

## County Commissioners' Hearing Room 400 High Street Chestertown, Maryland

# AGENDA

March 23, 2021 5:30 p.m.

Members of the public are welcome to attend meetings in person or via conference call. Please note that the County's live stream video is temporarily unavailable.

Public participation and audio-only call-in number:

- 1. Dial 1-872-239-8359
- 2. Enter Conference ID: 440 056 085#

Members of the public are asked to mute their phones/devices, until the Commission Chair opens the floor for comment.

Minutes – October 2021

Applications for Review Harmony Crest Partnership – Ag Preservation Districts 126.32 acres, Kentmore Park Road 300 acres, 28482 Lambs Meadow Road

Massey Properties, LLC – Ag Subdivision Walnut Tree Road, Map 24, Parcels 18 and 109

**General Discussion** 

Adjourn

Meetings are conducted in Open Session unless otherwise indicated. Meetings are subject to audio and video recordings. Other business without assigned times may be discussed during the course of this meeting as time allows.

#### MINUTES

The Kent County Agricultural Preservation Advisory Board met on Monday, October 4, 2021, in the County Commissioners' Hearing Room at 400 High Street, Chestertown, Maryland. The following members were in attendance: David Hill, Chairman, Davidson Coleman, Bradley Morris, Tyler Gale, and Ernest "Tot" Strong. Also, in attendance were Carla Gerber, Deputy Director, and Michael Pelletier, Clerk.

The meeting was called to order at 6:04 p.m.

## **APPLICATIONS FOR REVIEW:**

### B and K Family Farm, LLC – Ag Preservation District

Ms. Gerber presented the application to establish a local Agricultural Preservation District on the applicant's 202acre farm located on Morgnec Road. Following a brief discussion, the Board found that the application exceeds the minimum criteria for districts.

Mr. Strong motioned to forward a favorable recommendation to the Planning Commission and County Commissioners. Mr. Morris seconded the motion. The motion was approved unanimously.

### Marilyn Price – Child's Lot for Daughter, Vonnie Mills

Ms. Gerber presented this request seeking a child's lot for Ms. Marilyn Price's daughter, Vonnie Mills. The proposed 1-acre lot will be located adjacent to the Owner's lot which was released in 2004 and will have frontage along Old Locust Grove Road. The proposed lot will not have a detrimental effect on the farming operation.

Members of the Board discussed the proposal. Mr. Strong motioned to recommend approval of the request and Mr. Coleman seconded the motion. The motion was approved unanimously.

### Barbara Parker – Lot Release of Pre-existing Dwellings

Ms. Gerber presented a request from Ms. Barbara Parker seeking to release two pre-existing dwellings from her 50-acre easement property. One proposed lot will be 2 acres and the other will be over 1 acre but less than 2. A surveyor is preparing a revised plat to reduce the second lot to the minimum necessary to meet setbacks for the well and to keep several trees that act as a buffer.

Members of the Board discussed the proposal. Mr. Strong motioned to recommend approval of the request and Mr. Gale seconded the motion. The motion was approved unanimously.

### GENERAL DISCUSSION:

Ms. Gerber discussed the current Comprehensive Rezoning process, in particular, relating to the Agricultural Zoning District, and the desire of the County Commissioner's to receive feedback from the Agricultural Advisory Commission on several matters currently before the Comprehensive Rezoning Task Force. The anticipated timeline for the Comprehensive Rezoning process was also discussed.

### ADJOURN

There being no further business for the good of the organization, Chair Hill made a motion to adjourn which Mr. Morris seconded. The motion passed unanimously, and the meeting was adjourned at 6:35 P.M.

David Hill



To:	Agricultural Preservation Advisory Board
From:	Carla Gerber, Deputy Director
Date:	March 16, 2022
Subject:	March 23 Agenda Items

## Memorandum

#### ALP 22-01: Harmony Crest Partnership – Lambs Meadow Road

Harmony Crest Partnership has submitted an application to establish a district on their 300-acre farm located on Lambs Meadow Road. The "Home Farm" is comprised of 2 parcels, 197 acres and 103 acres, but because one parcel is landlocked, it makes sense to establish only 1 district. The owners understand that if they receive and accept an easement offer, then the parcels must remain in common ownership unless MALPF approves an agricultural subdivision. The farm is adjacent to a 254-acre easement. The farm has almost 80% qualifying soils, and there are 2 dwellings on the larger parcel. A staff report with maps is attached.

#### ALP 22-02: Harmony Crest Partnership – Kentmore Park Road

Harmony Crest Partnership has submitted an application to establish a district on their 126.32-acre farm located on Kentmore Park Road. The farm is adjacent to a block of over 9,100 acres of easements that stretches from the Sassafras River to the Chester River. The farm has almost 70% qualifying soils, and there are no dwellings or other buildings on the property. A staff report with maps is attached.

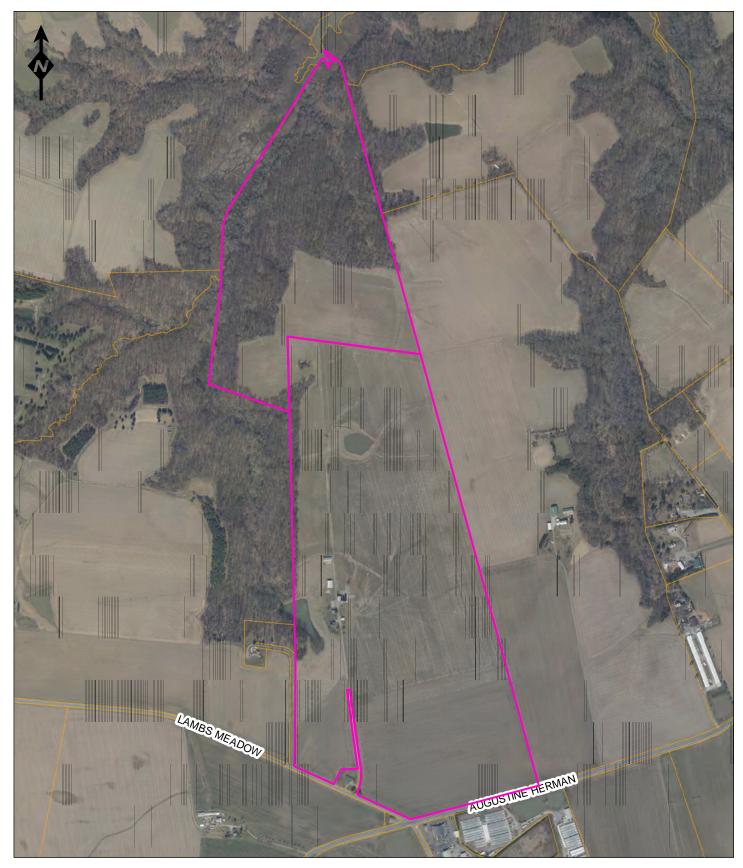
#### Massey Properties, LLC (14-21-10 and 14-98-04)

The applicant is proposing an adjustment of lot lines between Map 24, Parcels 18 and 109, 295.897 acres and 185.161 acres, respectively. The adjustment of lot lines will add the area of Parcel 18 on the north side of Walnut Tree Road to Parcel 109. The resulting area of Parcel 109 will be 257.244 acres. The remaining area of Parcel 18 on the south side of Walnut Tree Road will be 223.814 acres. Following the adjustment, Parcel 18 will have 89% qualifying soils, and Parcel 109 will have 98% qualifying soils. The proposed adjustment follows the existing public road. MALPF considers adjustments of lot lines to be agricultural subdivisions that must be approved by the Board of Trustees. The MALPF application form is attached.

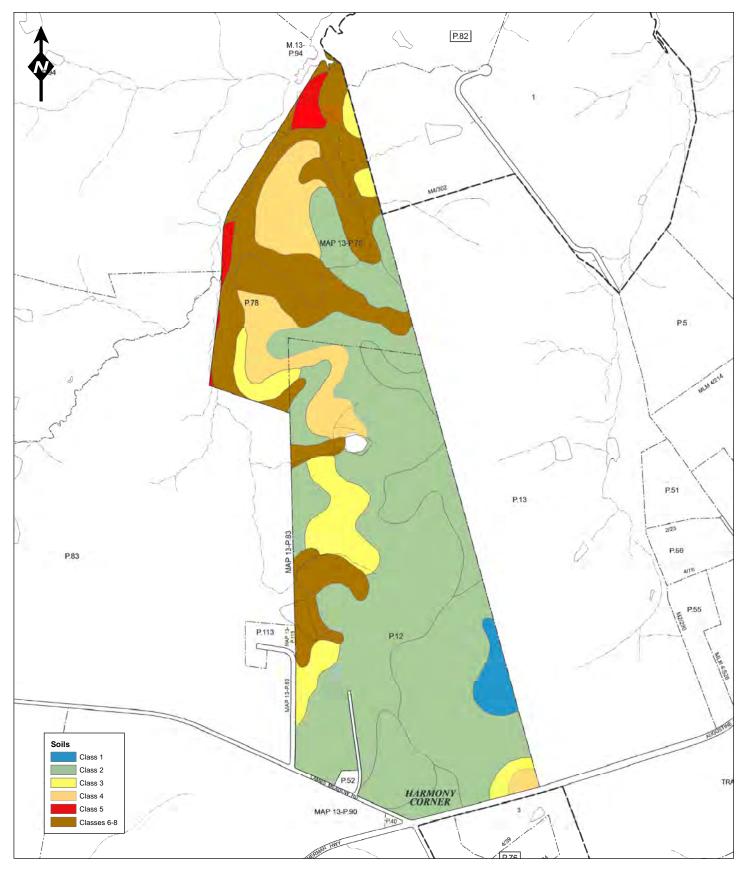
Thanks!

## PROPOSED AGRICULTURAL LAND PRESERVATION DISTRICT STAFF REPORT SUMMARY

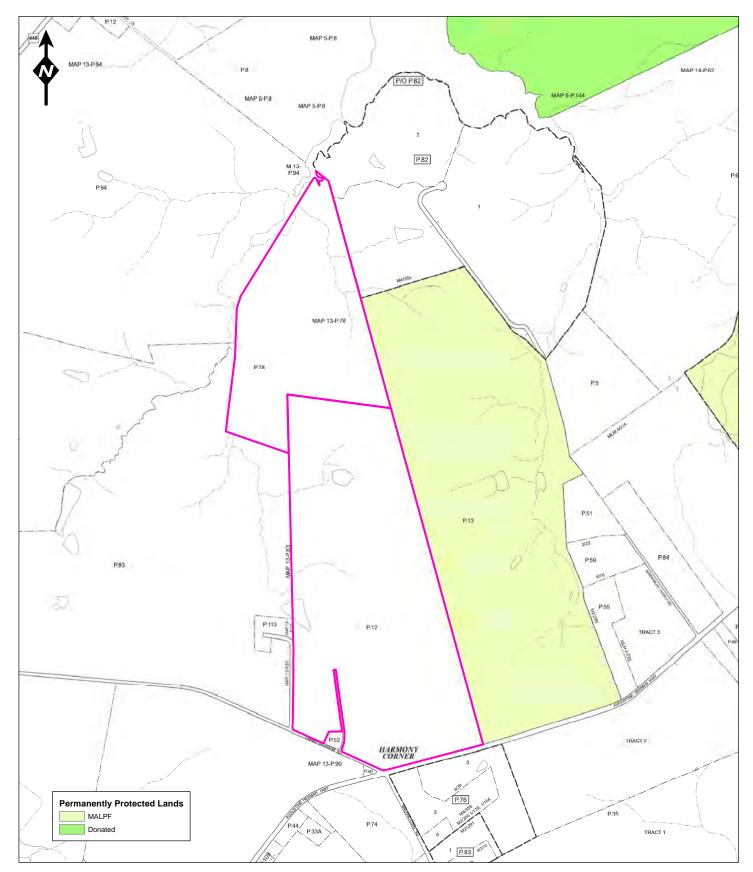
FILE #: LANDOWNER(S):	ALP- 22-01 Harmony Crest Partnership		
LOCATION: TAX MAP, PARCEL #:	28482 Lambs Meadow Road Map 13, Parcel 78 and Map 14, Parcel 12		
SIZE:	300 acres		
RELATIONSHIP TO OTHER PRESERVED LAND	This property is adjacent to a 254 acre easement.		
TOTAL LAND USE: ACRES	CROPLANDPASTUREWOODLANDWETLANDOTHER217,2070013		
DWELLINGS:	2		
GENERAL FARMING OPERATION:	Grain		
PART OF LARGER OPERATION:	Yes		
OWNER OPERATED:	Crop share lease		
TOTAL QUALIFYING SOILS: ACRES: PERCENT:	CLASS 1 CLASS II CLASS III CLASS IV GROUP 2 = TOTAL   5.4 175.9 23.4 29.2 4.5 238.4   1.8 58.6 7.8 9.7 1.5 79.5		
COUNTY ZONING/DENSITY:	Agricultural Zoning District (AZD), base density 1:30 Resource Conservation District (RCD), 1:20		
DEVELOPMENT PRESSURE:	Low		
ACREAGE WITHHELD:	None		
OTHER INFORMATION:	Farm is located within the Priority Preservation Area. A Soil and Water Conservation Plan and Nutrient Management Plan are in effect.		
<b>RECOMMENDATION:</b>	Staff recommends approval.		



Source: Kent County Department of Planning, Housing, and Zoning. Aerial taken Spring 2019. Map prepared February 2022.



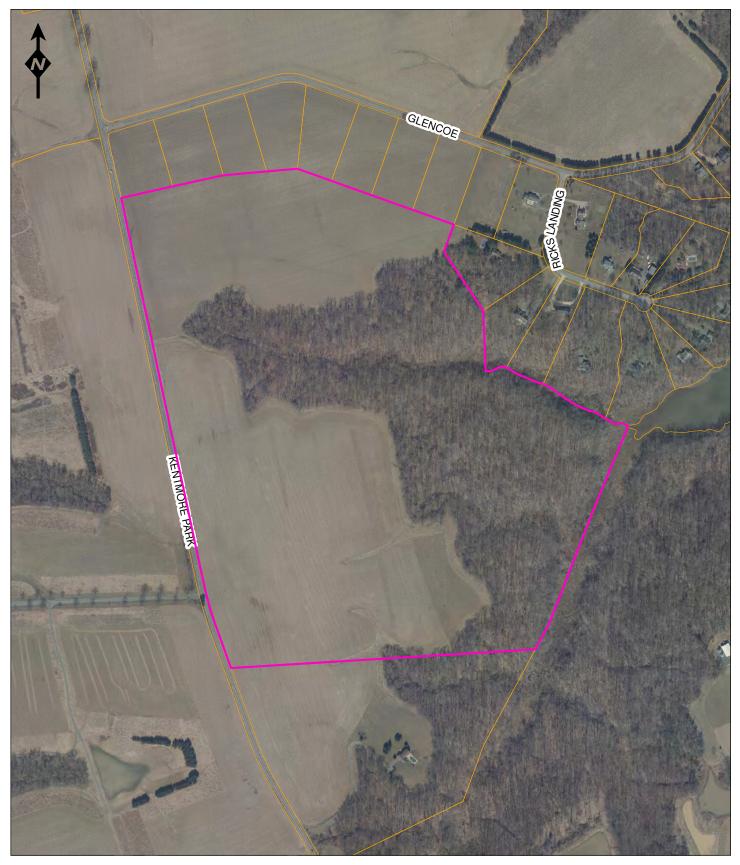
Source: Kent County Department of Planning, Housing, and Zoning. Aerial taken Spring 2019. Map prepared February 2022.



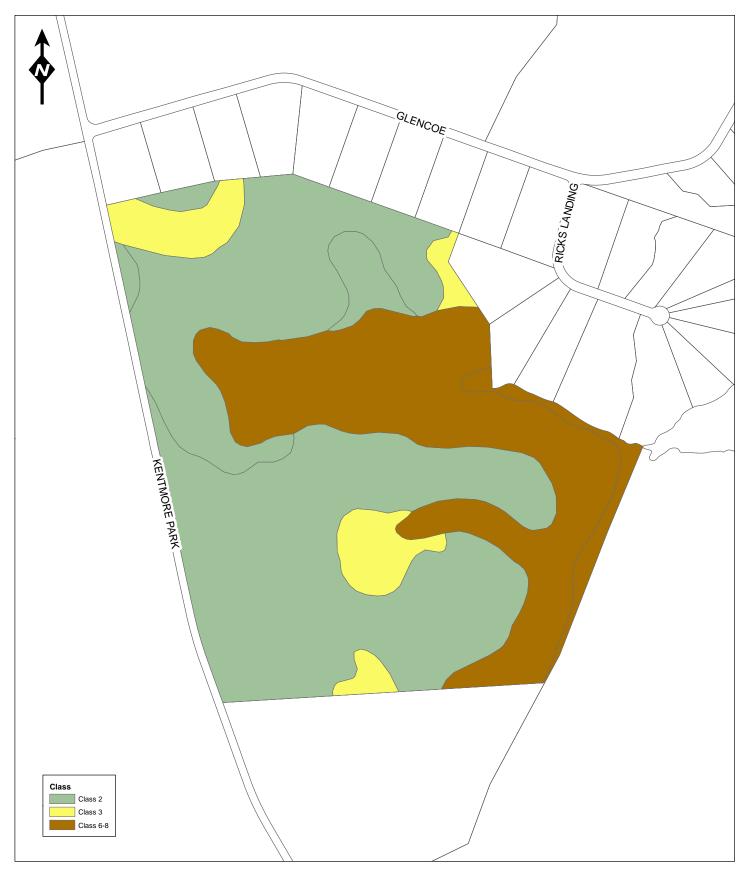
Source: Kent County Department of Planning, Housing, and Zoning. Aerial taken Spring 2019. Map prepared February 2022.

## PROPOSED AGRICULTURAL LAND PRESERVATION DISTRICT STAFF REPORT SUMMARY

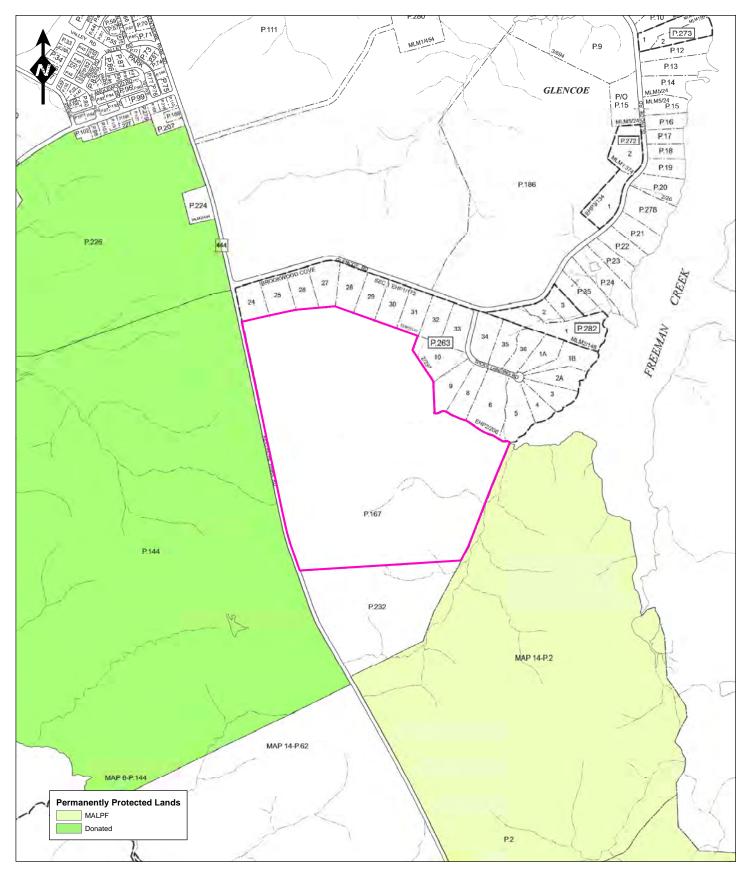
FILE #: LANDOWNER(S):	ALP- 22-02 Harmony Crest Partnership		
LOCATION: TAX MAP, PARCEL #:	Kentmore Park Road Map 6, Parcel 167		
SIZE:	126.32 acres		
RELATIONSHIP TO OTHER PRESERVED LAND	This property is adjacent to a block of over 9,100 acres that stretches from the Sassafras River to the Chester River.		
TOTAL LAND USE: ACRES	CROPLANDPASTUREWOODLANDWETLANDOTHER101.2025.1200		
DWELLINGS:	No dwellings		
GENERAL FARMING OPERATION:	Grain		
PART OF LARGER OPERATION:	Yes		
OWNER OPERATED:	Crop share lease		
TOTAL QUALIFYING SOILS: ACRES: PERCENT:	CLASS I CLASS II CLASS II CLASS IV GROUP 2 = TOTAL   0 77.5 10.3 0 0 87.8   61.3 8.2 69.5		
COUNTY ZONING/DENSITY:	Agricultural Zoning District (AZD), base density 1:30 Resource Conservation District (RCD), 1:20		
DEVELOPMENT PRESSURE:	Moderate		
ACREAGE WITHHELD:	None		
OTHER INFORMATION:	Farm is located within the Priority Preservation Area. A Soil and Water Conservation Plan and Nutrient Management Plan are in effect.		
RECOMMENDATION:	Staff recommends approval.		



Source: Kent County Department of Planning, Housing, and Zoning. Aerial taken Spring 2019. Map prepared February, 2022.



Source: Kent County Department of Planning, Housing, and Zoning. Aerial taken Spring 2019. Map prepared February 2022.



Source: Kent County Department of Planning, Housing, and Zoning. Aerial taken Spring 2019. Map prepared February 2022.

## **State of Maryland Department of Agriculture**



The Wayne A. Cawley, Jr., Building 50 Harry S. Truman Parkway Annapolis, MD 21401 410-841-5860 FAX 410-841-5730

# MARYLAND AGRICULTURAL LAND PRESERVATION FOUNDATION APPLICATION FOR AGRICULTURAL SUBDIVISION

(COMAR 15.15.12.)

A. NAMES OF ALL OWNERS IN TITLE: Massey Properties LLC

CONTACT ADDRESS: 12872 Turners Point Road				
FILE NO.: <u>14-21-10 and 14-98-04</u> COUNTY: Kent	ACRES: <u>14-21-10: 295.89</u> 7 ac; 14-98-04: 115.103 ac (easement)			
TAX MAP 24 PARCEL NO. 18 TAX MAP 24	<b>PARCEL NO.</b> <u>109</u> 185.22 ac (total parcel)			
TAX MAPPARCEL NO TAX MAPPARCEL NO				

#### PLEASE ANSWER THE FOLLOWING OUESTIONS REGARDING PREVIOUS APPROVAL(S) FOR AGRICULTURAL SUBDIVISION INVOLVING THIS LAND:

Has the Foundation approved any prior agricultural subdivisions involving this land? Yes No If yes, please indicate date of approval: If the land was previously agriculturally subdivided without Foundation approval, are you seeking retroactive approval: Yes No Please complete the following if the land was previously subdivided: What are the sizes of the resulting divided parcels? Parcel #1 \_\_\_\_\_\_ acres, Parcel #2 \_\_\_\_\_\_ acres, Parcel #3 \_\_\_\_\_\_ acres, Parcel #4 \_\_\_\_\_\_ acres Who presently owns the resulting divided parcels? Parcel #1 Name Deed reference: \_\_\_\_\_ Deed reference: Parcel #2 Name Deed reference:\_\_\_\_\_ Parcel #3 Name Parcel #4 Name Deed reference:

### B. PLEASE ANSWER THE FOLLOWING QUESTIONS REGARDING THIS APPLICATION FOR APPROVAL OF AN AGRICULTURAL SUBDIVISION

1. What are the proposed sizes of the resulting divided parcels? Parcel #1: 223.814 acres, Parcel #2: 257.244 acres, Parcel #3 acres, Parcel #4 acres

2. Do the boundaries for agricultural subdivision follow some physical characteristics of the farm, such as the end of a field or hedge row, a stream, or some other physical feature of the farm? (Yes) No. If yes, explain: Proposed division follows existing public road.

3. If one of the divided parcels is less than 50 acres, please describe either the physical separation of the land created by (a) bodies of water; (b) public roads; or (c) features that significantly restrict the movement of agricultural equipment from one portion of the land to another, and/or whether the parcel is to be conveyed to owners of adjacent land which is already encumbered by a MALPF Easement or another type of conservation easement:

None of the parcels are less than 50 acres; however, the North side of Parcel 18 (approximately 72 acres) will be added to an existing easement.

4. Please state the **agricultural purpose** of the requested subdivision. You should provide as much detail as possible to explain the agricultural purpose of your proposed subdivision. Estate Planning or estate distribution are not agricultural purposes. The agricultural purpose is to create 2 parcels that can be more easily farmed because they are more rectangular. In addition,

Parcel 18 will no longer be split by a public road.

5. How many acres in each resulting divided parcel are classified as USDA Soil Capability Class I, II, III and/or Woodland Group 1 or 2? Parcel #109 183.4 acres, Parcel #18\_200.2 acres

5.a. If you stated under #3 that a parcel is to be conveyed to owners of adjacent land which is already encumbered by a MALPF Easement, state how many acres out of the total acreage of newly configured land are classified as USDA Soil Capability Class I, II, III and/or Woodland Group 1 or 2:

6. Will any of the resulting divided parcels be added to another parcel to enhance an adjacent agricultural operation?  $\langle Y e \rangle$  No If yes, please explain which parcel(s) and how it/they will enhance the adjacent agricultural operation, and state whether the adjacent parcel is encumbered by a MALPF Easement or another type of conservation easement:

Approximately 72 acres is being added to Parcel 109. The resulting farm will be approximately 257 acres. Most of Parcel 109 is a MALPF easement (14-98-04) and is being purchased by an egg laying operation that needs additional land to grow feed for the layers.

7. How many existing dwellings (excluding tenant houses) are on the land? 0 How many tenant houses are on the land? 0 Describe where each dwelling or tenant house will be located after the agricultural subdivision (a tax map or boundary survey must be attached depicting the current locations(s) of all building(s) as specified under 9 b.iii. below):

There are no buildings on either parcel.

7a. Will you agree to make any of the existing dwellings or dwelling rights non-subdividable from either/both of the proposed subdivided portions of the easement? If yes, please indicate on the attached aerial map which dwelling(s) will be non-subdividable from the easement property. N/A

8. Will the county require any road frontage dedication as a prerequisite for subdivision approval? Yes (No) If yes, please explain:

#### 9. Please attach the following to this application:

- An unmarked copy of a tax map or boundary survey which outlines the entire easement land, including any land a. previously subdivided, whether approved or unapproved.
- A second copy of the tax map or boundary survey which clearly shows: b.
  - i. the boundaries of the easement land:

ii. the location of the proposed line or lines of subdivision and the amount of acreage each resulting divided parcel is proposed to contain;

iii. the location of, and access to, all existing dwellings, lot exclusions, tenant houses and farm buildings; and iv. which dwelling(s) will be designated as non-subdividable from the easement property.

c. A written statement from the landowner indicating:

i. the reason for the agricultural subdivision request, including an explanation of how the agricultural subdivision serves the agricultural purpose, how the subdivision will enhance or have no effect upon the agricultural operations, and how the resulting divided parcels will be able to sustain long-term agricultural production. independent from each other:

ii. if any rights to a lot or lots have been reserved, but still unexercised, under the easement, a proposal detailing which resulting divided parcel or parcels are to be allocated those rights, provided that family lots that will continue to be reserved and unexercised after the subdivision must be allocated to the resulting divided parcel to be retained by the original grantor of the easement;

iii. the name, address, email address and telephone number of all landowners whose lands are involved in this request: and

iv. the name of the individual or entity who will pay for the costs of the required corrective easement transaction(s).

- A written statement from the county program administrator describing the current overall farm operation, whether d. the proposed agricultural subdivision serves an agricultural purpose, whether it will enhance or will have no effect upon the agricultural operations, and whether the resulting divided parcels will be able to sustain long-term agricultural production, independent from each other.
- A letter of recommendation from the local agricultural land preservation advisory board addressing the potential for e. continued agricultural use of each of the resulting divided parcels.

- f. Written verification from the local tax assessment office that each of the resulting divided parcels continue to qualify for agricultural use assessment under Tax-Property Article, Annotated Code of Maryland.
- g. A letter from local planning and zoning office or the county program administrator that the requested subdivision is consistent with county planning and zoning regulations.
- h. If applicable, letters of support from organizations such as the Soil Conservation Service and Forest Service attesting to the long-term productive capabilities for each resulting divided parcel of less than 50 acres.
- i. If the landowner is seeking retroactive approval for an previously unapproved subdivision, such additional evidence that establishes that the subdivision served an agricultural purpose, that the subdivision enhanced or had no effect upon the agricultural operations being conducted upon the land, that the resulting divided parcels have sustained agricultural production independently of each other from the time of the subdivision, and the resulting divided parcels have sufficient potential to sustain agricultural production independent of each other in the future.
- j. Such other information concerning the landowner's situation and plans to provide the Foundation with a complete analysis of the proposed subdivision.

In signing this application, the landowner(s) acknowledge(s):

1. No easement land may be subdivided without the written approval of the Foundation. The Foundation may give written approval to a landowner's request for an agricultural subdivision of the land and separate ownership of the resulting divided parcels for reasons the Foundation considers sufficiently extraordinary to justify an exception to the prohibition against subdivision. The approval for an agricultural subdivision is not an absolute right of a landowner, and requests shall be reviewed by the Foundation on a case-by-case basis to determine if, in the Foundation's opinion:

(a) The proposed agricultural subdivision serves an agricultural purpose;

(b) The proposed agricultural subdivision will enhance or have no effect upon the agricultural operations being conducted upon the land; and

(c) The resulting divided parcels from the agricultural subdivision are able to sustain long-term agricultural production, independent from each other.

2. Corrective easements are required to formalize the Foundation's approval. The corrective easements may include other additional terms, conditions, waivers, or restrictions that the Foundation considers appropriate to protect the agricultural purpose and the future profitability of resulting divided farm parcels. The landowner shall pay for the cost of all title work, title insurance premiums, surveys and documentation necessary to complete the agricultural subdivision. These transactions are not considered a priority of the Foundation and shall be completed as staff resources permit.

3. The owners of all of the resulting divided parcels of an approved agricultural subdivision under this Chapter shall waive the right to request termination under Agriculture Article §2-514 Annotated Code of Maryland and shall agree to specify the waiver in the corrective easements.

4. The Foundation may deny a request for an agricultural subdivision if an easement violation exists upon the land.

5. If a subdivision was previously unapproved, the Foundation may either require that the land be restored to its original configuration or it may consider accepting a subdivision request from the owners of all of the resulting divided parcels. If it accepts a subdivision request, but does not ultimately approve the agricultural subdivision, the land shall be restored to its original configuration under the easement.

# 6. A landowner shall not proceed with plans pursuant to the approval (including, but not limited to, plat recordation or deed conveyance) until the corrective easements have been recorded among the land records in the county in which the land is situated, unless the Foundation issues a letter permitting the landowner to proceed.

7. If the Foundation approves the request, then the landowner:

(a) shall submit to the Foundation, 10 copies of a survey plat, signed and sealed by a surveyor registered in the State of Maryland depicting the resulting divided parcels of the land, along with separate written metes and bounds descriptions of those resulting divided parcels; and

(b) shall remit funds in the amount and manner directed by the Foundation to cover the costs of the transaction and shall furnish such other documentation as directed by the Foundation.

8. If the Foundation Board approves an agricultural subdivision, the approval shall be void if:

(a) the landowner fails to provide the required funds and documents to the Foundation within three years of the Foundation Board's approval, unless an extension request has been submitted and approved by Foundation staff within three years of the approval; or

(b) any portion of the easement property which is the subject of the requested agricultural subdivision described herein is sold, transferred or otherwise conveyed in any manner to any party before the corrective easement process is complete

In signing this application, the landowner(s) represent and warrant that the contents of this application and attachments are true and correct to the best of his/her/their knowledge, information and belief.

Landowner Signature/Date

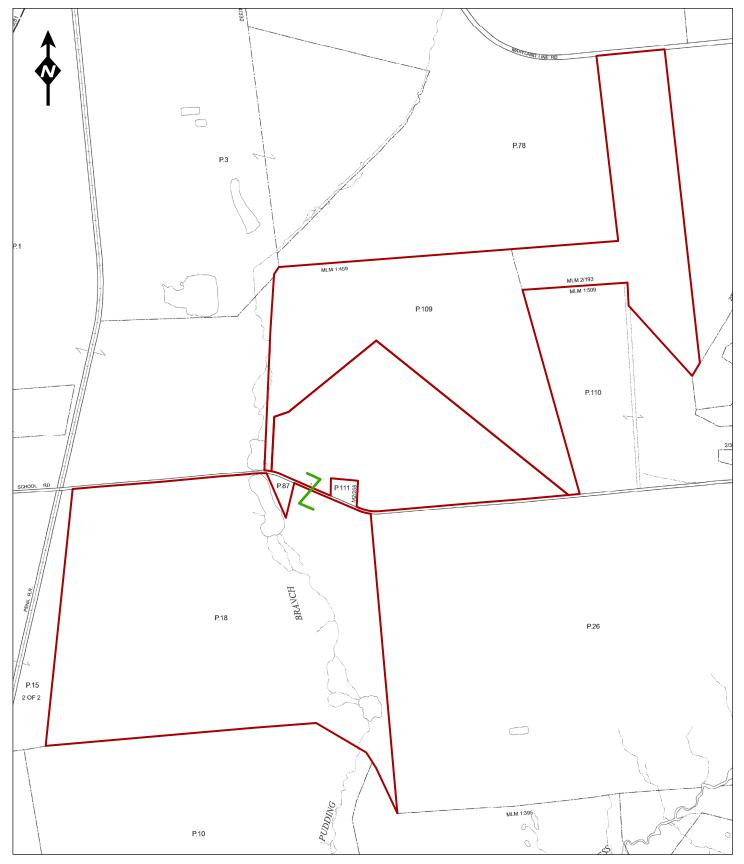
Landowner Signature/Date

Rev. 10/2014

## **Existing Conditions**

Parcel 18 is on the north and south side of Walnut Tree Road.

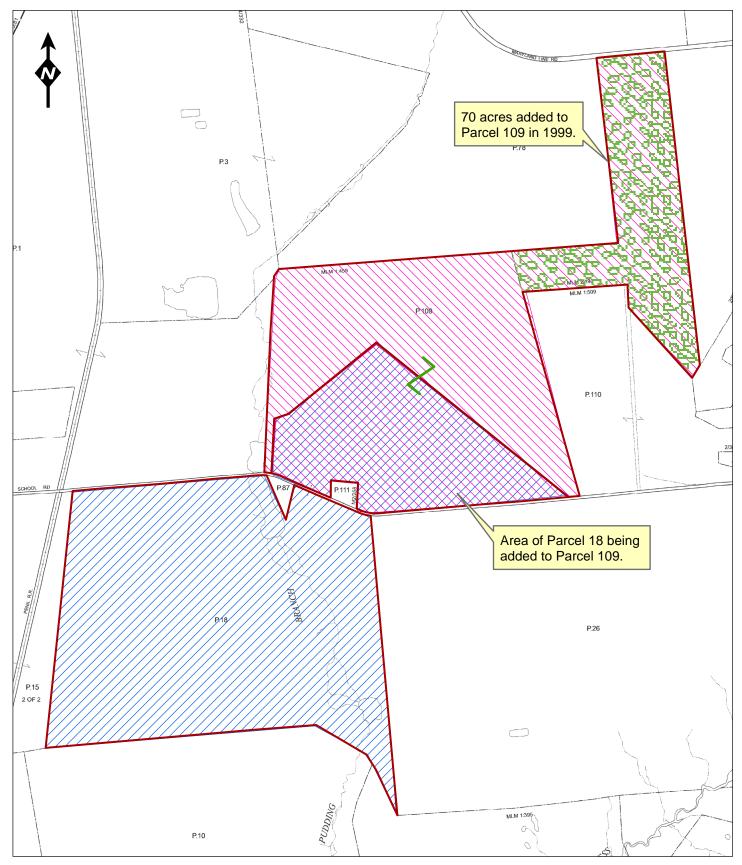
Parcel 18 has an easement offer.



Source: Kent County Department of Planning, Housing, and Zoning. Map prepared November 2021.

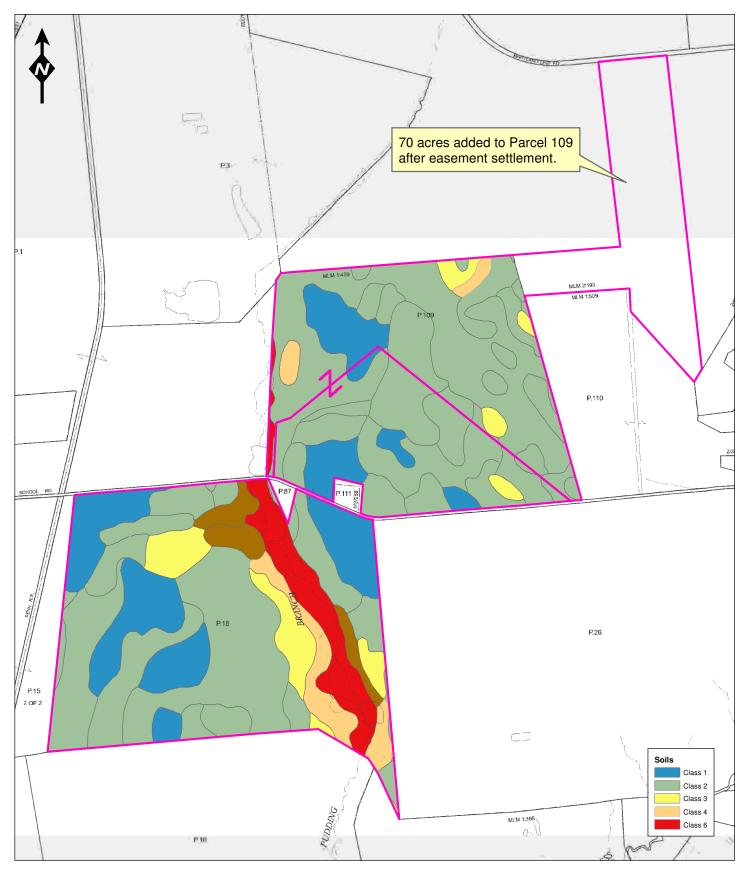
## Proposed Adjustment

Parcel 18 will only be on the south side of Walnut Tree Road. The north side of Parcel 18 will be added to Parcel 109.



Source: Kent County Department of Planning, Housing, and Zoning. Map prepared November 2021.

## Massey Properties LLC Proposed Ag Subdivision



Source: Kent County Department of Planning, Housing, and Zoning. Aerial taken Spring 2019. Map prepared February, 2022.

