschenreuter.

B. MALPF and Baltimore County inspections for FY '15 have been completed. MALPF inspections for FY'16 are underway.

DISCUSSION: No Discussion

VIII. MISCELLANEOUS/ INFORMATION/ CORRESPONDENCE/ NEWS ARTICLES

A. Fall Newsletter

B. December meeting- see below

C. Field Crops Day – December 10, 2015 @ Friendly Farm

D. Planning Board Holiday Party – December 8, 2015 in Towson @ Planning Office, 5:00 – 7:00 pm

E. Family Farm Day (September 20, 2015): Family Farm Day was well attended by families who visited our booth and seemed to have greater interest in farming and our easement program. John Merryman suggested that there should be more information given to the public on efforts that farmers are making on providing a safe food supply and how better farming practices are producing better crops.

F. Legislative Breakfast: A Legislative Breakfast sponsored by the Land Trust Alliance, Land Trusts in Baltimore County, and the Agricultural Advisory Board will be held at the Ag Center on December 2, 2015 from 7:30 to 9:30 am. This will be attended by our Maryland legislators who will be discussing the agricultural bills that they will be introducing in the upcoming months. There will be a brief talk by Bill Leahey of MET and recognition of landowners that have sold easements. Gail Ensor, Chair of the BCALPAB will be attending and she asked that other Board members attend as well.

IX. FUTURE MEETING DATES

The next scheduled meeting date is December 8, 2015 @ 3:30 pm.

X. ADJOURNMENT

Motion: To Adjourn the meeting (@5:30 pm)

Motion by: John Merryman

Second by: Russell Berk

Decision: Unanimous Approval