



HOWARD COUNTY DEPARTMENT OF PLANNING AND ZONING

3430 Court House Drive

Ellicott City, Maryland 21043

410-313-2350

Voice/Relay

Amy Gowan, Director

FAX 410-313-3467

HOWARD COUNTY AGRICULTURAL LAND PRESERVATION BOARD

February 24, 2020

Staff Report

Owner: James Hurt
12700 Old Frederick Road
Sykesville, MD 21784

Farm Location: East side of Route 32, north of Old Frederick Road
Tax Map 9, Parcels 19 and 290; 55.14+/- acres

Easement Designation: Howard County Easement HO-89-06-E(S)

Request: Relocation of an approved one-acre child lot for son, Jamie Hurt

Recommendation: Recommendation to the Board to approve the release of the relocated one (1) one-acre child lot, subject to the following conditions: filing of a Letter of Understanding to permit the release of the lot; preparation, execution, and recordation of an amended deed of easement reflecting the actual release of the lot; repayment of \$5,800 for the one-acre lot released; obtaining all appropriate county and state permits and approvals.

Summary:

James Hurt is the easement grantor and current owner of the subject property, which was placed in the Howard County Agricultural Land Preservation Program (ALPP) program on December 1, 1989. Per the Amended and Restated Deed of Agricultural Land Preservation easement, recorded at Liber 15436, folio 331, the grantor may release from the easement a one-acre lot for himself, and for each of his children not to exceed 1 lot per 20 acres or portion thereof. Mr. Hurt received APB approval for a child lot for his son, Jamie, on July 22, 2019. His current request is for a minor relocation due to the previous site not having a suitable perc. There have been no previous lot requests. On October 1, 2018, the Board approved a commercial solar facility on the property.

Staff Analysis:

Per Section 15.509 of the pre-1993 Agricultural Land Preservation Code, the Board may approve the release of a one-acre child's lot from the easement after determining that the lot is located to minimize any disruption of agricultural activities. The applicant appears to have met this criterion by locating the lot on the easterly edge of the overall easement property, close to Mr. Hurt's owner's lot, which it would share access with. The proposed location as configured does not include an approved perc, but field testing continues. Mr. Hurt is confident this site will work based on two approved percs nearby at a similar elevation.

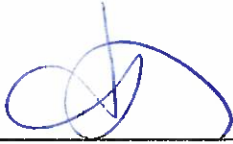
The proposed lot location is in the middle of a small field currently in a corn and soybean rotation, and the lot is configured so that it can be farmed around on all but the eastern side, which will be the site of a new orchard area. Mr. Hurt currently has a grape arbor, 15 fruit trees and several gardens to the east of the proposed new orchard.

Staff Recommendation:

Staff recommends approval of the request to release one (1) one-acre child lot, subject to the following conditions:

1. An amended deed of easement is to be prepared, executed, and duly recorded in the land records of Howard County. The amended deed of easement will reflect the release of a portion of the easement for one (1) one-acre child lot.
2. Applicant must repay \$5,800 to the County for the one-acre lot released.
3. Applicant must obtain all appropriate county and state permits and approvals, including the approval of a subdivision plat to be recorded concurrently with the amended deed of easement.

Prepared by: _____



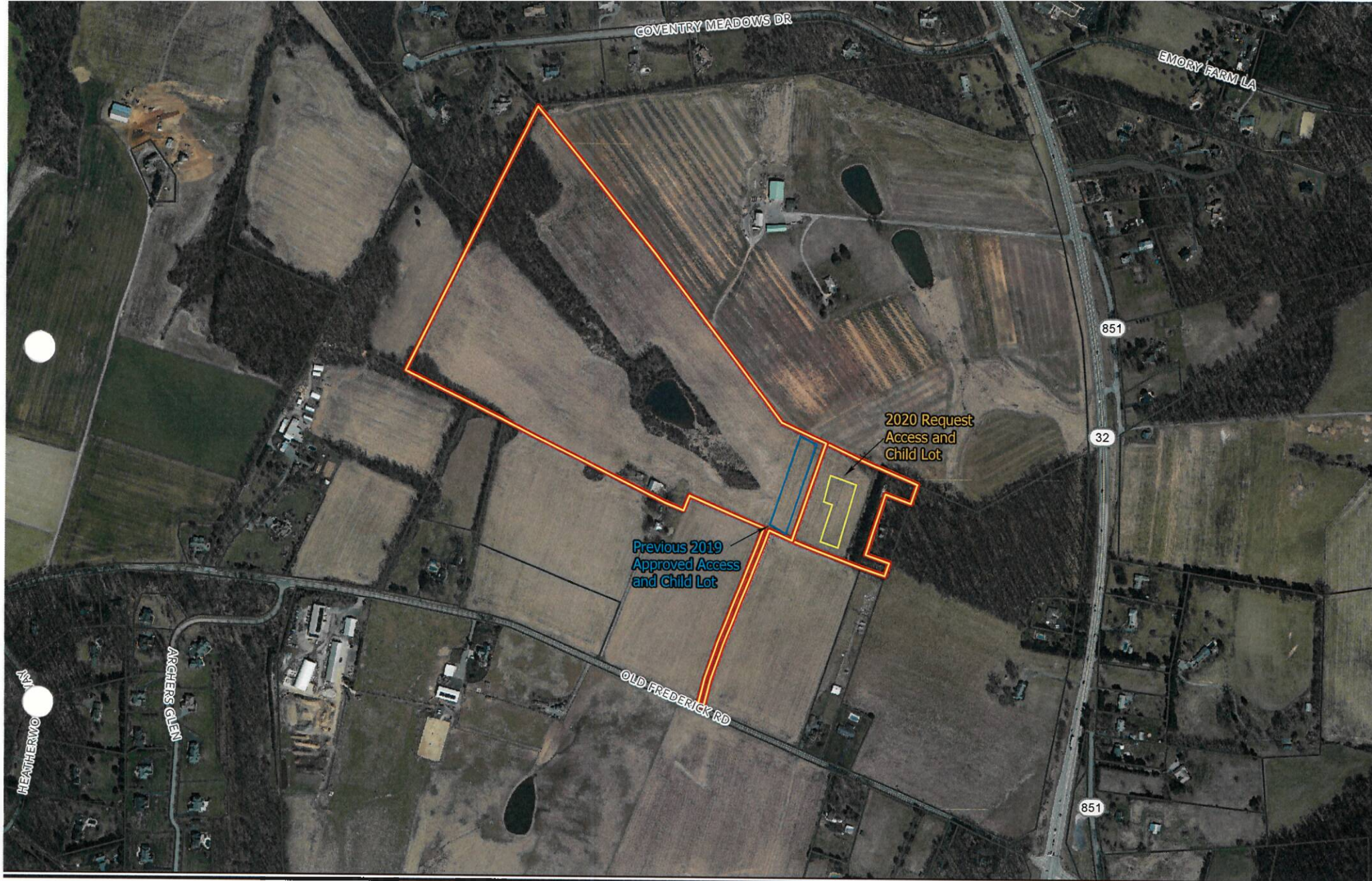
Date: _____

2/20/20

Joy Levy, Administrator
Agricultural Land Preservation Program

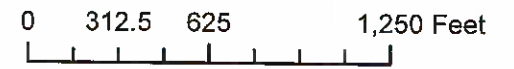
Attachments:

- Aerial Photo
- Preservation Map
- Soils Map
- Request letter from James Hurt, with maps
- Lot location policy



Hurt, James P. Jr.
12700 Old Frederick Road
Sykesville, MD 21784
Tax Map: 09 Parcel(s): 19 TR1 & 290

Aerial
 property

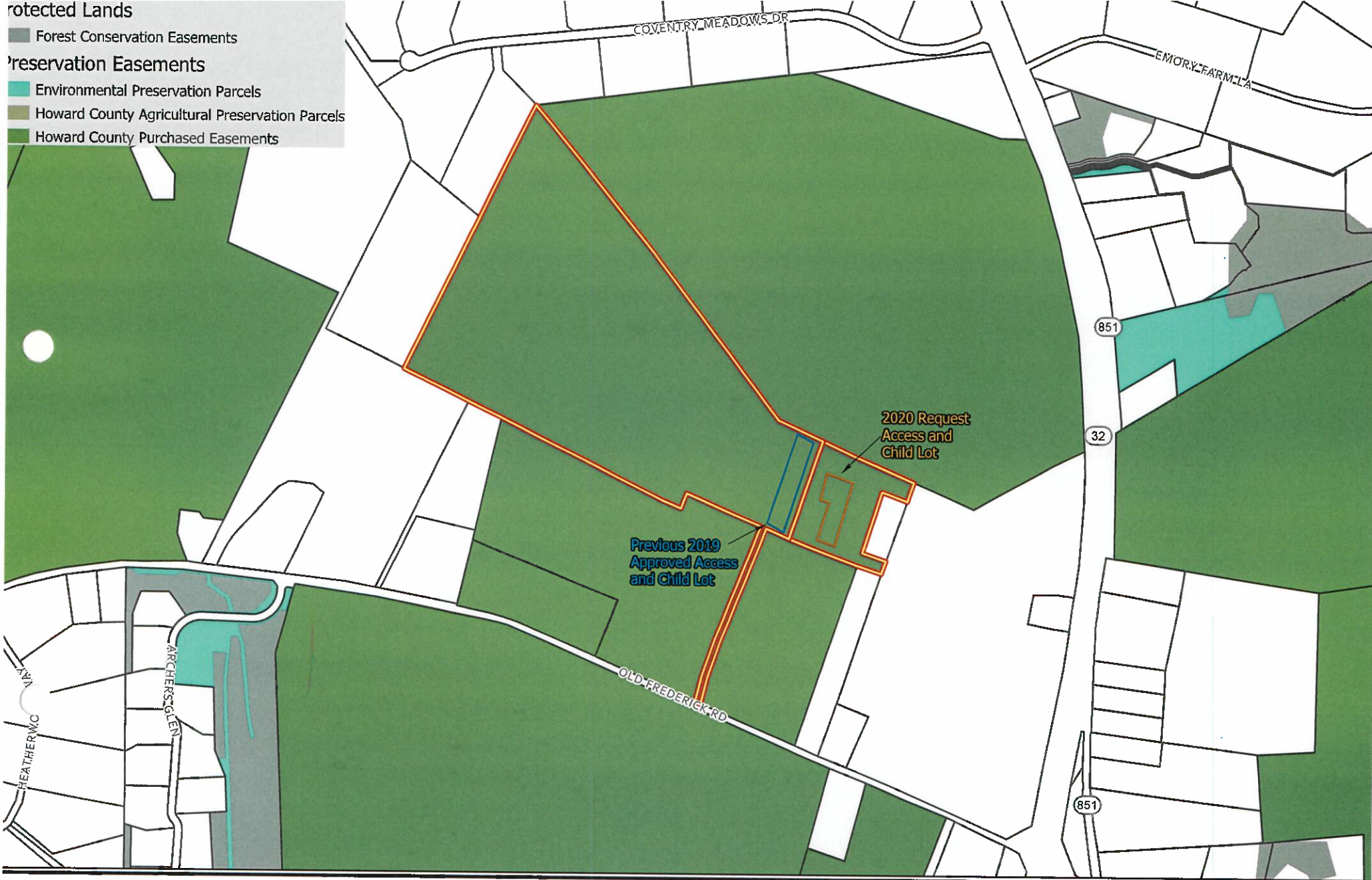


Howard County Department of Planning & Zoning
Resource Conservation Division
February 6, 2020



Protected Lands

- Forest Conservation Easements
- Preservation Easements
 - Environmental Preservation Parcels
 - Howard County Agricultural Preservation Parcels
 - Howard County Purchased Easements

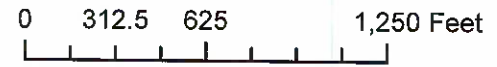


2020 Request Access and Child Lot

Previous 2019 Approved Access and Child Lot

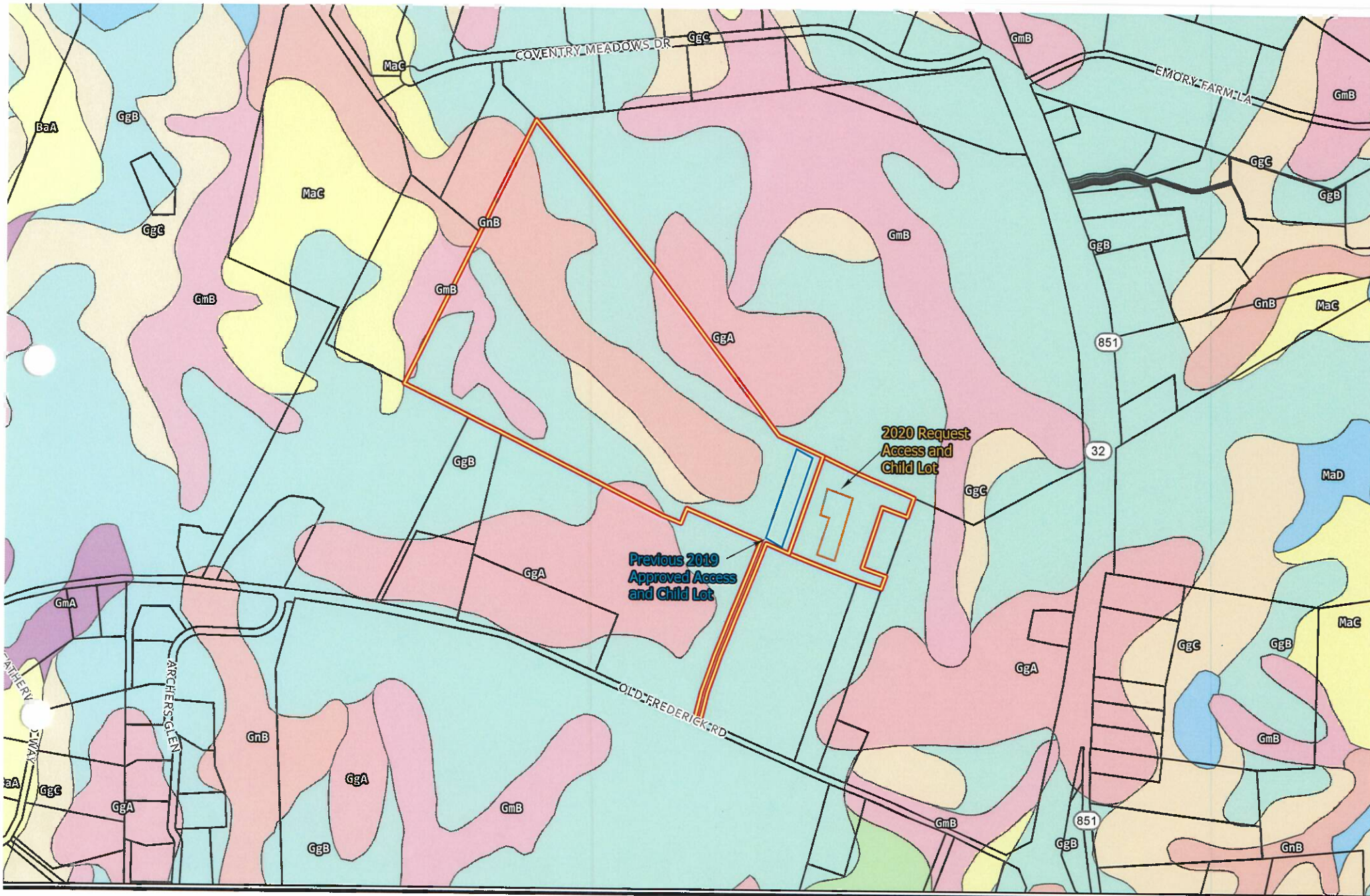
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Protected Lands



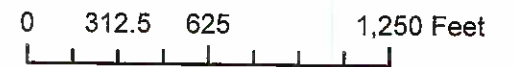
Howard County Department of Planning & Zoning
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Soils
 property



Howard County Department of Planning & Zoning
 Resource Conservation Division
 February 6, 2020



Levy, Joy

From: james hurt <jphurt@me.com>
Sent: Monday, February 3, 2020 8:36 AM
To: Levy, Joy
Cc: Jamie Hurt; Carl Hudgins; Rik Stouffer; Paul Sill
Subject: Child Lot - for son - Jamie Hurt - 2 attachments.
Attachments: Perc test field notes_12750 Old Frederick Road.pdf; PLan F.pdf

[Note: This email originated from outside of the organization. Please only click on links or attachments if you know the sender.]

Dear Joy:

Our second attempt to achieve a satisfactory pecculation test failed last week.

So reluctantly, we have followed the prior recommendation of the Health Department and moved the proposed one acre child lot east (to parcel 290) and thus, a higher elevation.

So, here is the revised layout (Plan F) for the 3rd attempt.

Note that the Plan F layout has the new child lot fully within Parcel 290 which is a 5.131 acre lot. Although parcel 290 is now owned as H & W, at the time of the Deed of Easement (1989), it was solely owned by me and is still in the farm preservation regime.

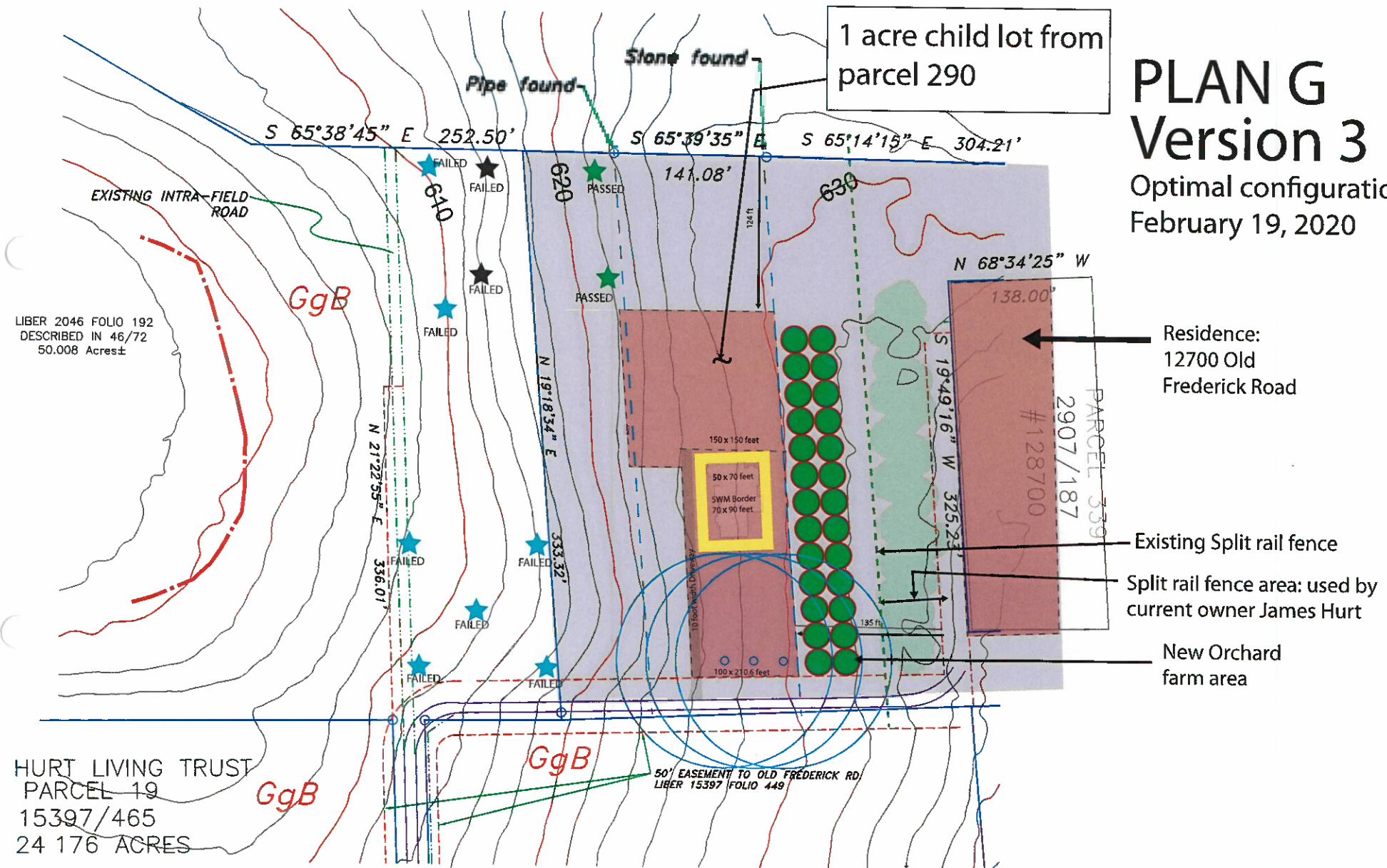
Please let me know if I need to make a formal application to the ALPP board for this change.

Thank you for your patience in this matter.

Jim Hurt

PLAN G Version 3

Optimal configuration
February 19, 2020



LIBER 2046 FOLIO 192
DESCRIBED IN 46/72
50.008 Acres±

HURT LIVING TRUST
PARCEL 19
15397/465
24 176 ACRES

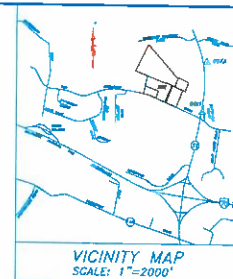
Residence:
12700 Old
Frederick Road

Existing Split rail fence
Split rail fence area: used by
current owner James Hurt

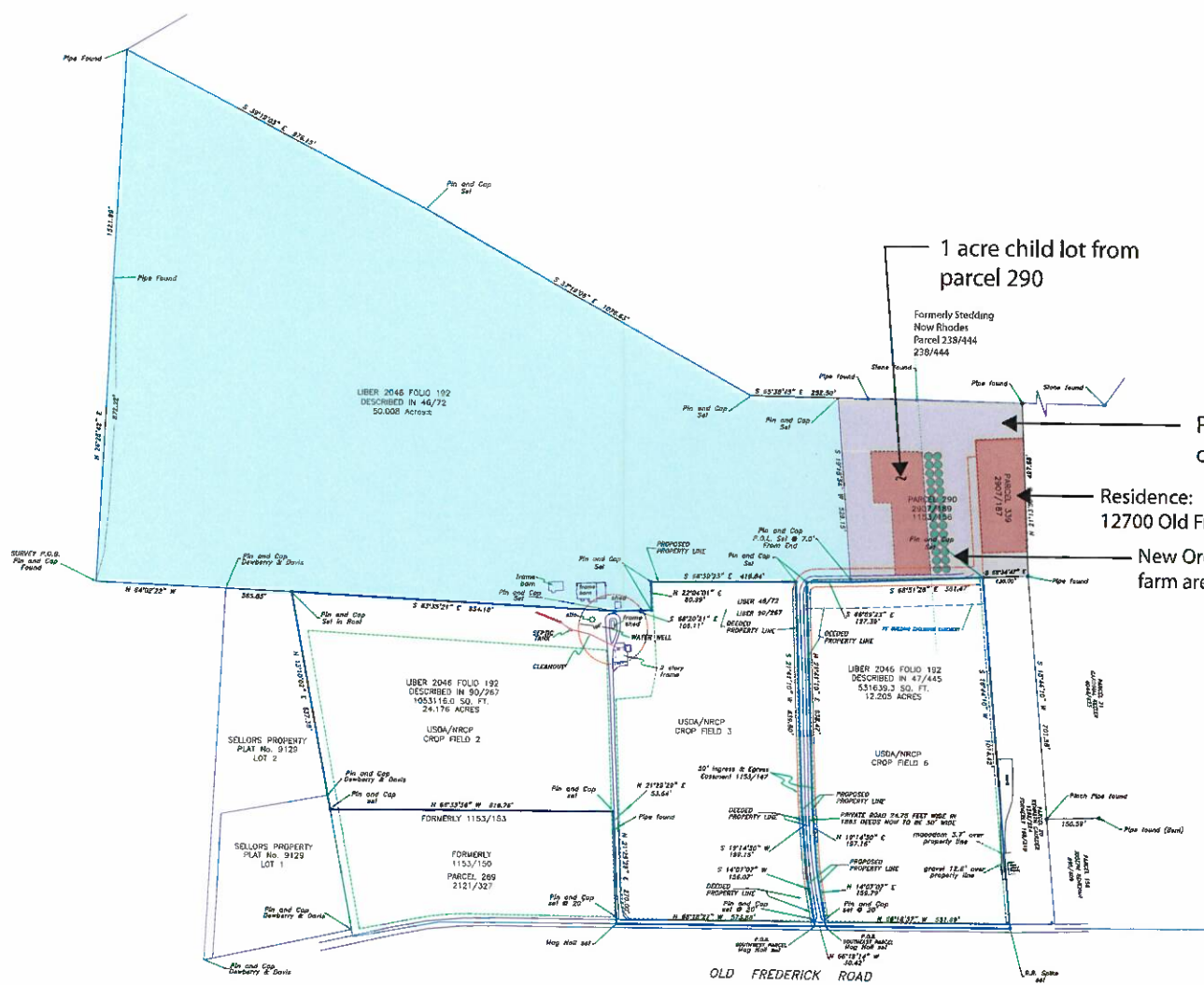
New Orchard
farm area

1 acre child lot from
parcel 290

50' EASEMENT TO OLD FREDERICK RD
LIBER 15397 FOLIO 449



GENERAL NOTES
 1) THE CURRENT ZONING FOR THE SUBJECT PROPERTY IS RC-200. THE MINIMUM SETBACK REQUIREMENTS ARE:
 FRONT = 25'
 SIDE = 30'
 REAR = 50'



1 acre child lot from parcel 290

Parcel 290 with 4.131 acres remaining continuing as leased grain farming

Residence:
12700 Old Frederick Road
New Orchard farm area

MODIFIED: Feb 19, 2020

NOTE: THE BEARINGS AND NORTH/ARROW SHOWN HEREON ARE BASED ON NAD 83. ALL DISTANCES SHOWN ON THIS PLAN ARE BASED ON A REAL RUN BOUNDARY SURVEY CONDUCTED IN THE SPRING AND FALL OF 2018 BY HNT ASSOCIATES INC. JOB LICENSE NO. 338.

LEGEND
 USDA/NRCP CROP FIELDS
 OLD DEED LINES
 EASEMENT

SEAL AND SIGNATURE OF SURVEYOR
 HNT ASSOCIATES INC.
 LICENSE NO. 338



Agricultural Land Preservation Program Howard County, Maryland



LOT RELEASE LOCATION POLICY

Purpose

The purpose of this document is to clarify the priorities that the Howard County Agricultural Land Preservation Board (ALPB) will consider when reviewing requests to release one acre lots from county purchased easement property. The ALPB approved this policy on February 11, 2008.

Regulatory and Policy Background of Lot Releases

- 1) Section 15.514(b) of the Howard County Code, states, "A landowner may subdivide one 1-acre lot per 50 acres of the total contiguous acreage which is subject to the easement. The county will release the easement for each one-acre lot permitted after all of the following conditions have been met: (1) The Board has approved the release of the easement after determining that each lot is located to minimize any disruption of existing or potential future agricultural activities."...
- 2) Section 15.509(e)(4) of the pre-1993 Code states, "All building lots shall be located as to minimize any disruption of agricultural activities."
- 3) The MALPF Board approved lot location guidelines on February 28, 2006. The ALPB has determined that the MALPF policy is a good framework from which to create an Agricultural Land Preservation Program (ALPP) lot location policy.

Policy for Howard County Easements

The ALPP allows landowners to apply for the release of an owner's lot, child's lot, or an unrestricted lot under certain conditions. Lot locations on properties with ALPP easements should be selected so that there is minimal impact on the current and future agricultural operations on the property.

An application for the release of a lot is made in writing to the ALPB through the ALPP Administrator. When applying for the release of a lot from an easement property, the landowner should consider the following location criteria:

- A. Options for geographical location (in priority order from most to least desirable):
 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
 4. Other
- B. Options for Access (in priority order from most to least desirable):
 1. Direct road frontage access from public roadway;
 2. Use of an existing access, such as a farm lane or right-of-way. If other dwellings exist, access should be on a shared drive if feasible;
 3. Along property boundary lines, natural boundaries, or the edge of tillable land. If other dwellings exist, access should be on a shared drive if feasible.

If the proposed location or access is not the most desirable option listed above, the landowner should explain how more desirable alternatives were considered, and why they were not feasible. These guidelines are meant to provide the ALPB with flexibility when reviewing lot release requests to approve lot locations that may not be ideal.

Additional Considerations

- A. If an approved lot area does not perc after ALPB Board approval, as long as the new location overlaps the approved lot area, and the new location will not significantly interfere with farming more than the approved lot location, the new location can be reviewed and approved administratively by ALPP staff. ALPP staff reserves the right to refer any request to the ALPB for their review.
- B. The ALPB will not attempt to change the location or review any request that changes the location of a lot during a meeting. The application will be withdrawn to allow ALPP staff to review the new location. However, the Board can make suggestions on where the lot should be located. The new location must be resubmitted at a subsequent meeting. To avoid a resubmission, when initially applying for a lot, a property owner may submit two locations for approval, designating one as the preferred location. Upon receiving a successful perc, the landowner will notify ALPP staff which location will be used.
- C. The landowner is strongly encouraged to be present at the ALPB meeting when the lot application is presented to answer any questions that may arise.
- D. Subdivision plans for the lot releases must comply with all required State and County regulations.
- E. An amended deed of easement releasing the lot must be prepared, with a metes and bounds description of the lot attached. The amended deed must be recorded simultaneously with the subdivision record plat.

MALPF Easements

For all properties in the State agricultural preservation program, the Maryland Agricultural Land Preservation Foundation (MALPF) must grant final approval for the location of lot releases. The applicant should obtain a copy of the MALPF application and their guidelines for lot releases. Proposed lot releases on MALPF easement properties must be reviewed by the Howard County Agricultural Preservation Advisory Board (APAB) prior to MALPF approval.

Dedicated Preservation Parcels

This policy does not apply to dedicated agricultural preservation easements (preservation parcels) created through the density sending or cluster subdivision process, as those properties are not entitled to lot releases.

For More Information

Joy Levy, Administrator
Agricultural Land Preservation Program
Howard County Department of Planning and Zoning
3430 Court House Drive
Ellicott City, Maryland 21043
410-313-5407
jlevy@howardcountymd.gov