



JOHN A. OLSZEWSKI, JR.
County Executive

STEPHEN LAFFERTY, Director
Department of Planning

Baltimore County Agriculture Advisory Board
Meeting Agenda

MEETING: April 12 2023 Board Meeting – 6:30 PM @ The Baltimore County Center for Maryland Agriculture, 1114 Shawan Road, Cockeysville, MD 21030.

Attendees:

Board Members Present: Steve Myer, Scott Welsh, Holly Gilmore, Brenda Strohmer, Rick Bernstein

Ex Officio Members Present: Erika Crawl, Ann Jones

Staff: Megan Benjamin, Joe Wiley, Abigail Rogers

Others: Jennifer Frankovich, Jess Armacost, Bruce Doak, Mr. & Mrs. Roil, Michele Wabler & Carol-Ann Sloan, Sandra & Raymond Frank, Renee Hamidi, Caroline Owens, Richard Reinhardt

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

A. Approval of Minutes of: December 14, 2022

Motion: To approve the minutes of December 14, 2022

Motioned by: Rick Bernstein

Seconded by: Scott Welsh

Decision: Unanimous Approval

B. Addition or Deletion of Agenda Items: Megan Benjamin requests item III A. be moved towards the end of the meeting so all voting board members could be present.

C. Jess Armacost, Ag Business Development Specialist with the Department of Economic and Workforce Development was present and introduced herself and her new position with the County. She is working on an effort to develop an Agricultural Strategic Plan for the County and will be hosting listening sessions in various forms to hear from all agricultural stakeholders in the development of this effort.

II. MALPF EASEMENT LANDOWNER REQUESTS/ISSUES

A. **Virginia Roil & Jack Merryman – 3319 Mt Zion Road– 86.98 ac – (MALPF# 03-22-08-pending)**

Request: Pre-approval of the location of a subdividable owner's lot, prior to settlement of easement.

Background: This property has a pending offer to purchase a MALPF easement (FY22 cycle). Prior to finalizing the settlement of the easement, the owners are requesting a pre-approval of the location for a subdividable owner's lot for Virginia Roil.

The owners are proposing two different potential locations (marked as 1a and 1b on map) for the lot and are requesting pre-approval for either location. The easement will provide the right for a family lot, not to exceed 2 acres (including access). There is a pre-existing dwelling on the farm.

Lot 1a, is situated near Mt. Zion Road and in a crop transition area (Class 3 soils). Lot 1b, is situated further into the property along an existing tree line (Class 1 soils). MALPF staff expressed concern about the location of Lot 1b.

The owners are intending for the location to be minimally disruptive of the agricultural operation by situating the locations at the edges of the land in production. The site has topographical challenges that while the land is able to be farmed, would be challenging to locate the proposed house on the lot and/or access the location for residential purposes. The property has 79.6% qualifying soils so the property will continue to meet soils requirements after the lot is established.

The Foundation's Lot Location Policy options for geographical location (in priority order from most to least desirable) are:

1. Along public roadway and (if they exist) clustered with other dwellings;
2. Along boundary lines, natural boundaries, or the edge of tillable land, and clustered with other dwellings (if they exist)
3. Clustered with farmstead dwellings and buildings.

Comments from Environmental Impact Review indicated no particular issues with either location & Groundwater Management indicated perc plans would be required to give further comment.

Recommendation: 1) pre-approval of the proposed Owner's Lot at either location and 2) recommend the action as a General Exemption for Agricultural Purposes (contingent on MALPF easement settlement)

Discussion:

Virginia Roil indicated she and the builders are still considering different house plans and would like to keep both options open. Location 1b was chosen because grading for the house site would be minimal in this location. Scott Welsh pointed out that the driveway for this location would be extensive. Megan Benjamin indicated that MALPF staff had expressed concern with the location of 1b and that since this would be a separately deeded lot, it would have the long term impact of being a “donut hole” in the middle of the property. This part of the property also include the higher quality soils and the driveway would cut through productive land. The Board indicated they understood the constraints and were satisfied with keeping either location open as a possibility for the site of the lot. Both locations are in keeping to the edges of the productive land.

Motion:

1) pre-approval of the proposed Owner’s Lot at either location and 2) recommend the action as a General Exemption for Agricultural Purposes (contingent on MALPF easement settlement).

Motioned by: Scott Welsh

Seconded by: Holly Gilmore

Decision: Unanimous Approval

IV. BALTIMORE COUNTY PERMITS & DEVELOPMENT APPLICANTS

A. Michele Wabler & Carol-Ann Sloan– 2251 Traceys Store Road – 72 ac— RC2 (Rural Legacy easement)

Request: Legitimacy of a Farm Use designation for accessory agricultural use of a proposed barn.

Background: The owners of the property, Michele Wabler and Carol-Ann Sloan, are requesting verification of the need for an accessory barn to continue their agricultural operation. The property, 72 acres at 2251 Tracey’s Store Road, was purchased by Wabler and Sloan in August of 2022. The land was purchased for the purpose of housing Wabler and Sloan’s chickens and horses. Part of the property is leased to Steve Troyer as cropland. The proposed barn would provide shelter to the horses as well as storage for agricultural supplies. The barn would be situated close to the house, in the center of the property.

Discussion: Abigail Rogers and Megan Benjamin presented the background information. Ann Jones indicated that the property is under a Rural Legacy easement and the owners have been in touch with the easement holder about their plans. Ann commented that the property is the largest she has seen that does not have a barn, and that

the owners clearly need some kind of structure for the property. Michele Wabler & Carol-Ann Sloan were present to answer any questions.

Motion: Recommendation of legitimate accessory Agricultural Use (non-commercial).

Motioned by: Scott Welsh

Seconded by: Rick Bernstein

B. Haigley Property—11607 Kelly Ave— 17 ac ---RC5

Request: Legitimacy of Farm Use designation for accessory agricultural use of a proposed barn.

Background:

Bruce Doak is representing the recent purchasers of the above referenced property. The property is composed of 4 parcels totally 17 +/- acres. The 2 larger parcels receive the SDAT Ag preferential assessment.

The request is for the review and recommendation verifying the farm use, such that they may seek an agricultural grading exemption from the Soil Conservation District.

The new owner has purchased the property to create a horse farm with 2 barns and equipment storage. Ms. Haigley plans to move her horses from a boarding facility to this property where she will eventually also build a home. The majority of the farm will be fenced for pastures.

Staff has consulted with both Zoning and Sediment and Erosion Control offices. If the Ag Board recommends legitimacy of farm use for this accessory Agricultural use (non-commercial) for the purpose of pursuing an Ag grading exemption, the owner should be aware of the need to comply with all RC 5 Zoning regulations, including but not limited to the two horse barns would have to meet the RC 5 "principal" building requirements of 50 ft. property line setbacks, 100 ft. building separation between the two barns, and a 100 ft. setback from the centerline of Kelly Avenue.

All structures, including the barns will need building permits. The number of animals is subject to the grazing/pastureland restrictions of Section 100.6, BCZR and the riding stable may need a special exception hearing. The Landowner (or representative) should contact the Zoning Office as well as DEP Stormwater Management for further guidance. Staff provided this information to Mr. Doak.

Discussion: Megan Benjamin presented the background information. Erika Crowl indicated that Jim Ensor was fine with the horse farm, but questioned the size of the tractor shed. Bruce Doak says the barn is being designed now by Amish builders, and it will aesthetically fit the property. Joe confirms that the horse barn will be 36 by 84 square feet. There would be 10 horses. Doak says the shed opposite the horse barn would be a multi-purpose ag building for hay and equipment storage. Doak says there will be a third structure for small animals.

Megan Benjamin asked for clarification if the request was for the 2 animal barns and the equipment storage/multi-purpose ag building. Doak indicated it would be for all 3.

There was some discussion of the need for the large size of the multi-purpose building and the potential to make it smaller. Ultimately, no further recommendation was made in that regard.

Motion: Verify legitimacy of non-commercial farm use for the grading for the three buildings.

Motioned by: Rick Bernstein

Seconded by: Scott Welsh

Decision: Unanimous Approval

III. Baltimore County Easement/Landowner Requests/Issues

A. Frank, Sandra & Raymond– 2800 Monkton Road – 92 ac—(BC 02-20)

Background: The Franks have provided details of 4 upcoming planned events.

For these temporary events, the visitor parking area will be the same as was approved by the Board in July 2022 for their temporary events (~4 acres as shown in attached exhibit).

Under the Guidelines this qualifies as a Tier 2 Ag-related event and thus requires Ag Board approval since the requested parking is greater than 2 acres (see Section B. 14. page 8 of Guidelines, attached). In addition, any event must be farm or forest related (see Section B, page 8).

The number, frequency and scale of events are as limited to 8 by the Special Exception Order 2017-0327-X and are to be consistent with the scale of the brewery operation and the area's rural character. If impacted, any farm or forested area must be maintained or restored to its original condition.

The Board is asked to review the events to confirm they are farm or forest related and to review the requested parking area for the events listed: May 5-7; May 19-21; June 9-11; July 14-16

The first three events are themed "All About Horses-Triple Crown Weekends". US Pony Racing will be having races on each of the 3 Saturdays (May and June events). The July event will be an antique tractor, truck, and car show. They will be selling their farm product at each event.

The pony races will be conducted in the front field, adjacent to the tasting barn. Trailers for the events will be parked on the driveway from Monkton Road (Apx. 12). Children's races will start around 1 pm and read out over the afternoon (apx 40 children). The Franks have no ownership in this portion of the event. There is no registration or entrance fee. Tractor, truck car show parking is in the yard adjacent to brewery.

Discussion: Scott and Holly recused themselves from this item and left meeting. Megan Benjamin presented the background information. Erika Crowl indicated that it is common practice to have horse events on preserved land and horses are considered agriculture. Brenda Strohmer asked for clarification of the location for the pony races and the potential impact to that area. Erika Crowl indicated it is the cow pasture where cattle are typically rotated. She indicated that The Manor Races historically used this property in the past. The Franks were present to answer questions related to the proposed and requested approval for 4 events. The Franks referenced the historical connection to horse racing in the surrounding area and on the Property. Renee Hamidi asked why there was no updated site plan per the Agricultural Advisory Board's previous parking request and approval which must be consistent with and comply with the original zoning site plan and parking shown on the zoning plan. Jennifer Frankovich an Assistant County Attorney from the County Office of Law was present and responded that the zoning case is still pending, on appeal. Zoning requirements / the Special Exception approval and conditions must be complied with in conjunction with the Easement's requirements. Enforcement related to Zoning and zoning related requirements should be reported to that department. Richard Reinhardt also asked about the status of the site plan. Again, the Special Hearing appeal related to zoning approval(s) is still pending. Jennifer Frankovich repeated that zoning related questions should be referred to Zoning. Reinhardt responded that, in his opinion, there is a lack of follow up when complaints are filed. Caroline Owens asked for clarification on the areas being used for horse trailer parking. It was confirmed it would be on the driveway area off of Monkton Road.

Motion: Approve the requested events as farm related; approve the visitor parking greater than two acres (visitor parking ~4 acres and also including the parking for the horse races on May 6th, 20th, and June 10th; and, the parking for the antique car, truck and tractor show for the July event)

Motioned by: Brenda Strohmer Seconded by: Rick Bernstein

Decision: Unanimous Approval

Scott and Holly returned to the meeting.

V. STATUS OF EASEMENT TRANSACTIONS/ INSPECTIONS/ UPDATES

- Joe Wiley provided an update of inspections. Joe says he spent February and March inspecting the coastal rural legacy area. He says dumping and four wheelers were both found to be the main issues found.
- Megan Benjamin shared that after the April MALPF meeting, offers are expected to come out for last year's easement cycle.
- Applications for this year's MALPF cycle are due to the County on May 1, but staff may extend the deadline to May 15th and will post any update online.

VI. MISCELLANEOUS/ INFORMATION/ CORRESPONDENCE/ NEWS ARTICLES

- a. Ag Board Terms-Megan Benjamin indicated two Board members terms would be ending at the end of June and there would be a need to identify and have new prospective Board members apply. A question arose as to whether the two members were eligible for another term since their first terms may have not been full terms thus making them eligible for one more additional term. Megan will seek clarification from the Office of Law and get back to those board members to clarify.
- b. Master Plan 2030 is open for comments. The goal for agricultural preservation has been updated to align with the state's guidance on certified counties- 80% of Agricultural Priority Preservation Areas, which would be an upward increase from the current goal which is to preserve at least 80,000 acres. Public comments are being sought and Megan encouraged the Board to review.
- c. The County's recertification was officially approved by the State (Dept of Planning and Dept of Agriculture).

VII. FUTURE MEETING DATES

Next Meeting: May 10, 2023

VIII. ADJOURNMENT: 7:35 PM