



JOHN A. OLSZEWSKI, JR.
County Executive

STEPHEN LAFFERTY, Director
Department of Planning

Baltimore County Agriculture Advisory Board
Meeting Minutes

MEETING: December 13, 2023 Board Meeting – 6:30 PM @ The Baltimore County Center for Maryland Agriculture, 1114 Shawan Road, Cockeysville, MD 21030.

Attendees:

Board Members Present: Holly Gilmore, Brenda Strohmer, Joanna Winkler, Scott Welsh

Ex Officio Members Present: Jim Ensor, Ann Jones

Staff: Megan Benjamin, Joe Wiley, Abigail Rogers

Others: Dawn Leung, Lester Leung (by phone), Angela Bagby, Michael Bagby, Jessica Armacost

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

A. Approval of Minutes of: October 11, 2023

Motion: To approve the minutes of October 11, 2023

Motioned by: Brenda Strohmer Seconded by: Scott Welsh

Decision: Unanimous Approval

II. MALPF EASEMENT LANDOWNER REQUESTS/ISSUES

A. Lester & Dawn Leung- 16312 Old York Rd- 71 +/- ac (MALPF # 03-91-25AE)

Request: Approval for a land exchange that will add 1-acre of unencumbered land to the easement in exchange for releasing 1-acre to create a lot at the corner of the property, not to be encumbered by the easement.

Background: Lester & Dawn Leung are the subsequent owners of the easement originally established by the Simons family in 1994. The Leungs have owned the property since 2009. In 2018, they requested and were approved under the easement for use and operation of an equine therapy program. The Leungs recently received State bond bill funding to construct an enclosed riding arena for use in their therapeutic riding operation. In the process of obtaining approvals for its construction, they became aware of their desire to seek a lot line adjustment to reorient the location of an adjacent lot that is unencumbered by the MALPF easement, but that is used in their farm operation.

They are now requesting a land exchange to add two areas of land totaling 1 acre (.912 acres and .09 acres) currently not encumbered by the easement and unencumber an area of equal size in the northeast corner of the property along Old York Road in order to retain a minimum sized lot for potential future development outside of the easement and away from the infrastructure associated with their therapeutic

riding operation.

The soils in the areas proposed for the swap are both composed of Class I and Class II soils.

Discussion: Holly Gilmore recused herself and stepped out of the room for the duration of the discussion and vote. Dawn Leung said that the property is on a county road, and nothing would change regarding road access. Megan Benjamin said that Board's recommendation will be sent to MALPF for their Board's consideration and the Leungs will need to pursue the lot line adjustment through the County's development management process. Brenda Strohmer asked if there was a building on the parcels the Leungs intend to add to the easement. Ms. Benjamin said there is a riding arena on the larger of the two parcels, which Ms. Leung confirmed. Ms. Leung said the 0.9 acres parcel intended to be added to the easement was a building lot when she and her husband purchased it and was not part of the easement. Ms. Benjamin said MALPF does allow for land exchanges, subject to certain parameters, including equal or greater area coming into the easement as well as soils must be of equal or better quality. Ms. Leung said that their hope for the property that they are taking out of easement is for one of their adult children to build there.

Motion: Approval for a land exchange that will add 1-acre of unencumbered land to the easement in exchange for releasing 1-acre to create a lot at the corner of the property, not to be encumbered by the easement.

Motioned by: Brenda Strohmer Seconded by: Scott Welsh

Decision: Unanimous Approval

III. BALTIMORE COUNTY PERMITS & DEVELOPMENT APPLICANTS

A. James and Wanda Street – Long Green Road, Long Green – 86.7 +/- ac (BC# 02-25A, 02-25B)

Request: To allow a right of way over the county easement to access another property owned by the same land owner

Background: The Streets are the current owners of three parcels along Long Green Road. Two of the Parcels are under Baltimore County Agricultural Easements (BC # 02-25A and 02-25B), and the third is under a Long Green Rural Legacy Easement. The properties were put under easement by Mr. Bregel in 2002. The Streets are going to construct a dwelling on the Long Green Easement and to access the building site, the owners are seeking a Right of Way (ROW) through the county easement. The ROW will follow an existing driveway and no new roads are proposed. Section IV(H) of the Deed of Easement requires the Grantee's written permission.

To construct a new driveway that does not cross the County Easement, would require bridges crossing streams and large elevation changes due to the natural topography and so allowing the ROW to cross the County easement, the impact is greatly minimized.

Discussion: Joe Wiley said there is already an existing road. Ms. Strohmer asked why the property owns need another driveway if it already exists. Mr. Wiley said they still need the deeded right-of-way.

Motion: Approve a right of way across the County Agricultural easement, for access to another property owned by the same landowner in order to minimize overall agricultural and environmental impact.

Motioned by: Brenda Strohmer

Seconded by: Holly Gilmore

Decision: Unanimous Approval

IV. BALTIMORE COUNTY PERMITS & DEVELOPMENT APPLICANTS

A. Michael & Angela Bagby-11700 Ivy Mill Rd-7.64 +/- ac

Request: Review of Legitimacy of Agricultural Use

Background: In the winter/spring of 2023, the Mr. Bagby hired a logging company to clear parts of their property for the stated purpose of converting the property to agricultural use. This was done without proper review/permits and several violations resulted. The Bagbys have been working cooperatively with County agencies (Dept of Environmental Protection & Sustainability and PAI-Sediment Control) to clear the violations.

Sediment Control has referred the matter to the Board for review, seeking the Board's review of their plan to establish a Commercial Agricultural operation in order to defer further requirements related to the violation if a bona fide commercial agricultural operation is established. Mr. Bagby indicated he had plans to grow and sell watermelon in the 2023 growing season, but that was put on hold after the violations came to light and focus shifted to address and determine the path to proceed. Mr. Bagby indicated that he did grow potatoes, okra, and peppermint in raised beds, but not at the scale to sell this year.

The property does not receive the Ag preferential assessment and the farm has not yet filed an IRS profit/loss statement (Schedule F). Jessica Armacost in the Office of Agriculture has offered to provide information to him to help accomplish these milestones which are key indicators of a commercial operation.

In addition to addressing the conversion of the farm from woodland to cropland and the violations involved, Mr. Bagby hopes to build several agricultural structures for equipment storage, hoop house, and roadside stand. A meeting was held on November 30th with Mr. Bagby and representatives from Dept of Environmental Protection & Sustainability and PAI-Sediment Control, Zoning, Office of Agriculture, and Planning in order to help him understand the various requirements he will need to meet for each phase of the plan.

A copy of the Bagby's plan for the operation is attached for review. The Board is asked to review the plan and make a recommendation on the legitimacy of intended agricultural use.

Discussion: Michael Bagby said he has been selling his produce and has a small local buyer base. Mr. Bagby said he had a logger come to his property and had issues with the process. Jim Ensor asked how much forest was cleared. Mr. Bagby said three acres, which is all he needs for his operation. He is required to plant forty trees to make up for the clearing.

Motion: Approval of legitimacy of agricultural use to convert to a commercial agricultural operation.

Motioned by: Brenda Strohmer

Seconded by: Joanna Winkler

Decision: Unanimous Approval

V. STATUS OF EASEMENT TRANSACTIONS/ INSPECTIONS/ UPDATES

- Ms. Benjamin said Planning staff are working on a baseline for the Dorman property as well as working with MALPF for reviewing the Dott property, she will have the report for 2023 available at the next meeting.

VI . MISCELLANEOUS/ INFORMATION/ CORRESPONDENCE/ NEWS ARTICLES

- Ann Jones briefed the Board on the issue some landowners are experiencing across the State related to a change in property tax assessments from Agriculture to Commercial on farm properties that are involved in value added enterprises. There will likely be legislation introduced during the 2024 legislative session in an effort to address.
- Mr. Wiley reviewed the eight CZMP issues located within the Agricultural Priority Preservation Area.
- Jessica Armacost, Office of Agriculture provide updates on:
 - An Agriculture Advisory Board has been established under Office of Agriculture in Dept of Economic and Workforce Development. Board should be operational by March.
 - Office of Agriculture is in the process of establishing an office at the Ag Center, should have full furnishings and be operational by February.
 - Agricultural verification process being implemented through Dept of Permits, Approvals, and Inspections (PAI) in order to address ongoing issues related to agricultural buildings

VIII. FUTURE MEETING DATES

Next Meeting: January 10, 2023

IX. ADJOURNMENT: 7:35 PM