MEMORANDUM

DATE: January 15, 2019

TO: Zoning Review Office

FROM: Office of Administrative Hearings

RE: Case No. 2018-0324-XA – Appeal Period Expired

The appeal period for the above-referenced case expired on January 15, 2019. There being no appeal filed, the subject file is ready for return to the Zoning Review Office and is placed in the 'pick up box.'

c: Case File
Office of Administrative Hearings

/dlw

IN RE: PETITIONS FOR SPECIAL EXCEPTION AND VARIANCE	*	BEFORE THE
(19919 Cameron Mill Road)	*	OFFICE OF
7th Election District		
3rd Council District	*	ADMINISTRATIVE HEARINGS
Fulks Farm, LLC		
Legal Owner	*	FOR BALTIMORE COUNTY
Petitioner	*	**Case No. 2018-0324-XA**

* * * * * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) as Petitions for Special Exception and Variance filed for property located at 19919 Cameron Mill Road. The Petitions were filed on behalf of Fulks Farm, LLC, legal owner of the subject property. The Special Exception petition seeks approval for a Class 8 Brewery, including accessory retail and wholesale distribution of beer produced on the premises and temporary promotional events, such as beer tasting or public gatherings associated with the brewery. The Petition for Variance seeks: (1) to permit a parking area with no screening or landscaping in lieu of the required screening and landscaping; (2) to permit a parking area to be surfaced with stone in lieu of the required durable and dustless surfaces; (3) to permit a parking area not to be striped in lieu of the striping requirement; and (4) to allow a two-way access driveway to have a width of 10 ft. in lieu of the required 20 ft. A site plan was marked as Petitioner's Exhibit 4.

Appearing at the hearing in support of the petitions were Koby Fulks and surveyor Bruce Doak. James H. West, Esq. represented Petitioner. Several neighbors, represented by Michael McCann, Esq., opposed the requests. The Petition was advertised and posted as required by the Baltimore County Zoning Regulations (BCZR). Substantive Zoning Advisory Committee (ZAC)

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By DW

comments were received from the Department of Planning (DOP) and the Department of Environmental Protection and Sustainability (DEPS). Neither agency opposed the requests.

The subject property is approximately 245.73 acres in size and is split-zoned RC-2, RC-4 and RC-5. The property is actively farmed and is improved with a large barn and an outdoor pavilion area. Petitioner seeks approval for a farm brewery, a use permitted by special exception in the RC-2 zone. BCZR §1A01.2.C.30.j. Public hearings in this case were held on September 17 and November 21, 2018, and the parties filed memorandums on December 7, 2018.

SPECIAL EXCEPTION

Under Maryland law, a special exception use enjoys a presumption that it is in the interest of the general welfare, and therefore, valid. *Schultz v. Pritts*, 291 Md. 1 (1981). The *Schultz* standard was revisited in *Attar v. DMS Tollgate, LLC*, 451 Md. 272 (2017), where the court of appeals discussed the nature of the evidentiary presumption in special exception cases. The court again emphasized a special exception is properly denied only when there are facts and circumstances showing that the adverse impacts of the use at the particular location in question would be above and beyond those inherently associated with the special exception use.

Mr. Doak, a surveyor accepted as an expert, described the site plan and noted the barn (45′x 96′)—which was relocated from Indiana—would be used for the brewery. The witness testified the barn is approximately 100 feet from the property boundary and approximately 400 feet from the nearest dwelling. Mr. Doak opined Petitioner satisfied all requirements set forth at BCZR Section 502.1, and he believed the size of the site and the substantial setbacks would prevent the use from having a detrimental impact upon the community. With respect to the variance requests Mr. Doak testified crushed stone driveways and parking areas are very common

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on farms in northern Baltimore County, and help to reduce the amount of impervious surface on rural properties.

Koby Fulks was the next witness in Petitioner's case, and he explained he is the farm manager for the subject property, which is approximately 50% tillable farm land and 50% forest. The witness explained corn, soybean and hay is grown on the farm, in addition to eight (8) acres of hops grown on a trellis system which he described. Mr. Fulks described the brewing process and indicated less than 1,000 barrels would be produced in the first year. He noted 300 trees (3-4 feet in height at planting) spaced every 5 feet would be installed to screen the views from the adjacent homes on Kali Court. In response to questions on cross-examination the witness testified he would like to grow hops on the farm for other local breweries. He indicated the pavilion could be used for brewery special events, and noted a separate driveway off of Cameron Mill Rd. provides direct access to that structure. Mr. Fulks testified he has no plans to serve food and does not anticipate requiring patrons to have reservations before coming to the farm brewery. Finally, he stated that seven (7) gallons of water is used to make each gallon of beer and that there would be no discharge of brewing byproducts on the farm.

The community is primarily concerned with noise, traffic, and the operation of a commercial facility in a rural area. Many neighbors testified they moved to the country for peace and quiet, and felt a commercial enterprise should not be located in this setting. Several citizens testified about the narrow and winding "country roads" which serve this community of approximately 85 single-family homes. Community members stated this is a residential area with a "farm in the middle." Residents explained their homes are in an RC-5 zone while the subject property is a small enclave of RC-2 zoned land, making it inappropriate for a farm brewery.

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These are valid concerns, and the operation of this facility will no doubt result in an increase in noise and vehicular traffic. But at the same time, these issues would arise in connection with any Class 8 farm brewery in northern Baltimore County, and neighbors in similar cases have raised the very same concerns. Indeed, most if not all special exception uses have such adverse impacts. *Montgomery County v. Butler,* 417 Md. 271, 297 (2010) ("Most [uses for which a special exception is required] are regarded as potentially troublesome because of noise, traffic, congestion, or other associated problems").

Many roads in northern Baltimore County are substandard; in many ways narrow and unmarked roadways are a defining characteristic of properties located outside of the Urban Rural Demarcation Line (URDL). In fact, the County has adopted, at the urging of the Valleys Planning Council and similar associations, rural road design guidelines which (among others things) discourage the County from widening rural roadways. The Design Manual adopted by the Department of Public Works states "it is no longer the intention of Public Works to widen roads." Manual, p. 8-22. As such, I do not believe the roadways in these communities are unique or unlike the roads found throughout the rural areas of the County.

To the point raised about the R.C.-5 zoning, the County Council permitted farm breweries to be located in nearly all R.C. zones, including the R.C.-5 (Rural-Residential) zone. BCZR §1A04.2.B.24. Neighborhoods such as Cameron Mills are found only in the R.C.-5 zone, which permits a higher residential density than other RC zones. As such, by permitting this use in that zone, the County Council was surely aware that residential communities could be located in close proximity to a farm brewery. An opponent, after a petitioner has established a *prima facie* case, must rebut the presumption of validity of the special exception. *Butler*, 417 Md. at 276-77 (opponent must show "non-inherent adverse effect" to "undercut the presumption of compatibility

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enjoyed by a proposed special exception use"). In a more recent special exception case Maryland's highest court reached the same conclusion, although it employed slightly different language. *Clarksville Residents Against Mortuary Defense Fund, Inc. v. Donaldson Properties*, 453 Md. 516, 543 (2017)("there is a presumption that the [special exception] use is in the interest of the general welfare, a presumption that may only be overcome by probative evidence of unique adverse effects"). I do not believe the evidence presented by the Protestants satisfied this standard.

Christopher Jakubiak, a land planner accepted as an expert, was the final witness in the Protestants' case. Mr. Jakubiak testified he visited the subject property and other farm breweries (or at least the sites where they had been approved) in Baltimore County to determine how well each fits into its surroundings. The witness explained that a farm brewery would be expected to have adverse agricultural impacts (like truck traffic, noise and dust), odors associated with fermentation and vehicular traffic. In discussing these adverse effects the witness stated the ten (10) acre minimum size requirement in the BCZR for a farm brewery was designed to ameliorate the impacts upon the surrounding communities.

In conclusion Mr. Jakubiak opined the use at the location proposed would have the following non-inherent adverse impacts under BCZR Section 502.1.A & B:

1. Noise, made worse because the brewery would be just 100 feet from residential properties;
2. Special events without restrictions other than those imposed in the law;
3. Impacts will be made worse by topography, since the site is prominent and not level; and
4. An inadequate area road system not suited for this use, while other breweries are on state roadways.

As discussed above I believe these potential impacts are in fact inherent in the operation of a farm brewery in a rural zone. The court of appeals in *Butler* identified "noise, traffic, [and] congestion"

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as inherent in most special exception uses. The fact that the noise might be louder at this site (due to topography or the 100 foot setback) or the traffic congestion worse because of the community roads is beside the point. These represent differences in the degree of impact, not the type of impact. In addition, many properties in rural Baltimore County have significant topographical features and are accessed by narrow roadways.

While the community's point about the proximity of the barn/structure to nearby homes is well-taken, especially considering the size of this site, Bill 64-15 did not impose any minimum setbacks or buffer requirements for farm breweries, and under the Regulations the barn would only need to be located 35 feet from the property boundary. BCZR §1A01.3.B.3. Thus, since the proposed setback is nearly three times the distance required by the BCZR I do not believe this can be considered a non-inherent adverse impact of this use. A farm brewery is defined as an "agricultural-support" commercial use, and the BCZR contains a provision indicating that residents living in or near RC-2 zones may experience "inconveniences or discomforts arising from agricultural operations, including but not limited to noise, odors, fumes, dust…." BCZR §1A01.5. In my opinion, this provision underscores that the impacts identified by the community and Mr. Jakubiak are anticipated or inherent in connection with the proposed agricultural-support use. Finally, the order below will impose several restrictions upon the operation of the brewery and the special events which may be held at the site. As such, this aspect of Mr. Jakubiak's testimony cannot be considered in evaluating whether Protestants have overcome the presumption of appropriateness in special exception cases.

VARIANCE

A variance request involves a two-step process, summarized as follows:

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1. It must be shown the property is unique in a manner which makes it unlike surrounding properties, and that uniqueness or peculiarity must necessitate variance relief; and

2. If variance relief is denied, Petitioner will experience a practical difficulty or hardship.

Cromwell v. Ward, 102 Md. App. 691 (1995).

The sprawling property has irregular dimensions and significant topographical changes across the tract. It is therefore unique. If the BCZR were strictly interpreted Petitioner would suffer a practical difficulty since it would be required to pave a large parking area, which would significantly increase the amount of impervious surface in this rural area. Finally, I find that the variance can be granted in harmony with the spirit and intent of the BCZR and in such manner as to grant relief without injury to the public health, safety, and general welfare. Gravel or stone driveways are common in rural areas and no evidence was presented to suggest that allowing the driveway and parking areas to remain in this condition would in any way have a negative impact upon the community.

As originally filed the petition requested a variance for a 10 ft. wide driveway. Mr. Doak testified the driveway shown on the site plan is in fact 20 ft. wide, as required by the BCZR. As such this variance is unnecessary. Petitioner also requested a variance to permit a parking area with "no screening." The DOP requested Petitioner to provide screening for the parking area and Mr. Doak revised the plan (Pet. Ex. 4) during the hearing to show where arborvitaes trees would be planted. As such this variance request will not be granted and a condition will be included below requiring Petitioner to provide landscaping or fencing to screen the views of the barn/parking area from the homes on Kali Court.

THEREFORE, IT IS ORDERED by the Administrative Law Judge for Baltimore County, this **14th** day of **December, 2018**, that the Petition for Special Exception for a Class 8 Brewery

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including accessory retail and wholesale distribution of beer produced on the premises and temporary promotional events, such as beer tasting or public gatherings associated with the brewery, be and is hereby GRANTED; and

IT IS FURTHER ORDERED that the Petition for Variance: (1) to permit a parking area to be surfaced with stone in lieu of the required durable and dustless surfaces; and (2) to permit a parking area not to be striped in lieu of the striping requirement, be and is hereby GRANTED.

The relief granted herein shall be subject to and conditioned upon the following:

1. Petitioner may apply for necessary permits and/or licenses upon receipt of this Order. However, Petitioner is hereby made aware that proceeding at this time is at its own risk until 30 days from the date hereof, during which time an appeal can be filed by any party. If for whatever reason this Order is reversed, Petitioner would be required to return the subject property to its original condition.

2. Petitioner must provide a vegetative buffer or fence (as determined in the sole discretion of the Baltimore County Landscape Architect) to screen views of the barn/parking area from homes on Kali Court.

3. Petitioner must comply with the ZAC comment submitted by DEPS, a copy of which is attached and incorporated herein.

4. The brewery shall be permitted to produce, sell or distribute no more than 5,000 barrels of beer per year.

5. The hours of operation shall be restricted to Thursday-Sunday from 12 noon to 8:00 p.m., although certain special events (discussed below) may be held Thursday-Sunday from 12 noon to 10:00 p.m.

6. Petitioner may hold no more than eight (8) temporary promotional events or gatherings associated with the brewery per year.

7. After the proposed brewery has been in operation for one year, the restrictions contained hereinabove at paragraphs 4, 5 & 6 are subject to modification following a public hearing, upon a showing of good cause.

8. The brewery shall not host any weddings or other catered receptions/parties other than a private event for a member of the family of the owners of Fulks Farm, LLC.

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9. No liquid remnants or byproducts of the brewing process may be discharged onto the subject property. These liquids must be stored in a holding tank and pumped for removal by an authorized hauling contractor.

10. The brewery shall not have live or amplified music outside the 45′x96′ existing barn shown on the site plan admitted as Petitioner's Ex. 4.

11. Other than for special events as permitted herein, Petitioner shall not have porta-potties on the subject property.

12. Other than for special events as permitted herein (which may take place anywhere on the farm subject to any environmental restrictions imposed by DEPS), the approved special exception area shall include the existing stone driveway, parking area, and the 45′x96′ barn along with an outdoor area adjacent thereto not to exceed one (1) acre in size. No part of the special exception area may extend to the north of the existing barn.

Any appeal of this decision must be made within thirty (30) days of the date of this Order.

JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB/dlw

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Date 12-14-18
By DW

PETITION FOR ZONING HEARING(S)

To be filed with the Department of Permits, Approvals and Inspections

To the Office of Administrative Law of Baltimore County for the property located at:

Address 19919 Cameron Mill Road **which is presently zoned** RC2, RC4 & RC5

Deed References: 27285/109 10 Digit Tax Account # 0 7 2 0 0 6 6 3 0 0

Property Owner(s) Printed Name(s) Fulks Farm LLC

(SELECT THE HEARING(S) BY MARKING X AT THE APPROPRIATE SELECTION AND PRINT OR TYPE THE PETITION REQUEST)

The undersigned legal owner(s) of the property situate in Baltimore County and which is described in the description and plan attached hereto and made a part hereof, hereby petition for:

1. ____ **a Special Hearing** under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve

2. X **a Special Exception** under the Zoning Regulations of Baltimore County to use the herein described property for

SEE ATTACHED PAGE

3. X **a Variance** from Section(s)

SEE ATTACHED PAGE

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons: **(Indicate below your hardship or practical difficulty or indicate below "TO BE PRESENTED AT HEARING". If you need additional space, you may add an attachment to this petition)**

TO BE PRESENTED AT THE HEARING

Property is to be posted and advertised as prescribed by the zoning regulations.
I, or we, agree to pay expenses of above petition(s), advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.
Legal Owner(s) Affirmation: I / we do so solemnly declare and affirm, under the penalties of perjury, that I / We are the legal owner(s) of the property which is the subject of this / these Petition(s).

Contract Purchaser/Lessee:

Name- Type or Print

Signature

Mailing Address City State

Zip Code Telephone # Email Address

ORDER RECEIVED FOR FILING
Date 5-14-18
By

Legal Owners (Petitioners):

Fulks Farm LLC
Name #1 – Type or Print Name #2 – Type or Print

Signature #1 MEMBER Signature # 2

19606 Cameron Mill Road Parkton Mo
Mailing Address City State

21120 / 443-677-5568 /
Zip Code Telephone # Email Address

KIPFULKS@YMAIL.COM

Attorney for Petitioner:

James H. West West & West, LLC
Name- Type or Print

Signature

409 Washington Ave. Towson Mo
Mailing Address City State

21204 / 410-296-4655 /
Zip Code Telephone # Email Address

JAY.WEST@WESTANDWESTLLC.COM

Representative to be contacted:

Bruce E. Doak
Bruce E. Doak Consulting LLC
Name – Type or Print

Signature

3801 Baker Schoolhouse Road Freeland Mo
Mailing Address City State

21053 / 410-419-4906 /
Zip Code Telephone # Email Address

BDOAK@BRUCEEDOAKCONSULTING.COM

CASE NUMBER 2018-0324-XA **Filing Date** 5/21/18 **Do Not Schedule Dates:** **Reviewer**

REV. 10/4/11

Special Exception Requested:
Sect. 1A01.2.C.30j BCZR

Class 7 Brewery or a Class 8 Brewery, including accessory retail and wholesale distribution of beer produced on the premises: Temporary promotional events, such as beer tasting or public gatherings associated with the brewery.

Variances Requested:

1. To permit a parking area with no screening or landscaping in lieu of the required screening and landscaping per Section 409.8.A.1 BCZR
2. To permit a parking area to be surfaced with stone in lieu of the required durable and dustless surface per Section 409.8.A.2 BCZR
3. To permit a parking area not to be striped in lieu of the striping requirement per Section 409.8.A.6 BCZR
4. To allow a two way access driveway to have a width of 10 feet in lieu of the required 20 feet per Section 409.4A BCZR

Item #0324

Case #2018-0331-XA

Zoning Description
19919 Cameron Mill Road
Seventh Election District Third Councilmanic District
Baltimore County, Maryland

Beginning at a point on the northwest side of Cameron Mill Road, 376 feet, more or less, from the centerline of Kali Court.

/
south

The Tracey property located at 19919 Cameron Mill Road in the Seventh Election District of Baltimore County, Maryland.

Beginning for the same at an iron pipe (found) at the southwest corner of a subdivision entitled "Plat Two, Piereman Property" as recorded in the Land Records of Baltimore County, Maryland in Plat Book S.M. No. 74 folio 88, thence binding on the outline of said Plat the following four (4) courses and distances, as now surveyed, with all bearings referenced to the Maryland Coordinate System (NAD83).
1. South 50° 59' 29" East 335.01 feet to a 48-inch Oak tree; thence,
2. North 89° 36' 30" East 532.87 feet to a stone (found); thence,
3. South 80° 16' 02" East 1,277.38 feet to a stone (found); thence,
4. South 18° 16' 02" East 16.50 feet to a point; thence,
5. South 19° 08' 44" East 100.56 feet to a stone (found); thence,
6. South 63° 01' 38" East 50.73 feet to an iron bar (found) in the center of a stream known as "Painters Branch" thence binding on the center of said stream the following fifty-nine (59) courses and distances:
7. South 14° 04' 07" West 83.72 feet to e point; thence,
8. South 30° 20' 49" East 43.65 feet to a. point; thence,
9. South 08° 44' 32" West 70.18 feet to a point; thence,
10. South 50° 15' 59" West 14.84 feet to a point; thence,
11. South 25° 50' 40" West 42.33 feet to a point; thence,
12. South 52° 12' 29" West 59.99 feet to a point; thence,
13. South 19° 40' 29" West 57.85 feet to a point; thence,
14. South 06° 12' 50" West 38.63 feet to a point; thence,
15. South 43° 33' 57" West 73.00 feet to a point; thence
16. South 22° 01' 14" West 71.14 feet to a point; thence
17. South 43° 05' 53" West 55.09 feet to a point; thence
18. South 72° 53' 01" West 60.31 feet to a point; thence
19. South 62° 15' 53" West 136.02 feet to a point; thence
20. South 70° 21' 58" West 64.36 feet to a point; thence
21. South 4° 13' 43" West 61.39 feet to a point; thence
22. South 28° 49' 40" West 68.23 feet to a point; thence
23. South 5° 44' 56" West 37.41 feet to a point; thence
24. South 10° 35' 36" East 42.85 feet to a point; thence
25. South 03° 03' 37" West 89.91 feet to a point; thence
26. South 25° 49' 43" West 93.09 feet to a point; thence
27. South 11° 36' 18" West 39.08 feet to a point; thence
28. South 00° 36' 33" West 49.18 feet to a point; thence
29. South 7° 46' 01" West 103.78 feet to a point; thence
30. South 3° 7' 21" East 56.09 feet to a point; thence
31. South 18° 46' 48" East 32.54 feet to a point; thence
32. South 51° 01' 00" West 110.45 feet to a point; thence
33. South 27° 1' 33" West 32.90 feet to a point; thence
34. South 13° 19' 46" West 24.43 feet to a point; thence
35. South 2° 48' 05" East 108.9 feet to a point; thence
36. South 16° 10' 00" West 53.91 feet to a point; thence
37. South 04° 11' 01" West 72.57 feet to a point; thence
38. South 54° 17' 05" West 51.82 feet to a point; thence
39. South 17° 40' 46" West 18.71 feet to a point; thence

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40. 36° 07' 20" East 37.45 feet to a point; thence
41. 12° 04' 05" West 59.32 feet to a point; thence
42. 40° 49' 46" West 105.39 feet to a point; thence
43. South 63° 06' 30" West 42.17 feet to a point; thence
44. South 03° 35' 25" West 10.62 feet to a point; thence
45. South 47° 57' 33" East 22.10 feet to a point; thence
46. South 41° 11' 38" West 30.38 feet to a point; thence
47. South 65° 47' 19" West 23.76 feet to a point; thence
48. South 46° 27' 13" West 97.97 feet to a point; thence
49. South 35° 42' 48" West 60.59 feet to a point; thence
50. South 76° 08' 37" West 20.21 feet to a point; thence
51. North 75° 30' 39" West 58.09 feet to a point; thence
52. South 56° 08' 38" West 38.10 feet to a point; thence
53. South 28° 51' 06" West 111.72 feet to a point; thence
54. South 10° 12' 01" East 60.19 feet to a point; thence
55. South 33° 38' 51" East 68.30 feet to a point; thence
56. South 6° 52' 03" West 36.00 feet to a point; thence
57. South 35° 39' 22" West 66.96 feet to a point; thence
58. South 08° 08' 17" West 44.51 feet to a point; thence
59. South 51° 24' 14" West 47.73 feet to a point; thence
60. South 39° 01' 48" West 121.48 feet to a point; thence
61. South 07° 06' 07" West 35.50 feet to a point; thence
62. South 03° 38' 57" East 170.14 feet to a point; thence
63. South 21° 31' 17" East 113.21 feet to a point; thence
64. South 13° 26' 52" West 47.94 feet to a point; thence
65. South 43° 37' 31" West 93.58 feet to a point; thence binding on the outline of a subdivision entitled "Section Two, Stablers Manor" as recorded among the said Land Records in Plat Book SM 58, folio 138,
66. North 79° 39' 07" West 1,426.17 feet to a point; thence binding on the outline of subdivision Plat entitled "Mill Stream" as recorded among the said Land Records in Plat Book SM 57, folio 147, the following three courses and distances:
67. North 11° 44' 50" West 681.92 feet to a point; thence
68. South 37° 46' 00" West 996.61 feet to a point; thence
69. South 50° 47' 16" West 917.90 feet to a point; thence binding on the outline of a subdivision Plat entitled "Section 1, Plat 2, Cameron Mill" as recorded among the said Land Records in Plat Book SM 61, folio 002,
70. North 15° 24' 28" West 669.90 feet to a point; thence binding on the center of Cameron Mill Road, the following six courses and distances:
71. North 31° 25' 13" East 219.02 feet to a point; thence
72. North 45° 38' 57" East 393.00 feet to a point; thence
73. North 20° 49' 12" East 210.42 feet to a point; thence
74. North 20° 15' 40" East 132.00 feet to a point; thence
75. North 19° 00' 39" East 429.00 feet to a point; thence
76. North 19° 43' 18" East 503.25 feet to a point; thence binding on the outline of a subdivision Plat entitled "Section 2, Plat 2, Cameron Mill" as recorded among the said Land Records in Plat Book SM 67, folio 142 the following two courses and distances:
77. North 42° 01' 42" West 218.67 feet to a point; thence
78. North 07° 58' 18" East 770.00 feet to a point; thence binding on the outline of a subdivision Plat entitled "Section 2, Plat 3, Cameron Mill" as recorded among the said Land Records in Plat Book SM 67, folio 143
79. North 18° 46' 42" West 610.50 feet to a point to a capped iron bar (found), thence binding on the outline of a subdivision plat entitled "Plat 2 of 3, Quiet Valley at Cameron Mill" as recorded in the said Land Records in Plat Book SM 73, folio 38
80. North 23° 55' 06" East 656.25 feet to a point to a capped iron bar (found), thence binding on the outline of that parcel of land as described in a Deed dated July 1, 1985 as recorded in the said Land Records in Liber EHK Jr. 6998 folio 837 which was conveyed by Richard Wilson Tracey and Mellie Keech Tracey to Edward James Frack, Jr. and Barbara S. Frack the following three courses and distances:
81. North 45° 45' 25" East 390.28 feet to a point; thence
82. North 67° 02' 16" East 124.93 feet to a point; thence
83. South 49° 29' 45" East 937.54 feet to a point in the center of Cameron Mill Road, thence
84. South 50° 59' 29" East 298.08 feet to the point of beginning.

Containing 245.7319 acres of land, more or less.

The improvements thereon being known as No. 19919 Cameron Mill Road.

This description is part of a zoning hearing petition and is not intended for any conveyance purposes.

Bruce E. Doak Consulting, LLC
3801 Baker Schoolhouse Road
Freeland, MD 21053
410-419-4906 cell / 443-900-5535 office
bdoak@bruceedoakconsulting.com

STATE OF MARYLAND
BRUCE EDWIN DOAK
531
PROPERTY LINE SURVEYOR

Item #0321

The Daily Record
11 East Saratoga Street
Baltimore, MD 21202-2199
(443) 524-8100
http://www.thedailyrecord.com

PUBLISHER'S AFFIDAVIT

Order #: 11599009
Case #: 2018-0324-XA
Description:

CASE NUMBER: 2018-0324-XA - NOTICE OF ZONING HEARING

We hereby certify that the annexed advertisement was published in **The Daily Record**, a daily newspaper published in the State of Maryland 1 times on the following dates:

8/28/2018

Darlene Miller

Darlene Miller, Public Notice Coordinator
(Representative Signature)

Baltimore County

NOTICE OF ZONING HEARING

The Administrative Law Judge of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 2018-0324-XA
19919 Cameron Mill Road
NW/s and SE/s of Cameron Mill Road, S/of Kali Court
7th Election District - 3rd Councilmanic District
Legal Owners: Fulks Farm, LLC

Special Exception for Class 7 Brewery or a Class 8 Brewery, including accessory retail and wholesale distribution of beer produced on the premises; Temporary promotional events, such as beer tasting or public gatherings associated with the brewery. Variance to permit a parking area with no screening or landscaping in lieu of the required screening and landscaping; to permit a parking area to be surfaced with stone in lieu of the required durable and dustless surface; to permit a parking area not to be striped in lieu of the striping requirement; to allow a two way access driveway to have a width of 10 ft. in lieu of the required 20 ft.

Hearing: Monday, September 17, 2018 at 1:30 p.m. in Room 205, Jefferson Building, 105 West Chesapeake Avenue, Towson 21204

Arnold Jablon
Director of Permits,
Approvals and Inspections for Baltimore County

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ADMINISTRATIVE HEARINGS OFFICE AT 410-887-3868.

(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

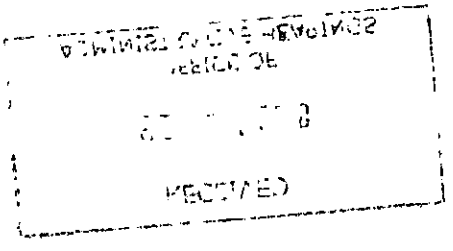
au28

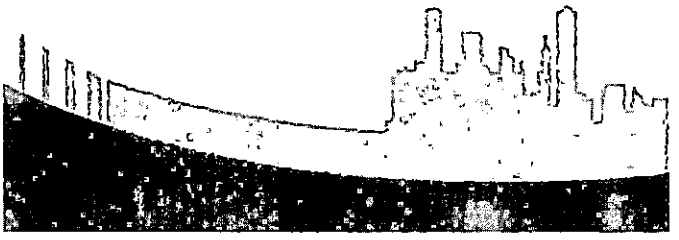
Sherry Nuffer

From: Bruce Doak <bdoak@bruceedoakconsulting.com>
Sent: Monday, September 17, 2018 6:23 AM
To: Sherry Nuffer
Subject: Case #2018-0324-XA Posting Cert
Attachments: Posting cert 9 16 18 copy.pdf; ATT00001.htm

Enclosed is the re-certification of the sign. The hearing is today.







CERTIFICATE OF POSTING

August 27, 2018 (amended September 16, 2018)

Re:
Zoning Case No. 2018-0324-XA
Legal Owner: Fulks Farm LLC
Hearing date: September 17, 2018

Baltimore County Department of Permits, Approvals & Inspections
County Office Building
111 West Chesapeake Avenue, Room 111
111 West Chesapeake Avenue Towson, MD 21204

Attention: Kristen Lewis

Ladies and Gentlemen,

This letter is to certify under the penalties of perjury that the two necessary signs required by law were posted conspicuously on the property located at **19919 Cameron Mill Road.**

The signs were posted on **August 26, 2019.**

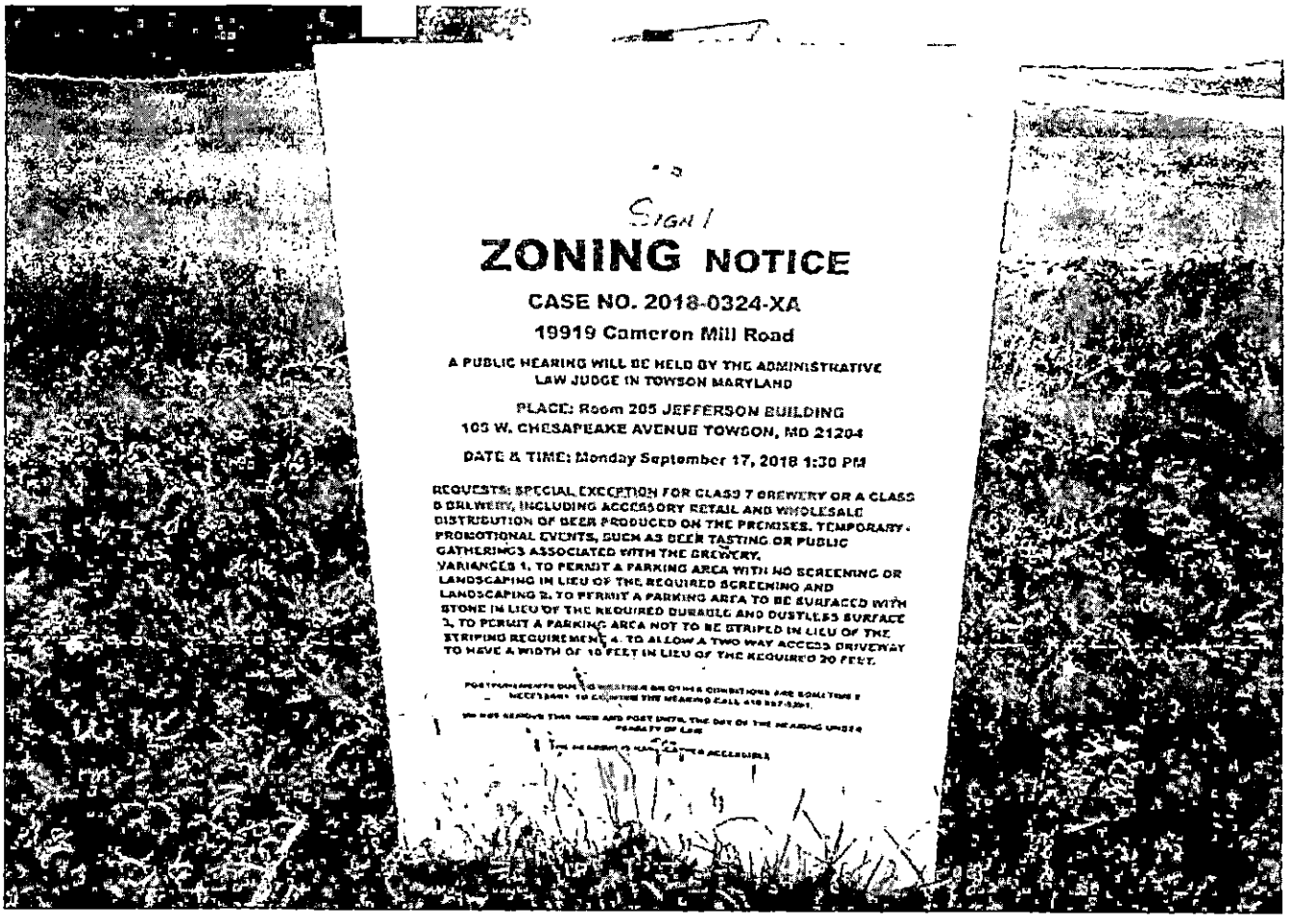
The signs were inspected again on **September 14, 2018.**

Sincerely,

Bruce E. Doak
MD Property Line Surveyor #531

See the attached sheet(s) for the photos of the posted sign(s)

Bruce E. Doak Consulting, LLC
3801 Baker Schoolhouse Road
Freeland, MD 21053
410-419-4906 cell / 443-900-5535 office
bdoak@bruceedoakconsulting.com



SIGN 1

ZONING NOTICE

CASE NO. 2018-0324-XA

19919 Cameron Mill Road

A PUBLIC HEARING WILL BE HELD BY THE ADMINISTRATIVE LAW JUDGE IN TOWSON MARYLAND

PLACE: Room 205 JEFFERSON BUILDING
105 W. CHESAPEAKE AVENUE TOWSON, MD 21204

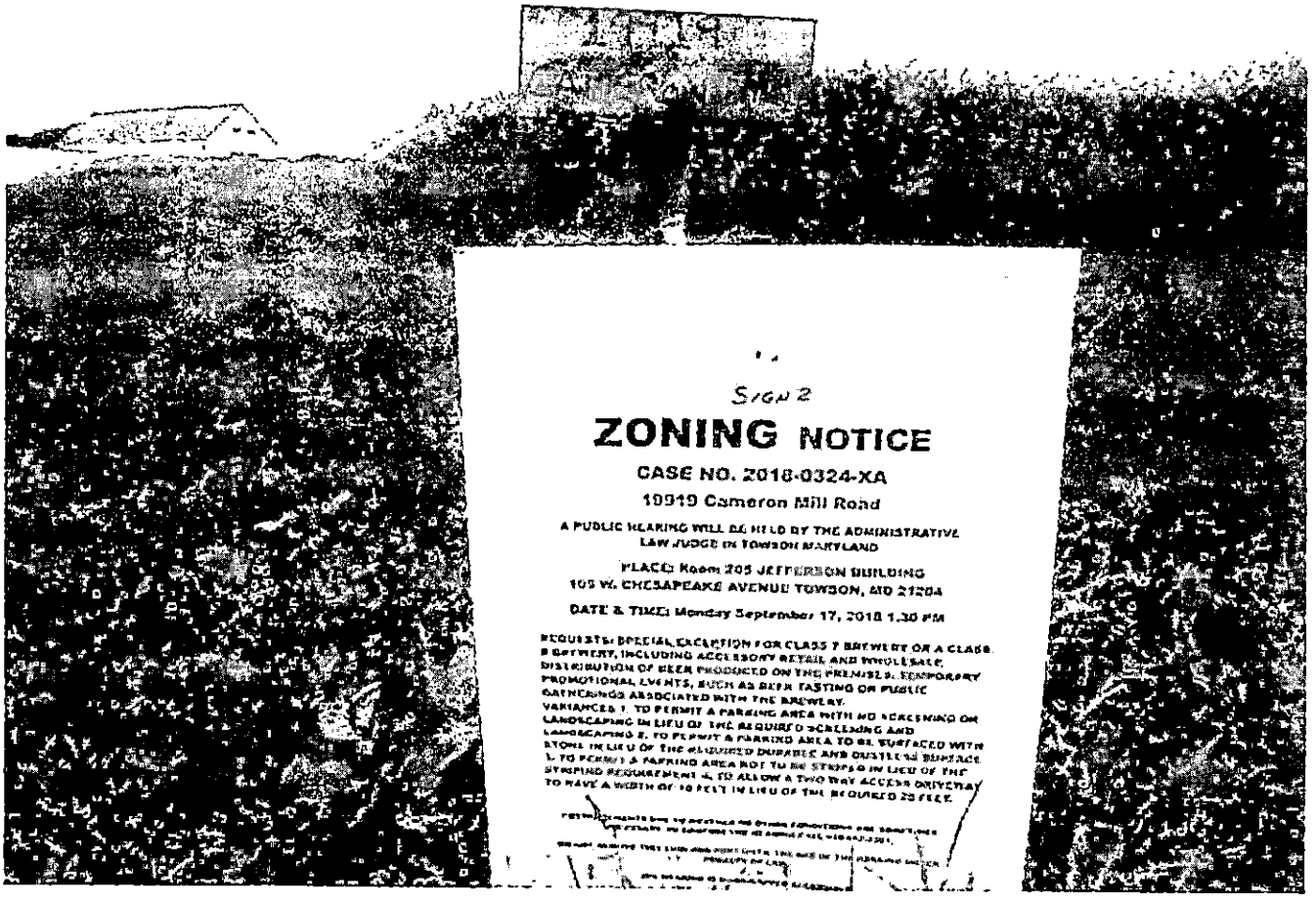
DATE & TIME: Monday September 17, 2018 1:30 PM

REQUEST: SPECIAL EXCEPTION FOR CLASS 7 BREWERY OR A CLASS B BREWERY, INCLUDING ACCESSORY RETAIL AND WHOLESALE DISTRIBUTION OF BEER PRODUCED ON THE PREMISES. TEMPORARY PROMOTIONAL EVENTS, SUCH AS BEER TASTING OR PUBLIC GATHERINGS ASSOCIATED WITH THE BREWERY.
VARIANCES 1. TO PERMIT A PARKING AREA WITH NO SCREENING OR LANDSCAPING IN LIEU OF THE REQUIRED SCREENING AND LANDSCAPING 2. TO PERMIT A PARKING AREA TO BE SURFACED WITH STONE IN LIEU OF THE REQUIRED DURABLE AND DUSTLESS SURFACE 3. TO PERMIT A PARKING AREA NOT TO BE STRIPED IN LIEU OF THE STRIPING REQUIREMENT 4. TO ALLOW A TWO WAY ACCESS DRIVEWAY TO HAVE A WIDTH OF 18 FEET IN LIEU OF THE REQUIRED 20 FEET.

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY. TO CONFIRM THE HEARING CALL 410 887-3391.

YOU MUST REMOVE THIS SIGN AND POST UNTIL THE DAY OF THE HEARING UNDER PENALTY OF LAW.

THE HEARING IS HANDICAPPED ACCESSIBLE



SIGN 2

ZONING NOTICE

CASE NO. 2018-0324-XA

19919 Cameron Mill Road

A PUBLIC HEARING WILL BE HELD BY THE ADMINISTRATIVE LAW JUDGE IN TOWSON MARYLAND

PLACE: Room 205 JEFFERSON BUILDING
105 W. CHESAPEAKE AVENUE TOWSON, MD 21204

DATE & TIME: Monday September 17, 2018 1:30 PM

REQUEST: SPECIAL EXCEPTION FOR CLASS 7 BREWERY OR A CLASS B BREWERY, INCLUDING ACCESSORY RETAIL AND WHOLESALE DISTRIBUTION OF BEER PRODUCED ON THE PREMISES. TEMPORARY PROMOTIONAL EVENTS, SUCH AS BEER TASTING OR PUBLIC GATHERINGS ASSOCIATED WITH THE BREWERY.
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THE HEARING IS HANDICAPPED ACCESSIBLE

CERTIFICATE OF POSTING

August 27, 2018 (amended _____)

Re:
Zoning Case No. 2018-0324-XA
Legal Owner: Fulks Farm LLC
Hearing date: September 17, 2018

Baltimore County Department of Permits, Approvals & Inspections
County Office Building
111 West Chesapeake Avenue, Room 111
111 West Chesapeake Avenue Towson, MD 21204

Attention: Kristen Lewis

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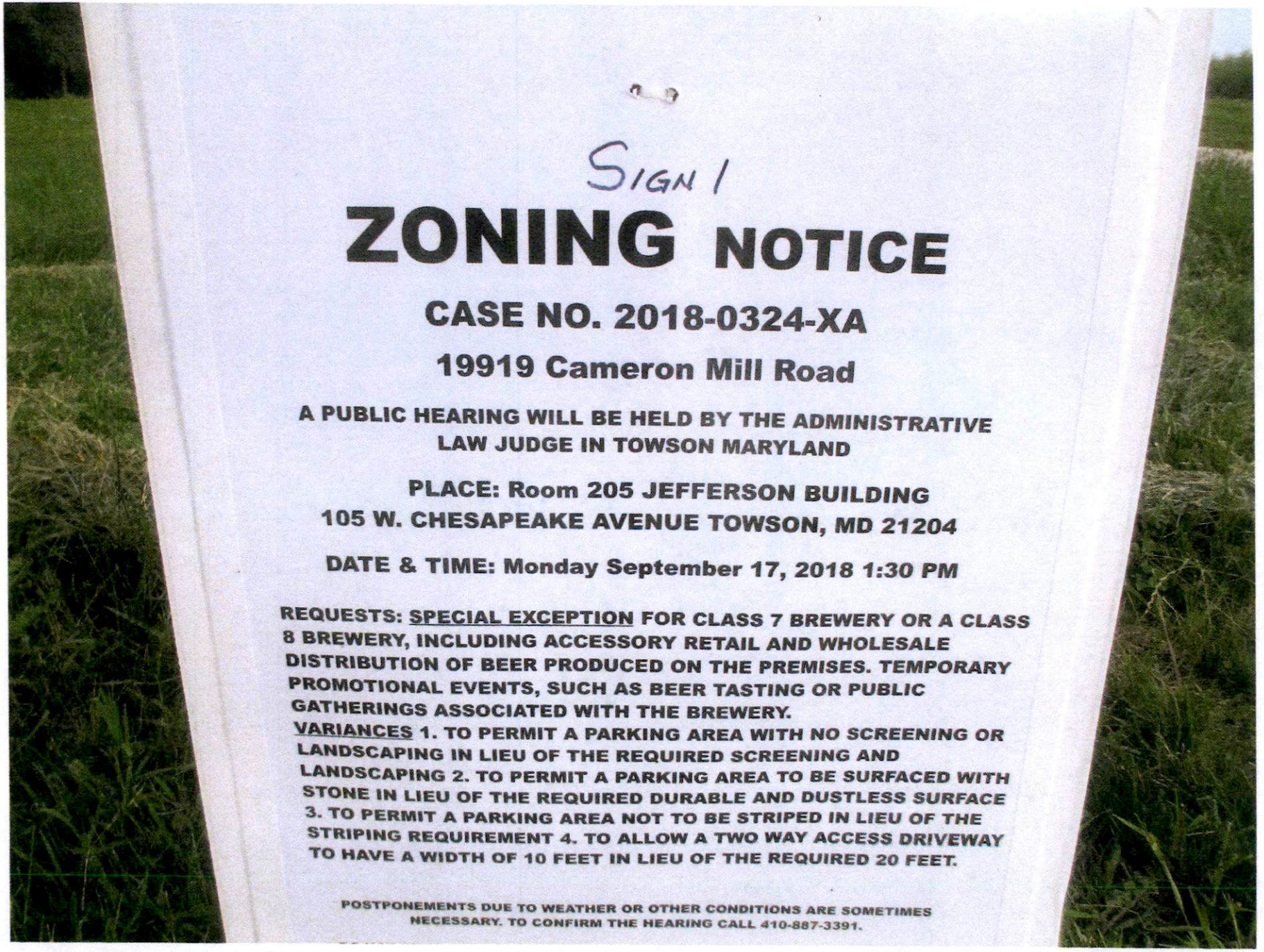
The signs were inspected again on _____.

Sincerely,

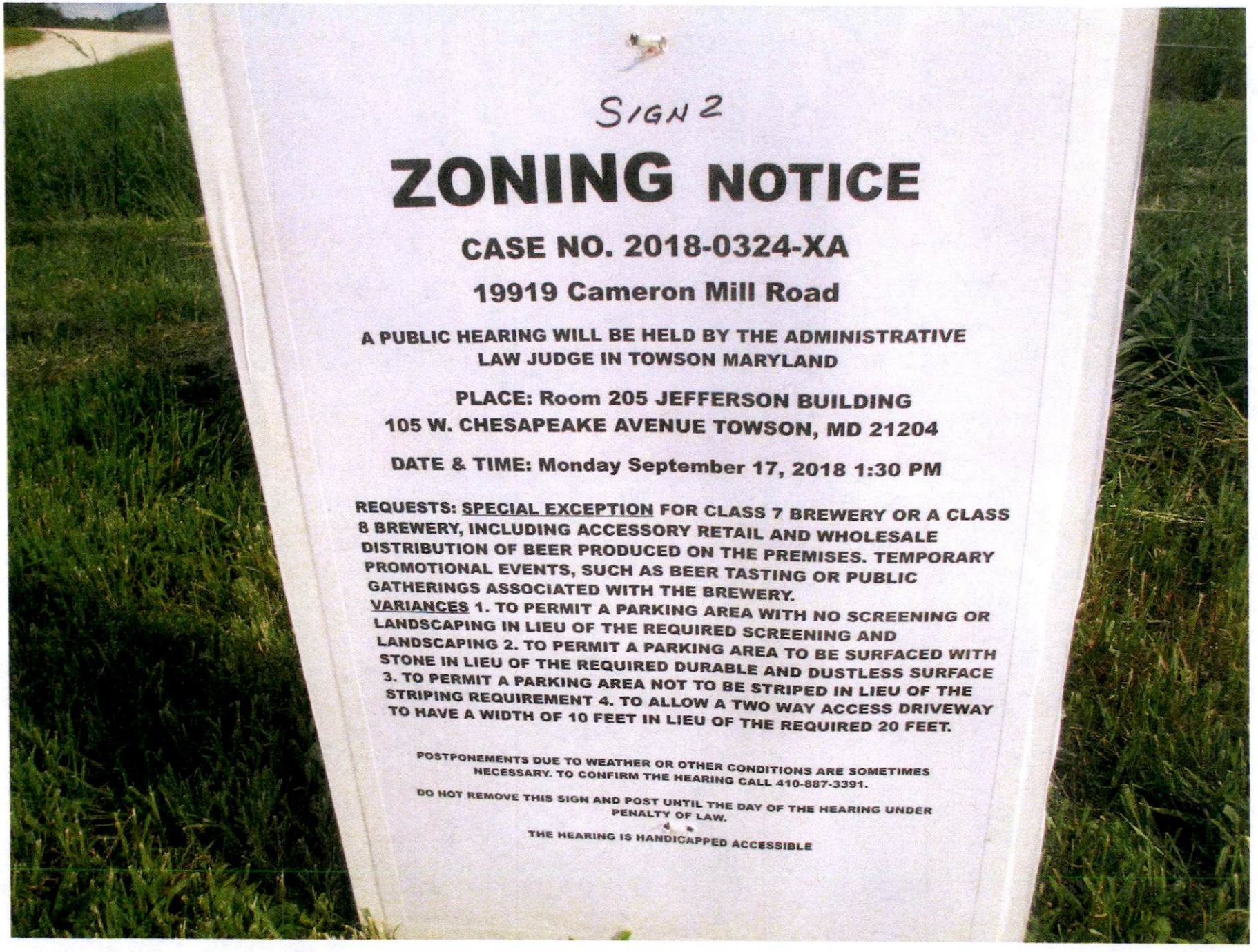
Bruce E. Doak
MD Property Line Surveyor #531

See the attached sheet(s) for the photos of the posted sign(s)

Bruce E. Doak Consulting, LLC
3801 Baker Schoolhouse Road
Freeland, MD 21053
410-419-4906 cell / 443-900-5535 office
bdoak@bruceedoakconsulting.com


SIGN 1
ZONING NOTICE
CASE NO. 2018-0324-XA
19919 Cameron Mill Road
A PUBLIC HEARING WILL BE HELD BY THE ADMINISTRATIVE LAW JUDGE IN TOWSON MARYLAND
PLACE: Room 205 JEFFERSON BUILDING
105 W. CHESAPEAKE AVENUE TOWSON, MD 21204
DATE & TIME: Monday September 17, 2018 1:30 PM
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POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY. TO CONFIRM THE HEARING CALL 410-887-3391.


ZONING NOTICE
CASE NO. 2016-032A-XA


SIGN 2
ZONING NOTICE
CASE NO. 2018-0324-XA
19919 Cameron Mill Road
A PUBLIC HEARING WILL BE HELD BY THE ADMINISTRATIVE LAW JUDGE IN TOWSON MARYLAND
PLACE: Room 205 JEFFERSON BUILDING
105 W. CHESAPEAKE AVENUE TOWSON, MD 21204
DATE & TIME: Monday September 17, 2018 1:30 PM
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DO NOT REMOVE THIS SIGN AND POST UNTIL THE DAY OF THE HEARING UNDER PENALTY OF LAW.
THE HEARING IS HANDICAPPED ACCESSIBLE


19919
CAMERON MILL
SIGN 2
ZONING NOTICE
CASE NO. 2018-0324-XA
19919 Cameron Mill Road
A PUBLIC HEARING WILL BE HELD BY THE ADMINISTRATIVE LAW JUDGE IN TOWSON MARYLAND
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THE HEARING IS HANDICAPPED ACCESSIBLE

KEVIN KAMENETZ
County Executive

ARNOLD JABLON
Deputy Administrative Officer
Director, Department of Permits, Approvals & Inspections

August 1, 2018

NOTICE OF ZONING HEARING

The Administrative Law Judge of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 2018-0324-XA
19919 Cameron Mill Road
NW/s and SE/s of Cameron Mill Road, S/of Kali Court
7th Election District – 3rd Councilmanic District
Legal Owners: Fulks Farm, LLC

Special Exception for Class 7 Brewery or a Class 8 Brewery, including accessory retail and wholesale distribution of beer produced on the premises: Temporary promotional events, such as beer tasting or public gatherings associated with the brewery. Variance to permit a parking area with no screening or landscaping in lieu of the required screening and landscaping: to permit a parking area to be surfaced with stone in lieu of the required durable and dustless surface; to permit a parking area not to be striped in lieu of the striping requirement; to allow a two way access driveway to have a width of 10 ft. in lieu of the required 20 ft.

Hearing: Monday, September 17, 2018 at 1:30 p.m. in Room 205, Jefferson Building, 105 West Chesapeake Avenue, Towson 21204

Arnold Jablon
Director

AJ:kl

C: James West, 409 Washington Avenue, Towson 21204
Fulks Farm, LLC, 19606 Cameron Mill Road, Parkton 21120
Bruce Doak, 3801 Baker Schoolhouse Road, Freeland 21053
Michael McCann, 118 W. Pennsylvania Avenue, Towson 21204

NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, AUGUST 28, 2018.**
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ADMINISTRATIVE HEARINGS OFFICE AT 410-887-3868.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

TO: THE DAILY RECORD
Tuesday, August 28, 2018 Issue

Please forward billing to:
Kip Fulks 443-677-5568
Fulks Farm, LLC
19606 Cameron Mill Road
Parkton, MD 21120

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Hearing: Monday, September 17, 2018 at 1:30 p.m. in Room 205, Jefferson Building, 105 West Chesapeake Avenue, Towson 21204

Arnold Jablon
Director of Permits, Approvals and Inspections for Baltimore County

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ADMINISTRATIVE HEARINGS OFFICE AT 410-887-3868.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

RE: PETITION FOR SPECIAL EXCEPTION AND VARIANCE 19919 Cameron Mill Road; NW/S & SE/S of Cameron Mill Road, 376' S of Kali Court 7th Election & 3rd Councilmanic Districts Legal Owner(s): Fulks Farm, LLC Petitioner(s)	*	BEFORE THE OFFICE OF ADMINSTRATIVE HEARINGS FOR BALTIMORE COUNTY 2018-324-XA

* * * * * * * * * * * * *

ENTRY OF APPEARANCE

Pursuant to Baltimore County Charter § 524.1, please enter the appearance of People's Counsel for Baltimore County as an interested party in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and the passage of any preliminary or final Order. All parties should copy People's Counsel on all correspondence sent and all documentation filed in the case.

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S Demilio

CAROLE S. DEMILIO
Deputy People's Counsel
Jefferson Building, Room 204
105 West Chesapeake Avenue
Towson, MD 21204
(410) 887-2188

RECEIVED
MAY 31 2018

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 31st day of May, 2018, a copy of the foregoing Entry of Appearance was mailed to Bruce Doak, 2801 Baker Schoolhouse Road, Freeland, Maryland 21053 and James H. West, Esquire, 409 Washington Avenue, Towson, Maryland 21204, Attorney for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

TO KL
8

RECEIVED
JUL 0 9
DEPARTMENT OF PERMITS APPROVALS AND INSPECTIONS

RECEIVED
JUL 09 2018
DEPARTMENT OF PERMITS APPROVALS AND INSPECTIONS

Michael R. McCann, P.A.
118 W. Pennsylvania Avenue
Towson, Maryland 21204
Phone: (410) 825-2150
Facsimile: (410) 825-2149
michael@mmccannlaw.net

July 5, 2018

Via Email and US Mail

Arnold Jablon, Director
Department of Permits, Approvals & Inspections
111 W. Chesapeake Avenue, Ste. 205
Towson, Maryland 21204

Re: 19919 Cameron Mill Road
2018-0324-XA

Dear Mr. Jablon:

I represent the Cameron Homeowners' Association in the above-referenced matter. I write to request a postponement of the hearing before the Office of Administrative Hearings, which I understand is being scheduled for August 3, 2018. I will be out of town on a family vacation. Attached is the itinerary for the trip.

Thank you for your consideration. Please contact me if you have any questions.

Regards,

Michael R. McCann

cc: Jan Cook, Development Manager (via email)
James West, Esq. (via email and US Mail)

Denver

Fri, Jul 27 - Mon, Aug 6 ✔**Booked.** No need to reconfirm. [redacted]

Add your hotel today for the best deals Expires in 14 days : 22 : 35 : 14

Because you booked a flight, you qualify for up to 40% off hotels for your trip.

See Hotels

Before you go

- **E-ticket:** This page can be used as an E-ticket. Before travelling, print a copy of your itinerary and take it with you!
- Remember to bring your itinerary and government-issued photo ID for airport check-in and security.

Contact the airline to confirm:

- Specific seat assignments
- Special meals
- Frequent flyer point awards
- Special assistance requests

Flight Overview

Your reservation is booked and confirmed. There is no need to call us to reconfirm this reservation.

Travel dates
Jul 27, 2018 - Aug 6, 2018

Itinerary #
7362063171685

Confirmation
LRZJ4K (United)

Ticket #
[redacted] (michael mccann)
[redacted] (nicole mccann)

[redacted] (madison mccann)
[redacted] (ethan mccann)
[redacted] (fionn mccann)

Need a ride between your home and **BWI**?
Schedule your Uber

Need a ride between your hotel and **DEN**?
Get ground transportation

Manage reservation

UNITED AIRLINES

Check in online

Update flight preferences
Upgrade seats, reserve meals and add baggage.

View baggage policies

Change flight

Cancel flight

Departure Fri, Jul 27

United 1779

Baltimore (BWI)
4:15pm

→

Denver (DEN)
6:10pm

Cabin: Economy / Coach (W)
3h 55m duration

Total Duration

3h 55m

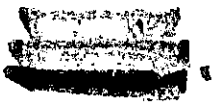
Return Mon, Aug 6

United 401

Denver (DEN)

→

Baltimore (BWI)



5:48pm 11:12pm

Cabin: Economy / Coach (L)

3h 24m duration

Total Duration

3h 24m

Traveler(s)

Back to top

michael mccann

nicole mccann

madison mccann

ethan mccann

fionn mccann

Frequent flyer and special assistance requests should be confirmed directly with the airline.

Price Summary

Back to top

Traveler 1: Adult	[redacted]
Traveler 2: Adult	[redacted]
Traveler 3: Adult	[redacted]
Traveler 4: Child	[redacted]
Traveler 5: Child	[redacted]
Total	[redacted]

View receipt

All prices are quoted in **USD**.

Back to top

Expedia+

On this trip you will collect 413 Expedia Rewards points

- 413 base points for this trip

For Expedia Rewards members

See all your rewards

DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS
ZONING REVIEW OFFICE

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The Baltimore County Zoning Regulations (BCZR) require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of the legal owner/petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least fifteen (15) days before the hearing.

Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the legal owner/petitioner is responsible for the costs associated with these requirements. The newspaper will bill the person listed below for the advertising. This advertising is due upon receipt and should be remitted directly to the newspaper.

OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.

For Newspaper Advertising:

Case Number: 2018-0324-XA

Property Address: 19919 CAMERON MILL ROAD

Property Description: 245 AC. - EAST & WEST SIDES OF CAMERON MILL ROAD

Legal Owners (Petitioners): FULKS FARM LLC

Contract Purchaser/Lessee: _____

PLEASE FORWARD ADVERTISING BILL TO:

Name: _____

Company/Firm (if applicable): FULKS FARM LLC

Address: 19606 CAMERON MILL ROAD
PARKTON MD 21120

Telephone Number: 443-677-5568

Revised 5/20/2014

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET AND FINANCE
MISCELLANEOUS CASH RECEIPT

No. 168829

Date: May 21, 2018

Fund	Dept	Unit	Sub Unit	Rev Source/ Obj	Sub Rev/ Sub Obj	Dept Obj	BS Acct	Amount
001	806	0000		6150				$1000.00

Total: $1000.00

Rec From: Bruce Doak

For: Zoning hearing - case # ~~2018-0321-XA~~ #2018-0324-XA

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER GOLD - ACCOUNTING
PLEASE PRESS HARD!!!!

CASHIER'S VALIDATION

PAID RECEIPT
BUSINESS ACTUAL TIME DRW
5/22/2018 5/21/2018 11:16:56 1
REV WS01 WALKIN LJR
>>RECEIPT # 796788 5/21/2018 DFLN
Dept 5 528 ZONING VERIFICATION
CR NO. 168829
Recpt Tot $1,000.00
$1,000.00 CK $.00 CA
Baltimore County, Maryland

DONALD I. MOHLER III
County Executive

ARNOLD JABLON
Deputy Administrative Officer
Director, Department of Permits, Approvals & Inspections

September 11, 2018

Fulks Farm LLC
19606 Cameron Mill Road
Parkton MD 21120

RE: Case Number: 2018-0324 XA, Address: 19919 Cameron Mill Road

To Whom It May Concern:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on May 21, 2018. This letter is not an approval, but only a **NOTIFICATION.**

The Zoning Advisory Committee (ZAC), which consists of representatives from several approval agencies, has reviewed the plans that were submitted with your petition. All comments submitted thus far from the members of the ZAC are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to ensure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. All comments will be placed in the permanent case file.

If you need further information or have any questions, please do not hesitate to contact the commenting agency.

Very truly yours,

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: jaw

Enclosures

c: People's Counsel
James H West, Esquire, 409 Washington Avenue, Towson MD 21204
Bruce E Doak Consulting LLC, 3801 Baker Schoolhouse Road, Freeland MD 21053

MARYLAND DEPARTMENT OF TRANSPORTATION
STATE HIGHWAY ADMINISTRATION

Larry Hogan
Governor
Boyd K. Rutherford
Lt. Governor
Pete K. Rahn
Secretary
Gregory Slater
Administrator

Date: 5/25/18

Ms. Kristen Lewis
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
111 West Chesapeake Avenue
Towson, Maryland 21204

Dear Ms. Lewis:

Thank you for the opportunity to review your referral request on the subject of the Case number referenced below. We have determined that the subject property does not access a State roadway and is not affected by any State Highway Administration projects. Therefore, based upon available information this office has no objection to Baltimore County Zoning Advisory Committee approval of Case No. 2018-0324-XA
Special Exception, Variance
Fulks Farm, LLC
19919 Cameron Mill Road

Should you have any questions regarding this matter, please contact Mr. Richard Zeller at 410-229-2332 or 1-866-998-0367 (in Maryland only) extension 2332, or by email at (rzeller@sha.state.md.us).

Sincerely,

for Wendy Wolcott, P.L.A.
Metropolitan District Engineer
Maryland Department of Transportation
State Highway Administration
District 4 - Baltimore and Harford Counties

WW/RAZ

9-17

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE MEMORANDUM

TO: Arnold Jablon
Deputy Administrative Officer and
Director of Permits, Approvals and Inspections

DATE: 7/5/2018

FROM: Andrea Van Arsdale
Director, Department of Planning

RECEIVED
JUL 09 2018
OFFICE OF
ADMINISTRATIVE HEARINGS

SUBJECT: **ZONING ADVISORY COMMITTEE COMMENTS**
Case Number: 18-324

INFORMATION:

Property Address:	19919 Cameron Mill Road
Petitioner:	Fulks Farm, LLC
Zoning:	RC 2, RC 4, RC 5
Requested Action:	Special Exception; Variance

The Department of Planning has reviewed the petition for a special exception to use the property for a Class 7 or Class 8 Brewery including accessory retail and wholesale distribution of beer produced on the premise; temporary promotional event, such as beer tasting or public gatherings associated with the brewery and the petition for variance to permit a parking area with no screening or landscaping, surfaced with stone and not to be striped in lieu of the required screening and landscaping, durable and dustless surface and striping respectively, and to allow a two way access driveway to have a width of 10 feet in lieu of the required 20 feet.

A site visit was conducted on 6/19/2018. The subject property straddles Cameron Mill Road with 8 acres of hops currently in crop. Single family detached dwellings are situated immediately adjacent to the north.

The Department has no objection to granting the petitioned zoning relief conditioned upon the following;

- Provide vegetative screening between the proposed brewery operation, to include the parking area, and the adjacent residential uses to mitigate any impacts from the special exception use.

For further information concerning the matters stated herein, please contact Joseph Wiley at 410-887-3480.

Prepared by:

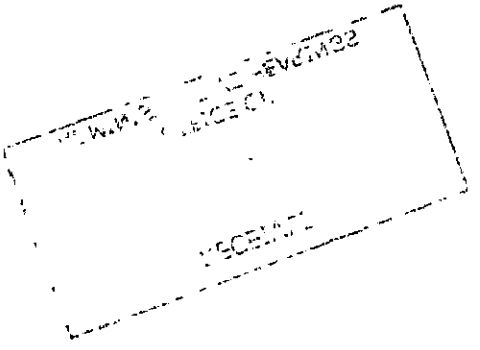
Lloyd T. Moxley

Division Chief:

Jenifer G. Nugent

AVA/JGN/LTM/
c: Joseph Wiley
James Hermann, R.L.A., Department of Permits, Approvals and Inspections
Bruce E. Doak, Bruce E. Doak Consulting, LLC
Office of the Administrative Hearings
People's Counsel for Baltimore County

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BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence

TO: Hon. Lawrence M. Stahl; Managing Administrative Law Judge
Office of Administrative Hearings

FROM: Jeff Livingston, Department of Environmental Protection and Sustainability (EPS) - Development Coordination

DATE: June 21, 2018

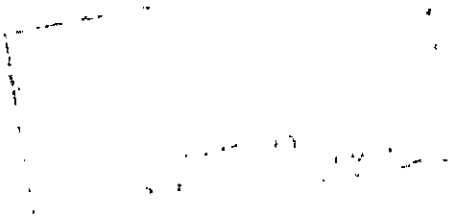
SUBJECT: DEPS Comment for Zoning Item # 2018-0324-XA
Address 19919 Cameron Mill Road
(Fulks Farm, LLC Property)

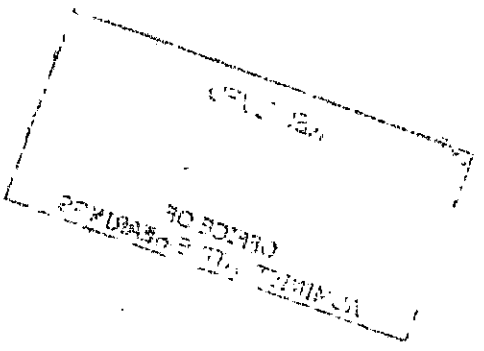
Zoning Advisory Committee Meeting of **June 4, 2018**.

__X__ The Department of Environmental Protection and Sustainability offers the following comments on the above-referenced zoning item:

__X__ Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains (Sections 33-3-101 through 33-3-120 of the Baltimore County Code).

Reviewer: Michael S. Kulis





BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits, Approvals
And Inspections

DATE: June 21, 2018

FROM: Vishnu Desai, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For June 4, 2018
Item No. 2018-0324-XA

The Bureau of Development Plans Review has reviewed the subject zoning items and we have the following comments.

Plan shows an existing 18-foot wide access/driveway.

* * * * *

VKD: cen
cc: file

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE MEMORANDUM

TO: Arnold Jablon
Deputy Administrative Officer and
Director of Permits, Approvals and Inspections

DATE: 7/5/2018

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: **ZONING ADVISORY COMMITTEE COMMENTS**
Case Number: 18-324

INFORMATION:

Property Address:	19919 Cameron Mill Road
Petitioner:	Fulks Farm, LLC
Zoning:	RC 2, RC 4, RC 5
Requested Action:	Special Exception; Variance

The Department of Planning has reviewed the petition for a special exception to use the property for a Class 7 or Class 8 Brewery including accessory retail and wholesale distribution of beer produced on the premise; temporary promotional event, such as beer tasting or public gatherings associated with the brewery and the petition for variance to permit a parking area with no screening or landscaping, surfaced with stone and not to be striped in lieu of the required screening and landscaping, durable and dustless surface and striping respectively, and to allow a two way access driveway to have a width of 10 feet in lieu of the required 20 feet.

A site visit was conducted on 6/19/2018. The subject property straddles Cameron Mill Road with 8 acres of hops currently in crop. Single family detached dwellings are situated immediately adjacent to the north.

The Department has no objection to granting the petitioned zoning relief conditioned upon the following;

- Provide vegetative screening between the proposed brewery operation, to include the parking area, and the adjacent residential uses to mitigate any impacts from the special exception use.

For further information concerning the matters stated herein, please contact Joseph Wiley at 410-887-3480.

Prepared by:

Lloyd T. Moxley

Division Chief:

Jenifer G. Nugent

AVA/JGN/LTM/
c: Joseph Wiley
James Hermann, R.L.A., Department of Permits, Approvals and Inspections
Bruce E. Doak, Bruce E. Doak Consulting, LLC
Office of the Administrative Hearings
People's Counsel for Baltimore County

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BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence

TO: Hon. Lawrence M. Stahl; Managing Administrative Law Judge
Office of Administrative Hearings

FROM: Jeff Livingston, Department of Environmental Protection and Sustainability (EPS) - Development Coordination

DATE: June 21, 2018

SUBJECT: DEPS Comment for Zoning Item # 2018-0324-XA
Address 19919 Cameron Mill Road
(Fulks Farm, LLC Property)

Zoning Advisory Committee Meeting of **June 4, 2018**.

__X__ The Department of Environmental Protection and Sustainability offers the following comments on the above-referenced zoning item:

__X__ Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains (Sections 33-3-101 through 33-3-120 of the Baltimore County Code).

Reviewer: Michael S. Kulis

COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND
Legislative Session 2021, Legislative Day No. 6

Bill No. 18-21

Mr. Julian E. Jones Jr., Chairman
By Request of County Executive

By the County Council, March 15, 2021

A BILL
ENTITLED

AN ACT concerning
Zoning Regulations – Live Musical Entertainment
(New Opportunities for Tourism and Entertainment (NOTE) Act)

FOR the purpose of amending the definitions of live musical entertainment and nightclub; permitting live musical entertainment in certain areas; specifying certain requirements and restrictions for live musical entertainment; providing authority for the adoption of regulations related to live musical entertainment use permits; providing for the immediate cessation of live musical entrainment under certain circumstances; providing for an appeals process for revocation and suspension of a live musical entertainment permit under certain circumstances; providing for a delay for when the Director may assess live musical entertainment use permit fees; and generally relating to live musical entertainment.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.
[Brackets] indicate matter stricken from existing law.
~~Strike-out~~ indicates matter stricken from bill.
Underlining indicates amendments to bill.

BY repealing and re-enacting, with amendments

Section 101.1, the definitions of "Live Musical Entertainment" and "Nightclub", listed alphabetically
Baltimore County Zoning Regulations, as amended

BY repealing and re-enacting, with amendments
Sections 449.1, 449.2, and 449.3
Baltimore County Zoning Regulations, as amended

SECTION 1. BE IT ENACTED BY THE COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND, that the Baltimore County Zoning Regulations shall read as follows:

ARTICLE 1 - GENERAL PROVISIONS

Section 101 - Definitions

§ 101.1. Word usage; definitions.

"Live Musical Entertainment" – Any music PLAYING PURSUANT TO A LIVE MUSICAL ENTERTAINMENT USE PERMIT AS AN ACCESSORY USE TO A PRINCIPAL USE involving a RECORDED OR live performance or delivery of music by one or more persons at a business or other commercial venue THAT RECEIVES IN THE PREVIOUS 30 DAYS MORE THAN 50% OF ITS GROSS REVENUE PRIOR TO 9 P.M. Live musical entertainment may include but not be limited to a musical ensemble, solo performers, the presentation of music played on sound equipment operated by an owner, employee, agent, or contractor of a venue commonly known as a "disc jockey" or "DJ," and karaoke. Live musical entertainment may also

include music that solely or primarily uses instruments that produce sound through acoustic means or with electric or electronic enhancement.

"Nightclub" — [A tavern or other commercial establishment which provides live or recorded entertainment, with or without a dance floor, and which is categorized as a nightclub by the Building Code of Baltimore County.] A COMMERCIAL ESTABLISHMENT WITH OR WITHOUT THE RIGHT TO SERVE FOOD, BEVERAGES, OR ALCOHOLIC BEVERAGES TO PATRONS FOR ON PREMISE CONSUMPTION, THAT DERIVES ITS MAIN REVENUE SOURCE BETWEEN THE HOURS OF 9:00 P.M. TO 2:00 A.M. AS PRIMARILY AN ENTERTAINMENT VENUE, PROVIDES LIVE OR RECORDED ENTERTAINMENT, WITH OR WITHOUT A DANCE FLOOR, AND OFTEN HAVING A FLOOR SHOW OR DIM LIGHTING. A COMMERCIAL ESTABLISHMENT IS NOT A NIGHTCLUB IF LIVE OR RECORDED MUSICAL ENTERTAINMENT IS PLAYED OR PERFORMED PURSUANT TO A LIVE MUSICAL ENTERTAINMENT USE PERMIT. FOR THE PURPOSES OF ENFORCEMENT AND AS MAY BE DETERMINED BY THE AUTHORITY HAVING JURISDICTION, A NIGHTCLUB MAY BE DEFINED DIFFERENTLY BY THE COUNTY FIRE PREVENTION CODE OR BUILDING CODE, AS AMENDED AND ADOPTED BY THE COUNTY.

ARTICLE 4 - SPECIAL REGULATIONS

Section 449 - Live Musical Entertainment

§ 449.1. Findings and purpose.

Live musical entertainment provides a benefit to County citizens and businesses, however, it can also significantly impact the public health, safety, and general welfare of a community. The purpose of this section is to establish reasonable regulations for the presentation of live musical entertainment in the [Arbutus and Catonsville Commercial Revitalizations Districts] B.L., B.L.R., C.B., B.M., B.R., B.M.M., B.M.B., B.M.Y.C., AND M.L. ZONES in order to protect the character of the nearby neighborhoods and the public health, safety, and general welfare, while providing live musical entertainment options for County citizens and economic development opportunities in business and commercial areas.

§ 449.2. Live musical entertainment use permit.

A. 1. Notwithstanding other provisions in these regulations that permit live or recorded music as a principal or accessory use, live musical entertainment is permitted on property located in the [Arbutus and Catonsville Commercial Revitalization Districts and assigned a C.C.C. District Overlay] B.L., B.L.R, C.B., B.M., B.R., B.M.M., B.M.B., B.M.Y.C., AND M.L. ZONES as an accessory use to a principal use in accordance with this section.

2. The owner of a property or lessor if authorized in writing by an owner that qualifies under this section shall obtain a live musical entertainment use permit issued [free of charge] by the Director of the Department of Permits, Approvals and Inspections (the "Director").

3. IN B.M.Y.C. ZONES A SPECIAL LIVE MUSICAL ENTERTAINMENT USE PERMIT MUST BE OBTAINED TO COVER ANY DAYS OF LIVE MUSICAL ENTERTAINMENT THAT IS OUTDOORS.

4. A FEE SCHEDULE FOR LIVE MUSICAL ENTERTAINMENT USE PERMITS MAY BE ESTABLISHED IN ACCORDANCE WITH § 3-1-202 OF THE COUNTY CODE.

5. LIVE MUSICAL ENTERTAINMENT, INCLUDING RECORDED MUSIC, IS NOT CONSIDERED A NIGHTCLUB USE PURSUANT TO SECTION 229.1.C FOR C.B. AND B.L.R. ZONES, OR SUBJECT TO SETBACK CONDITIONS IN SECTION 233.2.D FOR B.M. ZONES IF THE:

I. LIVE MUSICAL ENTERTAINMENT IS AN ACCESSORY USE TO A PRINCIPAL USE FOR A COMMERCIAL OR BUSINESS VENUE; AND

II. THE COMMERCIAL OR BUSINESS VENUE RECEIVES IN THE PREVIOUS 30 DAYS MORE THAN 50% OF ITS GROSS REVENUE PRIOR TO 9 P.M.

B. The application for a live musical entertainment use permit shall be submitted on a form approved by the Director and shall include supporting information required by the Director.

1. ANYONE APPLYING FOR OR ISSUED A LIVE MUSICAL ENTERTAINMENT USE PERMIT SHALL PRODUCE ACCOUNTING RECORDS WITHIN ~~FIVE~~ FIFTEEN CALENDAR DAYS UPON REQUEST TO THE DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS TO CONFIRM OR MAINTAIN ELIGIBILITY PURSUANT TO THE REQUIREMENTS OF THIS SECTION.

2. A LIVE MUSICAL ENTERTAINMENT USE PERMIT SHALL BE REQUIRED REGARDLESS OF THE FREQUENCY OF LIVE MUSICAL ENTERTAINMENT OR THE TOTAL NUMBER OF TIMES THAT LIVE MUSIC IS PROVIDED AS AN ACCESSORY USE TO A PRINCIPAL USE FOR A COMMERCIAL OR BUSINESS VENUE.

3. FOR ANY AND ALL EVENTS IN THE PUBLIC RIGHT OF WAY AN APPLICANT SHALL SUBMIT AN APPLICATION FOR A TEMPORARY USE PERMIT FOR EACH EVENT OR REOCCURRING SERIES OF LIKE EVENTS.

C. The Director may administratively approve the application and issue a one-year live musical entertainment use permit.

D. The Director may impose reasonable conditions as part of the approval and issuance of a live musical entertainment use permit to ensure the health, safety, and welfare of the patrons of the establishment and the general public.

E. All use permit holders shall ensure that the live musical entertainment complies with all laws, regulations, and requirements, including the applicable noise levels set forth in COMAR.

F. A live musical entertainment use permit shall not be transferred, conveyed, or sold to another person, business, or other corporate entity.

G. The decision of the Director in this section may be appealed only by the use permit applicant in accordance with Section 449.5.

H. THE DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS, MAY ADOPT REGULATIONS IN ACCORDANCE WITH ARTICLE 3, TITLE 7 OF THE BALTIMORE COUNTY CODE, TO CARRY OUT THE PROVISIONS OF THIS SECTION.

§ 449.3. Suspension or revocation of a live musical entertainment use permit.

A. The Director, in consultation with the Chief of Police, may suspend or revoke a live musical entertainment use permit when it is deemed in the interest of the public health, safety, and general welfare to do so including, but not limited to, the following circumstances:

1. Violations of any applicable Federal, State, or County law, regulation, or requirement by any use permit holder; and

2. The number and severity of calls for police service involving the establishment RELATED TO THE CREATION OF A PUBLIC NUISANCE, OR RISK TO PUBLIC HEALTH, SAFETY, OR GENERAL WELFARE.

B. The Director shall provide written notice of and the reasons for the suspension or revocation.

C. Upon a finding by a preponderance of the evidence of facts and circumstances that support the suspension or revocation, a live musical entertainment use permit may be suspended for a period not to exceed 90 calendar days or revoked indefinitely.

D. A use permit holder may appeal the suspension or revocation of the live musical entertainment use permit to the Director within ~~30~~ 15 calendar days of hand-delivery of the notice of suspension or revocation or the date of mailing of the notice, whichever occurs first. The Director will hold a hearing on the appeal within 30 days of the date the appeal is filed and the holder of the suspended or revoked live musical entertainment use permit will be provided notice of the hearing date and time.

E. The Director shall issue a written decision within ~~30 calendar~~ 15 BUSINESS days of the hearing date. As part of the decision, the Director may impose reasonable conditions, including previously imposed conditions or additional conditions, on a live musical entertainment use permit to ensure the health, safety, and welfare of the patrons of the establishment and the general public. The use permit holder shall comply with these conditions when the suspension period ends or the revocation is lifted.

F. 1. WHEN IT IS DETERMINED THAT THERE IS AN IMMEDIATE THREAT TO THE HEALTH, SAFETY, OR GENERAL WELFARE OF THE PATRONS OF THE ESTABLISHMENT OR THE GENERAL PUBLIC AND NOTWITHSTANDING THE SUSPENSION OR REVOCATION PROCEDURES OUTLINED IN SUBSECTIONS A THROUGH E OF THIS SECTION, THE ~~COUNTY, INCLUDING THE DIRECTOR, THE CHIEF OF POLICE, THE FIRE CHIEF, THE HEALTH OFFICER OR THEIR DESIGNEES~~ DIRECTOR OR THEIR DESIGNEE MAY ORDER A COMMERCIAL OR BUSINESS VENUE AT WHICH LIVE MUSICAL ENTERTAINMENT IS BEING PLAYED OR PERFORMED TO IMMEDIATELY ~~CLOSE, CEASE ALL OPERATIONS, AND DISPERSE ANYONE ON THE PREMISES WHEN IT IS DETERMINED THAT THERE IS AN IMMEDIATE THREAT TO THE HEALTH, SAFETY, AND GENERAL WELFARE OF THE PATRONS OF THE ESTABLISHMENT OR THE GENERAL PUBLIC. THE DIRECTOR MAY IMMEDIATELY SUSPEND OR REVOKE THE USE PERMIT AS A RESULT OF SUCH AN ORDER~~ CEASE ALL LIVE MUSICAL ENTERTAINMENT ON THE PREMISES UNTIL THE FOLLOWING BUSINESS DAY.

2. ~~THE ESTABLISHMENT MAY RESUME OPERATIONS WITH THEIR LIVE MUSICAL ENTERTAINMENT PERMIT WHEN THE DIRECTOR DETERMINES THAT THERE IS NO LONGER AN IMMEDIATE THREAT TO THE HEALTH, SAFETY, AND GENERAL WELFARE OF PATRONS AND THE GENERAL PUBLIC~~ THE DIRECTOR MAY IMMEDIATELY SUSPEND OR REVOKE THE USE PERMIT AS A RESULT OF SUCH AN ORDER ISSUED PURSUANT TO SECTION 449.3.F.1 IN ACCORDANCE WITH THE PROCEDURES OUTLINED IN SUBSECTIONS A THROUGH E OF THIS SECTION.

3. THE DECISION OF THE DIRECTOR TO ORDER IMMEDIATE SUSPENSION OR REVOCATION OF A LIVE MUSICAL ENTERTAINMENT USE PERMIT PURSUANT TO THIS SUBSECTION MAY BE APPEALED ONLY BY THE USE PERMIT APPLICANT IN ACCORDANCE WITH SECTION 449.5.

SECTION 2. AND BE IT FURTHER ENACTED, that the provisions and requirements of this Act shall not apply to a property in which live musical entertainment is permitted as a principal or accessory use under the Baltimore County Zoning Regulations, or in which the Zoning Commissioner/Office of Administrative Hearings has previously granted permission for a property to provide live musical entertainment as a principal or accessory use prior to the effective date of this Act; and this Act shall not apply to seasonal, outdoor events in which live musical entertainment is provided such as "Feet on the Street," "Music on Main Street," "Frederick Road Fridays," or similar events held by local non-profit ~~Chambers of Commerce~~ organizations such as Chambers of Commerce, State-designated Arts and Entertainment enterprise entities, Main Street Maryland Programs, including Main Street Maryland locations and entities associated with Main Street Maryland affiliates, and in which a gathering permit and other applicable permits are obtained including street festivals in Towson on Fridays.

SECTION 3. AND BE IT FURTHER ENACTED, that a business or other commercial property or establishment located within zones in which live musical entertainment is permitted under this Act shall be in compliance with the requirements of this Section within three (3) months of the effective date of this Act.

SECTION 4. AND BE IT FURTHER ENACTED, in the event the Director establishes a fee schedule pursuant to § 449.2(A)(4) of this Act, fees for live musical entertainment use permits may not be assessed before December 31, 2022.

SECTION 5. AND BE IT FURTHER ENACTED, that this Act, having been passed by the affirmative vote of five members of the County Council, shall take effect on May 2, 2021.

LEGISLATION DETAIL

LEGISLATION	BILL 18-21
DISPOSITION	PASSED AS AMENDED
ENACTED	04/26/21
EFFECTIVE	05/02/21
AMENDMENTS	YES (1)

ROLL CALL - LEGISLATION

MOTION JONES SECOND QUIRK

AYE	NAY	
✓		Councilman Quirk
	✓	Councilman Patoka
✓		Councilman Kach
✓		Councilman Jones
✓		Councilman Marks
✓		Councilwoman Bevins
	✓	Councilman Crandell

ROLL CALL - AMENDMENTS

MOTION BEVINS SECOND JONES

AYE	NAY	
✓		Councilman Quirk
✓		Councilman Patoka
✓		Councilman Kach
✓		Councilman Jones
✓		Councilman Marks
✓		Councilwoman Bevins
	✓	Councilman Crandell

ROLL CALL - AMENDMENTS

MOTION SECOND

AYE	NAY	
		Councilman Quirk
		Councilman Patoka
		Councilman Kach
		Councilman Jones
		Councilman Marks
		Councilwoman Bevins
		Councilman Crandell

ROLL CALL - AMENDMENTS

MOTION SECOND

AYE	NAY	
		Councilman Quirk
		Councilman Patoka
		Councilman Kach
		Councilman Jones
		Councilman Marks
		Councilwoman Bevins
		Councilman Crandell

WEST & WEST, LLC
409 Washington Avenue, Suite 1010
Baltimore, Maryland 21204

John H. West, III
James H. West

Telephone: 410-296-4655
Facsimile: 410-296-6654

December 7, 2018

VIA HAND-DELIVERY

RECEIVED
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OFFICE OF
ADMINISTRATIVE HEARINGS

Ms. Debra Wiley, Legal Administrative Secretary
Baltimore County Office of Administrative Hearings
105 West Chesapeake Avenue, Suite 103
Towson, Maryland 21204

Re: 19919 Cameron Mill Road
Case No. 2018-0324-XA

Dear Ms. Wiley:

I am enclosing a Post-Hearing Memorandum on behalf of Petitioner Fulks Farm LLC in the above-referenced case. In addition, I am enclosing a copy of the transcript of the first day of the hearing on September 17, 2018.

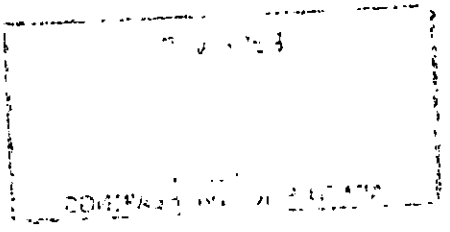
Thank you for your assistance. Please let me know if you have any questions regarding the foregoing.

Very truly yours,

James H. West

JHW/r
Enclosures

cc: Michael R. McCann, Esquire (via first class mail)



IN RE: PETITION FOR SPECIAL EXCEPTION AND VARIANCE (19919 Cameron Mill Road)	*	BEFORE THE
	*	OFFICE OF
7th Election District 3rd Councilmanic District	*	ADMINISTRATIVE HEARINGS
	*	FOR BALTIMORE COUNTY
Legal Owner: Fulks Farm LLC	*	Case No.: 2018-0324-XA
Petitioner	*	

* * * * * * * * * * * *

POST-HEARING MEMORANDUM

Petitioner Fulks Farm LLC, by its undersigned attorneys, hereby submits this Post-Hearing Memorandum.

INTRODUCTION

Through careful planning and targeted legislative initiatives, Baltimore County has expressed an unequivocal desire to support, protect, and promote agriculture over the past fifty years. Indeed, in its Master Plan 2020, the County made clear its goal to "protect agriculture and natural resources for future generations" and to "recognize and promote sustainable agriculture as a vital economic, commercial and industrial activity." (Pet. Ex. 10 at 165). The Master Plan further emphasizes that "[o]perations such as wineries . . . and direct market business operations are all part of the emerging agricultural economy" and that, to "[f]oster a sustainable agricultural industry," the County should "[a]ctively seek to solicit new agricultural operations." (*Id.* at 143-44). Consistent with the foregoing, the County Council adopted Bill No. 64-15 on September 8, 2015 to allow the permitting of farm breweries as an "agricultural-support" use in certain R.C. Zones of the County by special exception. (*See* Prot. Ex. 1 at 1). Bruce Doak, a land surveyor and farmer who was intimately involved in crafting and supporting the passage of Bill 64-15,

made clear in his testimony that farm breweries give "farmers another way to utilize their property and to make a go of it, of having a farm." (Tr. at 28).

Petitioner owns a 245-acre farm, consisting of fields, woods, and streams, in Parkton that is nearly all zoned R.C. 2. (*See* Pet. Exs. 3 and 4). Since purchasing the farm a decade ago, Petitioner has expended considerable resources cleaning out tractor-trailer loads of debris and trash on the farm, removing rundown buildings, cleaning the streams running through the farm, and implementing erosion control measures. (Tr. at 72). In addition to growing soybeans, corn, and alfalfa on the farm, Petitioner has also planted eight acres of hops, a labor-intensive crop that grows on a trellis system attached to poles that are nineteen to twenty feet tall. (Tr. at 76 and Pet. Exs. 7-8).[1] There are currently 400 such poles installed on Petitioner's farm to grow hops. (Tr. at 76).

Petitioner seeks to be a leading producer of hops in Maryland and to use the hops grown on its farm to produce beer that can be sold and distributed through a Class 8 farm brewery located in an existing barn on its property. (Tr. at 77, 106). Petitioner's proposed farm brewery will enable Petitioner to offset the substantial costs required to maintain the farm and its hops-production operation, ensuring the economic viability of the farm for agricultural use, just as the County Council envisioned at the time of the passage of Bill 64-15. (*See* Tr. at 78).

Koby Fulks, the manager of the farm, lives with his family two miles from the farm, and Kip Fulks, the owner of Fulks Farm, LLC, lives with his family across Cameron Mill Road near the southern end of the farm. (Tr. at 88, 92). Both Koby Fulks and Kip Fulks have children in nearby elementary schools and have deep ties to their community. (Tr. at 92). In addition to brewing and sales activities permitted by law, Koby Fulks also made clear that Petitioner seeks

[1] Petitioner maintains a thirty-foot buffer around each of the fields on its farm, planted in native grasses, to control run-off. In addition, Petitioner has retired one fifteen-acre field on the farm to allow for it to grow naturally.

to host events at its farm brewery that not only promote the brewery's beer and hops production but that are also family-friendly and take advantage of the farm's rural setting. (Tr. at 87-88). At all times, Petitioner will comply with the limits and restrictions imposed on farm breweries applicable under federal, state, and local law. (Tr. at 92).

LEGAL BACKGROUND

A. The Parameters of a Class 8 Farm Brewery License

Beginning in 2014, the Maryland General Assembly created a Class 8 farm brewery license to allow qualified farmers to "brew, bottle, or contract for" up to "15,000 barrels of beer each calendar year." Md. Code Ann., Alc. Bev. §§ 2-210(a) and 2-210(c)(3). Under Maryland law, the beer brewed under a Class 8 farm brewery license must "be manufactured with an ingredient from a Maryland agricultural product, including hops, grain, and fruit, produced on the licensed farm." Md. Code Ann., Alc. Bev. §§ 2-210(b)(2).

A Class 8 farm brewery license holder may sell and deliver beer manufactured on the licensed farm to "a wholesaler licensed to sell and deliver beer in the State" of Maryland or "a person in another state authorized to acquire beer." *Id.* § 2-210(b)(1). In addition, a Class 8 farm brewery may (a) sell beer produced by the license holder for on-site consumption in amounts not exceeding six ounces per brand from 10:00 a.m. to 6:00 p.m. or (b) provide samples of the license holder's beer and sell beer in sealable or resealable containers for consumption off-premises from 10:00 a.m. to 10:00 p.m. *Id.* §§ 2-210(c)(1) and 2-210(f). Finally, with a permit from the Comptroller of Maryland, a Class 8 license holder may hold "promotional events" to provide samples of the farm brewery's beer or sell the license holder's beer for on-premises consumption. Such promotional events are limited to twelve per year and cannot exceed three consecutive days, from 10:00 a.m. to 10:00 p.m. each day. *Id.* § 2-210(j).

B. Zoning Regulations Applicable to Farm Breweries

In the R.C. 2 zone, a Class 8 farm brewery, "including accessory retail and wholesale distribution of beer produced on the premises," is permitted as an "agricultural-support" use by special exception. BCZR § 1A01.2.C.30.j. "Temporary promotional events, such as beer tasting or public gatherings associated with the brewery," also are "permitted subject to approval by the Administrative Law Judge or Board of Appeals on appeal." *Id.*

C. The Standard for Special Exceptions

BCZR § 502.1 sets forth the specific factors to be considered in connection with a petition for a special exception:

> Before any special exception may be granted, it must appear that the use for which the special exception is requested will not:
>
> A. Be detrimental to the health, safety or general welfare of the locality involved;
>
> B. Tend to create congestion in roads, streets or alleys therein;
>
> C. Create a potential hazard from fire, panic or other danger;
>
> D. Tend to overcrowd land and cause undue concentration of population;
>
> E. Interfere with adequate provisions for schools, parks, water, sewerage, transportation or other public requirements, conveniences or improvements;
>
> F. Interfere with adequate light and air;
>
> G. Be inconsistent with the purposes of the property's zoning classification nor in any other way inconsistent with the spirit and intent of these Zoning Regulations;
>
> H. Be inconsistent with the impermeable surface and vegetative retention provisions of these Zoning Regulations; nor
>
> I. Be detrimental to the environmental and natural resources of the site and vicinity including forests, streams, wetlands, aquifers and floodplains in an R.C.2, R.C.4, R.C.5 or R.C.7 Zone.

BCZR § 502.1.

The Court of Appeals has long held that a use permitted by special exception is presumed to be in the interest of the general welfare, and therefore a special exception enjoys a presumption of validity. *See Schultz v. Pritts*, 291 Md. 1, 11 (1981). A special exception is properly denied only when there are facts and circumstances showing that the adverse impacts of the use at the particular location in question would be "above and beyond those inherently associated" with the special exception use. *Attar v. DMS Tollgate, LLC*, 451 Md. 272, 285-86 (2017).

ARGUMENT

A. Petitioner has Satisfied the Requirements for a Special Exception

Petitioner seeks to construct a farm brewery that includes a three-barrel brewing system and a tasting room inside an existing barn at the end of a 600-foot stone driveway off of Cameron Mill Road in Parkton. (Tr. at 24, 80-81, 83-84). The farm brewery is a critical component of Petitioner's plan to ensure the economic viability of its 245-acre farm and will allow for the production and sale of beer that is manufactured using hops grown on the farm. (Tr. at 77-78).

Bruce Doak, who was accepted as an expert in surveying, zoning in Baltimore County, zoning with respect to farm breweries, and farming (Tr. at 8-9), analyzed each of the factors set forth in BCZR § 502.1 and opined that Petitioner's farm brewery will not have an adverse impact on the surrounding neighborhood that is above and beyond the impact inherently associated with farm breweries. Mr. Doak specifically testified that the proposed farm brewery will not be detrimental to the health, safety, or general welfare of the locality involved in that: (a) the farm is large with ample space for parking to accommodate visiting members of the public (Tr. at 24);

(b) the barn in which the farm brewery is to be located is set back from Cameron Mill Road further than any other previously approved farm brewery in Baltimore County (Tr. at 24); (c) the farm brewery is situated on the farm in a location that requires the least amount of grading, preserves existing woodlands and streams, and allows for safe ingress and egress due to favorable sight lines on Cameron Mill Road from the driveway entrance (Tr. at 27); (d) the barn is located 400 feet from the nearest house, a substantial distance with a stand of mature trees and vegetation providing screening between the adjoining residential properties and the barn (Tr. at 24); (e) there will be a line of giant arborvitae trees planted along the northern property line of the farm which will provide additional screening of Petitioner's barn from the houses belonging to adjoining neighbors (Tr. at 26); (f) the septic field for the farm brewery is sited 50-75 feet below the elevation of the surrounding properties so that it will have no effect on any neighbors; (g) the well locations associated with the farm brewery exceed the distance required by law from the wells on adjoining properties (Tr. at 25); and (h) the farm brewery compliments and supports the agricultural activities on the farm as intended by the County Council when it enacted Bill No. 64-15 (Tr. at 27-28). In addition, Mr. Doak opined – without any refutation from Protestants – that Petitioner's proposed farm brewery would have no adverse impact under the factors identified in BCZR § 502.1.B through I. (Tr. at 28-30).

The Protestants presented witnesses who complained about the anticipated traffic on surrounding "country roads" caused by visitors to the farm brewery, the potential noise caused by the farm brewery's operations, and potential smells emanating from the farm brewery. While there may be some effect on the surrounding residential community as a result of the farm brewery due to traffic, noise, or smells, such effects are inherent with any farm brewery and do not constitute a basis for denying the special exception requested by Petitioner to operate a Class

8 brewery on its farm. The ALJ addressed nearly identical complaints in connection with the Petition for Special Exception to obtain approval for a farm brewery filed by Raymond V. & Sandra P. Frank in Case No. 2017-0327-X and held as follows: "The opponents are primarily concerned with noise, traffic, odors and a commercial operation in a rural, pastoral setting. While these are legitimate concerns, I believe they are inherent in the operation of a farm brewery. The obvious truth . . . is that a farm brewery will cause an increase in noise and traffic. But as recognized by Maryland's highest court, most if not all special exception uses have such adverse impacts." (Opinion and Order in Case No. 2017-0327-X at 3). *See also Montgomery County v. Butler*, 417 Md. 271, 297 (2010) ("Most [uses for which a special exception is required] are regarded as potentially troublesome because of noise, traffic, congestion, or other associated problems.").

B. <u>Petitioner has Satisfied the Requirements for a Variance</u>

Petitioner also seeks a variance (a) to permit a parking area with no screening or landscaping in lieu of the required screening and landscaping under BCZR § 409.8.A.1, (b) to permit a parking area to be surfaced with stone in lieu of the required durable and dustless surface under BCZR § 409.8.A.2, and (c) to permit a parking area that is not striped in lieu of the striping requirement under BCZR § 409.8.A.6.[2] Under Maryland law, a request for a variance involves a two-step process, as follows:

1. It must be shown that the property is unique in a manner which makes it unlike surrounding properties, and that uniqueness or peculiarity must necessitate variance relief; and

2. If variance relief is denied, Petitioner will experience a practical difficulty or hardship.

Cromwell v. Ward, 102 Md. App. 691, 694-95 (1995).

[2] Petitioner has withdrawn its request for a variance relating to the width of its driveway as the driveway leading to the barn in which the farm brewery will be located is twenty-feet wide in conformity with BCZR § 409.4.A.

Petitioner has met the foregoing test to obtain variance relief in this case. First, Petitioner's farm is unique in that it has an irregular shape and includes tillable fields, woods, and streams that make the property unlike the parcels surrounding the farm. Second, if the requirements of BCZR § 409.8.A were strictly interpreted, Petitioner would suffer a practical difficulty as its driveway and a large area of unimproved land to be used for parking would need to be paved. In addition, variance relief in this case would be consistent with the spirit and intent of the BCZR and without injury to the public health, safety, and general welfare, as evidenced by the lack of opposition to the variance relief by Protestants or Baltimore County and because the variance will preserve the rural character of Petitioner's farm.

CONCLUSION

Protestants' complaints about the traffic, noise, and smells relating to Petitioner's farm brewery are inherent in any farm brewery located in the R.C. 2 zone and fail to overcome the presumption of validity with regard to the proposed special exception use. The most vocal opposition from Protestants relates to the potential traffic on Cameron Mill Road that will result from the farm brewery. Contrary to Protestants' arguments, however, traffic on rural roads is a quintessentially inherent impact associated with farm breweries since much of the R.C. 2 zone in the County is only accessible on such "country roads." Moreover, the evidence presented at the hearing shows that Cameron Mill Road is a neatly paved roadway and supports a variety of traffic, including UPS trucks, landscaper trucks/trailers, septic trucks, propane delivery trucks, and cars coming and going from the surrounding residential communities.

In addition to satisfying the requirements for a special exception and a variance, Petitioner has acted in good faith to address the concerns expressed by neighbors of the farm and the Department of Planning Zoning Advisory Committee Comments (Pet. Ex. 6) by agreeing to

plant a line of 300 giant arborvitae trees along 1,500 feet of the northern boundary of the farm. These fast-growing evergreen trees will provide visual screening throughout the year and will act as a natural barrier, consistent with the rural landscape, between the farm brewery housed in Petitioner's barn and the residences abutting the farm (the closest of which is approximately 400 feet away from Petitioner's barn). (Tr. at 14, 91).[3]

Furthermore, Petitioner in this case is willing to accept a limit of six special brewery promotional events of no more than two consecutive days each (10:00 a.m. to 10:00 p.m. per day) in the first calendar year of the brewery's operation, rather than the twelve promotional events of three days each permitted under Section 2-210(j) of the Alcoholic Beverages Article of the Annotated Code of Maryland, to demonstrate that such events can be held in a manner that does not result in any violations of the Baltimore County Code or BCZR. Such an incremental approach will provide an opportunity for the community to address any concerns relating to the brewery's operations directly with Koby Fulks, who lists his telephone number and email address on the farm website and welcomes feedback (Tr. at 93), or, if warranted, file a complaint with the County.

[3] Petitioner would certainly agree to refrain from planting any trees in front of the house located at 20001 Cameron Mill Road as the owner, Joyce Sunderland, testified that she prefers to maintain her "million dollar" view of the farm. (Tr. at 173).

WHEREFORE, for all of the foregoing reasons, Petitioner Fulks Farm LLC respectfully requests that the ALJ grant its Petition for Special Exception and Variance.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 7th day of December, 2018, a copy of the foregoing Post-Hearing Memorandum was sent by first class mail to:

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James H. West

IN THE	*	OFFICE OF	
MATTER OF	*	ADMINISTRATIVE HEARINGS	
19919 CAMERON MILL ROAD	*	FOR BALTIMORE COUNTY	
	*	Case No.: 2018-0324-XA	

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TRANSCRIPT OF PROCEEDINGS:

September 17,

Judge John Beverungen, presiding

APPEARANCES OF COUNSEL:

James West, Esquire

Michael McCann, Esquire

Christine R. Leary, Transcriber

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(ON RECORD - 01:17:03 PM)

ALJ: All right. Good afternoon, again, folks. We're here today for a public hearing in a zoning case. This is case number 2018-324 and it's a Petition for Special Exception for property located at 19919 Cameron Mill Road. The owner looks like Fulks Farm LLC and the request is for approval for a, a farm brewery, I believe is how the zoning regulations refer to it. Okay. It's good to see you gentlemen. Why don't you enter your appearance and we'll find out what we're going to do.

MR. WEST: Yes, Your Honor. James West on behalf of the Petitioner, Fulks Farm LLC.

ALJ: Okay.

MR. MCCANN: Good afternoon, Judge. Michael McCann on behalf of the Cameron Mill Homeowners Association, the Cameron Run Homeowners Association, Laura Cellucci, C-E-L-L-U-C-C-I, and Jarrett Archer, A-R-C-H-E-R and some other individuals in the community, but those are my main clients.

ALJ: Okay. All right. So, the, the first question, I guess, I would have is how long do you think this, this will take?

MR. WEST: I believe the Petitioner's case will take about forty-five minutes to an hour.

ALJ: Okay.

MR. MCCANN: And we have several folks from the

community and we have one short expert. So, I think it's, as long as they're --

ALJ: We're going to finish?

MR. MCCANN: I, I would like to, yes.

ALJ: Okay.

MR. MCCANN: And anticipate doing so.

ALJ: Well, good. That's, that's, was my main question. Anything we need to do before we get into that?

MR. WEST: No.

ALJ: All right, okay. Then let's do that then. Okay. So, Mr. West, do you have, do you want to call a witness or do you want to do anything preliminarily?

MR. WEST: Yeah, just to, well, the only thing I want to do preliminarily, Judge, is, you know, we're obviously here for both a special exception (inaudible), I know that, that you have heard, this is (inaudible) third or fourth farm brewery case you've heard.

ALJ: At least, yeah, yeah. It's been at least that.

MR. WEST: So, obviously what's at issue here is, is a special exception primarily and that the standard is well known to you that it's a presumptively valid use in this, in this particular zone, it's an RC-2 zone and, you know, we believe that the evidence will show in this case that the Protestants will not be able to demonstrate that the use at this particular location for this type of use, a farm brewery,

will be adverse above and beyond what's inherent with regard to a farm brewery.

ALJ: Okay.

MR. WEST: That's the extent of my opening remark.

ALJ: Okay.

MR. WEST: And I'd like to start by calling Mr. Doak.

ALJ: Did you have anything?

MR. MCCANN: No.

MR. WEST: Oh, the one, I'm sorry, one other just preliminary thing, Your Honor, Your Honor, is that we had, in the Petition we had asked for a variance with regard to, to allow a two way access driveway, to have a width of ten feet in lieu of the required twenty feet per Section 409-4-A of the zoning regs. We're withdrawing that. The, the driveway is over twenty feet wide.

ALJ: Okay. I thought I saw a comment saying it was eighteen feet. The County Engineering Department of Development, Development Plans Review said plan shows an existing eighteen foot wide access driveway, that was dated June 21, did you see that comment?

MR. WEST: (inaudible).

VOICE: It's over twenty, it's over eighteen.

ALJ: Well, this says --

VOICE: On my plan, it scales eighteen.

ALJ: Okay. You're comfortable that it meets the

requirements?

VOICE: Yes, sir.

ALJ: Okay. So, you're going to strike that section of the variance. Mr. McCann, did you follow that?

MR. MCCANN: I did, thank you.

ALJ: Okay. All right. Well, then I'll make that notation.

MR. WEST: Thank you. We'll call Mr. Doak as our first witness.

ALJ: Okay. Mr. Doak, good morning, or afternoon, it is now. Raise your right hand, please. Do you swear or affirm under the penalties of perjury, that the testimony you will provide today will be the truth?

MR. DOAK: I do.

ALJ: Thank you. Take a seat. Tell us your name and business address.

MR. DOAK: My name is Bruce Doak. My address is 3801 Baker Schoolhouse Road, Freeland, Maryland 21053.

ALJ: All right.

MR. WEST: Thank you. Mr. Doak, what do you do for a living?

MR. DOAK: I am a land surveyor and a, a lands consultant.

MR. WEST: Okay and do you hold any licenses?

MR. DOAK: I do. I am a Maryland property line

surveyor number 530.

MR. WEST: How long have you been licensed as a property line surveyor?

MR. DOAK: This has been thirty years.

MR. WEST: And you have a company called Bruce Doak Consulting?

MR. DOAK: I do.

MR. WEST: And what does that company do?

MR. DOAK: We do all kinds of surveying (RECORDING PAUSES) processing through Baltimore County.

MR. WEST: Judge Beverungen, Mr. McCann has whispered the word proffer to me. I can move this along if I can --

ALJ: Okay. Yeah, we don't need to spend a long time with that.

MR. WEST: Yeah, I know you, right, I know you're well familiar with Mr. Doak from prior hearings.

ALJ: Yeah, Mr. Doak certainly does a lot of these hearings and I believe he's even appeared on behalf of Mr. McCann unless I'm mistaken so, yeah, he, he's a licensed surveyor, can express opinions in that area.

MR. WEST: Okay. And I guess my, if I can ask Mr. McCann a quick question here.

ALJ: Sure.

MR. WEST: I, I would, at this point, Your Honor, just to move things along, I would like to submit Mr. Doak as

an expert in the areas of surveying, zoning in Baltimore County, zoning with regard to farm breweries, specifically, permitting in Baltimore County and farming, he is a farmer as well.

ALJ: Yeah, you stipulate to those, Mr. McCann?

MR. MCCANN: I do, thank you.

ALJ: Okay. So, that's fine.

MR. WEST: All right. All right. Mr. Doak, we're here with regard to a Petition for a Special Exception Variances for a proposed farm brewery located at 19919 Cameron Mill Road, right?

MR. DOAK: That is correct.

MR. WEST: And are you familiar with that property?

MR. DOAK: I am.

MR. WEST: Okay. Let me show you Exhibit 1. Do you want, do you want the marked copy or should I give that to the witness?

ALJ: I'll take the marked copy.

MR. WEST: Okay. All right. I've been, I've handed you what's been marked as Exhibit, Petitioner's Exhibit 1, Mr. Doak. What is this document?

MR. DOAK: This is the title Deed from Cameron Mill Farm, LLC to Fulks Farm, LLC dated August 13th, 2008.

MR. WEST: Okay and this is for the property located at 19919 Cameron Mill Road, right?

MR. DOAK: Yes, sir.

MR. WEST: Okay and des, you're, you're familiar with this property?

MR. DOAK: Yes, sir, I am.

MR. WEST: Okay and describe generally where this property is located.

MR. DOAK: It's located in northern Baltimore County. It is on the east and west side of Cameron Mill Road, south of (inaudible) and the property is as shown on my plan, I'm outlining with my finger, is the dark line around which encompasses two hundred and forty-five acres. A portion of this, a large portion of it is wooded. Also, there is farm land, as well as open pastures and stuff, and, and hay fields over on the west side.

MR. WEST: Okay. Let me, I'm going to show you what's been marked as exhibit number two, just to provide some context for the Court. What is this document?

MR. DOAK: This is a, a map from My Neighborhood that shows Bal, most of Baltimore County. It shows the subject property in Parkton, just west of 83, that's what it shows.

MR. WEST: And that, I guess, amoeba shaped outlined to the left of 83, right above Parkton, that's, that's the property we're talking about?

MR. DOAK: That's correct.

MR. WEST: Okay. All right and when were you

retained by the Petitioner in this case in connection with your work on this matter?

MR. DOAK: I started working for the owner about two and a half years ago. We started with preliminary design and then we went on to pert testing and other things, but about two and a half years ago.

MR. WEST: Okay and in advance of this hearing, you, you did the posting of the property, is that correct?

MR. DOAK: I did. I've done the posting and the re-certification.

MR. WEST: Judge, do you have that in your file?

ALJ: Yeah, yeah.

MR. WEST: Okay. All right. Exhibit number three is the, is that, Exhibit 4, sorry, is your site plan, is that correct?

MR. DOAK: (inaudible).

MR. WEST: Oh, that's right. (inaudible).

MR. MCCANN: Thank you.

MR. WEST: Yeah, what is, what is exhibit number three?

MR. DOAK: Exhibit number three is taken from My Neighborhood. It is an aerial photograph. It shows the subject property, I would say outlined in red, but everything is outlined in red. But it's the large parcel of ground that is also reflected on my plan on the board. It shows that it is

zoned both RC-2, RC-4 and RC-5. But you'll see that a little over half of the property is in woods. There are fields and then also there are hayfields.

MR. WEST: Okay. Are there any improvements on this property?

MR. DOAK: Yes, sir, there is.

MR. WEST: Okay. What are, describe the improvements that are on the property.

MR. DOAK: There is a pavilion type structure close to where the, the old house used to be. Then, then there is a, a barn that was built on top of the hill earlier this year, late last year, early this year.

MR. WEST: And how about a driveway?

MR. DOAK: There's a driveway as well, yes, sir.

MR. WEST: Okay and are you, do you know how wide the driveway is?

MR. DOAK: Most of it is over twenty feet wide, yes.

MR. WEST: Okay. I want to ask you about Exhibit 4, which is up on the board. This is the site plan that you performed?

MR. DOAK: Yes, sir, it is.

MR. WEST: Okay. In connection, if you wouldn't mind just showing, showing us, pointing to, on the site plan where the, the barn is that you referred to? Judge, do you have a copy of this exhibit?

ALJ: Yeah, I'm going to mark the one in my file Exhibit 4.

MR. WEST: Okay, great.

ALJ: I have that.

MR. WEST: Mike, do you have a copy?

MR. MCCANN: I do, thank you.

MR. WEST: Okay. Where on the property is the barn located?

MR. DOAK: So, what I'm about to do is, I'm going to point with my finger to where the barn is in relationship to the overall property. What I might do, can I put an X on there?

MR. WEST: Yeah.

MR. DOAK: That might be helpful. So, approximately, the barn is where the red X is on the plan on the, you want to call this one Petitioner's four and --

ALJ: Yeah, that's fine. You can give me that now that you've marked on it.

MR. DOAK: On Petitioner's number four. That area is, also has a detail on it and I'm going to put the red X in the middle of the barn as well in the detail.

ALJ: How far is that property boundary, guestimate?

MR. DOAK: About a hundred feet.

MR. WEST: Okay and how far is the barn from the nearest residences?

MR. DOAK: So, we have a residence, we have those that are on Callie Court here and it's about four hundred feet there.

MR. WEST: Four hundred feet to the closest residence?

MR. DOAK: Yes, from the barn to the closest residence.

MR. WEST: Okay and you mentioned, did you mention that you had performed some perc testing?

MR. DOAK: I did.

MR. WEST: Okay.

MR. DOAK: Yes, sir. One of the first things we did for the potential development of the property was we performed perc tests in the area that I have here labeled on Petitioner's four as proposed twenty-one thousand eighty (inaudible) septic reserve area.

MR. WEST: Okay and where is the septic reserve area that you've outlined in relation to the property, the barn?

MR. DOAK: The barn? It's south, it is much lower in elevation and approximately a hundred and twenty feet or so south of the barn.

MR. WEST: And so, further away from the nearest residences?

MR. DOAK: Yes, sir.

MR. WEST: Okay. In addition to the barn and the

septic field, have you identified where potential well sites would be?

MR. DOAK: Yes, sir.

MR. WEST: Okay and where are those?

MR. DOAK: On the detail, Petitioner's four, there are two areas. One is labeled proposed thirty by fifty well area, that is approximately fifty feet off the property line. That has been approved by Baltimore County as well. And then to the west of that, also fifty feet off the property line, is proposed thirty by eighty geothermal well area and that was approved by Baltimore County as well.

MR. WEST: Okay. On your site plan, other than the, the barn, the septic area, the proposed location for the well and geothermal well, are there any other structures that you have on that site plan? Any other proposed structures?

MR. DOAK: There is, it's outlined but it's not labeled, there is a proposed barn here to be there some day for the production of the hops, the existing hops on there and for storage and maintenance of the farm.

MR. WEST: All right. I'm going to give you exhibit number five.

MR. MCCANN: Thank you.

MR. WEST: All right. You've been handed what's been marked as Petitioner's exhibit number five. Can you identify what this exhibit is, please?

MR. DOAK: It is a, a key sheet and then photographs that I took of the, the improvements and then of the farm itself.

MR. WEST: All right. When did you take the photographs that are part of exhibit number five?

MR. DOAK: About a month, month and a half ago.

MR. WEST: Okay and do these photographs fairly and accurately represent what, or depict what the, what the Fulks Farm looks like today?

MR. DOAK: Yes, sir.

MR. WEST: Okay. So, take us through these photographs and just describe for the Judge what these photographs show.

MR. DOAK: Now, on the photographs that I have, I don't see the numbers, or the letters on them.

MR. WEST: Okay. They're, they're in order.

MR. DOAK: Okay. So, yours may have --

ALJ: No, there's no letters, but I'm assuming they're in the order you want them.

MR. DOAK: Okay.

MR. WEST: Yeah.

MR. DOAK: So, we're, we're on Cameron Mill just south of the driveway leading to the barn and we are looking east towards the barn up on the hill.

MR. WEST: Okay. So, this is, this first photograph,

which we'll call A.

MR. DOAK: Yes.

MR. WEST: Is when you're coming into the driveway on Cameron Mill Road?

MR. DOAK: That's correct.

MR. WEST: From, you're coming from the south to the north and looking to the east, correct?

MR. DOAK: Yes, that's correct.

MR. WEST: Okay.

MR. DOAK: Photograph B is we're doing a, it's a hundred and eighty degrees from the last photograph and we are looking north west and it views the remainder of the, the subject property, which is on the west side. It's the pastures and, and that of the --

MR. WEST: So, so just to be clear. You're, when you're coming into the driveway, toward the barn, the first photograph is looking in toward the barn and the second photograph is looking across the street at this field across the street?

MR. DOAK: That's correct. That's correct.

MR. WEST: Okay.

MR. DOAK: That's B.

MR. WEST: Okay. Let's go to letter C.

MR. DOAK: C is, once again, standing in the same place, looking towards the very beginning of the driveway, also

looking at the, the, the house up on the hill, okay? So, we're looking almost due north with this photograph.

MR. WEST: Okay. So, you're looking north on Cameron Mill Road and, obviously, that shows the driveway, which leads back to the barn.

MR. DOAK: That's correct.

MR. WEST: Okay. All right. Let's go on to, to D.

MR. DOAK: A little repetitious of A, but, you know, this is looking up the driveway and you can see the width of it there and so we're about six hundred feet from there up to the barn.

MR. WEST: Okay. Let's go to E.

MR. DOAK: E is we are standing almost to our back to the, the barn and we are looking back in a north west direction back down the driveway towards Cameron Mill.

MR. WEST: Okay. So, so Judge, it would be just to orient the Court here, you're looking, standing at the barn looking back toward the driveway, is that correct?

MR. DOAK: That's correct.

MR. WEST: Okay.

MR. DOAK: F, we're standing and we're looking in a south east direction, approximately a hundred feet or so off of the barn and we're looking at the north west face of the, of the barn.

MR. WEST: Okay.

MR. DOAK: We're now looking at the, we're looking at the property line. We're standing at the parking area --

MR. WEST: And just, just to orient everybody, make sure we're on the same page, this is the photograph you're looking out of a span of trees, is that right?

MR. DOAK: Yes, sir.

MR. WEST: Okay.

MR. DOAK: We're looking in a north, northerly direction and we're looking at, towards the homes that are on Callie Court.

MR. WEST: Okay and your, you would be standing in this photograph G, you would be standing with your back to the, to the barn looking in a northern direction, correct?

MR. DOAK: That's correct.

MR. WEST: Okay. H?

MR. DOAK: H, I am standing and I'm facing, once again, in a north easterly direction. I'm looking at the southern face of the existing barn.

MR. WEST: Okay.

MR. DOAK: I, I am once again, I'm looking north westerly and I'm looking across the property, across Cameron Mill and looking at the property of ours on west side, on the western side of, so I'm standing up on top here and I'm looking this direction here. I'm showing (inaudible).

MR. WEST: So, you're looking out and these, the

telephone lines you can see are running along Cameron Mill Road, right?

MR. DOAK: Yes, and the purpose of that was to show that there's no, nothing adjoining, or nothing in any close proximity in that direction.

MR. WEST: Okay.

MR. DOAK: And the next couple photos will show it, that same thing, to the south. So, J, is looking in a southern direction and it looks down across the, the cornfield and then looks onto the other opposite hillside. It shows the, in about the middle of the page, it shows the pavilion that was built close to where the old house used to be.

MR. WEST: So, in this, in this photograph of the pavilion, you're, you're essentially looking almost due south.

MR. DOAK: That's correct, yes, sir.

MR. WEST: Okay.

(RECORDING PAUSES)

MR. DOAK: We are looking, I panned up a little bit. The pavilion that was in the last photograph is to the right, just off of the photograph and we're looking out across the, the farm and you can see that the closest houses to the south are not, they're probably over a mile away.

MR. WEST: Okay. I guess what this, what K shows as well, you've got a lot of, a predominant amount of the woodland on this tract --

MR. DOAK: That's right.

MR. WEST: -- as to the left, as you're looking south and the --

MR. DOAK: That's correct.

MR. WEST: -- tillable land is to the right.

MR. DOAK: That's right. L, is looking at the, would be the south east face of the building as it is now.

MR. WEST: That, that's the side of the barn that, that, essentially, where you'd be standing with your back to that, you know, where you took the previous two photographs, right?

MR. DOAK: That's correct. M, is almost standing with my back to the, to that side of the barn and looking across in an easterly direction, sort of a south easterly direction to one of the fields of hops that are planted.

MR. WEST: Okay and those poles are where the hops grow, is that right?

MR. DOAK: They are. There's two fields of these (RECORDING PAUSES). N, is looking at the, it would be the north easterly side of the barn. O, is looking in a, an almost easterly direction and you'll see, once again, that we're not able to see any adjoining homes or anything. Most of the property that you see, well, all the property that's cleared that you see is part of the subject property. P, is standing at one end of the, the barn inside and taking a photo and Q is

standing at the opposite end of the barn taking a photo.

MR. WEST: Okay. All right. Thank you, Mr. Doak.

MR. DOAK: You're welcome.

MR. WEST: Are you familiar with the legislation that authorizes farm breweries in Baltimore County?

MR. DOAK: Yes, I am.

MR. WEST: Okay. What, what is the zoning for this property again?

MR. DOAK: R, the majority --

MR. WEST: Where, where the farm brewery would be located.

MR. DOAK: RC-2.

MR. WEST: Okay and what is a class eight farm brewery?

MR. DOAK: It's, it's a brewery that allows wholesale and retail sales, also allows events and also is open to the public for, and has certain requirements to it but that's what it is.

MR. WEST: Okay. Are there any requirements with regard to the, the beer that's produced in a class eight brewery?

MR. DOAK: You mean, --

MR. WEST: With regard to products that are, that are grown or raised on the farm?

MR. DOAK: Yes. One of the conditions is that

(inaudible) with the Baltimore County zoning is that one or more of the ingredients are grown on the subject property where the farm brewery is located.

MR. WEST: Okay and do you know whether the farm, the Petitioner's farm in this case, produces any products that would be used in connection with the production of beer?

MR. DOAK: Yes, they, this one has the largest hop field of anywhere in this, in Baltimore County.

MR. WEST: Okay. Okay and to have a farm brewery, a class eight farm brewery, approved in Baltimore County, you need a special exception, right?

MR. DOAK: Yes, sir.

MR. WEST: Okay and are you familiar with the Baltimore County zoning regulations with regard to special exceptions?

MR. DOAK: Yes, sir.

MR. WEST: Okay and these provisions are found in Section 502.1 of those zoning regulations?

MR. DOAK: Yes, sir.

MR. WEST: All right. Let's go through the factors under Section 502.1. Mr. Doak, do you have an opinion as to whether the proposed farm brewery at 19919 Cameron Mill Road would be detrimental to the health, safety or general welfare of the locality involved?

MR. DOAK: I don't believe it would be.

MR. WEST: Okay and why do you say that?

MR. DOAK: This has, this is a very large farm. It's able to handle more people than we will be able, that will offer to come to events. Also, it is on a, a larger of the northern Baltimore County rural roads and also has good sight distance.

MR. WEST: Go ahead.

MR. DOAK: So, in turn, I don't see any reason it would be --

MR. WEST: What, what about with regard to the distance of the, the, the barn where the farm brewery would take place from the road? Does that impact your decision or your opinion?

MR. DOAK: Yes, sir. We're looking at six hundred feet. Other than one other that was approved, this is the largest, longest distance from road of any of them that's been approved so far.

MR. WEST: Okay and how about the, the proximity to nearby houses? How does that factor into your opinion, if, if at all?

MR. DOAK: Not only do we have a large distance between them, that distance, that is screened heavily between them so in most of the year, you can barely see through the screening. So, I think it is a, a factor.

MR. WEST: Okay. All right. Do you have an opinion

as to whether the proposed septic field that, that you've identified on your site plan, would have any effect on nearby properties?

MR. DOAK: No, sir, it's so far away and, and regards to the topography, it's probably fifty to seventy-five feet lower in elevation than anybody else's around.

MR. WEST: Okay. How about the proposed well sites?

MR. DOAK: It, once again is, is, it meets, it exceeds the distance between wells, the adjoining wells.

MR. MCCANN: Thank you.

MR. WEST: All right. I'm going to hand you what's been marked as Petitioner's exhibit number six. Do you recognize this document?

MR. DOAK: Yes, sir, I do.

MR. WEST: And what is this?

MR. DOAK: It is the Zoning Advisory Committee comments, review comments, from the Office of Planning.

MR. WEST: Okay. Did a member of the Department of Planning visit the Fulks Farm site?

MR. DOAK: Yes, they did.

MR. WEST: Okay. Do you know when that was?

MR. DOAK: I don't remember the exact date. It was Joe Wiley and I was there with him.

MR. WEST: Okay. If you look at the second paragraph.

MR. DOAK: Oh, so it would have been June 19th, 2018.

MR. WEST: Okay and you said you were there when Mr. Wiley visited the site?

MR. DOAK: I was.

MR. WEST: Okay. Did the Department of Planning object to this project?

MR. DOAK: No, sir, they did not.

MR. WEST: Okay. Did the Department of Planning have any recommendations relating to this project?

MR. DOAK: They did. They recommended that vegetative screening be proposed to be planted between the parking and the barn and between the adjoining houses.

MR. WEST: Okay. Has the Petitioner responded to this recommendation?

MR. DOAK: Yes, sir, he did.

MR. WEST: Okay and how so?

MR. DOAK: He has promised to put in screening, plant trees between the parking, the barn and the adjoining properties.

MR. WEST: Okay. Do you know what kind of trees?

MR. DOAK: Yes, arbor body.

MR. WEST: Okay and do arbor body trees, in your opinion, make good screen vegetation?

MR. DOAK: They do.

MR. WEST: Okay. All right. Mr. Doak, in your

opinion, does the locations of, let me back up one second. The, the farm brewery will be housed in the, in the barn that we had, we saw photographs of, that you took, right?

MR. DOAK: That's correct.

MR. WEST: Okay. In your opinion, does the location of the farm brewery in that barn make sense?

MR. DOAK: It does.

MR. WEST: Okay and why is that?

MR. DOAK: We, we looked at a different, number of different sites. This was the site that had the least amount of grading. Also, would provide with safer access in and out because of the site lines and, on the road, and also allowed for less grade for steepness of the driveway and the parking.

MR. WEST: Okay and, and the barn and the driveway are already in place, right?

MR. DOAK: They are.

MR. WEST: Wouldn't have to do new construction?

MR. DOAK: No, sir.

MR. WEST: How does the farm brewery, the proposed farm brewery, compliment what's going on at the farm, if at all?

MR. DOAK: Well, when another person that has a farm brewery came to me two years ago, or two years ago, and asked me if they could put in a farm brewery, at that time, Baltimore County did not have any regulations that allowed them. So,

what we did was, we started talking to farmers, the Ag Board and those and asked their opinion on having farm breweries in this County and they felt that it was a good augmentation of, of having another way to keep farms alive. Same as with the wineries. So, it was with that endorsement that I went to the councilmen, came up with the, the (inaudible) and had him introduce it and it was passed. So, how it, it gives farmers another way to utilize their property and to make a go of, of having a farm.

MR. WEST: Do you have an opinion with regard to, or do you have any concerns with regard to the health, safety or general welfare in connection with this project?

MR. DOAK: No, sir.

MR. WEST: Okay. Do you have an opinion as to whether this proposed farm brewery would create a hazard from fire, panic or other danger?

MR. DOAK: No, sir, it would not.

MR. WEST: Okay. Do you have an opinion as to whether this proposed farm brewery would tend to overcrowd the land or cause undue concentration of population?

MR. DOAK: It would not. This farm is two hundred and forty-five acres. The area that's clear there as, and you can see from Petitioner's exhibit number three, the, the area that's clear there is probably at least (inaudible) acres, that's not counting across the road, that we would ever need

that for this, but, so no, sir.

MR. WEST: Do you have an opinion as to whether this proposed farm brewery would tend to create congestion on the roads, streets or alleys?

MR. DOAK: No, sir, it would not.

MR. WEST: Okay. Do you have an opinion as to whether this proposed farm brewery would interfere with adequate provisions for schools, parks, water, sewer, transportation or other public requirements, conveniences or improvements?

MR. DOAK: No, sir, it would not.

MR. WEST: Okay. How about interference with adequate light and air?

MR. DOAK: No, sir, it would not.

MR. WEST: Do you have an opinion as to whether this proposed project would be inconsistent with the purposes of the property's zoning classification or be in any other way inconsistent with the spirit and intent of the Baltimore County zoning regulations?

MR. DOAK: No, sir. This is an RC-2, an Ag, or Ag zone and that's what this was classified and will be is a, an Ag use.

MR. WEST: Do you have an opinion whether this proposed farm brewery would be inconsistent with the impervious surface and vegetative retention provisions of the Baltimore

County zoning regulations?

MR. DOAK: No, sir, that's one of the reasons we went ahead and asked for a stone driveway versus paved. Same with the parking. No, it would not.

MR. WEST: Do you have an opinion as to whether this proposed farm brewery would be detrimental to the environmental and natural resources of the site of the vicinity, including forest, streams, wetlands, aquafers and flood plains in the RC-2 zone?

MR. DOAK: None of those will be impacted. As a matter of fact, when we got the permit to grade and build, we went to (inaudible) conservation district and they deemed this an Ag use, so in turn, we were able to get an Ag grading plan and Ag permits for all that we did there.

MR. WEST: Okay. Do you have an opinion as to whether a class A farm brewery at this particular location would have an adverse effect above and beyond those inherently associated with farm breweries in the RC-2 zone?

MR. DOAK: I've done others in the RC-2 zone in front of Mr. Beverungen and out of all of those that we've done, this would be the least impact to anybody, anything, because of the size, because the distance off the road, distance to adjoining properties, so no, I, I don't think so.

MR. WEST: Okay. All right. In this case, (inaudible) variance request, or several variance requests,

correct?

MR. DOAK: Yes, sir.

MR. WEST: All right. With regard to the variance requests, tell me why the variances are being requested. The first one is to permit a parking area to be serviced with stone in lieu of the required durable and dustless service.

MR. DOAK: In the eyes of the County, this is still commercial, it's Ag commercial, but it's still commercial. So, in turn, there are certain requirements that the County requires when it comes to parking, driveways and those. We feel that because of the, how, where it is, the distance of it and that we felt that we should not, that we should ask for these variances.

MR. WEST: Okay. So, there's the variance request in connection with having a stone surface in, in lieu of a durable dustless surface, right?

MR. DOAK: Yes, so, we've asked for that to allow runoff and what they're asking, durable dustless in the eyes of the County is all paved. So, it would create more runoff in storm water management issues, management issues than it would if we left it as stone.

MR. WEST: Okay. Do you have an opinion as to whether a stone driveway is more in character with the rural surroundings?

MR. DOAK: Well, there's others on this farm, other

stone roads on this farm. There's nothing else paved on this farm. And many of the, the farms around this area have stone driveways versus paved driveways.

MR. WEST: All right. There's also a request for a variance to permit a parking area and to be striped, in lieu of the striping requirement under Section 409-A, 8-A-6.

MR. DOAK: Right, if we don't pave it, then we'd be striping a stone driveway and it's not needed, the driveway, or the parking area is plenty adequate for what we're proposing.

MR. WEST: Okay and there's also a variance request in connection to permit a parking area with no screening or landscaping in lieu of the required screening and landscaping under Section 409-8-A-1.

MR. DOAK: And normally, that would be small waist high shrubs around the parking area, that would be in more of an urban area that this would be. That would be inadequate for this. We're proposing to do more extensive screening than what is being proposed, what would be required.

MR. WEST: And you're referring to the (inaudible) trees?

MR. DOAK: I am.

MR. WEST: Okay. All right. I don't have any further questions.

ALJ: Okay. Mr. McCann?

MR. MCCANN: Thank you, Judge. Good afternoon, Mr.

Doak.

MR. DOAK: Hello, sir.

MR. MCCANN: Excuse me. You indicated that you were retained by the property owner about two and a half years ago, correct?

MR. DOAK: Yes, sir.

MR. MCCANN: And at that time, was there or was there not the bill passed allowing breweries on farms?

MR. DOAK: It had not been passed yet, it was in the, in the works.

MR. MCCANN: Okay and you mentioned that you've had some perc tests performed, correct?

MR. DOAK: I did, yes, sir.

MR. MCCANN: When, when were those done?

MR. DOAK: Those were done approximately a year and a half ago, something like that, a year and three-quarters ago.

MR. MCCANN: Okay and what about the wells? When was any well --

MR. DOAK: We have not, we have not drilled any well. We got the areas approved earlier this year.

MR. MCCANN: I was going to ask you that. Rather than drilling the wells, you've obtained approval from the County for the location of the wells, correct?

MR. DOAK: That's correct.

MR. MCCANN: And when did you obtain that approval?

MR. DOAK: The spring of this year.

MR. MCCANN: Okay. Any other approvals sought from Baltimore County other than the perc test, the well location prior to or after the filing of this Petition for which we're here today?

MR. DOAK: Well, there was a building permit for the barn.

MR. MCCANN: Okay and when was that applied for?

MR. DOAK: It was, I don't exactly remember.

MR. MCCANN: Okay.

MR. DOAK: And then we got approval from the Baltimore County Soil Conservation District to do all the grading out there on the site, and that was last year some time.

MR. MCCANN: Okay. You don't know when the building permit was applied for or obtained?

MR. DOAK: No, sir, I don't remember exactly.

MR. MCCANN: And when you say building permit, you mean the building permit for the barn that's there now?

MR. DOAK: That's correct.

MR. MCCANN: Have you applied for or obtained approval for the building of the other barn that apparently isn't labeled on your plan but that's being proposed?

MR. DOAK: No, sir.

MR. MCCANN: Okay and am I correct that this

structure that's on site right now was moved here, or at least the interior of it, was moved here from elsewhere?

MR. DOAK: That's correct.

MR. MCCANN: From Indiana, in fact, correct?

MR. DOAK: That's correct.

MR. MCCANN: And do you know enough about that to tell us what exactly was moved, as opposed to what was constructed after it was moved?

MR. DOAK: I, I believe that the, that the skeleton, we'll say, was moved and the exterior is new, new fabrication.

MR. MCCANN: Okay and when was the, the skeleton moved to this location, approximately?

MR. DOAK: I, I can't tell you exactly. I don't know whether it was moved and stored here or whether it was moved directly to here and started with, I don't know.

MR. MCCANN: I thought you said about a year ago, that's --

MR. DOAK: No, that's when I said roughly the, you would have to ask me what the question was, I don't know.

MR. MCCANN: When approximately was the skeleton of the barn moved to this location?

MR. DOAK: I don't know.

MR. MCCANN: When approximately was the skeleton of the barn constructed?

MR. DOAK: It was the end of last year, first of this

year.

MR. MCCANN: Okay and then how about the exterior that you spoke of, when was --

MR. DOAK: It was, once it was done, then they started right on the exterior.

MR. MCCANN: Okay. Is it fair to say that when this structure, when its skeleton was moved there, and when the exterior was subsequently added on, when that was done, it was, it was done with the purpose of making this building a brewery, is that a fair statement?

MR. DOAK: That was a consideration, but it all, wasn't the only reason, there's, it's an alternative if we don't get approval here today.

MR. MCCANN: No, I understand that. You were hoping --

MR. DOAK: Right.

MR. MCCANN: -- you were hoping to get approval, right?

MR. DOAK: Yes, sir.

MR. MCCANN: You recommended to your client that they file a Petition for Special Exception to obtain that approval, correct?

MR. DOAK: I did.

MR. MCCANN: So, again, when this building was moved to this location, it was the intent, it's okay, it was the

intent that the, the building would be used as a brewery?

MR. DOAK: Yes.

MR. MCCANN: Okay and at the time it was moved and fully constructed, and even at the time of the perc testing and the approval of the well location, you had yet to obtain any special exception approval.

MR. DOAK: That's correct.

MR. MCCANN: But with respect to those perc tests and with respect to the well location approval, is it also fair that those two requests of Baltimore County, or aspects of the plan, were also undertaken with the intention that those perc areas and well locations would be used in connection with a brewery?

MR. DOAK: Yes, sir.

MR. MCCANN: Okay. The photographs which have been marked as Petitioner's Exhibit --

VOICE: Five.

MR. MCCANN: -- 5, thank you. Do you have those in front of you, Mr. Doak?

MR. DOAK: I do.

MR. MCCANN: Turn if you would to the photographs in Exhibit 5 at H, well, at H first, so 5-H. And then let me know when you're there.

MR. DOAK: I'm there.

MR. MCCANN: So, you see those large windows there?

MR. DOAK: Yes, sir.

MR. MCCANN: Any idea what size those windows are?

MR. DOAK: No, sir.

MR. MCCANN: Okay. So, that, when you say the exterior of the barn was constructed after the skeleton had been moved, did you include in that answer, were you including the windows as well?

MR. DOAK: Yes, sir.

MR. MCCANN: In other, in other words, those windows were built along with the exterior of the, of the barn, obviously?

MR. DOAK: Yes, sir.

MR. MCCANN: Okay and those windows were put there with a, facing in a southerly direction with the purpose of this structure acting or hoping to be approved as a brewery, correct?

MR. DOAK: Yes, sir.

MR. MCCANN: You have barns on your farm, right, Mr. Doak?

MR. DOAK: I do.

MR. MCCANN: Do you have, do your barns have windows of that size on them?

MR. DOAK: They do not.

MR. MCCANN: The next photograph, which is at, I'm sorry, not the next one, but the one that is at 5-L, the

windows that are shown in the far corner, down there on the left side of the photograph, those are facing, unlike the other ones we looked at which were in a southerly direction, these are sort of in an easterly direction?

MR. DOAK: Yes, sir.

MR. MCCANN: And next to those two large windows, what is that to the right? Is that an open area of some sort?

MR. DOAK: It is a barn door.

MR. MCCANN: Okay and were those windows on this easterly side of the structure installed also in contemplation of this structure being used as a brewery?

MR. DOAK: Yes, sir.

MR. MCCANN: Okay. Can you think of any working barn in the area of this property that has windows of this size?

MR. DOAK: Yes, sir.

MR. MCCANN: Where is that?

MR. DOAK: I'm working on one right now that they're putting in windows of this size. They're using it both for a barn and a studio and it is on, it's on, (inaudible) senior moment. I can't, I can't think of it, but I have one right now, yes, sir.

MR. MCCANN: Okay. But you said --

MR. DOAK: When, especially when, when something is used dual use, a lot of times we put --

MR. MCCANN: Okay.

MR. DOAK: -- in windows into the, the structure.

MR. MCCANN: But this structure in this case is not being used as a studio, correct?

MR. DOAK: No, sir.

MR. MCCANN: My question was working barns. That is, what we all know as barns on farms. Barns that you ride a tractor in and out of, barns that store other farm equipment, bars, barns that store agricultural products, a working barn of that nature. Any barn that you're aware of in this area that has windows of this size on two sides like this structure we're talking about today, that you're aware?

MR. DOAK: For agricultural use? None that I know of.

MR. MCCANN: Okay. In fact, for, for a working barn, as I put it, that is a barn used for farm equipment, a barn used for storage of agricultural products, it wouldn't make sense, much sense to put big windows, high or low, on a barn of that nature, would it?

MR. DOAK: I do, I do know where there's a couple that I know of them that have windows larger, not at this large, but in the maintenance area of that barn.

MR. MCCANN: Okay. But again, this structure was never built for the purpose of making it a working barn as I've described it, correct?

MR. DOAK: No, sir.

MR. MCCANN: You talked about why this location was chosen for this structure and you mentioned a couple things. You mentioned this would, it would involve the least amount of grading, right?

MR. DOAK: Yes.

MR. MCCANN: You, you also stated that this location was chosen because it would have safer access because of sight distance line?

MR. DOAK: Sight, sight lines, yes, sir.

MR. MCCANN: Are, are you talking about the grade of Cameron Mill Road?

MR. DOAK: Not the grade, but the ability to see in both directions when pulling out of the driveway.

MR. MCCANN: Okay. Well, there are other places on this property where this barn could have constructed, could have been constructed, correct?

MR. DOAK: Yes, sir.

MR. MCCANN: For instance, let me just refer you to, I think it's Petitioner's Exhibit 4. I'm trying to stay away from the topographically challenged areas, but there's a flat area, I'm pointing to it right now, and, on Petitioner's Exhibit 4 in this, in this area, the barn could have been constructed there, correct?

MR. DOAK: How do you access that?

MR. MCCANN: Well, you'd have to put a drive, you'd

have to put a driveway in just like you did --

MR. DOAK: We'd never get approval from Baltimore County. We'd be crossing streams, wetlands and the topography wouldn't allow it.

MR. MCCANN: Well, one at a time.

MR. DOAK: Okay.

MR. MCCANN: You could certainly construct an acc road, a dirt road or a stone road that accessed the same point as currently exists and you could get, without crossing any streams.

MR. DOAK: Yes.

MR. MCCANN: And you could reach this area that I'm talking about, this flat area on Petitioner's Exhibit 4, above (inaudible)?

MR. DOAK: And the disturbance of forest would be detrimental to the project because we'd have to, if you notice on Petitioner's three, most of that is wooded. And then also the steep --

MR. MCCANN: Most of it's wooded, not all of it, right?

MR. DOAK: No, not all of the area is wooded (inaudible) and then also, if you look at how close those topography lines, contour lines, are, much of that is steeper than Baltimore County would allow.

MR. MCCANN: Much of it is, but not all of it?

MR. DOAK: That's true.

MR. MCCANN: You could make it work and avoid a lot of impact to trees and avoid a lot of, a lot of topographical problems in terms of steep slopes, you could make a driveway work, could you not?

MR. DOAK: I couldn't stand here and, or sit here and say that I could for sure.

MR. MCCANN: You could look into it, right?

MR. DOAK: I could look into it.

MR. MCCANN: Okay. What about over in this, the Petitioner also owns this property on the other side of Cameron Mill, correct?

MR. DOAK: They do.

MR. MCCANN: And there's a flat area over there, correct?

MR. DOAK: It is.

MR. MCCANN: Okay. Sorry, Your Honor.

ALJ: Sure.

MR. MCCANN: I'm having difficulty, Mr. Doak, understanding where exactly is the, what I'll call the special exception area for this Petition. In other words, on the site plan there's no, there is a square box on the, on the plan.

MR. DOAK: Let me make it easier for you.

MR. MCCANN: Yeah.

MR. DOAK: It's the entire property.

MR. MCCANN: Okay.

MR. DOAK: If you look at the zoning description that I submitted along with the Petition, it was for the entire two hundred forty-five acres.

MR. MCCANN: Okay. So, this detail, in other words, that's on Petitioner's Exhibit 4, is not a delineation of the special exception area?

MR. DOAK: That's correct.

MR. MCCANN: This is just a, a detail area?

MR. DOAK: It's a detail.

MR. MCCANN: Okay. So, this entire property, that is, both parcels, one on the east, on the west side --

MR. DOAK: It's all the same parcel.

MR. MCCANN: Oh, it is?

MR. DOAK: Yes, it is.

MR. MCCANN: Okay. This entire parcel, all two hundred and fifty acres or so.

MR. DOAK: Two forty-five.

MR. MCCANN: Two forty-five. May potentially be used or, or will be used in connection with the special exception proceeding, correct?

MR. DOAK: No, sir.

MR. MCCANN: Well, what area will be used, that's what I'm, that's my question.

MR. DOAK: Can be used or will be used?

MR. MCCANN: Will be used.

MR. DOAK: We're talking, we're not sure exactly what will be used in the way of the events. Like with many of the other, with all the other farm breweries we've come in here for, --

MR. MCCANN: I'm just asking you about this one, Mr. Doak. I'm sorry to interrupt.

MR. DOAK: Okay.

MR. MCCANN: You just have to speak about this one.

MR. DOAK: Well, we're showing the barn, we're showing parking. We know that it's going to be utilized. The area around the barn will be utilized and then there may be times that events go down to the pavilion, that hasn't been determined yet. But can be used will be the entire two hundred forty-five acres.

MR. MCCANN: Okay. Do you know how many people the barn holds?

MR. DOAK: No, sir.

MR. MCCANN: Approximately?

MR. DOAK: No, sir.

MR. MCCANN: Do you know how many people the, the pavilion that you spoke about holds?

MR. DOAK: No, sir.

MR. MCCANN: Okay. As you said, in, in applying the (inaudible) factors, specifically factor A that this is a large

farm, it can accommodate more people than will come to the events, those were your exact words, I wrote them down.

MR. DOAK: Yes, sir.

MR. MCCANN: But sitting here today, you can't tell us how many people are going to come to these events?

MR. DOAK: No, sir.

MR. MCCANN: Okay. But the whole, the whole property could be used for the events, as far as you're concerned?

MR. DOAK: It's all under the special exception request.

MR. MCCANN: Okay. The Petition which we've spoken about, in addition to the variance relief, addition to the relief seeking special exception for a class A brewery, you didn't mention that part of the Petition that seeks approval for a class seven brewery. Am I, am I correct that that's part of this Petition?

MR. DOAK: It is.

MR. MCCANN: And a class seven brewery, I guess in broad strokes, is a brewery associated with the restaurant?

MR. DOAK: That means that it can be sold to a restaurant.

MR. MCCANN: It also means that a restaurant could be on the premises?

MR. DOAK: That does mean that.

MR. MCCANN: Is it, are you, are you able to say one

way or another whether or not this property will be used as a restaurant?

MR. DOAK: I've never heard that being proposed yet.

MR. MCCANN: So, you don't know?

MR. DOAK: If that's what that means, yes.

MR. MCCANN: Okay and you mentioned the other barn, second barn that would be constructed. Would you agree with me that that barn is not labeled on Petitioner's Exhibit 4?

MR. DOAK: It is not.

MR. MCCANN: Okay. There's just a rectangle there?

MR. DOAK: There is.

MR. MCCANN: And we're left to guess what that is, but now we know, it's a second barn?

MR. DOAK: That's correct.

MR. MCCANN: Okay. How big will that barn be?

MR. DOAK: It's not decided.

MR. MCCANN: We don't know how big it will be?

MR. DOAK: It's proportionately what the size is shown there, but it, we haven't applied for any permits or done any further planning for it.

MR. MCCANN: So, we also don't know, know sitting here today how many people could be accommodated in that barn?

MR. DOAK: That barn is not for that kind of use. That barn is for the hops production, as well as the farm office, storage and maintenance of the farm.

MR. MCCANN: Okay. You certain about that?

MR. DOAK: That's what I've been told.

MR. MCCANN: The owner told you that?

MR. DOAK: Yes, sir.

MR. MCCANN: So, I'm sorry, one more time. The second barn will be used for?

MR. DOAK: Farm office.

MR. MCCANN: Right.

MR. DOAK: Storage of equipment, production of the hops and maintenance of any equipment.

MR. MCCANN: Okay. When you say production of the hops, do you mean the actual, what we all envision as big brewery tanks?

MR. DOAK: No.

MR. MCCANN: No?

MR. DOAK: No.

MR. MCCANN: Those will be in the building that's there now?

MR. DOAK: That's correct.

MR. MCCANN: And what, other than those tanks, for lack of a better word, that will be in the existing building, number one, do you know how many, do you know how many of the, of those there will be?

MR. DOAK: I do not.

MR. MCCANN: So, do you know how much of that space,

that is, the existing barn, how much of that space will be used for tank storage as opposed to allowing the tasting events and all the other activities that will --

MR. DOAK: No, sir, I do not know.

MR. MCCANN: Do not know?

MR. DOAK: No.

MR. MCCANN: But are you certain that the second barn will not be used for any tasting events or activities related to the brewery itself?

MR. DOAK: I've been told that more than once.

MR. MCCANN: Okay. By the owner?

MR. DOAK: By the owner, and his representative.

MR. MCCANN: Okay. Are there any other buildings proposed other than the two we now know about in connection with this proposed brewery?

MR. DOAK: Not as of this time.

MR. MCCANN: And as of today, just to make it clear, the Petitioner is seeking approval at, for a class seven brewery?

MR. DOAK: It is.

MR. MCCANN: Okay. Okay. Your Honor, I'd like to mark, if I could, Protestant's Exhibit 1, this is a copy of the bill.

ALJ: Okay.

MR. MCCANN: That we've been speaking about, which is

6415, and a copy for Your Honor.

ALJ: I'll mark it as Protestant's one.

MR. MCCANN: Okay and I'll hand the witness a copy, if that's all right?

ALJ: Yes.

MR. MCCANN: Do you recognize this document as Bill 6415, the brewery bill?

MR. DOAK: I do.

MR. MCCANN: I just want to go through, Mr. Doak, the requirements or the provisions of this bill so that we're on the same page about what can and cannot be allowed on a farm brewery in your opinion. So, for instance, if you go, turn to page two, there's a definition of brewery there, correct? Do you see that?

MR. DOAK: Yes, sir.

MR. MCCANN: All right and I'm paraphrasing, basically, an establishment with a class seven or eight license?

MR. DOAK: That's correct.

MR. MCCANN: Okay. Would you agree with me that that's a, by the way, that's an odd way to define a use, that is, rather than saying what sort of activities are allowed, this is a, it, we're defining a brewery as a place where, which has a license? Are you aware of anywhere else in the zoning regulations that has that type of --

MR. DOAK: These aren't zoning regulations, this is a bill.

MR. MCCANN: Well, this is an, this is an amendment to the zoning regulations, correct?

MR. DOAK: It ultimately ended up there, yes.

MR. MCCANN: Yeah, okay. And is it, am I not correct that Section 101.1 of the zoning regulations now provides for this definition of a brewery?

MR. DOAK: Correct.

MR. MCCANN: And again, the question is, are you aware of anywhere else in the zoning regulations that has a definition of a use quite like this, that is, it doesn't describe the activities, but just describes a license that the, that the establishment must have?

MR. WEST: Your Honor, I, I guess I'll just object to the extent I'm not sure why this is relevant.

MR. MCCANN: That's all right. I'll move on, Your Honor. I'll move on.

ALJ: Okay.

MR. MCCANN: That's fine. And the reason I ask that is because I take it you're familiar with what a class seven or a class eight license is, Mr. Doak?

MR. DOAK: Generally.

MR. MCCANN: Okay and it, that's provided for in State law, correct?

MR. DOAK: That is.

MR. MCCANN: So, would you agree with me that anything that a holder of a State class seven or class eight license, anything that that allows by virtue of this definition that we just read, is allowed in Baltimore County on a farm brewery?

MR. DOAK: I would agree with that.

MR. MCCANN: Okay.

MR. DOAK: That was the intent.

MR. MCCANN: What?

MR. DOAK: That was the intent of this.

MR. MCCANN: Okay. Okay and then below the definition, there's a definition of class eight brewery and real quick, I think counsel has already been through a couple of these things, just to check off the requirements or standards, number one, it's got to be on a minimum of ten acres, correct?

MR. DOAK: Yes.

MR. MCCANN: It's got to sell, it's, it's able to sell and deliver malt beverage manufactured on site, correct?

MR. DOAK: Yes.

MR. MCCANN: Third, it's got to be, got to have an agreement, an ingredient from an agricultural product grown on the site, right?

MR. DOAK: Yes.

MR. MCCANN: And then lastly, no more than fifteen thousand barrels per year.

MR. DOAK: That's correct.

MR. MCCANN: Okay. So, we know those apply. You didn't address, let me just go a little farther down in, in the bill, Section 1-A-0-1.2. Would you agree with me that the Judge needs to, is required to, find (RECORDING STOPS) uses in its vicinity, would you agree with that?

MR. DOAK: He is required to find that this meets the requirement of a special exception to allow for this approval.

MR. MCCANN: Okay. That's not my question. My question --

MR. DOAK: I know what your question was and I, I don't, I'm not going to be able to answer that way.

MR. MCCANN: Okay. So, you can't, sitting here today as an expert in the zoning regulations, you can't tell us whether or not you believe this standard needs to be met? That is, that the use cannot be detrimental to primary agricultural uses in the vicinity of the site? Can you say either way?

MR. DOAK: Yes, I can say that.

MR. MCCANN: That it does apply?

MR. DOAK: That it does apply.

MR. MCCANN: Okay and then turn to the next page, if you would. And it says, and again I'm paraphrasing, but further provided that the hearing authority, that's Judge

Beverungen, correct?

MR. DOAK: Yes.

MR. MCCANN: Finds that the use would support the primary agricultural use in its vicinity and would not itself be situated on land more appropriately used for primary agricultural uses, so things there. Did I read that correctly or --

MR. WEST: I, I object to that, actually. That's not what the statute, the bill says. Because it talks, that refers specifically to item twenty-nine.

ALJ: Isn't this item twenty-nine?

MR. WEST: No, this is item thirty, actually.

MR. MCCANN: Well, that's where I was headed next, Your Honor.

ALJ: So, are we getting confused between a class seven and a class eight, is that what this is? Can we --

MR. MCCANN: No, no, no. I think counsel's point is well taken, that this standard that I just referred to further provided, and those two things that I mentioned, apply to uses permitted under twenty-nine.

ALJ: Yeah, which is what?

MR. MCCANN: Which is, in the zoning regulations --

MR. WEST: Wireless telecommunications towers.

MR. MCCANN: Yeah, so, my question to Mr., let me just tell, ask, tell you where I'm headed, Your Honor. I'm, my

question to Mr. Doak is whether or not that's a typographical error in his, in, since he was associated with the bill, whether that should really say item thirty. I don't think anyone intended, in my opinion, and this is my question to him, intended that to be a reference to item twenty-nine as opposed to item thirty, which is clearly the agricultural support uses, which this, a brewery is amongst them. So, my simple question, if I could ask --

MR. WEST: (inaudible).

MR. MCCANN: -- if I could ask Mr. Doak, is whether he knows or, or has an opinion regarding whether or not the reference to item twenty-nine is a, is a, was an error in the bill.

MR. WEST: And, and Your Honor, I would just object to that question to the extent that Mr. McCann is asking the witness to testify about something other than what's in the plain and clear and unambiguous language in this bill. I mean, he's asking the witness to testify what the County Council intended. I don't think that's a fair question for any witness, --

MR. MCCANN: He already said what the County Council intended, he, he spoke about it.

ALJ: Yeah, he's talked about his involvement with the bill, so I don't (inaudible) point. The law clearly says twenty-nine. I, I understand that's what it says, but, you

know, if that renders something absurd, I guess, I guess we shouldn't go that way. But I'll allow the, I'll overrule the objection. Do you know, Mr. Doak --

MR. DOAK: I do not.

MR. MCCANN: Okay. All right. So, moving past that, and thank you, Mr. Doak. The following paragraph, which actually identifies an item thirty, that the agricultural support uses are committed adds, adds some additional standards or qualifications. For instance, retail and wholesale distribution is allowed but it has to be accessory in nature, correct?

MR. DOAK: Correct.

MR. MCCANN: And secondly, temporary promotional events are allowed, correct?

MR. DOAK: They are.

MR. MCCANN: And that includes such things as beer tasting or public gatherings associated with the brewery, correct?

MR. DOAK: Yes, sir.

MR. MCCANN: Okay. But those events are subject to approval by Judge Beverungen, correct?

MR. DOAK: Yes.

MR. MCCANN: Okay and I'll get back to the temporary promotional events in a second, but let me show you as the next exhibit, if I could, a copy of the State law. This will be

Protestant's Exhibit 2, Your Honor.

ALJ: Yep.

MR. MCCANN: The witness.

MR. WEST: You said two, right? I missed one.

MR. MCCANN: This is two.

MR. WEST: Yeah.

MR. MCCANN: Yes. And before I ask you about this exhibit, let me ask you this, Mr. Doak, are you generally familiar with what the Petitioner proposes in terms, in terms of a brewery at this location?

MR. DOAK: Yes, sir.

MR. MCCANN: It sounds like you've had some conversations with him as well as, as you put it, the Petitioner's representative, about what will be, what, what activities and events will take place at the, at the farm?

MR. DOAK: Not in specifics, but in generality, yes sir.

MR. MCCANN: Okay. Well, I'd like to talk about specifics, so just tell me if you can tell us or not, whether these things, the things I'm about to go through with you, will be undertaken. For instance, if you go to, this is 2-2-1-0, Subsection C, entitled scope of authorization, specific acts, do you see that?

MR. DOAK: Yes, sir.

MR. MCCANN: And I, rather than read that to you,

I'll let you read it. My question simply to you is are you aware of whether or not the Petitioner intends to sell beer for on the premises consumption in amounts not exceeding six fluid ounces per brand?

MR. DOAK: I know that they are proposing to sell it on site and I know that they will do it lawfully under the State law.

MR. MCCANN: You know they will?

MR. DOAK: Yes, that's they're proposed, that's what they're proposing.

MR. MCCANN: Okay and then a little farther down in that section, Subsection C-1-3, talks about the, the food that can be sold or served on site, do you see that?

MR. DOAK: I do.

MR. MCCANN: Do you know whether or not the Petitioner intends to sell the food listed in that subsection?

MR. DOAK: I have no idea about that.

MR. MCCANN: You do not know?

MR. DOAK: No, sir.

MR. MCCANN: Okay. A little farther down, next page, it talks about storage and, again, I'm paraphrasing, Subsections 2 and 6, but storage on the farm, either at a, either on the farm at a, or at a warehouse, do you know whether or not the Petitioner intends to store beer that is already, already produced beer, in whatever containers on site?

MR. DOAK: I do. They are proposing to, yes.

MR. MCCANN: And where is that going to happen?

MR. DOAK: I don't know.

MR. MCCANN: Will there be a, will there be a warehouse on site for the storage of beer?

MR. DOAK: Not that I know of.

MR. MCCANN: Okay. Referring to Subsection 7 on page two of this exhibit, do you know whether or not the Petitioner intends to enter into a temporary delivery agreement with the distributor for delivery of beer?

MR. DOAK: I, I don't know.

MR. MCCANN: Don't know? Okay. Farther down same page, hours of operation, Subsection F, do you see that?

MR. DOAK: Yes, sir.

MR. MCCANN: Do you know what hours of operation the Petitioner intends to operate?

MR. DOAK: (inaudible) they said that their hours would be pretty much in line with what the State regulations are.

MR. MCCANN: Okay. So, let me, maybe that's a better way to handle this, rather than go through all these sections. It's your understanding, according to your conversations with the Petitioner and Petitioner's representative, that everything allowed for in Section 2-2-1-0 will be undertaken, or if undertaken by the Petitioner, will be done in conformance with

this, with these regulations?

MR. DOAK: Yes, sir.

MR. MCCANN: Okay. But you don't know the hours of operation?

MR. DOAK: No, sir.

MR. MCCANN: Do you know the days of operation?

MR. DOAK: No, sir.

MR. MCCANN: Page three, I'd like to focus in on this. Subsections I and J talk about multi-brewery activities and then promotional events. Do you see those two sections?

MR. DOAK: Yes, sir.

MR. MCCANN: Are you aware of the difference between those two?

MR. DOAK: No, sir.

MR. MCCANN: Okay. Do you know whether or not this Petitioner intends to hold either, or both, multi-brewery activities and promotional events, do you know?

MR. DOAK: I do not.

MR. MCCANN: Do you know, okay. So, I take it you don't know how often and on, on, on how many occasions during the year or at what time periods such activities or events will take place?

MR. DOAK: No, sir.

MR. MCCANN: Okay and all that information wasn't told to you?

MR. DOAK: No, sir.

MR. MCCANN: And yet, and yet you are able to opine about the impacts of this brewery under the special exception standards?

MR. DOAK: I know that we're, we'll meet what the regulations, the State law allows.

MR. MCCANN: Okay.

MR. DOAK: And that's twelve per year. So, I'm basing it on twelve a year.

MR. MCCANN: You are?

MR. DOAK: Yes, sir.

MR. MCCANN: You're basing your testimony this afternoon about impacts on your understanding that only twelve events are allowed per year?

MR. DOAK: Promotional (inaudible) that permits, yes.

MR. MCCANN: Okay. What about multi-brewery activities? Is there any limit on multi-brewery activities?

MR. DOAK: There are limits on it.

MR. MCCANN: Where is that? I'm directing you to page three, Section 2-2-1-0, which is Subsection I-1, 2 and 3. Is there any limitation in that provision dealing with multi-brewery activities on the number of events that can, can be undertaken per year?

MR. DOAK: No, sir.

MR. MCCANN: You weren't aware of that, were you?

Strike that. So, let's assume since I think your understanding was not what you thought it was, let's assume that this Petitioner has an unlimited number of multi-brewery activities in a given year, given that they could be held from 10:00 a.m. to 10:00 p.m. each day, but no more than three consecutive days, do you see that?

MR. DOAK: I do.

MR. MCCANN: So, if you do the math, three consecutive days of a multi-brewery event, take a day off, three more days, take a day off, you're well over three hundred events per year, correct?

MR. DOAK: Of course, you can run this hypothetical, but it's, it's unrealistic. It's unrealistic --

MR. MCCANN: Well, I'm just asking, I'm --

MR. DOAK: -- and I don't know, wouldn't even know how to answer that. I guess you'd be better to ask one of the representatives from there.

MR. MCCANN: Okay.

MR. DOAK: Versus the surveyor.

MR. MCCANN: Okay. I will. But you're the one that testified about impact, so let me just assume, ask you a hypothetical question. Assume for me, if you would, that this Petitioner had the maximum number of multi-brewery activities that's allowed under the State law, as you, as you suggested. Do you believe that the impact of such a use would be above and

beyond the impacts inherently associated with the farm brewery?

MR. DOAK: Are we back to the scenario where we'd have three in a row, then a day off, then three in a row?

MR. MCCANN: Yeah, let's start there, yes.

MR. DOAK: Yeah, I think that would exceed, I think it would not meet the 502-1, if that was done.

MR. MCCANN: And why?

MR. DOAK: I don't believe, that's not the intent.

MR. MCCANN: Why? Because too many people?

MR. DOAK: Why is it not the intent?

MR. MCCANN: No, no, no. My question is, why would, why would the impacts of a brewery that we just described, having that many multi-brewery activities, why would that brewery have impacts above and beyond --

MR. DOAK: It's --

MR. MCCANN: -- hold on, let me finish the question. Above and beyond the impacts inherently associated? Why? Because of the number of people?

MR. DOAK: The reason is, that I'm not going to answer any further is because that is a hypothetical that will not happen, no fruition, okay? And you can verify that with the representatives, but that's never been expressed to me that there would be even close this many events, okay?

MR. MCCANN: All right.

MR. DOAK: So, that, I'm not going to answer any more

on that hypothetical. If you want one that's more realistic, then I'll go that route.

MR. MCCANN: Well, the problem is, Mr. Doak, and I don't want to argue with you, I won't argue with you.

MR. DOAK: Okay.

MR. MCCANN: But we don't know what's realistic and what's not. So, let me ask you this question. Have you had any conversations with the Petitioner about how many multi-brewery activities he or they intend to have per year?

MR. DOAK: No, sir.

MR. MCCANN: Okay. Would you agree with me that, putting aside the twelve permitted promotional events. (CELL PHONE RINGS). I'm sorry, Your Honor.

ALJ: That's all right.

MR. MCCANN: Would you agree with me that aside from the twelve permitted promotional events that are allowed under the State law, that having an additional twelve multi-brewery activities would have an impact greater than would be inherently associated with a farm brewery?

MR. DOAK: So, we're talking about twenty-four events?

MR. MCCANN: Correct.

MR. DOAK: Inherent with the farm brewery, based on other farm breweries?

MR. MCCANN: I, I'm not asking --

MR. DOAK: There's no --

MR. MCCANN: Hold on, hold on, I'm not asking you for the basis of your opinion, I'm just asking you whether or not you believe a farm brewery that has twelve multi-brewery activities in addition to the twelve promotional events permitted under State law, whether that brewery would have impacts above and beyond the impacts inherently associated with a farm brewery?

MR. DOAK: I don't, I don't understand inherent with the farm brewery, what am I comparing it to? We have no others. Well, this one hasn't opened and we only have one opened as of for two days. So, I don't have anything to compare it inherently to another farm brewery.

MR. MCCANN: Okay. I'm not asking you to compare it to specific other breweries, I'm asking you, maybe you don't, I mean, you've, you've testified this afternoon about the impacts not being greater here then, then inherently associated with a, a, a farm brewery. I'm asking --

MR. DOAK: Somewhere else. In another RC-2, in this neighboring area. That's the, that's the test for a special exception.

MR. MCCANN: That's what you, that, that's what you believe the test to be for a special exception?

MR. DOAK: Yes, sir.

MR. MCCANN: Okay. So, the answer to my (RECORDING

PAUSES), but you can't say one way or the other whether twelve additional events, multi-brewery events, would, would be too impactful under the special exception standard?

MR. DOAK: No, sir.

MR. MCCANN: Okay. But you do agree with me, I think you did, that this farm brewery must be an agricultural support use, correct? That's what, what it's identified under thirty as, as an agricultural support use?

MR. DOAK: Yes, sir.

MR. MCCANN: In, in what way is, is a brewery, as intended, as, as far as you know, as, as intended, an agricultural support use? Other than the fact that one of its products will be grown on site, anything other than that?

MR. DOAK: This is primarily an agricultural farm. As a part of that, one of the crops grown on this farm and a large portion of it is hops, and this is for the promotional, the promotional to promote the hops that's being grown on this farm.

MR. MCCANN: Okay. So, it's agricultural support because the brewery will promote the hops?

MR. DOAK: Yes, and the beer that's being grown from, or brewed from those hops, yes.

MR. MCCANN: Okay. Okay. Can you provide us with any more detail, Mr. Doak, as to what sorts of activities and hours of operation and things of that nature, other than what

you've already talked about this afternoon?

MR. DOAK: No, sir.

MR. MCCANN: Okay. Why is, why is the driveway now twenty plus or, plus feet? Why did you make it that wide?

MR. DOAK: I didn't, the, the owners did.

MR. MCCANN: Okay. Do you know why they did? No?

MR. DOAK: They got carried away with their stone, I don't know.

MR. MCCANN: Okay.

MR. DOAK: It just ended up wide.

MR. MCCANN: Okay. Is it now wide enough for two cars to pass?

MR. DOAK: Most definitely.

MR. MCCANN: Okay. You mentioned the landscaping.

MR. DOAK: Yes, sir.

MR. MCCANN: Do you recall that?

MR. DOAK: Um hm.

MR. MCCANN: And so, no detail for us this afternoon other than some amounts of arb, arborvitaes will be planted, no details beyond that?

MR. DOAK: We're proposing to do it between the houses and the parking area and the barn. So, it's screened from the houses, to, to join us to the, between there and the barn and parking area. On, along the property line.

MR. MCCANN: Okay. So, the entire property line --

MR. DOAK: No, it won't be the entire property line.

MR. MCCANN: Okay. Well, --

MR. DOAK: So, it will just be between the houses that have view of the, direct view of the barn and parking area.

MR. MCCANN: Which houses, in your opinion, have a direct view of the barn?

MR. DOAK: The ones that are shown on the detail.

MR. MCCANN: Okay. So, the plantings will be on the property line, all of these folks' property line, the entire length --

MR. DOAK: It will be, no, not the entire length. It will be from the view, if you were to draw a line from here towards the barn, it would be that area along and where this would be seen could be along here. So, it's pretty much Petitioner's four, I'm showing, can I mark on something with it?

ALJ: You can mark on that plan, if you want. You've already marked on it.

MR. DOAK: Yeah. Something, I'm doing it with black circles on Petitioner's exhibit number four.

MR. MCCANN: Okay. That'll be the area of the plantings?

MR. DOAK: Yes, sir.

MR. MCCANN: Did you intend to depict the number of

plantings?

MR. DOAK: No, sir.

MR. MCCANN: Okay. So, we have, sitting here today, we don't know how many, right?

MR. DOAK: That's correct.

MR. MCCANN: And we don't know what size will be installed?

MR. DOAK: That's correct.

MR. MCCANN: Okay.

MR. DOAK: Well, it'll be the, --

MR. MCCANN: It'll be what?

MR. DOAK: No, sir.

MR. MCCANN: Okay and why hasn't a landscape plan been submitted to the County for its approval? Or brought today?

MR. DOAK: I didn't, I was asking for a variance from that.

MR. MCCANN: But you're proposing landscaping?

MR. DOAK: Yes, sir.

MR. MCCANN: And you don't have a plan showing that?

MR. DOAK: No, sir.

MR. MCCANN: Okay and you haven't submitted anything to the County yet?

MR. DOAK: Not planning on it.

MR. MCCANN: Okay. Who's going to approve the

landscaping if Judge Beverungen doesn't see it?

MR. DOAK: Mr. Beverungen will put that in his condition, in a restriction and then we'll (RECORDING PAUSES) we'll plant that as per the requirements.

MR. MCCANN: But what, what restriction is he going to impose in his Order, if he grants the special exception?

MR. DOAK: He will --

MR. MCCANN: What would he say?

MR. DOAK: That screening, arborvitae trees, will be placed and we can give a distance up one line and down the other.

MR. MCCANN: Okay.

MR. DOAK: Along the property line to the adjoining property.

MR. MCCANN: Okay.

MR. DOAK: But we've done that dozens and dozens of times without a landscape plan.

MR. MCCANN: Well, you've also, well, okay. That's all I have. Thank you, Judge.

ALJ: Sure. Anything else?

MR. WEST: I don't have any further questions.

ALJ: Thank you, Mr. Doak.

MR. DOAK: You're welcome.

MR. WEST: We would like to next call Koby Fulks.

ALJ: Mr. Fulks?

MR. FULKS: Yes, sir.

ALJ: Good afternoon. Raise your right hand, please. Do you swear or affirm under the penalties of perjury, the testimony you will provide today will be the truth?

MR. FULKS: Yes, sir, I do.

ALJ: Okay. Take a seat and tell us your name and address, please.

MR. FULKS: Excuse me. My name is James Koby Fulks, I live at 908 Zenith Drive, Freeland, Maryland 21053.

MR. WEST: Mr. Fulks, what do you do for a living?

MR. FULKS: Right now I work at the farm as a, help managing the farm and I also have a (inaudible) business that I run.

MR. WEST: Okay. And the farm you're referring to is the farm located at 19919 Cameron Mill Road?

MR. FULKS: That is correct.

MR. WEST: The one that's owned by Fulks Farm, LLC, right?

MR. FULKS: Yes, sir.

MR. WEST: Okay and you're the manager of the farm?

MR. FULKS: Yes.

MR. WEST: Okay and again, the farm is approximately two hundred fifty acres in size, right?

MR. FULKS: Yes.

MR. WEST: And what, what percentage roughly of that

is under agricultural, what, what, what percentage is tillable?

MR. FULKS: About fifty percent of it is tillable, fifty percent is woods and fifty percent is tillable.

MR. WEST: Okay. Were you around back in 2008 when Fulks Farm purchased this property?

MR. FULKS: Yes, I was.

MR. WEST: Okay. What was the condition of the property at that time?

MR. FULKS: A state of dilapidation, rundown buildings, eroded areas, a lot of trash. It, just dilapidated, rundown farm.

MR. WEST: Okay. Has that conditioned changed over the past ten years?

MR. FULKS: Yes, a lot of effort has been put in for soil erosion, we've gotten rid of, you know, slightly, unsightly buildings, things like that.

MR. WEST: Okay. How about the trash?

MR. FULKS: Trash, we've, entire tractor trailers that were on the property have been taken off, moved, you know, there are, some of them are in the streams and things like that, so.

MR. WEST: And are there any crops that are raised on the farm today?

MR. FULKS: There are, there are crops. Yeah, there is corn, there is, the farmer that leases out, does some area

of the farm, does, switches between corn and soybean right now, (inaudible) hay and we also do soybeans, we also do some deer management areas, where we have clover and wildlife kind of areas.

MR. WEST: Okay. How about hops? Are there any hops grown on the farm?

MR. FULKS: Yes, excuse me, and eight acres of hops.

MR. WEST: Okay. Describe for me, if you would, the hops growing operation on the farm. Tell me, tell, yeah, you said there were eight acres?

MR. FULKS: So, we have eight acres of polls, so hops grown on a trellis system, which is similar to wine grape, it's just a lot larger trellis system, so there are twenty foot poles that are in the ground and it holds a cable system. The cable system you attach coconut string to so that the plant may grow up the coconut string.

MR. WEST: Let me show you what's been marked as Exhibit 7 and 8. That's seven.

MR. MCCANN: Thank you.

MR. WEST: That's seven and eight. And you've been handed what's been marked Petitioner's Exhibits 7 and 8. Describe for me what's going on in these photographs. First of all, did you take these photographs?

MR. FULKS: Yes, I took these photographs.

MR. WEST: Okay and when did you take them?

MR. FULKS: Probably July, end of June, early July.

MR. WEST: Okay and describe what's in these photographs.

MR. FULKS: So, in the first photograph is a, a mower on the front, mowing the lane of hops. So, the hops are all spaced out on the seven foot spacing, so everything, including the poles, all face off of seven feet. So, we mow the center line so that you have access to all the hops and it's really just, at this point, it's maintenance during the middle of the summer of the hops, just making sure, caring for the hops as they're growing.

MR. WEST: Okay and in Exhibit 8, the, I don't know how, what you would describe the hop, the hops are the colored --

MR. FULKS: Yes. The hop, the hop is, essentially, the flower of the plant and they, they grow, essentially, from May to August, where they're cut down and harvested in August and they go dormant over the winter.

MR. WEST: Okay and when, and when the hops are cut down, what happens to the hops after that?

MR. FULKS: So, they're, they're a perennial, a perennial and annual plant, so they have a perennial tap root and the perennial tap root will stay and it regrows an annual root system for water and nutrition every year.

MR. WEST: Okay and, and once you've harvested the

hops, the hops are, are an ingredient that's used in making beer, right?

MR. FULKS: That is correct.

MR. WEST: Okay. So, what, what is the process once, if we're looking at exhibit number eight and you see the individual hops on the plants that are photographed, once they're harvested, how, what's the process for actually using them as an ingredient in beer?

MR. FULKS: The process is after you cut the plant down, so you cut it at the top and cut the string at the bottom and the top, it goes through a picker, which, essentially, takes all the vegetation off of the string, goes through a sorter, sorts the hops from the leaves. The hops go out one end, the leaves go out the other. They go into a dryer, they're dried for roughly twenty-four hours to where they get to a certain percentage of dryness so that the hop is mostly water, so you want to get all that water out so it doesn't mold or mildew or anything. And then it gets, goes into a pelletizer and you pelletize it so you're able to use it in a brewing system.

MR. WEST: So, once, it's the pelletized form that actually is used in the brewing process?

MR. FULKS: You can use all the forms in the brewing process. You can use the whole, the whole hop right off the plant, you can use it, the dried version, which is called the

whole comb, or you can use them pelletized.

MR. WEST: Okay.

MR. FULKS: They're all some sort of equivalent to each other.

MR. WEST: Okay. These, I guess you have poles that are, that are in the ground and, and you have the, the wire in between the poles and the string is hung from the wire, is that right?

MR. FULKS: Yes. So, the, the poles and the cable are, essentially, there to hold the strings and the weight of the hops.

MR. WEST: Okay. How many poles do you have on the property right now?

MR. FULKS: It's about four hundred.

MR. WEST: Okay and how tall are these poles?

MR. FULKS: They're roughly between nineteen and twenty feet, depending. Some holes are shallower than others. We can only get three foot in the ground versus five foot in the ground, but, roughly the, all the cabling system is at eighteen feet, so everything is at eighteen feet.

MR. WEST: Okay. At the farm, how many people are working in connection with the hops growing operation?

MR. FULKS: From a daily perspective, three. So, there's Jim, myself and Scott.

MR. WEST: Okay. Jim Gately, Scott --

MR. FULKS: Jim Gately, Scott Newberger and myself on a daily basis. We do have seasonal help that has to come in because you have a certain amount of plants and you have a certain amount of time to get them on the string so they can start growing so it all has to happen within a couple weeks.

MR. WEST: Okay. Now, the Petition is for a special exception for a farm brewery. Tell Judge Beverungen what the plans are for the farm brewery at, at Fulks Farm's property.

MR. FULKS: The plan is to, I mean, obviously, for the farm brewery and to be able to brew beers that are grown with the different varieties of hops that we have growing on the farm so that you're able to kind of sample what those hops are, similar to what you would do in a winery where different grapes have different effect on the wines, where different hops have different effects on beers.

MR. WEST: Okay and how many different kinds of hops are you growing at the farm?

MR. FULKS: We'll have five varieties.

MR. WEST: Okay. As a, for someone who works on a farm, is, is growing hops, you know, on the, on the spectrum of easy to difficult, is, where does it fall?

MR. FULKS: Difficult.

MR. WEST: Okay and how does the farm brewery that you, that's proposed here, how does it relate to the hops production on the farm? In other words, you're growing hops,

why do you want to have a farm brewery?

MR. FULKS: Just like any other cash crop for a farm, you get a, you get a, the cost basis is a certain amount per pound. So, whether it's corn or soybeans. So, it adds another way for you to supplement the cost of putting hops in the ground. The, because it's a, a weight gain and there's so much weight loss, and you're only getting to do, to pro, you have to produce a lot of hops to be able to make that a viable system. So, the, the, to me, the farm brewery gives you another viable way to have say a smaller amount of hops but still be able to maintain the farm.

MR. WEST: Okay. Where will the farm brewery, brewery be located on the farm?

MR. FULKS: In, in the white building barn that we've, that's been --

MR. WEST: Okay. Judge Beverungen, may I approach the witness?

ALJ: Sure.

MR. WEST: Take a look at Exhibit 5, which are the photographs --

MR. FULKS: Photographs.

MR. WEST: -- Mr. Doak took. The white building in this --

MR. FULKS: The white building in A is the one that we would have the brewery in.

MR. WEST: Okay. Take a look if you would at the, the interior photograph of the barn that is --

MR. FULKS: P and Q?

MR. WEST: Yes. And I'm, the one I'm interested in is P, first of all. First of all, tell me about this barn. How, how old is this barn?

MR. FULKS: The barn is, was built in roughly the 1850's.

MR. WEST: Okay and where was the barn originally built?

MR. FULKS: The barn was taken down in Indiana.

MR. WEST: Okay and it was moved to Maryland?

MR. FULKS: And it was moved to Maryland.

MR. WEST: Okay and then if you, the exterior of the barn, this, the, the white panel siding of the barn.

MR. FULKS: Um hm.

MR. WEST: That, that doesn't date from 1850, does it?

MR. FULKS: No, the, the exterior of the barn is siding what essentially is protecting the frame of the barn.

MR. WEST: Okay. Within the interior of the, of the barn, describe what's going to be happening in, inside this barn if the farm brewery Petition is granted?

MR. FULKS: If you're, if you're looking at the, the picture, P, the, if you're looking in that direction, that, you

see the concrete pad in the middle, the concrete pad is to remain open. It's built to, essentially, hold a vehicle on top of there. And then, as you get to the, what would be the eastern side of the building, the brewery portion would be in your left hand side, the north, north side of the building.

MR. WEST: And when you say the eastern side, you're talking about the side further away in the, in, in --

MR. FULKS: Yes.

MR. WEST: -- on page P (inaudible).

MR. FULKS: You can see the refrigerator.

MR. WEST: It's this, this picture here.

ALJ: Yeah, I have it.

MR. FULKS: So, here, if you're, if you're looking at the refrigerator in the picture.

MR. WEST: Right.

MR. FULKS: There is a, there will be a mechanicals closet, there is a, a storage closet and the brewery would be on that side of the, the machine, the equipment for the brewing would be right there.

MR. WEST: Okay and describe the equipment that you would use to brew.

MR. FULKS: The equipment has, it has not been purchased but we have, what the plan would be, would be a three barrel system to put in that area.

MR. WEST: Okay and what is a three barrel system?

MR. FULKS: It's, essentially, the amount of liquid that the pot will hold that you brew beer with.

MR. WEST: Okay.

MR. FULKS: So, it's basically, essentially, how much beer you can brew at one time.

MR. WEST: Okay and how, how large are each of the three barrels?

MR. FULKS: A barrel would be thirty-two gallons.

MR. WEST: Okay. So, you'd have three thirty-two gallon barrels?

MR. FULKS: Well, yes, they are essentially, but the, the way that they're set up is, for brewing, is that you have, one is going to be a kettle pot where it just holds hot liquid, so it's going to hold your hot water, your center one would hold your mash, which would be all your grains and then you, you would transfer that into your third one, so you use all three barrels to brew one, at one time.

MR. WEST: Okay. So, it's a three step process?

MR. FULKS: Yes, and then they would go into storage containers after that.

MR. WEST: Okay and where would the storage containers be located on this, in, in the farm brewery?

MR. FULKS: The proposal would be in that same room as well. If you, if we need more storage containers, to be put them in the basement.

MR. WEST: Okay.

MR. FULKS: In the bottom part of the barn.

MR. WEST: Okay. What volume of beer do you anticipate brewing at the farm brewery?

MR. FULKS: There are, for the first year, we're, I mean, we're planning on less than a thousand gallons. Obviously, --

MR. WEST: A thousand barrels?

MR. FULKS: A thousand barrels, excuse me. A thousand barrels, just less (inaudible) it's difficult to reach that number with a three barrel system.

MR. WEST: Okay. Okay and then, other, so the, in, on Exhibit 5-P, in the far end of the building on the left side, that's where the, the brewing operation would be. What happens in the other parts of this photograph?

MR. FULKS: You would have bathrooms, a small, a small office in the back corner and --

MR. WEST: So, in the far, the, the far back right corner would be --

MR. FULKS: -- back right corner.

MR. WEST: -- be where the office is located?

MR. FULKS: For the, for the brewing facility, yes.

MR. WEST: Okay and how about the bathrooms, where are those located?

MR. FULKS: On, basically, the edge of the concrete

pad.

MR. WEST: On the right side?

MR. FULKS: On the right hand side.

MR. WEST: Okay. All right. So, in the far, I mean, it looks like the buildings are divided into thirds, is that right?

MR. FULKS: Roughly, yes.

MR. WEST: Okay and so, in the, in the, in the back third, from, on Exhibit 5-P, you have the brewing operation, a small office and some bathrooms. What about in the middle section, what's going on there?

MR. FULKS: It essentially remains open. It's a concrete pad to, the name of the farm is Big Truck Farms, so to be able to pull a truck in into the concrete pad, so that would remain open.

MR. WEST: Okay and what about the, the end that's closest to the vantage point of the photograph taker?

MR. FULKS: Essentially, if you'd look, go to Q, that would be the third on the other side.

MR. WEST: Right.

MR. FULKS: On the other side of the concrete pad where you're looking towards the windows would be an open seating area.

MR. WEST: Okay. So, the middle of the, the, the, both the middle section and the far section in, in Exhibit 5-Q

would be open?

MR. FULKS: Yes.

MR. WEST: Okay and is that where the, the tasting location --

MR. FULKS: That's essentially where the tasting location would be.

MR. WEST: Okay. Okay. So, other than the, the barn that is already on the property, do you anticipate the construction of any new structures or improvements in connection with the farm brewery?

MR. FULKS: Not with the brewery. We do have the, we do have the other building for maintenance of trucks and equipment, and also to house, right now we process our hops at another facility, to bring that processing in house and put it in the other building.

MR. WEST: Okay. So, the other building would just be for equipment, storage and processing the hops that are grown on the farm?

MR. FULKS: Yes.

MR. WEST: Okay. But not related, not related to the farm brewery itself?

MR. FULKS: Not related to brewing at all.

MR. WEST: Okay. All right. Do you anticipate there will be delivery trucks coming and going from the farm brewery site?

MR. FULKS: Yes, I do anticipate delivery trucks, it's still a working farm, we still have trucks and equipment that's brought in on occasion.

MR. WEST: Okay. How often would that happen, do you anticipate?

MR. FULKS: Well, we generally have a truck at the beginning of the season to be able to string the hops. We get a delivery of a Pettibone so that we're able to reach the eighteen foot trellis system and then we, the truck will have to come, pick up the Pettibone when we're all finished so generally, excuse me, a couple times in the beginning of the year and then the same towards the end of the year where we drive the truck to harvest the hops.

MR. WEST: Okay and I'm, and I'm, I want to just distinguish between the, the agricultural operation of growing the hops versus the operation or the anticipated operation of a farm brewery. Do you anticipate delivery trucks coming and going from, from the farm brewery?

MR. FULKS: Nothing more than a UPS truck.

MR. WEST: Okay and what would come in a UPS truck?

MR. FULKS: Your, your grains, anything that you would need to, yeast, anything that you would need to brew (inaudible) with a smaller system, with a three barrel system, you're not using a whole lot at one time, so.

MR. WEST: Okay.

MR. FULKS: Nothing that wouldn't be on a UPS truck.

MR. WEST: Okay.

MR. FULKS: Normal delivery.

MR. WEST: Will there be any exterior lighting on the barn?

MR. FULKS: We would probably put some exterior lighting on the barn just due to hours of operation, especially during harvest and things like that, where we have people that show up early in the morning.

MR. WEST: Okay. How about signage? Do you anticipate having any signage?

MR. FULKS: I, I do anticipate putting a sign out front, yes.

MR. WEST: What's the sign, what do you, what do you anticipate the sign will look like? And when you say out front, what do you mean by that?

MR. FULKS: On the entrance to the driveway, so.

MR. WEST: Okay. So, it would be at, right at Cameron Mill Road?

MR. FULKS: Right on Cameron Mill Road. I wouldn't say right on Cameron Mill Road but, you know, either, I have to give for the plan to space landscaping, you know, just normal landscaping to a, entrance to a farm.

MR. WEST: Okay. Will that sign be neon or changeable copy, anything like that?

MR. FULKS: No, sir.

MR. WEST: Okay. What, what, what would, what do you anticipate that it will look like?

MR. FULKS: Well, probably because I'll be the one doing it, I anticipate it looking as we'll put up hops poles there on the front with a, you know, probably two poles strung with, it'll end up being probably a dozen plants, you know, that would be my landscaping, as well as a sign to go in between the two poles and, essentially, my idea is, because we're Big Truck Farms, would be the, say an old tailgate of a pick-up truck that I cut out the, cut out the front and weld in a new piece to say Big Truck Farms, so, that's my idea.

MR. WEST: Okay. Now, there's been, obviously, some, some questioning about the types of events that you anticipate having at the farm brewery. What, what types of events do you anticipate having?

MR. FULKS: We haven't gone into planning any specific events. If you, my, my, between my brother and I, my brother being the owner, Kipp Fulks, is, we're outdoors guys so we've, the only things that we've ever talked about were having a trail run on the property where we're, we're in very close proximity to the NCR trail as well. To be able to incorporate the farm, the NCR trail, either a mountain bike ride. We're both, we're both outdoorsmen so we would do 3-D archery shoot, invite people to come in and, you know, shoot their equipment

on the farm and be able to walk around the farm and enjoy the farm as it is.

MR. WEST: Okay.

MR. FULKS: So, those are our ideas about events. We don't necessarily have anything specific that's planned.

MR. WEST: Okay. Would you, would you consider the events that are being planned family friendly events?

MR. FULKS: Absolutely.

MR. WEST: Okay.

MR. FULKS: We're, we're families that live in the area, we all, my brother, my niece, both of my nephews, live right there at the, right on Cameron (inaudible).

MR. WEST: Okay. So, Kipp Fulks is your brother. How far does he live from Fulks Farms property?

MR. FULKS: If you're looking at the map (inaudible), he lives approximately right here. This would be his driveway going back to his house here.

MR. WEST: Okay.

MR. FULKS: Which is on this corner of the farm.

MR. WEST: And, and he lives, he lives there with his wife and two children?

MR. FULKS: Yes.

MR. WEST: How old are his kids?

MR. FULKS: They are --

MR. WEST: This is a trick, this is not a trick

question.

MR. FULKS: Don't ask the uncle that question. Third grade and first grade.

MR. WEST: Okay.

MR. FULKS: Yes.

MR. WEST: All right. And for the farm brewery, where, where do you anticipate the events will take place? Where will, where will be sort of the locus of the events on the farm?

MR. FULKS: The, the barn, obviously, being the 1850 barn and it's kind of, the grandeur that it is, it's very large, very open and very unique, would be, obviously, our center piece to where we would start any, anything. Just from a (inaudible) standpoint, it gives a very clear driveway with the white stone driveway, it's a, you can tell people just, you know, to go the big white barn, it's very easy to tell people where to go.

MR. WEST: Do you plan to have any promotional events at the barn that are, that are provided for under the Maryland statute relating to farm breweries?

MR. FULKS: We, we, we would certainly absolutely be having promotional events. I'm not sure, at this point, like what those events would be. We don't have any plans for any events but, obviously, we would love to promote the farm the way that it is.

MR. WEST: Okay. Where will guests and customers of the farm brewery park?

MR. FULKS: We have ample parking for cars and trucks. Generally, in front of the white barn. We also have in the pavilion area below, there's a parking area around there, generally, with getting around the farm, all the rain and things like that, you would need four wheel drive to get around the farm, so, those are the most obvious, where the, where the two roads go to.

MR. WEST: Now, Mr. Fulks, are you aware of houses that are to the north of the, of the barn?

MR. FULKS: Yes.

MR. WEST: Okay and how close are those houses to the barn?

MR. FULKS: The, the closest one to the barn, I would say, is probably, you know, a hundred yards to a hundred fifty yards.

MR. WEST: Okay and are those houses that are, that are to the north of the barn, are they visible from the barn?

MR. FULKS: They are visible from, you can see the houses, during the summer not as much. You have a lot more foliage on the trees. In the winter time, you can, you definitely have more availability to see the houses.

MR. WEST: Okay and do you have plans to provide any additional screening, other than natural foliage that exists

between the barn and the houses?

MR. FULKS: Yes. From the meeting that we had with the development review committee to provide screening along the backside of the farm, so.

MR. WEST: Okay and what's that screening going to look like?

MR. FULKS: The screening, they're, I mean, they're giant arborvitae. If they're, anybody in the local area is familiar, the Radebaughs have a very extensive giant arborvitae screening up in the area. (inaudible) drive down Bentley and you can see what it would look like.

MR. WEST: How, how, describe how extensive the screening you, you would propose putting up is?

MR. FULKS: What I have on order is three hundred trees, the, and you plant them at a five foot spacing. So, it would be roughly, I ordered enough for about fifteen hundred feet.

MR. WEST: And how tall would those trees be when they're put in the ground?

MR. FULKS: They're, they're propagated at the Radebaughs Farms, so they will be in one gallon pots, so they're from starting point, they're probably three to four feet tall.

MR. WEST: Okay and how quick, how fast do they grow?

MR. FULKS: They grow, they grow quickly. They're up

to a foot, foot and a half per year.

MR. WEST: At the Radebaugh property that you refer to, once those trees are in the ground and, and, and grow in, is it, can, can one see through the line of trees?

MR. FULKS: No, it's not visible through the trees unless one of the trees decays and it dies, so you haven't, if it goes missing, is the only time you can see through it.

MR. WEST: Okay. One second, Your Honor.

ALJ: Sure.

MR. WEST: Mr. Fulks, is it your plan to comply with all State, Federal and local laws in connection with this farm brewery?

MR. FULKS: Absolute. No, no intention to not comply with the State or Federal laws.

MR. WEST: Okay and do you and your and where, where do you live in relation to this farm?

MR. FULKS: I am from a directional standpoint, I am north west, maybe, as the crow flies, probably two miles.

MR. WEST: Okay. As, as a member of this community, do you, do you care about the impact of this farm brewery on the community?

MR. FULKS: Absolutely. We all, as well as my two nephews, I have young kids as well. They go to a different school system. The river that runs in between us, so our, my kids go to Prettyboy, whereas all, they all go to a seventh

district, so, other than that, they're all in the same, same area.

MR. WEST: Okay and, and you care about how this farm brewery would impact not only the neighbors but also the, the general community in the Parkton area?

MR. FULKS: Of course, we do. We're a family, you know, we love being a family, we love being family friendly, we're not here to, to do anything that's not unwelcome amongst our neighbors.

MR. WEST: If anybody had a problem with what was going on at the farm, how would they, who would they call?

MR. FULKS: They can call me. We have a website, my number is on there. There's an e-mail address, you can send an e-mail. I would (inaudible) up, most likely, put a website up on the sign as well just so that you would have strict visibility to be able to see how you can contact us.

MR. WEST: Okay. I don't have any other questions.

ALJ: Okay. Mr. McCann?

MR. MCCANN: Yeah, thank you, Judge. I asked Jay before we got started if he would mind taking someone out of order before I, in fact, if, if it's okay to even break a witness up, I'd like to, but, just because someone here needs to attend to a child.

ALJ: Okay.

ALJ: If that's, is that still okay?

ALJ: Is that okay?

MR. WEST: That's fine with me.

ALJ: Well, then that's fine.

MR. MCCANN: Yeah.

ALJ: So, just, take, take your seat back there, Mr. Fulks. We'll get you back up.

MR. MCCANN: Thank you, Judge.

ALJ: Sure.

MR. MCCANN: Okay, go ahead.

MS. BARNES: Thank you.

ALJ: All right, ma'am. So, raise your right hand, please and do you swear or affirm under the penalties of perjury, that the testimony you will provide today will be the truth?

MS. BARNES: Yes, sir.

ALJ: Okay. Take a seat. Tell us your name and address, please.

MS. BARNES: Sure. My name is Jennifer Barnes. My address is 213 Kali Court, Parkton.

ALJ: Okay. All right, Mr. McCann.

MR. MCCANN: Okay. Ms. Barnes, real quick, Petitioner's Exhibit 4 is on the board here. Have you seen this plan before?

MS. BARNES: No.

MR. MCCANN: Okay. Did you sit through the testimony

this - in and out?

MS. BARNES: I mean, I can see, it's, I'm far away, that's all. I just can't see it.

MR. MCCANN: Okay. I want you to come up real quick and just identify for the Judge whether or not your property is depicted on this plan and your address, you mentioned Kali Court, which is shown. But where along Kali Court are you located?

MS. BARNES: I mean, I'm guessing somewhere right here because I was told that wells are going to be fifty feet off of our property.

MR. MCCANN: Okay. Let me help you out a little bit. So, it's 213 Kali Court?

MS. BARNES: Oh, right here, I see it.

MR. MCCANN: And the arrow is --

MS. BARNES: Yes, um hm.

MR. MCCANN: That's your property there?

MS. BARNES: Yep.

MR. MCCANN: Okay. So, you're, you're one or two of the two closest properties to the barn?

MS. BARNES: Yes.

MR. MCCANN: Okay and how long have you lived there?

MS. BARNES: For two years.

MR. MCCANN: Okay and who do you live there with?

MS. BARNES: My husband and our three children.

MR. MCCANN: Okay and what are the ages of your children?

MS. BARNES: His daughter is nine.

MR. MCCANN: Okay.

MS. BARNES: My kids are sixteen and eighteen.

MR. MCCANN: Okay and have you been involved in sort of the, the community meetings to learn about this?

MS. BARNES: Yes, I have.

MR. MCCANN: Okay and you sat through a bit of the testimony this afternoon, correct?

MS. BARNES: Pretty much all of it.

MR. MCCANN: Do you, do you believe you have a good understanding of what's being proposed?

MS. BARNES: Yes, I do.

MR. MCCANN: Okay. Tell the Judge, if you would, what your concerns are, if any, about the proposal?

MS. BARNES: So, when we moved to this area, it was because we needed a place where, my daughter has really severe special needs and sensory issues. So, we wanted to be in a place where we were in the middle of nowhere and kind of, she has, her sensory issues make it so that it's tough for us to have a lot of people close by. So, we kind of found a place that we were, we have a bunch of land and nobody is right on top of us.

MR. MCCANN: Okay.

MS. BARNES: Now, --

MR. MCCANN: Before you move on, I'm sorry, if you don't mind, you said your daughter has special needs. Can you be a little more specific about that?

MS. BARNES: She has autism, she's not verbal so I dress her, bathe her, feed her and do everything (RECORDING PAUSES) mental retardation and Tourette's and pretty much everything else that goes along with (inaudible).

MR. MCCANN: Okay. I'm sorry --

MS. BARNES: She's more like a two or three year old basically.

MR. MCCANN: Okay. So, getting back to your concerns.

MS. BARNES: So, at the, toward the back of our property, we have a trampoline and a playground. There, this, not this past Saturday night but the Saturday night before, there was a wedding at, on, at the barn and we weren't aware of it. We didn't even know it was able to happen yet and we're sitting in the house and all of a sudden it sounded like a concert out back so we went out there and, I mean, we recorded parts. You can hear every single word that the people are saying into the microphone and then, as we were walking back to see kind of what was going on, there were people at our property line and they were kind of pointing to the trampoline and saying oh, my God, that looks fun and, I mean, I'm, so, so

basically, I don't feel comfortable letting my daughter, I mean, you know, when people are inebriated, you know, what's to stop them from wanting to come onto the trampoline? There's nothing there. A few trees that are a couple of feet tall, I mean, from back, from back there, from the property line, you can see our home, you can see the TV even in our window, it's right there. And like I said, we could here, even what the people were saying and they were coming up looking at our trampoline and so, I mean, considering how often there can be events, I'm not going to let my child outside anymore. I'm, I'm really scared. Now, I also have a son who is sixteen and he got his Learner's. Well, the night of that wedding, my son is a bus boy at a restaurant about twelve minutes away and I went to pick him up and when we were on the way home, and seeing so many cars coming out, so I had him pull over and let me drive because I said to him, you know, on a Saturday night at this time, if someone's on the road, chances are they've had alcohol in them and then it just hit me, I'm not used to thinking along these lines, these are all people leaving the wedding. And there were so many cars. I'm not letting my child drive anymore on the weekends. I'm, I'm scared for him. And, and, I mean, we have so many kids that age on our street. Kali Court, which is, backs up into it, the fact that they can see our trampoline, that we can hear what they're saying in the barn, we don't understand why it had, (inaudible) two hundred

and forty-five acres, why would you build it like right next to our property? I mean, I'm, we've only been there for two years. We don't have enough equity to move right now, we're stuck and we're, I feel like my daughter, I don't, I mean, my, my husband won't let the nine year old outside on the weekends anymore either because we didn't know about this wedding, so we don't know what else we might not know about and I don't feel safe whatsoever. I, again, when people are inebriated they do things they might not have done otherwise and this, this is literally in our backyard. I mean, it's in our yard. (RECORDING PAUSES) like the kids were waving to the guys on the equipment, I mean, and they were waving back and yelling hi, I mean, they're, they're right there. It's right there. And we're scared. It's just kind of pretty much ruined everything, like our whole home life is not what (inaudible).

MR. MCCANN: Were you informed about the wedding before it happened?

MS. BARNES: No, we had no idea. We only knew what was happening because we were sitting in our home watching TV and we heard what sounded like a concert.

MR. MCCANN: Yeah.

MS. BARNES: We didn't know what was going on.

MR. MCCANN: You mentioned the roads.

MS. BARNES: I'm sorry, I didn't hear you?

MR. MCCANN: You mentioned the roads.

MS. BARNES: Um hm, oh, well, yes, because so, the, in, coming into the, the only way to get there, there are five hairpin turns and two one lane bridges. So, I mean, that's pretty dangerous, let alone, in general, and then if you have people, again, who are, have been having alcohol. I don't see, I mean, I don't see how they could possibly maneuver those roads. It's difficult when you're completely sober and on a rainy night or, I can't even imagine.

MR. MCCANN: So, Cameron Mill is a, is, would you characterize it as a rural road?

MS. BARNES: Absolutely.

MR. MCCANN: No, no line in the middle of it?

MS. BARNES: No, there's some, in some areas there's not even places for two cars to get through.

MR. MCCANN: Okay and not just Cameron Mill, are there other roads around Cameron Mill that are like that as well?

MS. BARNES: Yes, all of them.

MR. MCCANN: Okay. Your Honor, I'd like to mark this as three, if we could.

MS. BARNES: You know, I know that the first gentleman who was up here was talking about concern over trees, but my concern is over people. I mean, I'm concerned about trees but people are just about a million times more important and I just, I mean, even putting in trees in the back, I mean,

maybe a privacy fence, so we wouldn't have to, I mean, these people can see into my home.

MR. MCCANN: Yeah. Let me show you, just to backtrack a little bit, Ms. Barnes, Protestant's exhibit number three. And I know you probably haven't seen this before but do you recognize what the map is showing?

MS. BARNES: I'm not very good with maps.

MR. MCCANN: No? Do you see Kali Court there?

MS. BARNES: Yep.

MR. MCCANN: And you live along Kali Court, right?

MS. BARNES: Yes.

MR. MCCANN: So, the high, the property is highlighted in pink. Are those the, the homes in your development?

MS. BARNES: Yes.

MR. MCCANN: What is the name of the development?

MS. BARNES: Cameron Run.

MR. MCCANN: Okay and are the, the properties outlined in yellow, or shaded in yellow rather, are, is that another community?

MS. BARNES: Yes, it is.

MR. MCCANN: And there's a single entrance to that community?

MS. BARNES: Correct.

MR. MCCANN: And what's the name of that community?

MS. BARNES: I think it's Kali Run, Kali Mill.

MR. MCCANN: Okay. You're Cameron Run?

MS. BARNES: Right, I get them mixed up all the time.

MR. MCCANN: Okay, all right. Thank you. Is there anything else you wanted to add (inaudible)?

MS. BARNES: I don't think so.

MR. MCCANN: Okay. Well, thank you.

MS. BARNES: Thank you.

MR. MCCANN: Thank you, Judge. Thank you.

ALJ: Wait just a second, ma'am. Do you have any questions for this lady?

MR. WEST: No, I don't have any questions.

ALJ: Okay. Thank you.

MS. BARNES: Okay, thank you.

ALJ: Okay. So, are we going to go back now to --

MR. MCCANN: Yes, if we could, thank you. Appreciate that.

ALJ: Okay. So, we'll resume now, I guess, with cross examination of Mr. Fulks, is that right?

MR. WEST: Yes.

ALJ: Okay. Mr. McCann?

MR. MCCANN: Okay. Good afternoon, Mr. Fulks. Is it Fulks, am I pronouncing that right?

MR. FULKS: Fulks, yes, that's correct.

MR. MCCANN: With an S, okay. You, the actual

property owner of this property we're all talking about is Fulks Farms, LLC, correct?

MR. FULKS: Yes.

MR. MCCANN: And am I correct, that you're, you're not an owner or a member of that LLC?

MR. FULKS: No.

MR. MCCANN: Your broth, your brother is the owner?

MR. FULKS: My brother is the owner of the LLC.

MR. MCCANN: And your brother is Kipp Fulks, right?

MR. FULKS: That is correct.

MR. MCCANN: And he's, he's a co-founder of Under Armour, right?

MR. FULKS: Yes, he was.

MR. MCCANN: And, but he's not here today, is he?

MR. FULKS: No, sir, he's not.

MR. MCCANN: Okay. Will he be involved in the, the brewery operation at all?

MR. FULKS: Yes, he's --

MR. MCCANN: In what, to what extent, do you know?

MR. FULKS: He, you know, from Kipp, he's, he's involved in everything. He's very, you know, he's, he's hands on but he's also doing a lot so he's, he's kind of all over the place. I mean, we, between, well, Jim Gately and Scott Newberger, run the day to day operations and Kipp is in, in every so often. He has other, other interests as well.

MR. MCCANN: Okay. You were here for Mr. Doak's testimony?

MR. FULKS: Yes.

MR. MCCANN: And you heard the discussion about how, how the barn ended up here, did you hear --

MR. FULKS: Yes.

MR. MCCANN: And was that accurate?

MR. FULKS: It's accurate, yes.

MR. MCCANN: (RECORDING PAUSES) much about the barn right now, but maybe the farm itself over the last ten years or so, since you've owned it or since your brother has owned it?

MR. FULKS: Um hm.

MR. MCCANN: When, at what point in time, did you start growing the hops on the prop, on the farm?

MR. FULKS: From, we have had our second production, second harvest.

MR. MCCANN: Right.

MR. FULKS: But we've been working on it for roughly three years.

MR. MCCANN: Okay. So, for the first --

MR. FULKS: Just the hops.

MR. MCCANN: Right, just the hops, and that's the only product that will be grown on site that will be used in the brewing process, right?

MR. FULKS: I wouldn't say that, no.

MR. MCCANN: There may be other pro, other prod --
MR. FULKS: Other products between wheats and barleys and different things that you can, we have, you know a hundred and twenty-five other acres that we can use to grow other ingredients as well.
MR. MCCANN: Okay. But right now, those other, that other acreage is being used for corn and soybean, right?
MR. FULKS: Yes, sir.
MR. MCCANN: Okay. So, the, you started growing the hops about three years ago and it sounded, I think I heard you say or heard maybe counsel say that eight acres over on the eastern portion of the property are where the --
MR. FULKS: Yes.
MR. MCCANN: -- the hops are grown?
MR. FULKS: It's a, it, it's eight acres of actual physical hops. The (inaudible) probably takes up about between eighteen, roughly eighteen to twenty acres of total space.
MR. MCCANN: Okay and is that, I read somewhere that that space doubled in the last three years, is that right? The amount of space that you allocated to the growing of hops?
MR. FULKS: We doubled the amount of space for the hops from year one to year two.
MR. MCCANN: Okay. Is there, do you intend to increase the amount of space devoted to the growing of the hops in the future?

MR. FULKS: There is plans to increase the space for the hops as well.
MR. MCCANN: Okay and, and I heard and I think I also read it, you are presently the largest grower of hops in the State of Maryland?
MR. FULKS: From a plant count standpoint, we would, we would have the largest number of plants because they take three to five years to mature. I would not say that it's the largest production at this time, but as those plants mature, we would certainly look to have the largest production of hops.
MR. MCCANN: Okay and would that intent grow beyond the State of Maryland? I, I think I read somewhere that your intention to be, is to be the largest grower of hops on the east coast, is that fair?
MR. FULKS: There's, there's always lofty intents, yes, sir.
MR. MCCANN: Okay, all right. But, is it also your intention to not only supply the hops for your brewery but also for other local breweries?
MR. FULKS: Yes, that is correct.
MR. MCCANN: Okay. And is there a plan to connect this proposed brewery with other local breweries and sort of do a brewery tour of some sort, like they do out west?
MR. FULKS: No, no plans at this time.
MR. MCCANN: Okay, okay. Why is it called Big Truck

Farms? I'm just curious.
MR. FULKS: We, from, we like big trucks and we kind of went with what we knew. It, it offered a multitude of naming opportunities for different, different things and activities. We just liked trucks.
MR. MCCANN: Okay.
MR. FULKS: And it just kind of, it kind of stuck.
MR. MCCANN: Okay. You heard the discussion from Ms. Barnes about the wedding that was held, I guess, a couple weeks ago now or two weeks ago?
MR. FULKS: Yes, sir.
MR. MCCANN: As I understand it, that was a wedding for an employee of your brother's, is that correct? Or former employee maybe?
MR. FULKS: I'm not, I'm not sure if I would refer to him as an employee, but.
MR. MCCANN: Okay. Did, did he or she --
MR. FULKS: He doesn't work directly for my brother.
MR. MCCANN: Oh, he doesn't? Okay. What connection does the husband or the wife have with you or your brother in your operation?
MR. FULKS: As far as I know, he's my brother's trainer, so that's what, he works out.
MR. MCCANN: Okay.
MR. FULKS: He has a, I'm not sure, but I think he

owns his own gym facility in Towson/Timonium area.
MR. MCCANN: Okay.
MR. FULKS: And he comes in and trains my brother.
MR. MCCANN: What else, can you tell us anything else about the wedding, that is, how many people attended or anything like that?
MR. FULKS: No, I cannot.
MR. MCCANN: I, I take it you weren't there?
MR. FULKS: I was not there.
MR. MCCANN: Okay. Was your brother there?
MR. FULKS: No, my brother was not there.
MR. MCCANN: Okay. But there was, it sounded like anyway, live music. Do you know that much or not?
MR. FULKS: As far as I know, it was the, the wedding reception, so.
MR. MCCANN: Okay.
MR. FULKS: Most would have live music so I would assume, yes.
MR. MCCANN: Okay. What about the food, was it --
MR. FULKS: I don't know about live versus not live.
MR. MCCANN: Oh, so you don't know, okay.
MR. FULKS: No.
MR. MCCANN: But there was definitely music?
MR. FULKS: There was music.
MR. MCCANN: Okay. What about food? Do you know if

it was catered or?
MR. FULKS: I'm assuming they had a caterer.
MR. MCCANN: Okay. You indicated your brother lives down the road.
MR. FULKS: Yes.
MR. MCCANN: Sort of on the, the west side of Cameron Mill?
MR. FULKS: The western side of Cameron Mill, yes, that is correct.
MR. MCCANN: Yeah, and he has sort of a long driveway off of that road to go back to his property, correct?
MR. FULKS: Yes.
MR. MCCANN: And he has a substantial size barn on his property, does he not?
MR. FULKS: He, there is a barn on there, yes, sir.
MR. MCCANN: Okay.
MR. WEST: I, I guess I'm, I'd like to just put an objection on the record to the extent (inaudible) questioning Koby Fulks about Kipp Fulks' other property. I don't know why that's relevant.
ALJ: Yeah, what, so, what (inaudible)?
MR. MCCANN: Well, I, I guess maybe the only question I had in that regard was, why wasn't, why wasn't the brewery put in that barn, on your brother's property?
MR. FULKS: It's a, it's a --

MR. WEST: I, I would object to that question. That's irrelevant to this proceeding.
ALJ: Yeah, I think it is. Sustained.
MR. MCCANN: Okay. So, are you able to tell us sitting here today, Mr. Fulks, strike that. You talked about some of the types of events you and your brother had talked about having. You mentioned a trail run. When you say trail run, I take it you mean a --
MR. FULKS: Running.
MR. MCCANN: -- race, like a 5k race or something like that?
MR. FULKS: Yes, 5k run.
MR. MCCANN: Run, right.
MR. FULKS: It's just there for an activity.
MR. MCCANN: Yeah.
MR. FULKS: I wouldn't refer to it as a race. We're not looking for a winner.
MR. MCCANN: Okay, all right. And then you also mentioned bike ride and the, the 3-D archery shoot. Explain that, what is a 3-D archery shoot?
MR. FULKS: Where you have persons in their archery equipment, so bows and arrows, shooting at targets that are placed throughout the woods. It's generally a, an event where you have certain characteristics of an archery shoot where you're not allowed a range finder, so you have to guess what

distance the target is and you walk through the woods and you shoot at the targets and you score, similar to what you would, you know, play golf and get your score at the end.
MR. MCCANN: Right, okay. So, it's, it's, it's not a virtual realty type thing? I was thinking when you said --
MR. FULKS: No.
MR. MCCANN: -- 3-D, I thought it was something like that.
MR. FULKS: No.
MR. MCCANN: This is actual, actual --
MR. FULKS: Actual targets, yes.
MR. MCCANN: Okay, got it. Okay. So, those, those three things, the trail run, the mountain bike ride and the, the archery shoot, those are events that are not the type of promotional events that the, the brewery license talks about, would you agree with that?
MR. FULKS: I'm not sure what the, an actual, qualifies as an actual promotional event versus a non-promotional event.
MR. MCCANN: Okay.
MR. FULKS: I'm not sure which one would qualify as which.
MR. MCCANN: Okay. But the, the three events that you mentioned, would those be associated with the brewery at all? In other words, would, would those events take place and

then people would congregate at, at and around the barn for beer tasting and consumption, is that what you're contemplating?
MR. FULKS: Yes.
MR. MCCANN: Okay.
MR. FULKS: For a beer tasting and --
MR. MCCANN: Okay. So, regardless of what we call them, whether we call them a promotional event or a multi-brewery activity, can you tell us today how many of those types of events you anticipate having each year, every year?
MR. FULKS: Well, it's limited to twelve, as far as I know, from the regulation.
MR. MCCANN: Okay.
MR. FULKS: So, we wouldn't be going any, above any regulation.
MR. MCCANN: Okay. So, is it fair to say then, regardless of the type of event, whether it's a multi-brewery activity or promotional event, regardless of the type, your, you would limit it to twelve per year?
MR. FULKS: I'm not sure the distinguishment between the multi-brewery activity versus the promotional event.
MR. MCCANN: Yeah.
MR. FULKS: As them being separate, so I'm not sure how they, how that, you're qualifying that question.
MR. MCCANN: Well, that's why I asked it that way,

because I know, I think the average person reading (inaudible) probably wouldn't identify a difference either. But regardless of what you call it, whether it's promotional for your brewery or promotional for multi-breweries, whichever, whatever you call it, I'm just asking, how many events per year, whether it be a wedding, whether it be a trail run or a mountain bike ride or a 3-D archery shoot, how many per year?

MR. FULKS: Well, for the, it's separate in the, in the piece, correct? So, the promotional events are limited to twelve and then for the multi-brewery activities from reading it just previously, it's, was not limited to --

MR. MCCANN: Right.

MR. FULKS: -- it was only limited to time and how many days.

MR. MCCANN: Okay, right. So, again, my question is, how many events? Let's start with --

MR. FULKS: For promotional events --

MR. MCCANN: -- twelve.

MR. FULKS: -- you would still be limited to twelve promotional events.

MR. MCCANN: Okay and then in terms of multi-brewery activities, as you, as you read, there's no limit. Are you proposing any limit or --

MR. FULKS: I'm not proposing, proposing any limit --

MR. MCCANN: Okay.

MR. FULKS: -- to multi-brewery events.

MR. MCCANN: Okay. What about to the extent of trail run, a mountain bike ride or a third, 3-D archery shoot or something other than a multi-brewery event or promotional event? Are you going to have any others in addition?

MR. FULKS: I'm sure we would have other --

MR. MCCANN: Okay.

MR. FULKS: -- besides those three that, between a mountain bike ride, a trail run and 3-D archery shoot. That was just kind of, like again, we're outdoors and those are the things that came to our mind of what kind of things we like to do.

MR. MCCANN: Okay and then in, okay. And in terms of the, I was asking Mr. Doak about the area that you'll use for these events and activities. It sounds like particularly, for some of them, you're going to use the entire farm? You may?

MR. FULKS: It's, --

MR. MCCANN: Yeah.

MR. FULKS: -- available to use the entire farm, yes.

MR. MCCANN: Okay. So, and you, you talked about the pavilion, which we saw a photograph of. Are you going to, if you use the pavilion, is there an intent to use the pavilion in connection with any of these? I think that was the best. Any of the events?

MR. FULKS: I mean, I would use the pavilion if

needed, yes.

MR. MCCANN: Okay. So, and how would, how would you act, the pavilion is, if we refer to Petitioner's Exhibit 4, is, is in this clearing, sort of level area in the middle of, well, actually to the --

MR. FULKS: No.

MR. MCCANN: It's not there? Where, where exactly, could you show? Appreciate it.

MR. FULKS: The pavilion would be that square right there.

MR. MCCANN: That's where it is now?

MR. FULKS: Yes.

MR. MCCANN: Oh, I'm sorry. Okay. So, there wouldn't be a separate access if you were to use the pavilion in connection with events, you would, you would have the same access?

MR. FULKS: This is a, this is an access to the pavilion. It is a separate road that goes to the barn, white barn (inaudible).

MR. MCCANN: Okay.

MR. FULKS: There's a separate road that's not on this map.

MR. MCCANN: Okay, got it. My perspective is all out of whack. So, there's a current, we've seen the pictures of the gravel driveway to the existing barn.

MR. FULKS: Yes.

MR. MCCANN: And then a little farther south, on Cameron Mill Road, there is another entrance that's still there, correct?

MR. FULKS: Yes.

MR. MCCANN: And that goes to the pavilion?

MR. FULKS: Yes.

MR. MCCANN: So, would you use that separate entrance if, if you ended up using a pavilion, the pavilion in connection with any of the events?

MR. FULKS: Yes.

MR. MCCANN: Okay, all right. Can you provide us, given the fact that you're going to use the whole farm, it may be difficult but can you tell us the maximum number of people that you will have at any one of these events?

MR. FULKS: I couldn't confirm the maximum number of people since we haven't really put a plan in place, for one, and then I would, if I had to (inaudible) one, I would have to have people sign up to do it. So, until I actually know that, I couldn't tell you the number of people.

MR. MCCANN: Okay. What about the, the parking? I take it because you don't know, know the number of people, you also don't really have a good sense of how many, how much parking area you'll need for those people, right?

MR. FULKS: Um hm.

MR. MCCANN: Yes?
MR. FULKS: Yes, I wouldn't know what type of parking I would need.
MR. MCCANN: Okay.
MR. FULKS: And there is a lot of parking available on the farm.
MR. MCCANN: Okay and can you tell us or, whether or not there will be music at the events? (inaudible) having music?
MR. FULKS: Would I anticipate having music? Other than music playing that you would have inside the barn on a normal basis, you know, I would anticipate some sort of music.
MR. MCCANN: Okay.
MR. FULKS: Just generally associated with --
MR. MCCANN: Outdoor events?
MR. FULKS: -- outdoor events.
MR. MCCANN: Right. So, and potentially, live music as well, potentially?
MR. FULKS: Potentially.
MR. MCCANN: Yeah.
MR. FULKS: I mean, I wouldn't say yes or no.
MR. MCCANN: Okay and then, I'm sure you've been to the type of events we're talking about, but you, if there are such events taking place outside of the barn itself, you're going to, you'll probably need porta potties, sort of like

there were at the wedding?
MR. FULKS: Depends on the number of people.
MR. MCCANN: Okay. So, you may have them, depending on the number of people?
MR. FULKS: We, I mean, we bring in porta potties for the production of the hops too, just for people that we have to come on the farm to work.
MR. MCCANN: Okay.
MR. FULKS: To have, because there's no bathroom facility at this time.
MR. MCCANN: Okay. Let's go, let's talk about the brewery itself now, that is the barn, and, and (inaudible) events and activities, but rather the, the brewery itself. We saw the photograph of how the barn is sort of separated into thirds, you remember that testimony?
MR. FULKS: Yes, sir.
MR. MCCANN: Will you have inside, in the two-thirds of the barn that it sounds like it's going to be available for tastings, etcetera, you, number one, you mentioned potential for live or recorded music inside there, right?
MR. FULKS: No, sir, I did not.
MR. MCCANN: Do you --
MR. FULKS: I didn't say anything about live or recorded music in there.
MR. MCCANN: Okay. Do you anticipate having live or

recorded music inside the barn?
MR. FULKS: I, I wouldn't anticipate, I mean, I would anticipate having music, whether that's live or not, I don't know.
MR. MCCANN: Okay. But will you have, there will be a bar in there, right?
MR. FULKS: There, there would be a place to taste beer, yes.
MR. MCCANN: Okay and then, will there be seating, tables?
MR. FULKS: Yes.
MR. MCCANN: Okay and what about food? The State law allows you to serve food, will you be serving food?
MR. FULKS: There's no plans at this time for food.
MR. MCCANN: Any type of food, pretzels, snacks?
MR. FULKS: Not at this time.
MR. MCCANN: Okay.
MR. WEST: Mr. McCann is weighing as to whether he's going to go. Make sure there's pretzels there.
MR. MCCANN: Yeah, I'm a big pretzel fan. Will there, will there be tables and chairs outside of the barn?
MR. FULKS: There could be, yes.
MR. MCCANN: Yeah, okay.
MR. FULKS: It's a possibility.
MR. MCCANN: And will you, at least for the, the beer

tasting, the on-site consumption, will you take reservations for that or will it just, can anybody during the hours of operations show up?
MR. FULKS: I mean, I would assume that you have a farm brewery that's open for business, if you have hours that that's open, that you would be available to go in during those hours of availability.
MR. MCCANN: Okay and do you know what those hours will be?
MR. FULKS: I do not know what those hours.
MR. MCCANN: Whatever the State law allows?
MR. FULKS: Whatever the State law allows.
MR. MCCANN: Okay.
MR. FULKS: I'm not saying that it's total, but.
MR. MCCANN: Right.
MR. FULKS: We also have to have employees and people to run that and.
MR. MCCANN: Okay. So, it sounds, assuming you do what the State law allows, it's, you could be open seven days a week, right, could be?
MR. FULKS: I don't think it's seven days. I don't think, I don't think Sundays are allowable in Baltimore County, are they?
MR. MCCANN: Well, the, the State law says seven. And it says 10:00 a.m. to 6:00 p.m. for consumption of beer,

and then it says 10:00 a.m. to 10:00 p.m. for sampling of beer. Do you intend to be open, if, if it, you know, if you get to that point, during those hours that are allowed under State law? Is it possible that you'll do that?

MR. FULKS: Yes, we would be open during the hours allowed.

MR. MCCANN: Okay.

MR. FULKS: I would not go outside those hours.

MR. MCCANN: I understand.

MR. FULKS: What's, what's the reason for the class seven license special exception that you're seeking in this case? What's your intention in that regard?

MR. FULKS: (inaudible) class eight, I thought it was.

MR. MCCANN: Well, the Petition itself, I talked to Mr. Doak about this. It says class seven or eight.

MR. FULKS: Or eight, okay.

MR. MCCANN: Do you know what a class seven license is?

MR. FULKS: I'm, I'm not familiar with the class seven. I've only read through what the class eight was.

MR. MCCANN: Okay. Do you, do you anticipate at any time having, operating a restaurant on the property?

MR. FULKS: Not at this time.

MR. MCCANN: Okay.

MR. FULKS: There's no anticipation of that.

MR. MCCANN: And what is your intention in terms of dis, distribution? In other words, do you intend to distribute the beer that you make to wholesalers or retailers off site?

MR. FULKS: I mean, from a person trying to sell something and you have the avail, availability to sell to someone walking in versus a restaurant, I mean, I think you'd want to sell your product wherever you can so that you can --

MR. MCCANN: Okay.

MR. FULKS: It's more well known.

MR. MCCANN: Right.

MR. FULKS: Yes.

MR. MCCANN: Okay. So, to the truck traffic associated with the growing of the hops, in addition to the, the truck, the UPS traffic associated with the delivery of materials, you, there may be some deliveries of growlers or six packs or cases of beer, off site to restaurants or other retailers or wholesalers? That's possible?

MR. FULKS: Like a, a beer distributor truck, is that what you're referring to?

MR. MCCANN: Yeah, maybe not an eighteen wheeler Budweiser truck but there, there will be trucks, if you, if you deliver, distribute beer offsite, you will need trucks to get that beer offsite, right?

MR. FULKS: I, I would assume, yes. We would.

MR. MCCANN: Okay.

MR. FULKS: To me, we would be delivering, well, right now there's no, there's no can or bottling facility on site, so you're not able to do that.

MR. MCCANN: But under the law, you're allowed to sell beer in growlers, people can bring a growler and you can sell the beer that way, right?

MR. FULKS: Yes.

MR. MCCANN: So, you could sell growlers or, if you bottled it in the future, you could see that offsite?

MR. FULKS: Yes.

MR. MCCANN: Okay. You mentioned five different kinds of hops. How many different brands of beer will be sold onsite or offsite?

MR. FULKS: I --

MR. MCCANN: Don't know?

MR. FULKS: -- wouldn't have an answer for that question.

MR. MCCANN: Okay. You mentioned possibly having seating outside. Will there also be, is it also possible that you may have an additional bar or sampling area outside of the barn itself?

MR. FULKS: No.

MR. MCCANN: And why is that?

MR. FULKS: There's no place for it.

MR. MCCANN: Okay. Okay. I think that's it. Just. Oh, I know what I wanted to ask you. You said that given the three barrel system that you have, it would, anticipate only a thousand barrels of production the first year, right?

MR. FULKS: (inaudible) less than a thousand barrels, yes.

MR. MCCANN: Yeah. Do you intend to, at some point perhaps in the near future, in, increase the gallons per year to the fifteen thousand allowed under State law?

MR. FULKS: I would say in the near future.

MR. MCCANN: Okay. But it's possible you may at some point in time?

MR. FULKS: Possibly we may. I mean, again, if that's what the, is allowed within what, what the farm brewery is, is about then, I mean, I think we would --

MR. MCCANN: So, would you have to, I'm sorry to interrupt. If, would you have to change the barrel system? In other words, thirty-two gallons, I assume can only produce x amount of beer. Would you have to go to a different barrel system in order to sort of reach that capacity?

MR. FULKS: Yes.

MR. MCCANN: Okay.

MR. FULKS: Either you would have to put a lot of time in on the three barrel system or get a bigger system.

MR. MCCANN: Right. What about the amount of water

used in the, in the brewery? I read somewhere that for every barrel of beer it takes seven barrels of water. Is that roughly accurate?

MR. FULKS: No, I think that's a, I think it's gallon versus barrel. So, for every gallon of beer, you would use seven gallons of water.

MR. MCCANN: Okay, gallons, right?

MR. FULKS: Gallons, not, not barrels.

MR. MCCANN: So, one gallon of beer takes seven gallons of water?

MR. FULKS: And that's due to a cleaning process.

MR. MCCANN: Yeah.

MR. FULKS: I mean, you want to make sure your equipment is clean. Most of your water consumption is done in cleaning.

MR. MCCANN: Okay.

MR. FULKS: So, to be able to either have, the way that the, the barn is set up, we would have to have drainage put into the floor where the, the brewing system would be and then to be able to recycle that back to be usable water again.

MR. MCCANN: Yeah.

MR. FULKS: So, we have, try to be as green as possible and use as much as possible.

MR. MCCANN: Yeah, but --

MR. FULKS: So you don't have a lot of waste.

MR. MCCANN: Right. But a byproduct of the production process is water. In other word, you're going to need to get rid of --

MR. FULKS: Yes.

MR. MCCANN: -- for every gallon of beer, you're going to need to get rid of at least a couple to several gallons of water somehow, right? And you're going to do that onsite?

MR. FULKS: We would. The plan is basically to go into a holding tank.

MR. MCCANN: Okay.

MR. FULKS: And we would put that into just like a septic holding tank and get it pumped.

MR. MCCANN: Okay and where is the holding tank going to be?

MR. FULKS: Not sure at this time.

MR. MCCANN: Okay. Would it be an above ground, sort of one of those tanks that you see --

MR. FULKS: No, we, we're, we would not, we would not put it above ground because we wouldn't like that visual.

MR. MCCANN: Okay. So, it would be an underground tank, that can --

MR. FULKS: Undergrounds tank.

MR. MCCANN: -- that can be emptied? In other words, you're not going to be discharging any, any byproducts from the

production process onto the, the farm --

MR. FULKS: That is the plan, yes, sir.

MR. MCCANN: Okay. Okay. The, can you give me a sense of how the eight acres of hops translates into fifteen thousand gallon, barrels, fifteen thousand barrels, yeah. So, in other words, could you, could you reach that, that maximum, fifteen thousand barrels, with, with the eight acres that you have?

MR. FULKS: (RECORDING PAUSES) on that. Depends, depends on the types and styles of beers, where there's a lot of variables that would go into that number.

MR. MCCANN: Okay.

MR. FULKS: I couldn't, couldn't say in particular. I mean, we will have more than enough hops to produce beer as well as sell it to other craft brewers that are around Maryland.

MR. MCCANN: Okay. Okay. No other questions, thank you, sir.

ALJ: Anything else?

MR. WEST: I have nothing further.

ALJ: Okay. Thank you, Mr. Fulks.

MR. FULKS: Thank you, sir.

MR. WEST: That's the extent of our case, Your Honor.

ALJ: Okay.

MR. MCCANN: Can we take a bathroom break, Your

Honor? And we'll regroup and figure out what we got.

ALJ: Yeah, let's do that. So, we'll just take a ten minute break, is that good?

MR. MCCANN: Yeah.

ALJ: And we'll come back at ten after (inaudible).

MR. MCCANN: What's, how long do you intend to go today, Judge?

ALJ: Till we finish.

MR. MCCANN: Okay.

ALJ: If, if that's what you think is doable.

MR. MCCANN: Okay. Well, I'll figure that out right now.

ALJ: Yeah, okay. Well, then that will be the first thing we talk about.

MR. MCCANN: Okay.

(RECORDING PAUSED - 03:46:20 PM)

(ON RECORD - 03:58:14 PM)

ALJ: Okay. So, welcome back, everybody. We're going to continue back up with case 2018-324 and so we're on the Protestant's case now, is that right?

MR. MCCANN: Yes, it is.

ALJ: Okay. So, who, who's first?

MR. MCCANN: This gentleman.

ALJ: Okay. Raise your right hand, sir. Do you swear or affirm under the penalties of perjury, the testimony

you will provide today will be the truth?
MR. ARCHER: I do.
ALJ: Okay. Tell us your name, take a seat, tell us your name and address, please.
MR. ARCHER: Name is Jarrett Archer. I live at 215 Kali Court.
ALJ: Jared?
MR. ARCHER: Jarrett.
ALJ: Jarrett? Okay.
MR. ARCHER: Just like Jarrettsville, J-A-R-R-E-T-T.
ALJ: Gotcha.
MR. ARCHER: 215 Kali Court, Parkton, Maryland 21120.
ALJ: Okay. So, you're right next door to the lady before?
MR. ARCHER: Yes.
ALJ: Okay.
MR. MCCANN: Okay and how long have you lived there, Mr. Archer?
MR. ARCHER: We moved there in 2010, moved there from Crofton in Anne Arundel County and a big part of the reason for moving was to get away from the suburbs, get away from the hustle and bustle, the congestion, the noise, distractions.
MR. MCCANN: Okay.
MR. ARCHER: We wanted to raise our, our son in an, in an area that he could go out in his backyard and not be

afraid, you know, (RECORDING PAUSES), play in the woods.
MR. MCCANN: Okay.
MR. ARCHER: So, we moved there in 2010.
MR. MCCANN: So, you and your wife and your son live there?
MR. ARCHER: Correct.
MR. MCCANN: Since approximately 2010?
MR. ARCHER: Yes.
MR. MCCANN: Okay. The, your property is depicted on Petitioner's Exhibit 4, right?
MR. ARCHER: Yes.
MR. MCCANN: Right next to Ms. Barnes, as the Judge indicated?
MR. ARCHER: Yes, yeah, we're, we're, this is, one, two, three, we're right here.
MR. MCCANN: Okay and describe, describe your property first, Mr. Archer, including, including the --
MR. ARCHER: Our property, it's, I think we got about an acre and three-quarters. The, the home is at the front of course, we have a nice open yard and then it's wooded in the back, a conservancy area. It's right next to the barn. As you can see, actually, I think that picture is a little off. Actually, I know it's a little off. The barn is more, this, the barn, that's not where the barn is, the barn is more right here and it's tilted, it doesn't come straight off the

property, it comes, it's tilted this way.
MR. MCCANN: Okay. So you're --
MR. ARCHER: So, that picture is not right.
MR. MCCANN: So, the orientation of the barn --
MR. ARCHER: Is not correct.
MR. MCCANN: You think it's, it's --
MR. ARCHER: It's more at an angle, yes.
MR. MCCANN: So, you could see more, sort of the broadside of the barn, as opposed to the end of it?
MR. ARCHER: Correct. We can see the broadside of the barn and it's a little farther to the west, I would say. Just a little bit, not a lot, but a little bit.
MR. MCCANN: Okay, great. Well, let's look at some photographs. And this would be Protestant's Exhibit 4, Your Honor. I'll give the witness a copy. This would be 4-A through E. Take a look at those five photographs if you would, Mr. Archer. And are those photographs that you took?
MR. ARCHER: Yes, they are.
MR. MCCANN: And when did you take them?
MR. ARCHER: Recently. Well, so, the first, let's see, the first one I took today.
MR. MCCANN: Okay.
MR. ARCHER: And then the other, the second one I took earlier this year. Same with the third one, the fourth one, actually, they've all been in the last (inaudible).

MR. MCCANN: Last couple months you said?
MR. ARCHER: Yeah.
MR. MCCANN: And these are all taken on your property?
MR. ARCHER: Correct. These are from my property looking out to the barn.
MR. MCCANN: Okay and do they, each of the photographs fairly and accurately depict what the view is like from your property towards the barn?
MR. ARCHER: Yes.
MR. MCCANN: Okay and let's just start, go quickly through a couple of them, at least. Exhibit 5, I'm sorry, 4-A, first photograph (RECORDING PAUSES) is that your fence?
MR. ARCHER: That's the Fulks Farm, that's their fence.
MR. MCCANN: Okay. But does that fence depict the property line, your property line?
MR. ARCHER: Correct. That's the property line, correct.
MR. MCCANN: Okay and it looks like the, so when you said that the, the barn is sort of oriented so that you can see it from your backyard more of the broadside, is that what you were referring to?
MR. ARCHER: Correct, exactly. I can, I'm not looking, you know, from that picture, I would be looking at the

end of the barn. I can see the broadside of the barn from my property and the barn doors are kind of facing towards my property.

MR. MCCANN: Okay and then the, the second photograph appears to be approximately in the same location along the, the fence line but is, is that, where are you on your property? Are you sort of in the middle of it? That is along the border with Fulks Farm property, are you in the middle? Can you give us a sense of where along the property line you are?

MR. ARCHER: Oh, so, the first one I would be kind, yeah, both, actually they're both kind of in the middle. The one that is, the second one would be, probably a little to the east or so, east side of the property.

MR. MCCANN: Okay and then the third photograph, Exhibit 4-C, is facing southerly?

MR. ARCHER: That's from the same spot as the first one, just, you know, kind of taking a picture off into a different direction.

MR. MCCANN: Okay. Describe what is on the other side of the barn. I mean, it's, this is a good photograph of that, but what is, what does the property look like from your property?

MR. ARCHER: From, from there it goes downhill pretty quickly. There's a bank where it goes down, that's where the, the pavilion that's been mentioned a couple times is down in

that valley down there. So, it drops off pretty quickly. And then the second barn site is, is kind of just over that hill there to kind of the right side over that hill, that's where the second barn site is. Very rolling, you know, country setting. Then Cameron Mill goes down the, the west side of the property.

MR. MCCANN: Okay. So, looking at this 4-C, and, and taking into consideration Petitioner's Exhibit 4 on the board, the location of the proposed second barn would be, obviously, to the right of the, the existing barn, right?

MR. ARCHER: Correct.

MR. MCCANN: Would you, and I know it's difficult to tell, but would you be able to see it?

MR. ARCHER: I think we would be able to see the roof definitely and maybe a little bit more but.

MR. MCCANN: Okay.

MR. ARCHER: Definitely at least the roof. Because it drops down, I don't know how far, but it drops down a little bit.

MR. MCCANN: Okay. Then 4-D, tell us what that shows us.

MR. ARCHER: D, that is, that's from my deck, and I know it's a little dark, the picture is kind of dark, but that's, I take, took that picture from my deck.

MR. MCCANN: Okay.

MR. ARCHER: On my house.

MR. MCCANN: And then the last photograph in Exhibit 4?

MR. ARCHER: That's also from my deck. I zoomed in a little bit but that fence you see there, that's just a (inaudible) have for part of my property to keep the dogs in and also we, we do have a pool so you have to have a fence by regulations.

MR. MCCANN: Okay.

MR. ARCHER: So, so that's our fence. But beyond that is the wooded area, my, you know, my son plays out there all the time and, and then, you know, the Fulks Farm fence is beyond that.

MR. MCCANN: Okay and how many feet approximately between this wooden fence shown in 4-E and the, sort of the, the property line fence?

MR. ARCHER: If I had to guess, maybe eighty, eighty, a hundred feet, I don't, I don't know.

MR. MCCANN: Okay. All right. Let me back up if I can and we'll get to these photographs again in a moment but describe the, the area in general, that is, the, the farm itself, your, your neighborhood and the area around the farm.

MR. ARCHER: As I said, it's, it's a, it's a rural area, it has the looks of a rural area, but it's also a residential area. Our, our, our community is thirty-four

homes. The Cameron, that's the Cameron Run community. The Cameron Hill community is much more than that, I think it's in the fifty range, I don't know. There are homes up and down Cameron Mill Road, Stablers Church Road, Coffman, Bentley, so it's a very residential area, even though we're in a rural setting.

MR. MCCANN: Um hm.

MR. ARCHER: And that's what we love about it. That's why my wife and I moved there. We felt like we got the best of both worlds. We were in a rural setting but we had a neighborhood and we had kids around to play with and we had other families to interact with. So, this is not a, this is not a, a farm. This is a residential area with a farm in the middle of it. That's what it, what it comes down to. This is not a farm with another farm, another farm, another farm and then just a few houses, you know, mixed in.

MR. MCCANN: Yeah.

MR. ARCHER: This is, you know, two large communities and then homes along this side and homes along the bottom, homes along all the roads and a farm in the middle. And that's, that's where we're concerned.

MR. MCCANN: Okay. Let's look at these photographs if we could, and this would be Protestant's Exhibit 5, 5-A through F. Did you also take these photographs, Mr. --

MR. ARCHER: I did.

MR. MCCANN: Okay and when approximately did you take them?

MR. ARCHER: A few days ago.

MR. MCCANN: Okay and do these photographs generally depict the farm?

MR. ARCHER: Yes.

MR. MCCANN: From Cameron Mill Road?

MR. ARCHER: Yeah, this is, these are all from, actually, one spot on Cameron Mill. I just kind of did kind of a panoramic type thing.

MR. MCCANN: Okay and do they fairly and accurately depict the farm?

MR. ARCHER: Correct.

MR. MCCANN: All right. So, starting with, you know, A, I think they progress. Just sort of just, tell us what direction we're looking at and then tell us as we move through the photographs how the camera is moving if you would?

MR. ARCHER: So, the first one you're obviously looking towards the barn, kind of northern direction. Our home, as well as the other homes in Kali Court, are just, you know, beyond those woods there. And as you go down to the next one, I, so I'm just kind of moving down south along Cameron Mill.

MR. MCCANN: Panning right?

MR. ARCHER: Yeah, and --

MR. MCCANN: Panning right and facing --

MR. ARCHER: Panning right, I'm sorry.

MR. MCCANN: -- facing an easterly direction, is that --

MR. ARCHER: Correct.

MR. MCCANN: Okay.

MR. ARCHER: So, the next one shows kind of where the barn is compared to the hops. The, you can see kind of the pavilion area down below there. I mean, I guess they store a lot of their tractors and, and farm equipment down there as well. There is a road that leads down to that pavilion as well as the road that leads to the barn itself. And then the next one, kind of panning right again, there's, you see more, the more hops. Once again, the pavilion is there. You can kind of see the road that leads down to the pavilion there on the left. And then, panning right some more, you can see it's, it's a very, you know, like I said, it's a, it's a valley so everything kind of drops down to that valley. He's growing corn right now as well as the hops. Then panning right is the, the large, large field there. That corn right now and all part of his property (inaudible) field you see there. And then the last one, you can kind of see some of the homes in the, way back in the background there. Those are some of the homes on Cameron Mill that abut the property down on the, the south end of the property.

MR. MCCANN: Okay. So, Cameron Mill sort of goes into a, into the, to a bottom, it bottoms out at --

MR. MCCANN: Correct, yeah. Correct. You know, we're on kind of the high end and it kind of goes down, the Little Falls River is down there. I believe there's a creek on their property that drains into the Little Falls River. I go fishing there with my son all the time. The NCR trail is right there. So, it does get busy on weekends, the, down at the bottom of Cameron Mill. Walker Road comes in, Stablers Church comes in, there's a parking lot right there. People use the NCR trail there all the time. So, it gets a little busy and there's a house right there that, it's kind of a bottle neck, so it gets really tight. You can only go kind of one car at a time through there. So, that gets really tight sometimes but yeah, everything feeds down to the Little Falls.

MR. MCCANN: And how would you describe Cameron Mill Road itself and, and some of the other roads that head down in the valley?

MR. ARCHER: Well, Cameron Mill, I think as, as Jen said, you know, there's no, there's no dividing line, it's a narrow road, there's no dividing line. All the roads that lead into it are, are, well, not all of them, but, but Coffman doesn't have a dividing line as well. Very, they're all very windy roads. They're, they're what you would imagine if you said country road, you know, it's what you would picture.

MR. MCCANN: Yeah.

MR. ARCHER: You know, no lines, narrow, a lot of the bridges are very tight, especially the one on Coffman. It's a one time, one car at a time bridge. As a matter of fact, I think a year or so ago, a car flipped there because it hit the side of the bridge and flipped upside down. Cameron Mill is a, it's, it, to put it, put it simply, these, these are not through roads. These are roads that you either live there or you're visiting somebody there. So, these are not heavily trafficked roads, unless you live there or visit there. We loved, you know, my wife and I, as well as a number of other folks in the community, you'll see them out on Cameron Mill all the time walking, and walking their dogs, riding their bikes, you'll see kids riding their bikes up and down, you know, kids get off the school bus, they're walking on the road there. So, it's a road that, you know, even though it's tight, you feel kind of safe to, to walk on it because it's a country road, there's not a lot of people there, it's a thirty mile an hour road. It's not like some of the, some of the other breweries, you know, they're, they have pretty heavy access to, and I had an objection to Mr. Doak. This is, these are not big roads. The, the Monkton farm is the Inverness Farm. That Monkton Road is a forty mile an hour road with a, with a, with a line in the middle of it. We don't have that. We have a small little road, okay? And we like it that way. That's why most, I think

most, everybody in here probably moved out for that reason. To, to keep it quiet, to keep it, keep it peaceful.

MR. MCCANN: Okay.

MR. ARCHER: And so.

MR. MCCANN: Let's take a look at this Exhibit 6. Okay. So, take a look at that, if you would, Exhibit 6, that is.

MR. ARCHER: Um hm.

MR. MCCANN: And you, you see the subject property is in shaded there.

MR. ARCHER: Yep.

MR. MCCANN: And unfortunately, this map does not have the roads marked or identified. But I want to focus in on, number one, to the right hand side, to the east, is York Road, right?

MR. ARCHER: Correct.

MR. MCCANN: Which runs parallel to 83?

MR. ARCHER: Correct.

MR. MCCANN: And then the roads that sort of run alongside of Cameron Mill, like to the west, that road out there, does that road also sort of head into the, into the bottom of the valley as well?

MR. ARCHER: Which, I'm sorry, which road?

MR. MCCANN: To, the road, to, to the left of Cameron Mill or to the west, I'm sorry, of Cameron Mill Road.

MR. ARCHER: Okay.

MR. MCCANN: What, what road is that out there?

MR. ARCHER: Oh, that's, so that's Bentley. Or, no, yeah, I think that's Bentley, yeah.

MR. MCCANN: Okay.

MR. ARCHER: Which, I'm not sure which one you're talking about. Are you talking about Walker or, let's see.

MR. MCCANN: This one right here that runs roughly parallel to Cameron Mill.

MR. ARCHER: Okay. Yeah, that's, that's Bentley.

MR. MCCANN: Okay and then both Cameron Mill and Bentley hit eventually Walker Avenue, which runs east, roughly, east to west, right?

MR. ARCHER: Correct.

MR. MCCANN: Okay and are, are both Bentley and Walker (RECORDING PAUSED) as described?

MR. ARCHER: Absolutely. Yeah, Bentley is, is very narrow. Walker is very, extremely narrow. They're just, as a matter of fact, there are sections of Walker where I guess it must have been an old road that over time just kind of got (inaudible), you know, mowed down or whatever, but you have huge berms on either side. There is no shoulder, there is nowhere to go and --

MR. MCCANN: How big are those berms?

MR. ARCHER: They're, they're taller than I am, I

think in spots, so and I'm six foot two, so.

MR. MCCANN: Okay. Okay and sort of where Cameron Mill and Walker meet.

MR. ARCHER: Um hm.

MR. MCCANN: Just below the site.

MR. ARCHER: Right.

MR. MCCANN: Do you see that?

MR. ARCHER: Yep, that's where Stablers, Cameron Mill and Walker come together.

MR. MCCANN: Okay. So, is that where the, the NCR trail is?

MR. ARCHER: Correct, yes. There's a parking lot on either side of Walker at that point.

MR. MCCANN: So, that T, is where the NCR trail runs across that T, right?

MR. ARCHER: Correct. Yeah, it follows, you can kind of see the river on here, but not really. But yeah, it follows the Little Falls, the NCR trail.

MR. MCCANN: Okay. All right. Let me, this would be a good place to show these photographs, which is Exhibit 7. And this would be 7-A through F. And quickly, just, for instance, 7-A.

MR. ARCHER: Um hm.

MR. MCCANN: You, you, well, first of all, you took all these photographs?

MR. ARCHER: Yes, I did.

MR. MCCANN: Recently?

MR. ARCHER: Two days ago.

MR. MCCANN: And these are the roads, including Cameron Mill, along and near the property, right?

MR. ARCHER: Correct.

MR. MCCANN: And do they fairly and accurately depict those roads?

MR. ARCHER: Yes.

MR. MCCANN: Okay. So, 7-A, tell us where we are there.

MR. ARCHER: That is at that intersection you were just talking about where, so Walker is that road to the, to the, I mean, yeah, Walker is that road to the left. That's Cameron Mill going up the hill there. The little red sign, there's, there's a house you can see on the right. They have a, they have a few kids and there's a little sign that says drive slowly. This is that bottleneck I was talk, telling you about. It gets really tight right here and sometimes you, you kind of have to let another car go through.

MR. MCCANN: So, this is the bottom of Cameron Mill, down where it meets --

MR. ARCHER: Bottom of Cameron Mill where it meets Walker and Stablers.

MR. MCCANN: Okay and so that road, you can tell by

looking at it, it, I think it turns there, but it heads up, you're going up?

MR. ARCHER: It heads up, yeah, actually the next picture shows you that turn, I'm going, I'm heading down, but that's that turn going up, coming up.

MR. MCCANN: Okay. So, 7-B is, is south on Cameron Mill, facing south?

MR. ARCHER: That's going south on Cameron Mill, correct.

MR. MCCANN: Okay.

MR. ARCHER: Going down to Walker.

MR. MCCANN: So, no shoulder on the road at all, right?

MR. ARCHER: No.

MR. MCCANN: Okay and what is 7-C? Where are you there?

MR. ARCHER: 7-C, that's also Cameron Mill. That's actually just outside of Kali Court where I live. So, it shows you just, you know, a lot of the homes that are along Cameron Mill as well.

MR. MCCANN: Okay. So, Kali Court, if this is facing south on Cameron Mill and you're, and Kali --

MR. ARCHER: No, this is actually facing north on Cameron Mill, at Kali Court.

MR. MCCANN: Okay and, and where is Kali Court, on

the right?

MR. ARCHER: No, you can't see it, but I, it's just outside, you know --

MR. MCCANN: But it would be a right hand turn?

MR. ARCHER: Yes, it would be on the right hand side, correct.

MR. MCCANN: Okay. So, this is north of the site?

MR. ARCHER: Correct, north of the site. So, anybody coming from the north, it would, would, well, actually, people coming from the south too. The way I come to my home, which is right behind the property, I go up York and I go on Coffman, because those roads at Stablers are so narrow and crazy, I go Coffman to Cameron Mill and then come down.

MR. MCCANN: Okay.

MR. ARCHER: It's actually faster because those roads are so narrow.

MR. MCCANN: So, the, the homes that we see in 7-C, are these homes along Cameron Mill Road right here?

MR. ARCHER: Correct, right.

MR. MCCANN: Okay. North of the site. And then 7-D, tell us where that is.

MR. ARCHER: 7-D, so that's, that's just a little bit farther down. You can, you can almost see it in the previous one. The reason I took a picture of this, (inaudible) that telephone pole and that tree and it's a pretty, fairly tight

turn and I, as I said, I come this way every day, that's just the way I come home. It's a pretty tight turn and you, you got to be careful coming around that turn if another car is coming in the other --

MR. MCCANN: What do you mean, a little farther down where, where are we looking at specifically?

MR. ARCHER: It would be a little farther north from the previous picture, I'm sorry. So, it's, it's north of that previous picture, I believe it's --

MR. MCCANN: Facing north, facing north?

MR. ARCHER: -- Cameron Mill, I'm sorry?

MR. MCCANN: Facing north?

MR. ARCHER: Facing north, yes.

MR. MCCANN: Okay.

MR. ARCHER: And like I said, it gets very tight there, there's a house right to the left there. (inaudible) when I was talking to him about what was going on, he said he actually had a car come right through his --

MR. WEST: Objection.

MR. ARCHER: -- his drive.

MR. WEST: Objection.

ALJ: Overruled. Okay, go ahead.

MR. MCCANN: Okay and 7-E, the next photograph, with a truck in it?

MR. ARCHER: That's my truck. That is the bridge on

Coffman. That's the one I had mentioned that somebody had flipped their car.

MR. MCCANN: Okay. Well, we haven't talked about Coffman yet. I mean, you've mentioned it, but where, where where on Exhibit 6 is Coffman?

MR. ARCHER: So, if you, York Road and you, that, above the property, that, that road that comes off of York Road, that's Coffman.

MR. MCCANN: Okay.

ALJ: Right at the 83 marker?

MR. ARCHER: Yeah, right where it says 83, yes, to the left, so where you go up York Road, make that left, that's Coffman.

MR. MCCANN: Okay.

MR. ARCHER: And then you go to the five forks and you come down. That's the way I go because it's a little, little less windy. But as you can see, Coffman is also not lined, very narrow road.

MR. MCCANN: Okay. The next photograph, which is 7--

MR. ARCHER: This is back on Cameron Mill --

MR. MCCANN: Hold on one second, hold on Mr. Archer, I'm sorry, I'm losing track of my numbers now. So, that was 7-E. 7-F, the, the last photograph in this exhibit.

MR. ARCHER: This is back on Cameron Mill next to the farm property. You can see the corn on the left and this, this

is right, this is going south, heading toward the Cameron Mill community entrance. There's a turn and then it goes down and the entrance is on the right.

MR. MCCANN: Okay. Let's do this. I, I was trying to go too fast. Just real quick, 7-A through F, just mark on Exhibit 6, which is that exhibit right there, just mark on Exhibit 6 where the photographs are taken.

MR. ARCHER: So, just write A?

MR. MCCANN: Just write A and B.

MR. ARCHER: Where's B? B is here. I was heading that way.

MR. MCCANN: Okay.

MR. ARCHER: (inaudible).

MR. MCCANN: Your Honor, you, I know you've marked as an exhibit already, would you mind using this one instead? So, this will be marked for Exhibit 6. Great, thank you. Okay. This would be eight, a single photograph. Tell us what Exhibit 8 depicts.

MR. WEST: Your Honor, I object to this. This is a picture of Kipp Fulks' house. It's irrelevant to this case. It's Kipp Fulks' own personal residence and the barn on the property.

ALJ: Okay.

MR. WEST: For the same, for the same reasons we talked about before.

MR. MCCANN: Hold on. It's right, it's on, it's on the site plan, it's, it's part of the --

MR. WEST: It's not on the site plan.

MR. MCCANN: Huh?

MR. WEST: It's not on the site plan.

MR. MCCANN: Yeah, it is, it's, --

MR. WEST: Where is this on the site plan?

MR. MCCANN: Well, his property is right off the site plan, you're right. It's right --

MR. WEST: Right off is not right on the site plan. It's irrelevant to this whole case.

ALJ: I mean, so what are you submitting it for?

MR. MCCANN: It depicts the area, it depicts the area and it depicts, including the Petitioner's house. But it is part of the immediate area.

ALJ: Well, he's not the Petitioner, he's, he's the individual behind the Petitioner.

MR. MCCANN: Correct.

ALJ: And, you know, I get the point. You said, you said I, I mean, it's news to me, he's, he's a principal at Under Armour, so he's got a lot of money. I mean, I, is that what this is for?

MR. MCCANN: No, it's not about conveying that he has a lot of money. It's about conveying what the area looks like and what and --

ALJ: Well, it doesn't really look like this though. The area looks like what that gentleman's photographs said. Do you think the area looks like this, mansions? This is a mansion.

MR. MCCANN: Well, I don't see a mansion but, I don't see --

ALJ: You don't?

MR. MCCANN: No. But, --

ALJ: I sure wish he would switch houses with me. I see a mansion. So, I mean, I, I think that's the point and I get the point. The guy has money.

MR. MCCANN: That's not the point, but that's okay.

ALJ: Okay.

MR. MCCANN: I, I don't need --

ALJ: Yeah, I'm not going to admit eight. I, I don't, I don't think it's, well, let me just ask the witness. Sir, do, do you think that, do you see a home in that photo?

MR. ARCHER: Yes.

ALJ: Is it similar in size to the homes that you just showed on the other photos?

MR. ARCHER: No, it's larger.

ALJ: Okay.

MR. MCCANN: Okay.

ALJ: Well, that's why I'm not going to admit it then.

MR. MCCANN: Okay.

ALJ: I think it's, it's really admitted to show that this fellow has a big house so. Thank you. I'm not going to admit eight.

MR. MCCANN: Okay. All right. Okay. Let's back up again, if we could, Mr. Archer. And just ask you generally, tell the Judge what your concerns are. And first, if you would, what concerns, if any, do you have regarding the, for instance, the proximity of the barn to your house? Any concerns that that arises in your mind?

MR. ARCHER: Well, I'll, I'll echo what Jen said. You know, when we moved, as I said, when we moved out there, we moved out there to allow our son to grow up in a community that I wouldn't be afraid for him to go out and play and climb trees and build forts and do everything he can do out in the country but still have the community, still have kids around, still have that, and not, you know, separated on a farm by himself. So, safety is a big concern for us. You know, right now the barn is eighty feet from our property line, okay? And the fence is, as you saw in the pictures, four wires, that's it. Very easy to just whoop, you know, walk right through within seconds. The parking that they had for the wedding recently was all along that fence line and then on the other side as well. So, the barn is only eighty feet, but people coming up to the barn are ten, twenty, fifteen feet, somewhere in there

from, from my property line. My son and, and I'll just give you some, some context on our neighborhood. The very first home, they have a toddler and a, and an infant. Second home, thirteen year old. We have a ten year old. Jen, as she said, she has a nine, sixteen and an eighteen year old with, who is severely autistic. She has no speaking ability and they're outside all the time. My son is on their trampoline all the time. My son is out, out in the yard all the time playing. So, the idea that yeah, we're four hundred feet away, that's, that's just ridiculous. That's, yeah, if I stay in my house all the time, I'm four hundred, and I don't even think it's four hundred, I think it's closer to three fifty. If I stay in my house all the time, sure. But I'm not. We do use our yard. We, my, my son uses our yard. So, if they're going to have events on the property and my, my son is out in, out in playing in the yard with his friends in the community, literally, within seconds, a stranger from that event, that property, could hop through and interact with my son or, or with any of the other children in the community within seconds. And I, I just don't know if there, I hope there are no parents in here that think that's acceptable. I really don't, because I don't find that acceptable at all. So, we're really, really concerned about the safety issue. The fact that somebody can come through, no problem at all. As far as the traffic issues, that's another, another safety concern of ours. You know, we

looked at the roads, they're tight, they're winding, they're not through roads. These are roads you, the community uses to get to their homes, that's it. Okay. These are not, it's not like Monkton Road where the Inverness Farm is. People go through there all the time. I go through there all the time to get, to get my son to school, okay? These are, these are community roads meant for the community, not meant for large traffic.

MR. MCCANN: You, you said before, and I don't mean to interrupt, but that these aren't, these aren't through roads.

MR. ARCHER: Correct.

MR. MCCANN: And explain what you mean by that to, you know, maybe in relationship to where York Road is and why aren't people traveling through here to other destinations, maybe that's the question. Why, based on your observations?

MR. ARCHER: Well, it just wouldn't make sense. They're too winding, they're too small, it would take too long. I, I mean, I gave you the example of looking coming from the south, you would think, oh, you'd hop off York and get on Stablers Church and, and come up that way to my house.

MR. MCCANN: Which is the road that eventually becomes Cameron Mill, right?

MR. ARCHER: Correct.

MR. MCCANN: Yeah. And for me, I, my wife and I used

to have a race all the time. We'd battle, which way is the fastest and she would go Coffman, Coffman is much faster. So, why I say it's a through road? Because you have York. Or it's not a through road, you have York to get north and south. You don't need all these little roads to get north and south or, you know, so. As I said, without, unless you live there, you're not, you're not using those roads on a general basis. The, yeah, and we're concerned about. We, you know, my wife and I (RECORDING PAUSES) all the time and I know a number of the folks I've seen, a number of the folks here in the crowd, I've seen them on the roads taking walks, they're walking their dogs, their children are riding bikes. Because it is a small road and it's a thirty mile an hour road, we feel safe. I am not going to feel safe doing that. That practice for me is going to end if I know that there's going to be big events with lots of people that don't know these roads, that don't know where to slow down because it's a bottleneck or it's a small bridge. I'm not going to feel safe with people that are drinking and coming out of the, coming out of the farm and riding on these roads. Unfortunately for me, that practice is going to end. I, I don't, I don't see how we can continue to do that.

MR. MCCANN: Okay.

MR. ARCHER: Noise. I know Jen mentioned this as well, you know, her, her daughter is very susceptible to noise.

We would, we came home the night of that wedding as well. We were out, nice dinner with Dave and his wife, planned on sitting on the deck, relaxing for a little bit and got home from our dinner and there's a concert going on in our backyard. I mean, I could plainly hear every single song that was being played, I could hear people talking, they were coming up around the fence, they were, their cars were parked along there. I could hear everything, Judge. It, it was, it was sad because my wife and I, we moved out there eight years ago, like I said, to, to get out to the country, the peace and quiet and privacy. And, as well as many of my neighbors, I'm sure. I'm sure my neighbors are the same. This is our dream home, Judge. This is, we saved up, we, we paid off all our, our school loans, we, this was our dream home, we were going to be here for twenty-five years, this was it and now you're telling me that I can have what amounts to a hall, an event hall, a bar and a restaurant eighty feet from my backyard where my children are, okay? It, it's, it's not our, and it's going to turn from our dream home into a nightmare really and that's what, that's what this year has been worrying about this. It's sad. I mean, we've, my wife has shed many tears. I know others in the neighborhood have too. This is, I, I know you didn't mean to do this but this is, this is the result.

MR. MCCANN: Okay. Any other concerns that you haven't expressed already?

MR. ARCHER: Yeah. You know, a couple other things. I know people have talked about smells, we're, we're, you know, being so close, we're, we're, I know the brewing process does emit a pretty, a pretty bad smell from what I've been told. We're concerned about that. The wells, I know we've talked about that a little bit. We're right there, you know, the wells are right off of our property, fifty feet off. It's, it's more off of Jen's property, but it's, it's right there. And some of these wells are not good wells. Luckily, I have a pretty good well. But some of the other wells are not so good and I am, I am concerned about how that's going to impact, impact our wells. And finally, you know, you know, you didn't allow this picture but it is pretty and that's part of the reason we moved out there is because it's pretty, you know. We moved out there so I could go fishing and hiking and all the things that Mr. Fulks likes to do and, and it's beautiful up there and we're concerned that some of that beauty is going to be taken away. We're concerned they'll be signage and if it's neon signs and porta potties. There were porta potties for this, this past wedding two and a half weeks ago. And they were right on my fence line. They weren't, you know, they weren't on the other side, they were right on the fence line. As a matter of fact, I went out the next morning and took pictures of it driving away and there was, whatever it was, draining out the back of it. So I'm worried about that kind of

stuff, dumpsters, you know, porta potties, lights. You know, are, are we going to have, you know, if there's an event, is there going to be big giant lights, you know, going into my backyard? I can see all that. I can plainly see all that. This is not far away. Once, once again, this is not a farm that's surrounded by farms. This is a farm surrounded by residential, RC-5, we are RC-5. I know they talk about RC-2. We are RC-5, rural residential. We had never planned on this. You know, when, when, when we moved here eight years ago, the farm brewery law was not in, in effect, okay? So, we didn't have the opportunity to make a judgment on whether or not to buy the home based on that law. But we bought it and we, it was our dream home and we, we loved the home, we've done a lot of improvements to the home. But now, now you're telling us that we can possibly have, like I said, a (RECORDING PAUSES) and we can, you know, I just, I just find it hard to believe that this is, this could happen to good people.

MR. MCCANN: Let me just mark this and this will be the last photograph (inaudible) I guess the new eight, Your Honor.

ALJ: Yeah.

MR. MCCANN: So, identify what 8-A and B are, if you could?

MR. ARCHER: A is the porta potty that was used for the wedding.

MR. MCCANN: And where, where was this picture taken from?

MR. ARCHER: This is, so this was taken from my property line and it was the next day, after the wedding, and then B is, you can kind of see it in there, but you can see the stuff dripping out. I don't know what that is, I hope it's not what I think it is. But it was, it was coming out pretty good. And then, once again, so B is, is closer to my property line. That's when it was still parked in its location. A is when they were hauling it away because the, the doors were faced towards the barn. So, this B is the (inaudible).

MR. MCCANN: Okay. Your Honor, before I forget, I wanted to move exhibits into evidence, and that would include really all the exhibits to, to date, one through eight.

ALJ: Right.

MR. MCCANN: I didn't move the first couple in with Mrs. Barnes.

ALJ: Petitioner has one through six and there were no objections contemporaneous with (inaudible).

MR. MCCANN: Okay, great. Thank you. Okay. Mr. Archer, is that it?

MR. ARCHER: Yep.

MR. MCCANN: Okay, great. Thank you.

ALJ: Okay. Do you have questions, counsel?

MR. WEST: Yes, I do.

ALJ: Go ahead.

MR. WEST: Thank you. Mr. Archer, I just, listening to your testimony, I think it's safe to say you, you like having the farm next to your property, is that accurate?

MR. ARCHER: (RECORDING PAUSES)

MR. WEST: -- a two hundred and fifty acre farm sort of that backs up to your property provides peace and quiet?

MR. ARCHER: That's not why we bought the house but it's, yeah, sure, it's fine.

MR. WEST: Okay and would you agree with me that the farm, a two hundred and fifty acre farm, of open space is, is an asset to the community in which you live?

MR. ARCHER: If it was all open space, yeah, that'd be great, but it's not. There's a barn behind us.

MR. WEST: Okay and is it, is it, is the issue that you have with the barn the fact that you can see it?

MR. ARCHER: No, I think I went through all the issues of, I'm, I'm concerned about noise, I'm concerned about sight but, you know, I'm concerned about noise, I'm concerned about traffic, safety for my, my children and my, my community's children.

MR. WEST: Okay.

MR. ARCHER: Wells, (inaudible) --

MR. WEST: Well, let's take them one at a time for a second. You would agree that the issue of your, your ability

to see the, the barn is going to be mitigated by the planting of trees that will grow up and block out the view, right?

MR. ARCHER: In about ten years when they grow, sure. But, you know, they, they're going to be three feet (RECORDING PAUSES) that picture you see, see it pretty good. It's going to take a while to get to probably the fourteen, fifteen feet that they need to get to. So, yeah, eventually.

MR. WEST: Take a look, if you would, at, at Exhibit 5.

MR. MCCANN: He may not have that handy, I have it.

MR. WEST: Protestant's Exhibit 5.

MR. MCCANN: I have it.

MR. WEST: No, no, Protestant's, Protestant's five.

MR. ARCHER: No, I got it, yep.

MR. WEST: You took those photographs?

MR. ARCHER: Yes, sir.

MR. WEST: That's a picture you took from Cameron Mill Road looking up at the barn, right?

MR. ARCHER: Correct.

MR. WEST: And, and your house is somewhere behind those trees, right?

MR. ARCHER: Correct.

MR. WEST: In those trees. We can't see your house, can we?

MR. ARCHER: Not from a quarter mile away, no, you

can't.

MR. WEST: Okay and, and your testimony is that these are, these are country roads and that, and that people have no reason to be there, but you would agree with me, there are residential communities up and down Cameron Mill Road, right? This is not a true country road, correct? I mean, we don't have farms all over the place. This is, this is, this is a farm with communities, what you said, thirty-four houses in your community, fifty plus houses across Cameron Mill Road. So, there's, there's traffic out on Cameron Mill Road.

MR. ARCHER: That, that, I don't see how that play, I mean, country, you can build residential communities on a country road.

MR. WEST: That's my, but my point is, it's not, it's not a country road where it's just a farm in the middle of nowhere. You've got residential communities up and down Cameron Mill Road, correct?

MR. ARCHER: Yes, your definition of country road is different than mine, I guess.

MR. WEST: You would agree with me that, you haven't complained at this point about strangers being on the farm property that have been there to work the farm, right?

MR. ARCHER: No, because it's a, it, if it's a, it's a farm.

MR. WEST: So, you have no problem with people being

on the farm, working the farm, harvesting the hops or tending to the hops and other crops there, that, that's not, that's not an issue for you, is it?

MR. ARCHER: That's an illogical complaint, I would think, but I think to have folks that are not even from the community, most of those farm workers probably live in the community --

MR. WEST: Do you know that?

MR. ARCHER: I don't know that. I, I think that's a reasonable assumption or that live close by. To have folks from Baltimore City or York or wherever, randomly come there, I think that's quite a different story.

MR. WEST: Do you have an issue with people from Baltimore City being on the farm?

MR. ARCHER: No, I, I, it, I have an issue with them being able to get on my property.

MR. WEST: Okay. Well, has anybody ever gone from the farm onto your property?

MR. ARCHER: It's not a brewery yet.

MR. WEST: Right, but I mean, to this point, it's a farm, it's a working farm. There are people that work the farm, that tend to the crops, that harvest the crops. Has there ever been anyone that's crossed into your property?

MR. ARCHER: Not that I know of.

MR. WEST: Okay.

MR. ARCHER: Not that I know of.

MR. WEST: And you would agree with me that there are, there are people from outside of the direct community that lives on Cameron Mill Road that come and use the NCR trail, for example, right?

MR. ARCHER: Yeah.

MR. WEST: Okay. You ever complained about people that use the NCR trail?

MR. ARCHER: No, it's about a mile from my house. I have no reason to complain about that.

MR. WEST: These photographs that you took in preparing of Protestant's exhibit number four --

MR. ARCHER: Which one is that? Oh, gotcha.

MR. WEST: These were photographs, at least the first three, A, B and C, you're, you've gone right up to the property line to take those photographs, right?

MR. ARCHER: Correct, that is my property line, yes.

MR. WEST: And your, your property is about four hundred feet deep from Kali Court back to the farm, is that correct?

MR. ARCHER: I think it's less than that, but I, I would --

MR. WEST: You don't want to use a ruler and check the scale?

MR. ARCHER: No, I'm good.

MR. WEST: Okay.

MR. ARCHER: I think it's less, I've done it and I came up with a number less than that. I came up with I think three eighty.

MR. WEST: Well, I will represent to you that based on the scale on, on my map, it's over four hundred feet from the property line to Kali Court, if you can just accept that representation.

MR. MCCANN: To the road?

MR. WEST: To the road, yeah. And you --

MR. ARCHER: Oh, to the road?

MR. WEST: To the road.

MR. ARCHER: Oh, okay. Yeah, that, that, yeah, sure.

MR. WEST: You would agree with that, okay.

MR. ARCHER: Yeah, (inaudible).

MR. WEST: And then, and you would agree with me that the, from the property line to your house is over three hundred feet?

MR. ARCHER: Correct.

MR. WEST: Okay. That's all the questions I have.

ALJ: Okay. Anything else, Mr. McCann?

MR. MCCANN: I just wanted to clarify. Counsel suggested that there are residential communities all along Cameron Mill, there's only, in terms of access roads to communities, there's only one road, correct? And that's the

entrance to Cameron Mill community, which is right here?

MR. ARCHER: Yeah, Cameron Mill and then Kali Court, yes.

MR. MCCANN: But there isn't like a lot of houses (RECORDING PAUSED) --

MR. ARCHER: No, north of the farm, there's a, there's some houses, yes.

MR. MCCANN: Right up here?

MR. ARCHER: Yeah.

MR. MCCANN: Yeah. Okay, that's it. No other questions.

ALJ: Okay. Thank you, Mr. Archer.

MR. ARCHER: Thank you.

MR. MCCANN: Should we put someone else on or do you want to call --

ALJ: There's probably no way we're going to finish, do you, do you believe that to be the case? So, --

MR. MCCANN: If you're ready to break now, Your Honor, or we could put one, someone else on, it's up to you. But we're not, we're not going to finish, no. Yeah.

ALJ: Well, I mean, if there are people that want to say their peace and not come back I'll, I'll hear them.

MR. MCCANN: You want to go ahead? I think everybody else can come back, right?

ALJ: Okay. Good afternoon.

MS. JOHNSON: Good afternoon.

ALJ: (inaudible) but raise your right hand. Do you swear or affirm under the penalties of perjury, the testimony you will provide today will be the truth?

MS. JOHNSON: I do.

ALJ: Okay. Take a seat. Tell us your name and address, please.

MS. JOHNSON: Okay. My name is Hope Johnson. I live at 20008 Cameron Mill Road.

ALJ: Okay.

MR. MCCANN: Okay. Ms. Johnson, tell the Judge where along Cameron Mill you live.

MS. JOHNSON: I'm right outside of the entrance to Jarrett's community.

MR. MCCANN: Kali.

MS. JOHNSON: So, I see his, the driveway that goes right up to the cul-de-sac, I'm right out, right in front of it.

MR. MCCANN: So, the second house up from, in other words, the second property in from where, the property line of the farm, right here? Is that your house right there?

MS. JOHNSON: Where's his house?

MR. MCCANN: Here's Kali Court and there's --

MS. JOHNSON: Oh, yeah, yeah.

MR. MCCANN: Is that you right there?

MS. JOHNSON: Yep, right there where the drive through is here.

MR. MCCANN: Okay, thank you.

MS. JOHNSON: Um hm.

MR. MCCANN: Okay. So, then the next question, how long have you lived there?

MS. JOHNSON: We just moved up here about two and a half years. We came from the City.

MR. MCCANN: Okay.

MS. JOHNSON: I have gone through a great deal of change being down in the City. I mean, we came from a small town in Baltimore City. We still consider it a small little town and since we lived on 34th Street, where all the Christmas lights were.

MR. MCCANN: Oh, yeah.

MS. JOHNSON: And ever since we did that, we brought so many outside people coming in there that traffic was abrupt, we've had nothing but accidents on our road, we have opened up a slew of bars that's all along there for, I can call them young yippy yahoos, but I don't know what everybody calls them but. And we listened to the cussing, drunken people going by in front of our house. We moved to get away from it. We moved to get away from all the bars and everything like that. One of my fears is the drunken driving that I have to (inaudible). I have to cross the street to get my mail, you know, I walk my

dog along Cameron Mill Road. So do a lot of other people. We don't have sidewalks. We don't have no ways to protect ourselves. I have to pull my dog in close to me whenever a car goes by so if somebody has been drinking, you know, it's a chance somebody is going to get hit and kids get off the bus right there, I watch them cross the street and then we have to worry about that.

MR. MCCANN: Where do kids get off the bus, right at Kali Court?

MS. JOHNSON: Yeah, well, right there on Cameron Mill Road right in front of my driveway.

MR. MCCANN: Okay.

MS. JOHNSON: They get off right there. Some are going over there, some are going down behind us. I'm concerned about the wells. I did some reading on it. I'm not a specialist in any way but one way or another, if we have a drought, our water wells are going to be affected and it eventually could dry out our wells. And as much water as they're going to have to use to do that, I, I don't have the money to keep on having the well drilled or anything like that. I just don't have the money.

MR. MCCANN: Okay.

MS. JOHNSON: Now, this is going to change, this is our dream, dream home. My husband is seventy years old, he's getting ready to retire. This is going to be his retirement

home. After this, we're done. There's no place for us to go after this. So, I just don't understand why they couldn't have picked a business area to do the brewery. I seen a lot of properties on York Road that are for sale and most of York Road is all businesses practically. There are some homes, yes. But a lot of it's business. It's coded for that zone. Once you change the zone, you're going to be welcoming everybody in to open up a business right in the backroad, a little bar down there, another business down here. That isn't what I moved up here for. I moved to get away from it.

MR. MCCANN: Okay.

MS. JOHNSON: And I think if I have a choice, it should stay that way.

MR. MCCANN: Just to clarify about York Road, this little stretch of York Road that runs to the east of where you guys are, that stretch there's no, there's not a lot of commercial properties (inaudible)?

MS. JOHNSON: Well, well, further up maybe.

MR. MCCANN: Yeah.

MS. JOHNSON: There's the restaurant, there's two restaurants up the road. There is what, you got a garage there, antique store there, you know, that kind of business, it's still a business, you know?

MR. MCCANN: Right.

MS. JOHNSON: So, I don't see why they had to pick

back here. I, true, I don't have the view of it, I can't see it. I can see it when I walk past it, but my concern is the noise, outside people maybe committing laws, I mean, breaking the laws. Few, our crime rate in Hamden went, skyrocketed. If you look at the, you can look it up in your, in the police records. It skyrocketed to the point where there was hardly any laws broken in Hamden. It was a very safe, you could walk out there 2:00 in the morning, you can't do it now. So, once you change the zoning, it's going to go to hell.

MR. MCCANN: Okay.

MS. JOHNSON: Sorry for hell (inaudible).

MR. MCCANN: Anything else, Ms. Johnson?

MS. JOHNSON: That's basically it. Let's see. I'm checking my notes here. Nope, that's it.

MR. MCCANN: Okay. Thank you.

ALJ: Any questions?

MR. WEST: Did you take your Christmas lights from the 34th Street out to Cameron Mill Road?

MS. JOHNSON: Not all of them, no. But I do love to decorate. But since we started that, it, it ruined the neighborhood, it really did.

MR. WEST: I don't have any other questions.

MS. JOHNSON: You don't? Okay.

MR. WEST: Thanks.

MR. MCCANN: Thank you.

MS. JOHNSON: All right, thank you.

ALJ: Thank you, ma'am. Okay.

MR. MCCANN: Thank you for accommodating her.

ALJ: Is there anyone else that, that maybe would like to --

MR. MCCANN: Anybody that can't come back?

ALJ: Okay. Come on up, ma'am. Good afternoon.

MS. SUNDERLAND: Hi.

ALJ: So, raise your right hand for me, please. Do you swear or affirm under the penalties of perjury, the testimony you will provide today will be the truth? Okay. Take a seat and tell me your name and address, please.

MS. SUNDERLAND: Joyce Sunderland. I live at 20001 Cameron Mill Road.

ALJ: Sunderland?

MS. SUNDERLAND: Yeah.

ALJ: Okay. Spelled like it sounds?

MS. SUNDERLAND: And I feel like I'm the closest person to the farm.

ALJ: What's your address again?

MS. SUNDERLAND: 20001.

ALJ: Okay.

MR. MCCANN: I do not represent her but I could ask her some questions to make things, move things along.

ALJ: Go ahead.

MR. MCCANN: Just have her identify, is that all right?

MR. WEST: I was just going to say, just let her say what she needs to say.

MR. MCCANN: Why don't you go ahead, Ms. Sunderland. Go ahead.

ALJ: So, you're closest, what does that mean, where are you? Show me where you are on the plan.

MS. SUNDERLAND: Right here.

ALJ: Okay.

MS. SUNDERLAND: Okay.

ALJ: So, you're the house closest to the driveway. Is it the blue house maybe that --

MS. SUNDERLAND: Yeah.

ALJ: Yeah, I saw it in some photos.

MS. SUNDERLAND: Okay. The only thing that I ask, I've been up, I've lived there for forty-one years and I always loved the view of the farm. People would come up and say you have a $1 million view. I don't want trees in front of my house.

ALJ: Trees in front of your house?

MS. SUNDERLAND: Yeah, I don't want them to put trees on the property here where will block my view of the farm. That's the only thing I'm asking.

ALJ: Okay. Where you see the trees drawn, they

aren't trees, they're just black circles on the plan.

MS. SUNDERLAND: Yeah.

ALJ: Is that a problem, or you don't want to see them any further than that?

MS. SUNDERLAND: I don't want to see them any further than that.

ALJ: Okay.

MS. SUNDERLAND: You know, I mean, if they could pull them back a little bit, that's fine. I don't think the person behind me will care. But, I mean, if they do, I can find out if they do, but I don't think they would care.

ALJ: Okay. So, your concern is you don't want to block the view onto the farm. Anything else?

MS. SUNDERLAND: Nope, that's it.

ALJ: Okay. Any questions for this lady?

MR. WEST: Otherwise, you have no objections to the farm brewery?

MS. SUNDERLAND: Well, I'm not thrilled but I wasn't thrilled when Kali Court went in there either because it was behind my house. So, you know, I'm not thrilled with any change, I don't think anybody is. So, you know, I feel like that's my battle that I want to fight is the trees being put in front.

MR. MCCANN: So, may I?

ALJ: Yeah, go ahead.

MR. MCCANN: So, in other words, if, if it's approved, you wouldn't want the trees there?

MS. SUNDERLAND: Right.

MR. MCCANN: But if you had a choice between not having the types of activities and events that we've been discussing all afternoon and having them, which would you, would you, would you --

MS. SUNDERLAND: Well, of course, you know, --

MR. MCCANN: Yeah.

MS. SUNDERLAND: -- nobody likes change.

MR. MCCANN: Yeah. Well, I'm not just talking about change, we're talking about events in your, in your backyard, essentially.

MS. SUNDERLAND: Yeah.

MR. MCCANN: Would that, would that trouble you having those on a regular basis?

MS. SUNDERLAND: It depends on how many.

MR. MCCANN: Okay.

MS. SUNDERLAND: I mean, I'm not sure how many. I hear twelve a year, is that thirty-six a year? I mean, I don't know. They had an event over there recently and I couldn't hear anything when I was inside the house. But, (inaudible) was sitting out on the porch and he could hear. As long as it closes at a reasonable time. I mean, I like to get along with my neighbors. Kipp was very good to me because he put a fence

up. He, he had his property surveyed and he put his, and his fence apparently went right near my driveway and we had asked that he move it and he did. So, I don't want to cause any problems with my neighbors.

MR. MCCANN: Yeah.

MS. SUNDERLAND: All I want is no trees.

MR. MCCANN: Right. Well, the concerns you heard from Mr. Archer, this gentleman, would you agree with those concerns? That is, about the --

MS. SUNDERLAND: Yes, I think he does have legitimate concerns about the traffic on the road. I noticed it's more traffic now than it's ever been, so.

MR. MCCANN: Yeah. Thank you.

ALJ: Thanks, ma'am. Okay. Will that do it then for today?

MR. MCCANN: I think so, Your Honor.

ALJ: What, what remains then? I know Mr. Jakubiak.

MR. MCCANN: And definitely, you know, at least a couple more, at least a couple more lay witnesses.

ALJ: Your clients?

MR. MCCANN: My clients, yes, at least.

MR. WEST: How many more do you think you're going to (inaudible)?

MR. MCCANN: Well, probably four or five, but I, we can work on narrowing that down next, you know, between now and

next hearing.

ALJ: Yeah, I really wish this hearing had been scheduled for the morning. But, you know, zoning hearings are scheduled for an hour. This is the third one I've had today and obviously we've gone three and a half hours so we could have wrapped all this up, but, it was just twenty/twenty, hindsight is twenty/twenty.

MR. WEST: Right.

ALJ: So, you gentlemen should talk to either (inaudible) Wiley in my office or Kristen.

MR. MCCANN: Okay.

ALJ: And I always try to make myself available, even if it's an afternoon. I think now we can safely schedule it for two hours?

MR. MCCANN: Yeah.

ALJ: Is that --

MR. MCCANN: Maybe two, maybe a little more than two, a morning, just to, just to be safe.

MR. WEST: I used to be on the Board of Appeals, and Mr. McCann is very, very dicey, his, the estimates.

ALJ: Okay.

MR. MCCANN: Well, I don't disagree with that.

ALJ: A half day then.

MR. MCCANN: But two hours goes awfully quick.

ALJ: So, let them know a half a day and --

MR. MCCANN: Yeah, schedule it for a half a day to be safe.

ALJ: Let them know a half a day and likely you can (inaudible) somewhere in the October calendar that they just, I think they just started handing that out.

MR. MCCANN: Okay, great. Great.

MR. WEST: Thank you very much.

ALJ: Yep, thank you.

MR. MCCANN: Thank you, Judge.

ALJ: Thanks everybody for coming.

VOICE: Thank you, sir.

(OFF THE RECORD - 04:55:51 PM)

CERTIFICATE OF TRANSCRIBER

I hereby certify that the hearing in the matter of 19919 Cameron Mill Road, case number 2018-0324-XA, heard before the Office of Administrative Hearings, September 17, 2018 were recorded by means of audiotape.

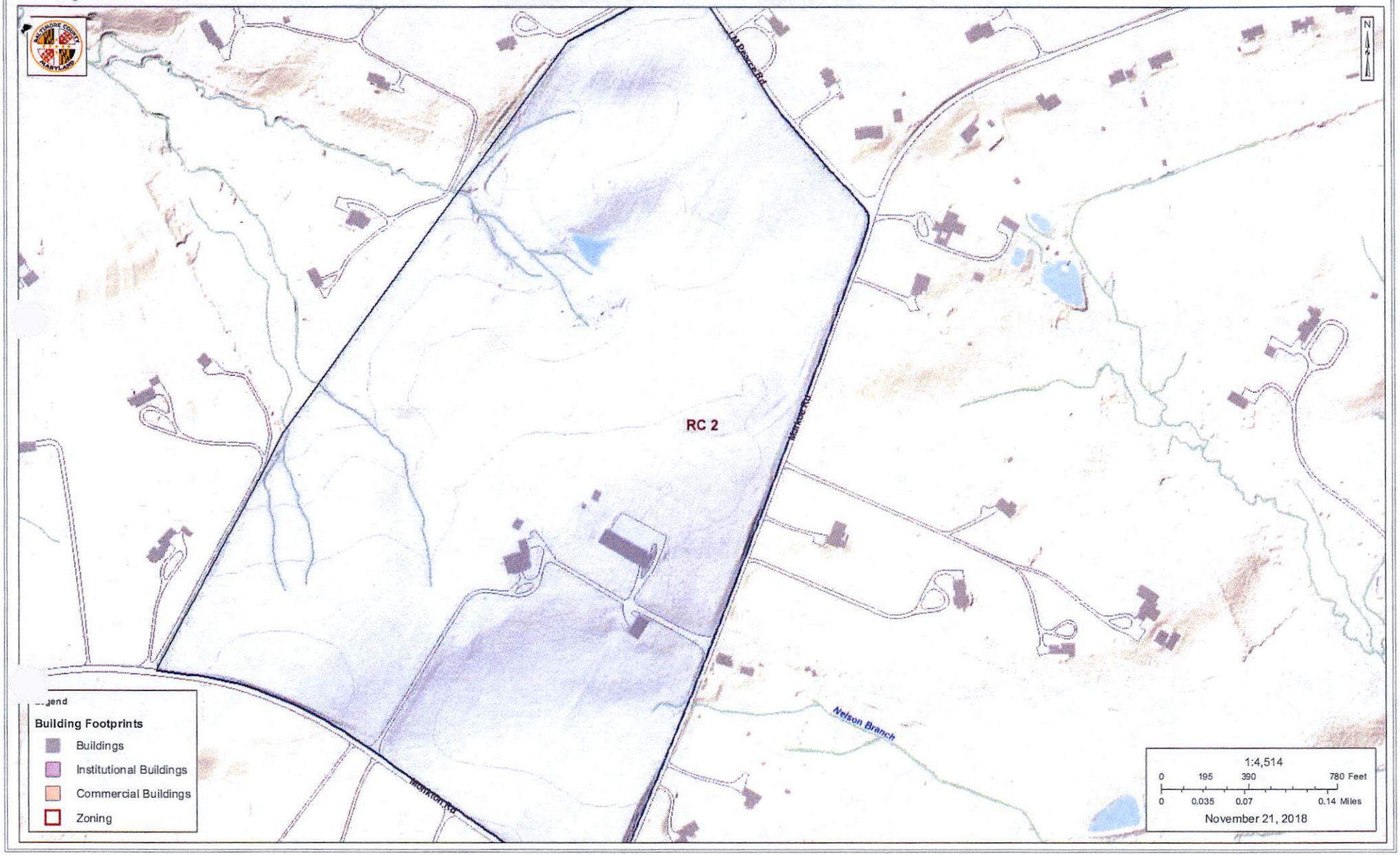
I further certify that, to the best of my knowledge and belief, page numbers 1 through 178 constitute a complete and accurate transcript of the proceedings as transcribed by me.

I further certify that I am neither a relative to nor an employee of any attorney or party herein, and that I have no interest in the outcome of this case.

In witness thereof, I have affixed my signature this 16th day of November, 2018.

Christine R. Leary
Transcriber

2800 Monkton Road - Iverness -nearby residences

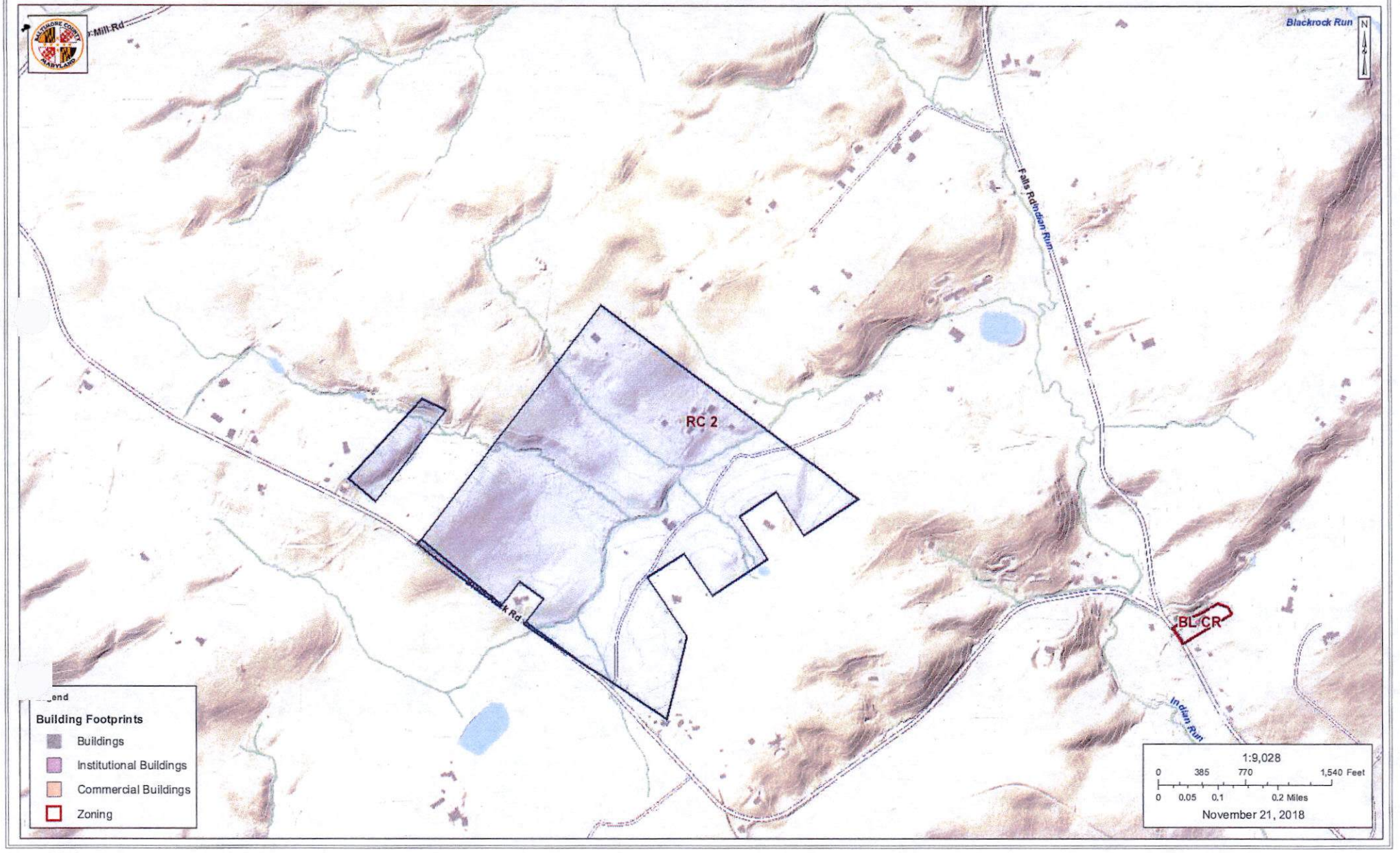


PROTESTANT'S

EXHIBIT NO. 13

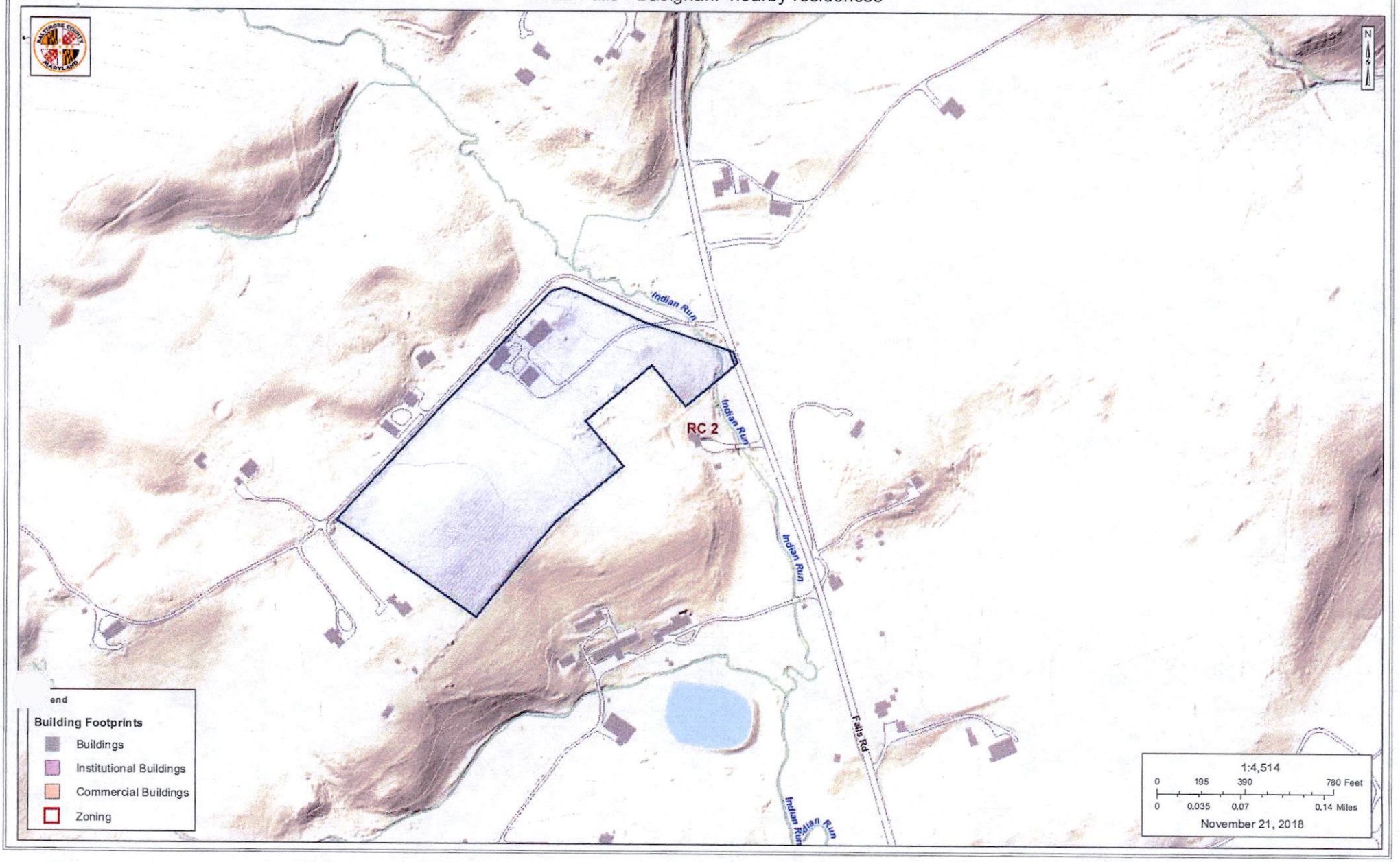
A

3100 Black Rock Road - Willowdale nearby residences



B

15722 Falls - Basignani -nearby residences

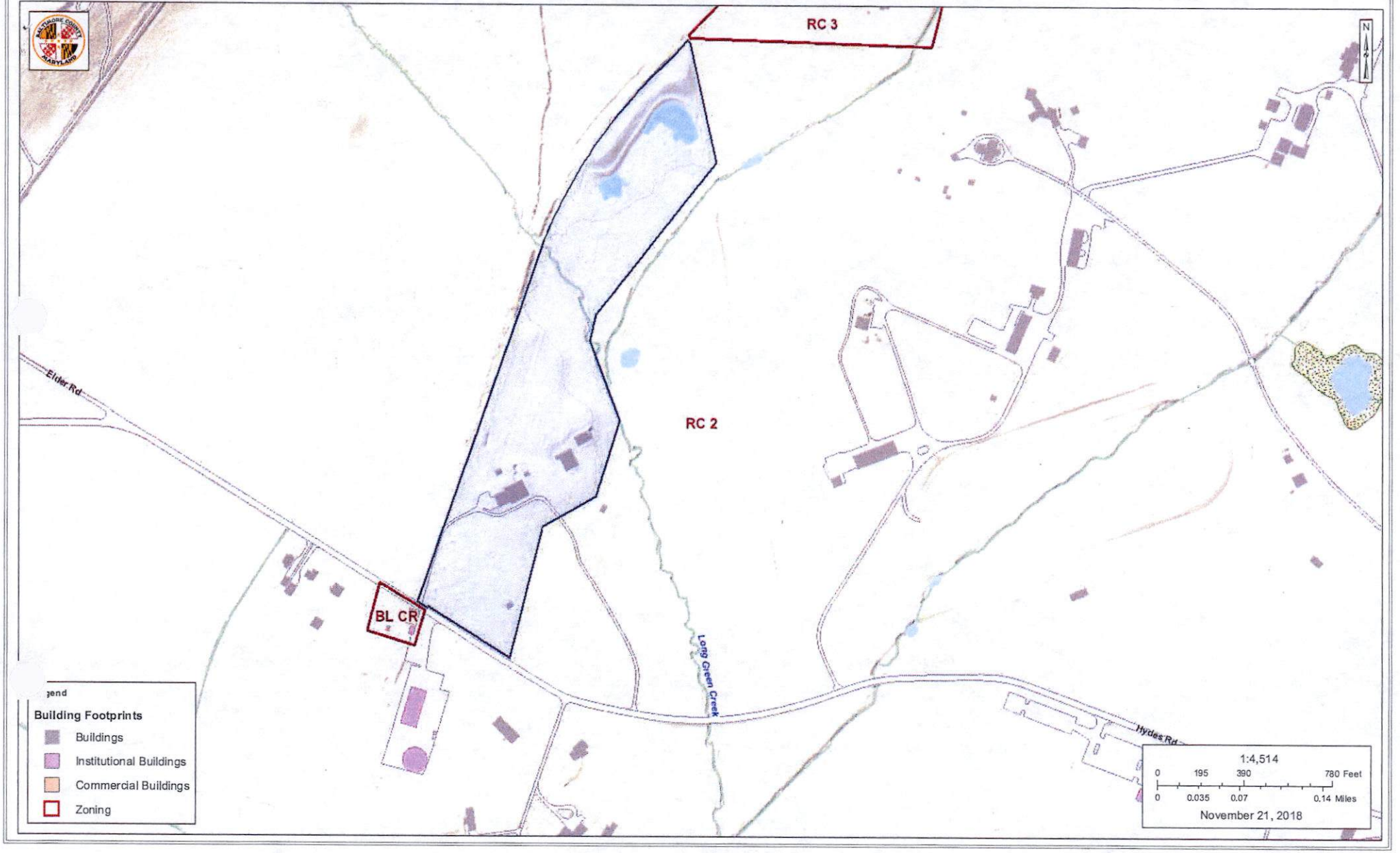


17912 York Road - Woodhall -nearby residences



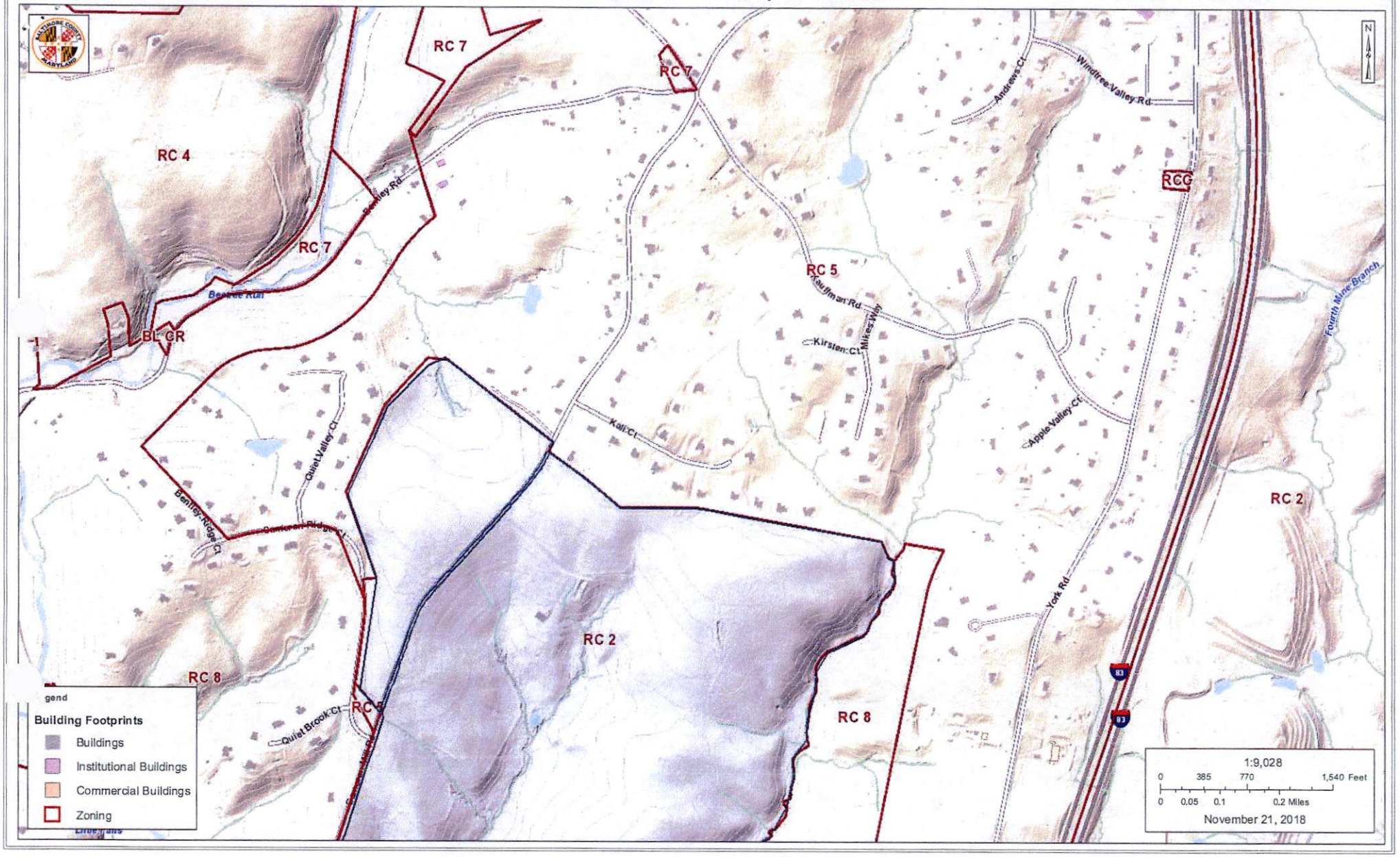
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5300 Hydes Road - Dejon - nearby residences

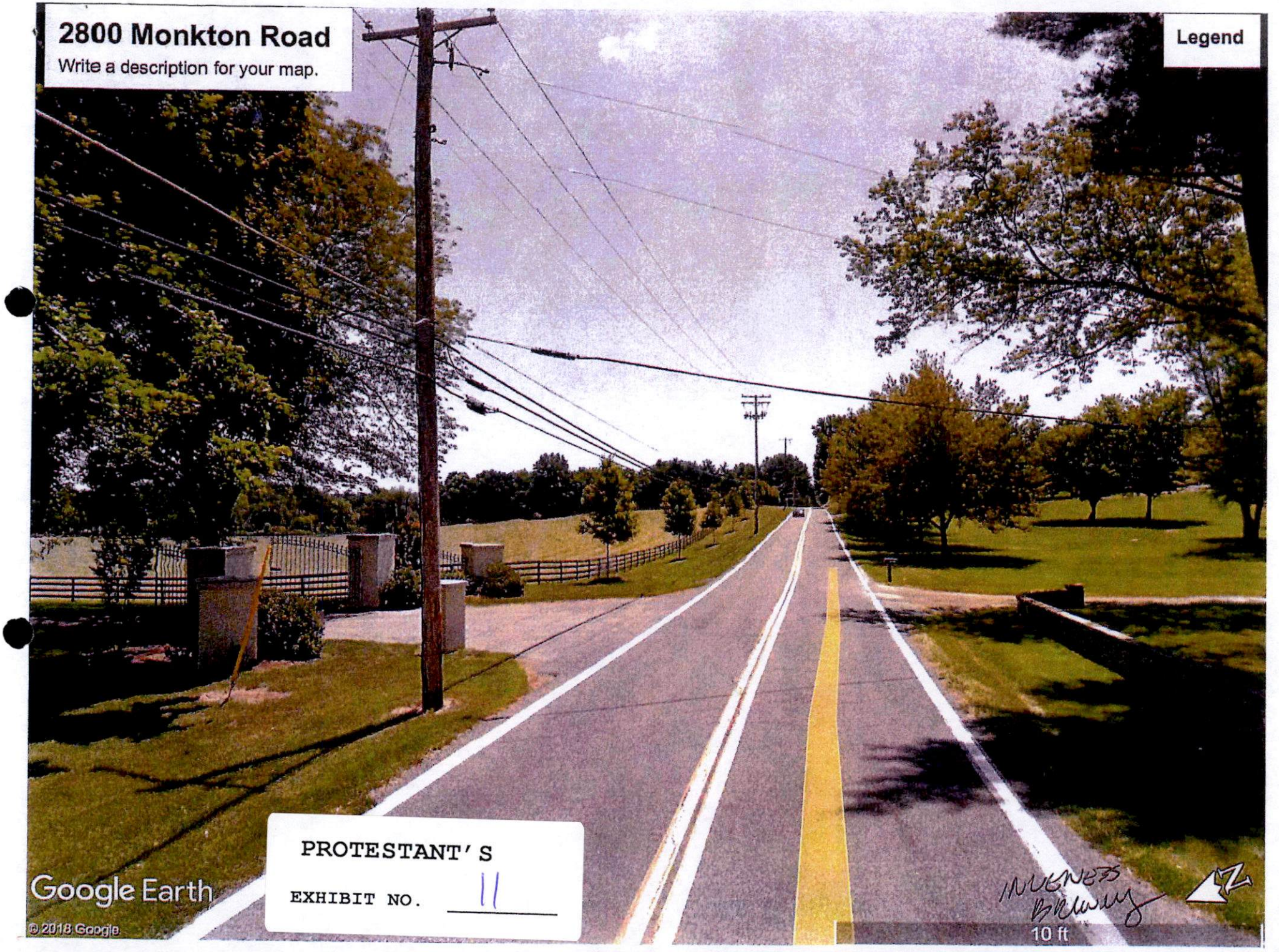


E

19919 Cameron Mill - nearby residences



F


2800 Monkton Road
Write a description for your map.
Legend
PROTESTANT'S
EXHIBIT NO. 11
Google Earth
© 2018 Google
10 ft

A

B



C



Wood Hall © 17412 York Rd.

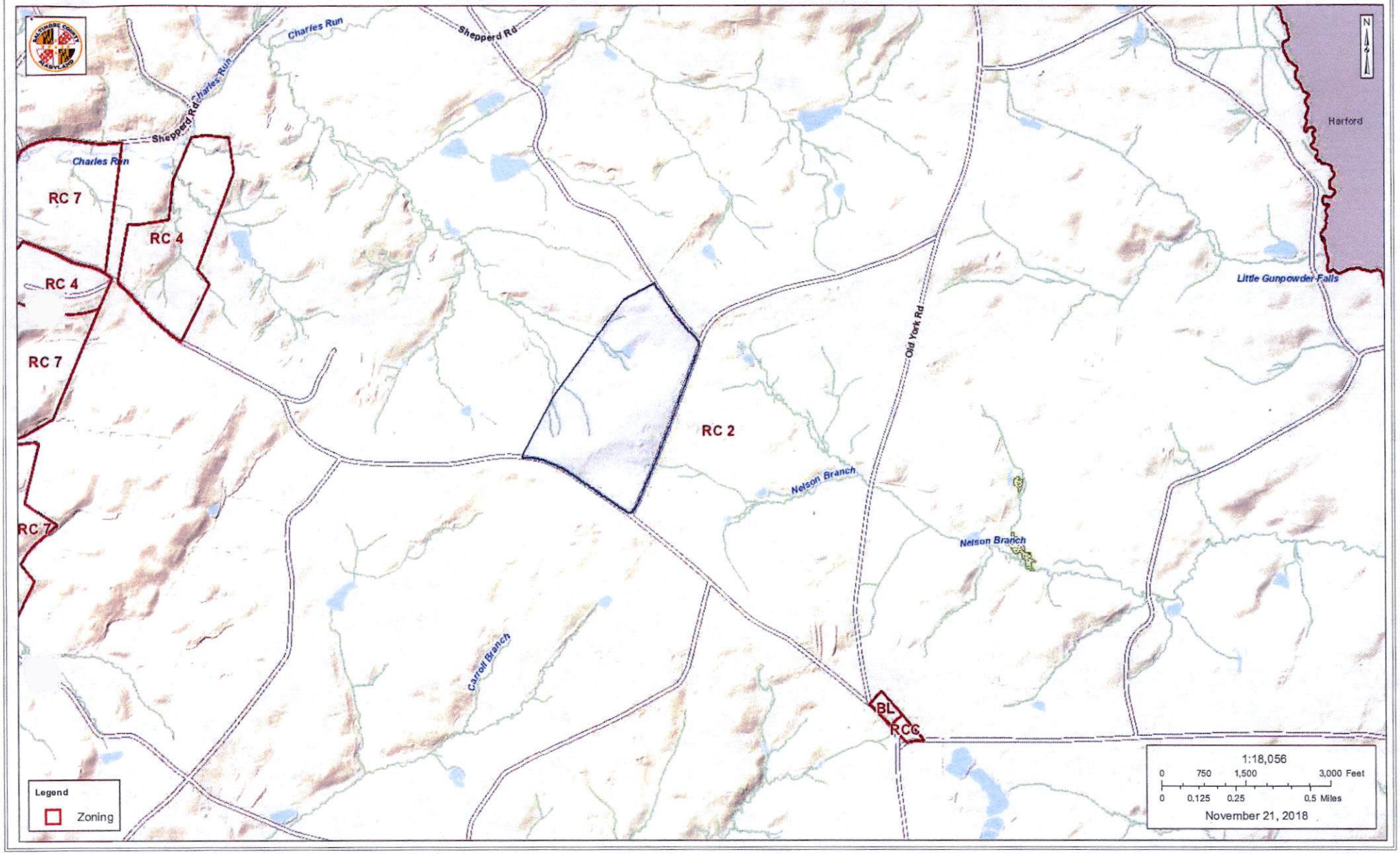
D



DeJon
5300 Hyde Rd.

E

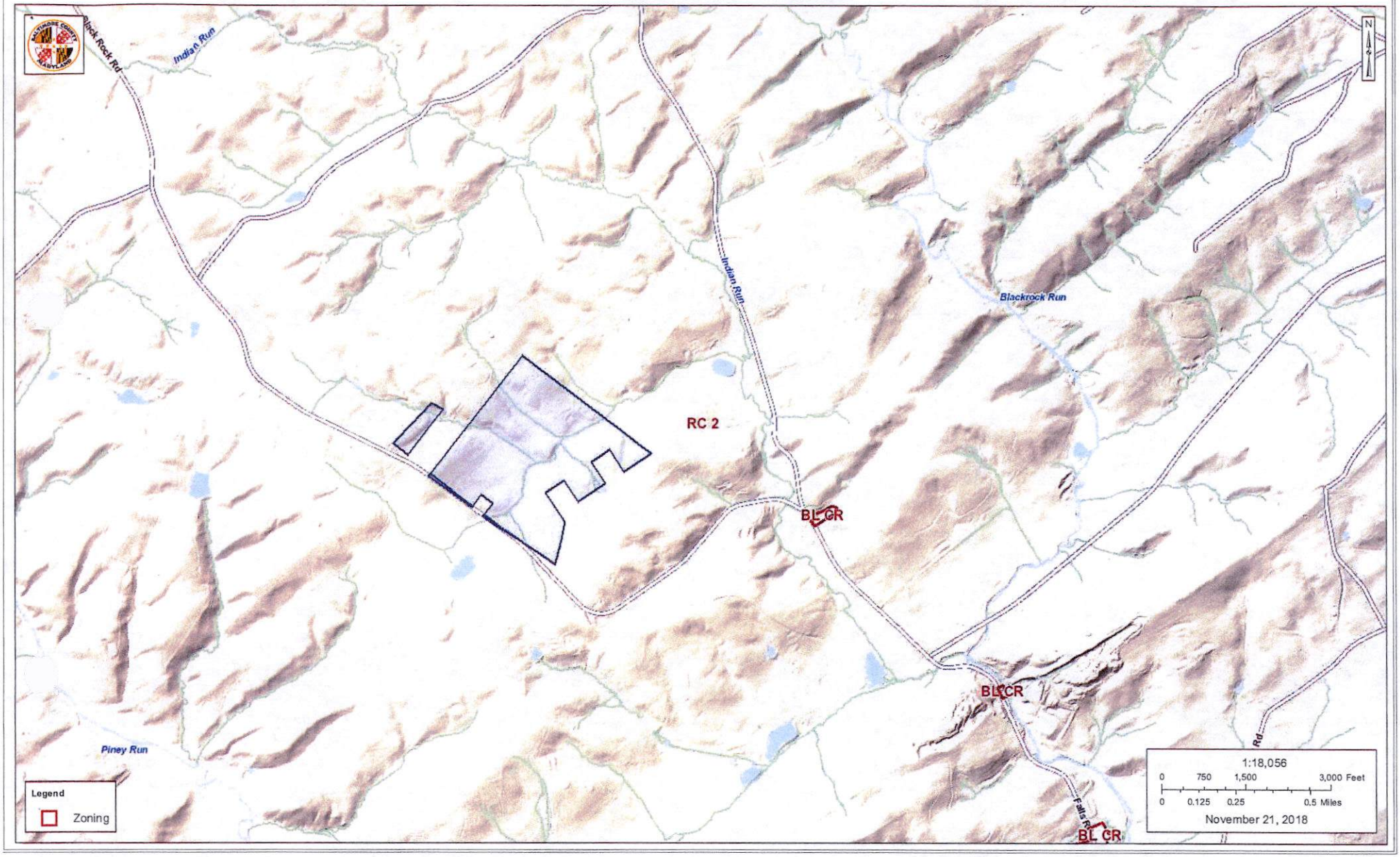
2800 Monkton Road - Iverness - Surrounding Zoning



A

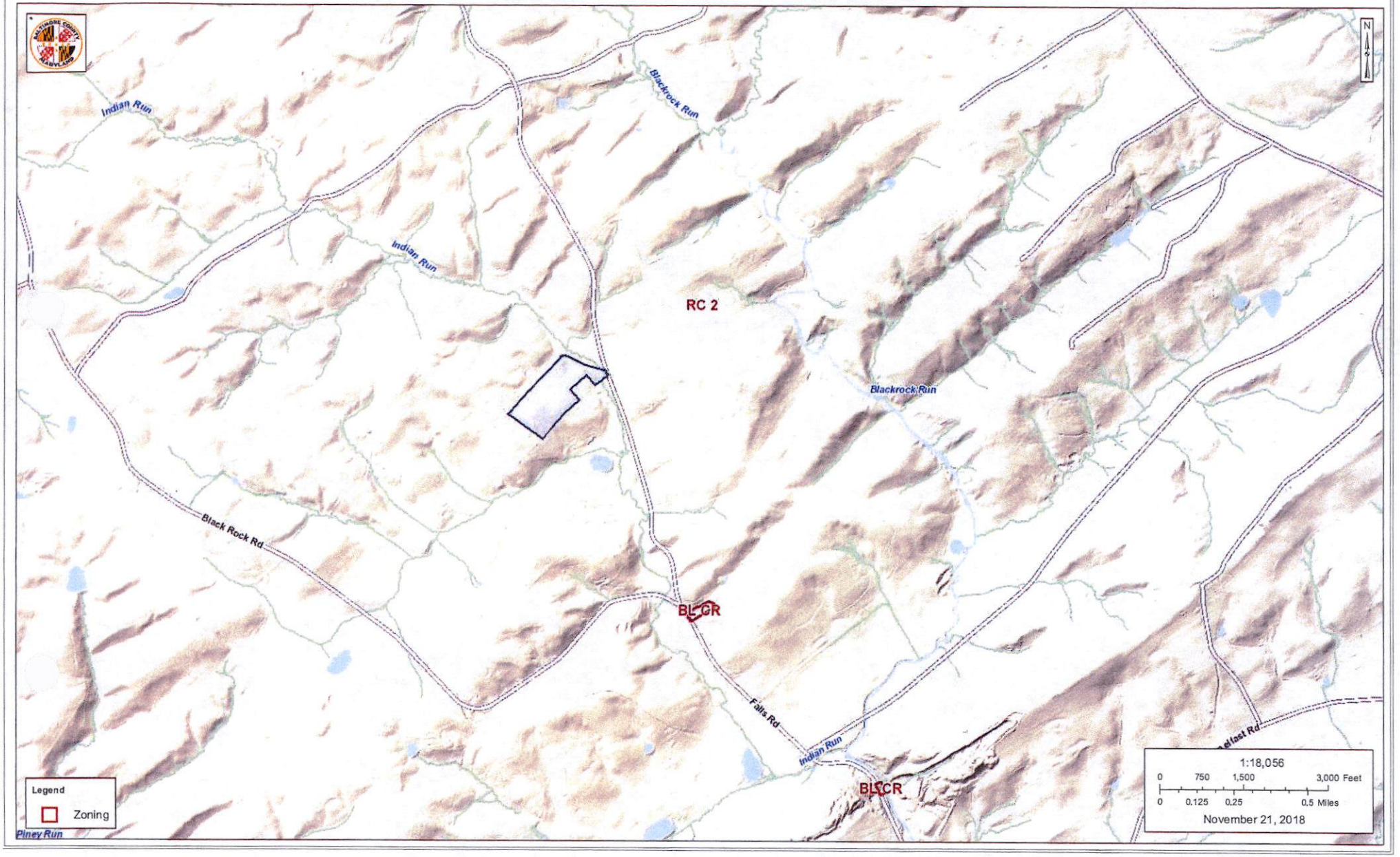
PROT. 12

3800 Black Rock Road - Willowdale



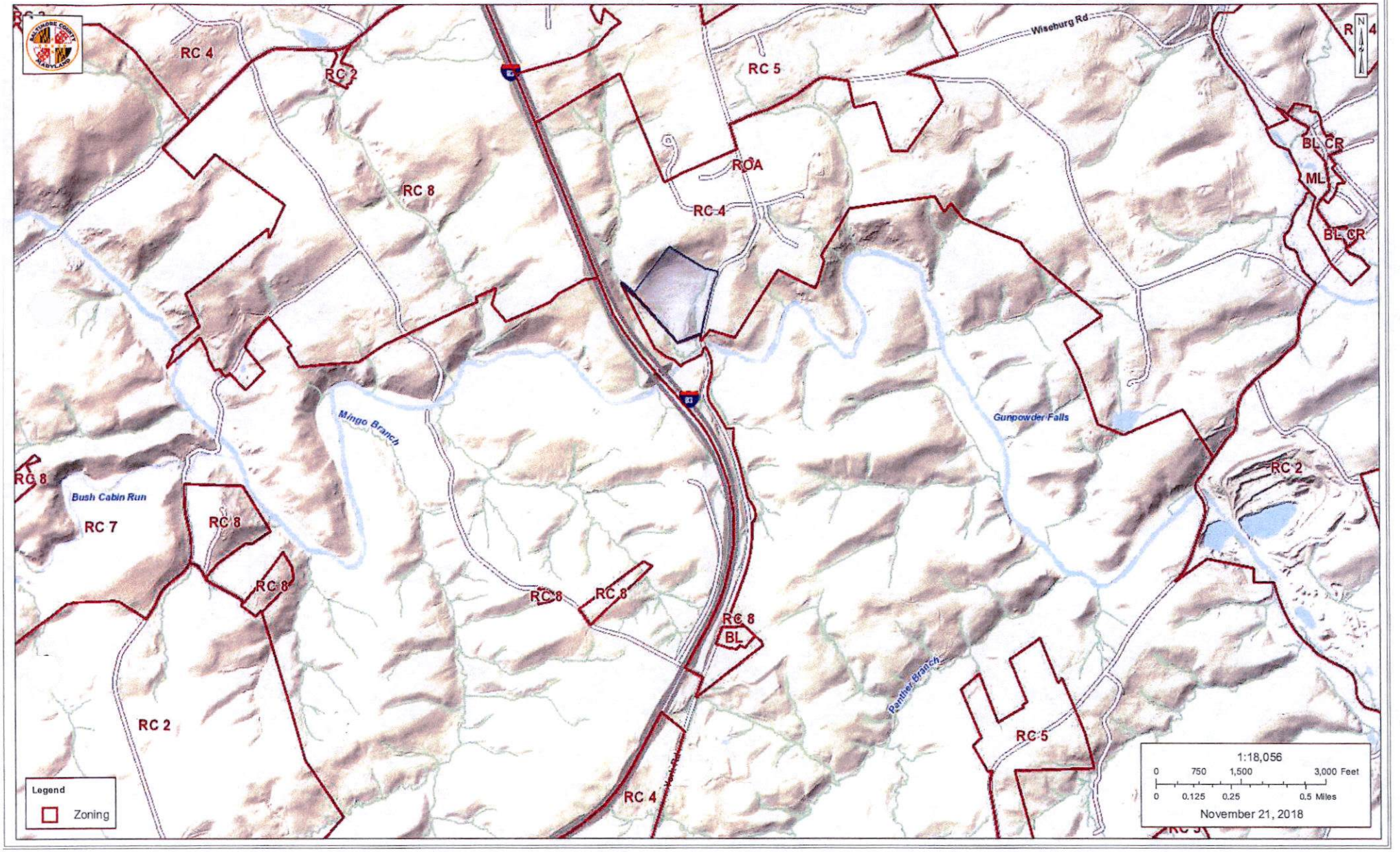
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15722 Falls Road - Basignani - Surrounding Zoning



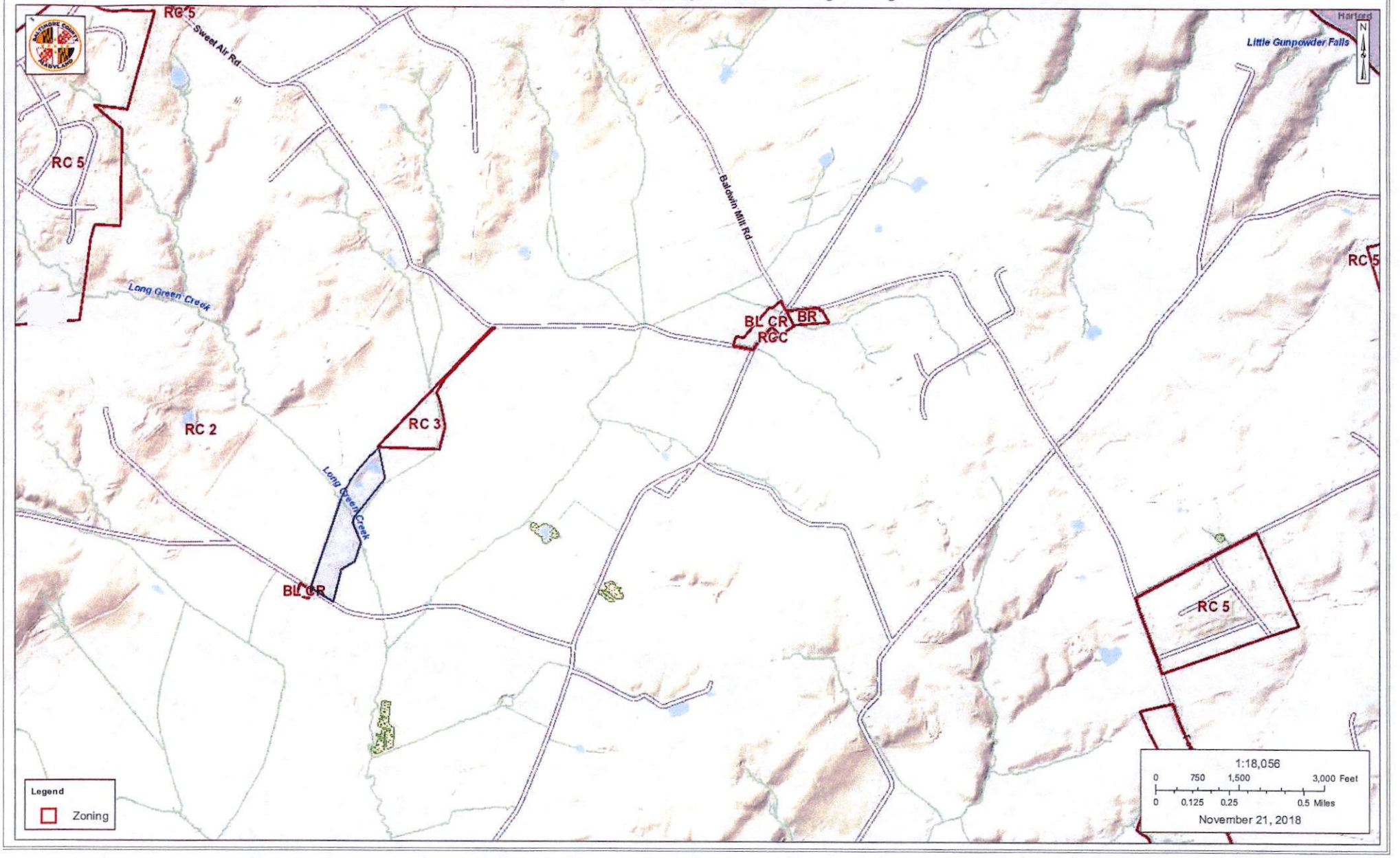
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17912 York Road - Woodhall - Surrounding Zoning



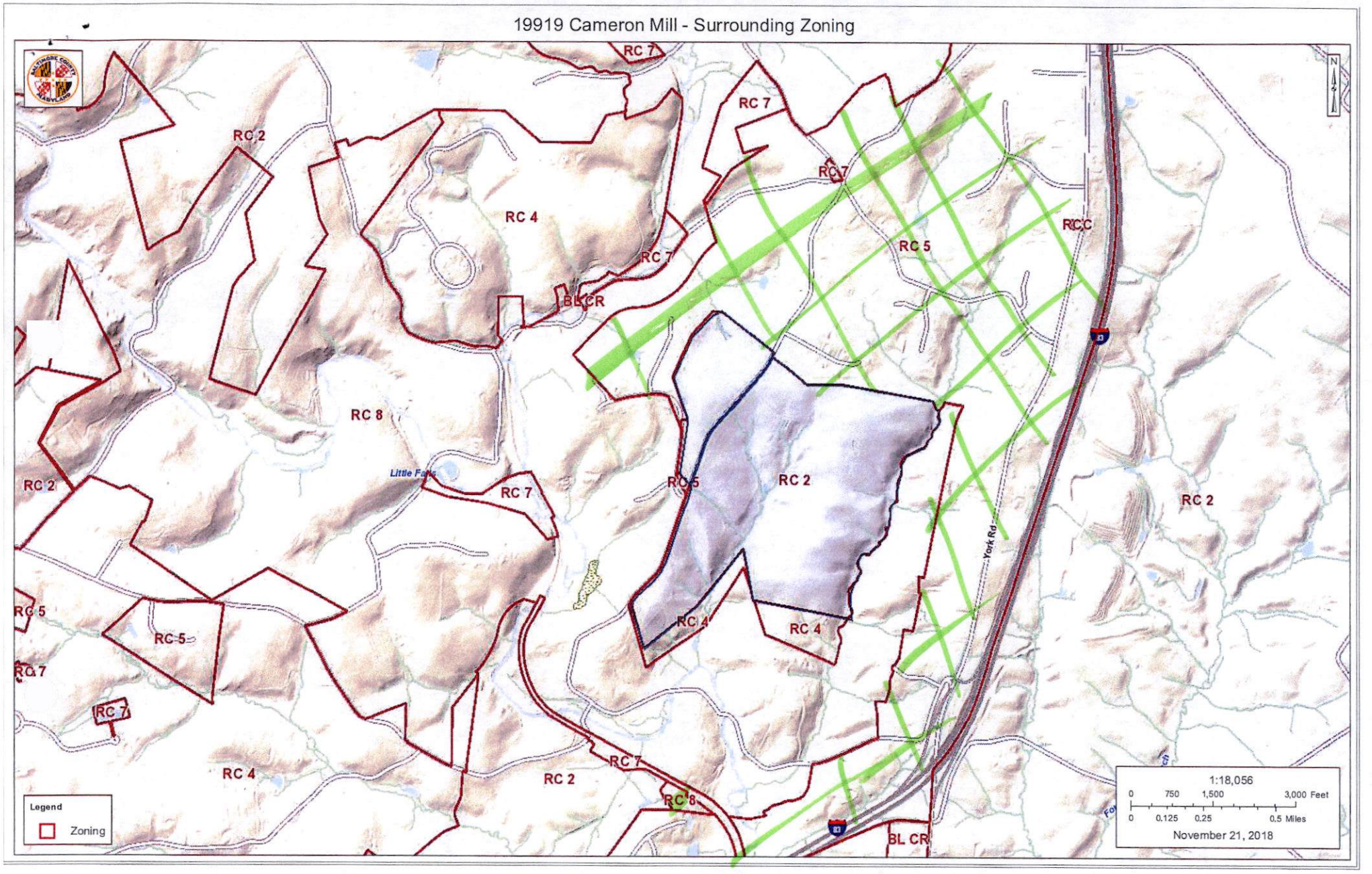
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5300 Hydes Road - Dejon - Surrounding Zoning



E

19919 Cameron Mill - Surrounding Zoning



F


SPEED
LIMIT
30
DRIVE
SLOW
FOR
KIDS
LIVE HERE
Prot 7






20018


TOYOTA
TACOMA
V6 DOHC
A129909
4x4
4x4



Prot 8

not admitted
JEB
9-17-2018



PROT. 8



Google Maps



Imagery ©2018 Google, Map data ©2018 Google 500 ft

Set a home address

Set a work address

PROT-9

JAKUBIAK
TOWN + CITY PLANNING

Christopher N. Jakubiak, AICP

Mr. Jakubiak consults with communities seeking expertise in town planning and zoning. He has 24 years of experience preparing zoning ordinances, comprehensive plans, subarea master plans, land use studies, and economic/market studies, and negotiating development agreements on behalf of Maryland municipalities. He has administered zoning ordinances as the appointed Zoning Administrator and town planner for jurisdictions throughout Maryland including the City of Westminster and the Towns of Centreville, Chesapeake Beach, Church Hill, Emmitsburg, Mount Airy, and Thurmont. In 2010, he served as an instructor in the Graduate School of Architecture and Planning at Catholic University in Washington, D.C. in urban design.

Recognized / Accepted as an Expert in Planning and Zoning

Administrative Hearing Officer and Board of Appeals, Anne Arundel County
Administrative Law Judge and Board of Appeals, Baltimore County
Board of Zoning and Municipal Appeals, City of Baltimore
Board of Appeals, City of Annapolis

Education

Masters Degree in Urban Planning, University of Illinois, College of Fine and Applied Arts, Urbana-Campaign, IL. Practicum: Comprehensive Neighborhood Revitalization Plan, East St. Louis
Bachelor of Arts in Political Science, University of Maryland, Baltimore County
Executive Certificate Program in Advanced Public Sector Negotiation, Harvard University

Professional Experience

President and Principal, Jakubiak & Associates, Inc. (2000 - present)
Principal Planner, Calvert County Department of Planning and Zoning (1996 – 2000)
Principal Planner, Southeastern Wisconsin Regional Planning Commission (1992 – 1996)
Urban Planning Instructor/Teaching/Research Assistant, University of Illinois (1990 – 1992)

Professional Accreditation and Affiliation

American Institute of Certified Planners (AICP)
Member of the American Planning Association

Recent Speaking Engagements

"Sustainable Urban Planning: Oresund Region, Scandinavia", U.S. Green Building Council, Baltimore Maryland and Washington, DC. Feb. 2014 and Dec 2013.
"Due Process and Effective Decision Making", MD Planning Commissioners Association, Nov. 2013
"Climate Change Adaptation in Maryland (Cambridge)", Gulf of Mexico, COCP, New Orleans, LA, 2012
"Development Proposals: The Role of Negotiation" Maryland Municipal League Conf., 2011
"Protecting the Municipal Tax Base Through Good Planning", MD Municipal League Fall Conf., 2009
"Approaches to Addressing Compatible Infill" Maryland Municipal League Conf., 2008
"Changing Zoning and Annexation Law in Maryland" Maryland Municipal League Fall Conf., 2006
"Negotiating Design Concepts for New Development", Maryland Municipal League Conf., 2004
"Toward a Walkable Downtown, Rebuilding La Plata", International IMCL Conference, Carmel, CA, 2003

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www.jakubiak.net 443-895-4240

PROTESTANT'S
EXHIBIT NO. 10


PROTESTANT'S
EXHIBIT NO. 5A-F

COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND
Legislative Session 2015, Legislative Day No. 14

Bill No. 64-15

Mr. Wade Kach, Councilman

By the County Council, September 8, 2015

A BILL
ENTITLED

AN ACT concerning

Zoning Regulations - Micro-brewery (Class 7) and Farm Brewery (Class 8)

FOR the purpose of permitting a micro-brewery (Class 7) or a farm brewery (Class 8) in certain R.C. Zones of the County, by special exception; amending the definition of brewery and defining a farm brewery; permitting temporary promotional events in certain cases; and generally relating to a micro-brewery or farm brewery.

BY repealing and re-enacting, with amendments
Section 101.1, the Definition of "Brewery"

adding
Section 101.1, the Definition of "Brewery, Class 8" and
Sections 1A01.2.C.30.j., 1A03.3.B.23., 1A04.2.B.24., 1A07.3.B.15.d., 1A08.3.B.15., and 1A09.3.B.10.
Baltimore County Zoning Regulations

PROTESTANT'S
EXHIBIT NO. 1

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

SECTION 1. BE IT ENACTED BY THE COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND, that the Baltimore County Zoning Regulations read as follows:

Section 101.1. Word usage; definitions.

BREWERY – An establishment with a valid alcoholic beverage manufacturer's license Class 5, 6, [or] 7 OR 8 issued in accordance with the Annotated Code of Maryland, Article 2B, Section 2-206, 2-207, [or] 2-208 OR 2-209.

BREWERY, CLASS 8 – A BREWERY LOCATED ON A MINIMUM OF 10 ACRES WITH A CLASS 8 (FARM BREWERY) LICENSE, WHICH SELLS AND DELIVERS MALT BEVERAGE MANUFACTURED IN A FACILITY ON THE LICENSED FARM WITH AN INGREDIENT FROM A MARYLAND AGRICULTURAL PRODUCT GROWN THEREON, AND PRODUCES NO MORE THAN 15,000 BARRELS OF MALT BEVERAGE PER YEAR.

Section 1A01 R.C.2 (Agricultural Zone)

1A01.2 Use Regulations.

C. Use permitted by special exception. The following uses, only, may be permitted by special exception in any R.C.2 Zone, provided that in each case the hearing authority empowered to hear the petition finds that the use would not be detrimental to the primary agricultural uses in its vicinity;

and, in the case of any use permitted under Item 29, further provided that the hearing authority finds that the use would support the primary agricultural use in its vicinity and would not itself be situated on land more appropriately used for primary agricultural uses:

30. The following "agricultural-support" uses as principal commercial uses:

J. ~~MICRO-BREWERY OR FARM BREWERY AS DEFINED AND LICENSED BY THE COMPTROLLER~~ BREWERY, CLASS 7 OR CLASS 8, INCLUDING ACCESSORY RETAIL AND WHOLESALE DISTRIBUTION OF BEER PRODUCED ON THE PREMISES. TEMPORARY PROMOTIONAL EVENTS, SUCH AS BEER TASTING OR PUBLIC GATHERINGS ASSOCIATED WITH THE ~~MICRO-BREWERY OR FARM BREWERY~~ BREWERY, ARE PERMITTED SUBJECT TO APPROVAL BY THE ADMINISTRATIVE LAW JUDGE OR BOARD OF APPEALS ON APPEAL.

§1A03.3. R.C. 4 (Watershed Protection) Zone

1A03.3. Use Regulations.

B. Uses permitted by special exception. The following uses, only, are permitted by special exception in R.C. 4 Zones:

23. ~~MICRO-BREWERY OR FARM BREWERY AS DEFINED AND LICENSED BY THE COMPTROLLER~~ BREWERY, CLASS 7 OR CLASS 8, INCLUDING ACCESSORY RETAIL AND WHOLESALE DISTRIBUTION OF BEER PRODUCED ON THE PREMISES.

BREWERY, ARE PERMITTED SUBJECT TO APPROVAL BY THE ADMINISTRATIVE LAW JUDGE OR BOARD OF APPEALS ON APPEAL.

§1A04. R.C. 5 (Rural-Residential) Zone

1A04.2. Use Regulations

B. Uses permitted by special exception. The following uses, only, are permitted by special exception in R.C. 5 Zones:

24. ~~MICRO-BREWERY OR FARM BREWERY AS DEFINED AND LICENSED BY THE COMPTROLLER~~ BREWERY, CLASS 7 OR CLASS 8, INCLUDING ACCESSORY RETAIL AND WHOLESALE DISTRIBUTION OF BEER PRODUCED ON THE PREMISES. TEMPORARY PROMOTIONAL EVENTS, SUCH AS BEER TASTING OR PUBLIC GATHERINGS ASSOCIATED WITH THE ~~MICRO-BREWERY OR FARM BREWERY~~ BREWERY, ARE PERMITTED SUBJECT TO APPROVAL BY THE ADMINISTRATIVE LAW JUDGE OR BOARD OF APPEALS ON APPEAL.

§1A07. R.C. 6 (Rural Conservation and Residential) Zone

1A07.3. Use Regulations.

B. Uses permitted by special exception. The following uses, only, are permitted by special exception in an R.C. 6 Zone:

D. ~~MICRO-BREWERY OR FARM BREWERY AS DEFINED AND LICENSED BY THE COMPTROLLER~~ BREWERY, CLASS 7 OR CLASS 8, INCLUDING ACCESSORY RETAIL AND WHOLESALE DISTRIBUTION OF BEER PRODUCED ON THE PREMISES. TEMPORARY PROMOTIONAL EVENTS, SUCH AS BEER TASTING OR PUBLIC GATHERINGS ASSOCIATED WITH THE ~~MICRO-BREWERY OR FARM BREWERY~~ BREWERY, ARE PERMITTED SUBJECT TO APPROVAL BY THE ADMINISTRATIVE LAW JUDGE OR BOARD OF APPEALS ON APPEAL.

§1A08. R.C. 7 (Resource Conservation) Zone

1A08.3. Use Regulations.

B. Uses permitted by special exception. The following uses, only, are permitted by special exception in an R.C. 7 Zone:

15. ~~MICRO-BREWERY OR FARM BREWERY AS DEFINED AND LICENSED BY THE COMPTROLLER~~ BREWERY, CLASS 7 OR CLASS 8, INCLUDING ACCESSORY RETAIL AND WHOLESALE DISTRIBUTION OF BEER PRODUCED ON THE PREMISES. TEMPORARY PROMOTIONAL EVENTS, SUCH AS BEER TASTING OR PUBLIC GATHERINGS ASSOCIATED WITH THE ~~MICRO-BREWERY OR FARM BREWERY~~ BREWERY, ARE PERMITTED SUBJECT TO APPROVAL BY THE ADMINISTRATIVE LAW JUDGE OR BOARD OF APPEALS ON APPEAL.

§1A09. R.C. 8 (Environmental Enhancement) Zone

1A09.3. Use Regulations.

B. Uses permitted by special exception. The following uses, only, are permitted by special exception in an R.C. 8 Zone:

10. ~~MICRO-BREWERY OR FARM BREWERY AS DEFINED AND LICENSED BY THE COMPTROLLER~~ BREWERY, CLASS 7 OR CLASS 8, INCLUDING ACCESSORY RETAIL AND WHOLESALE DISTRIBUTION OF BEER PRODUCED ON THE PREMISES. TEMPORARY PROMOTIONAL EVENTS, SUCH AS BEER TASTING OR PUBLIC GATHERINGS ASSOCIATED WITH THE ~~MICRO-BREWERY OR FARM BREWERY~~ BREWERY, ARE PERMITTED SUBJECT TO APPROVAL BY THE ADMINISTRATIVE LAW JUDGE OR BOARD OF APPEALS ON APPEAL.

SECTION 2. AND BE IT FURTHER ENACTED, that this Act shall take effect forty-five (45) days after its enactment.

§ 2-210. Class 8 farm brewery license
West's Annotated Code of Maryland
Alcoholic Beverages
Effective: July 1, 2017

West's Annotated Code of Maryland
Alcoholic Beverages (Refs & Annos)
Division I. General Provisions Affecting Multiple Jurisdictions [Titles 1-8] (Refs & Annos)
Title 2. State-Issued Permits and Licenses (Refs & Annos)
Subtitle 2. Manufacturer's Licenses (Refs & Annos)

Effective: July 1, 2017

MD Code, Alcoholic Beverages, § 2-210
Formerly cited as MD CODE, Art. 2B, § 2-201; MD CODE, Art. 2B, § 2-209

§ 2-210. Class 8 farm brewery license

Currentness

Established
(a) There is a Class 8 farm brewery license.

Scope of authorization--In general
(b)(1) Subject to paragraph (2) of this subsection, a license holder may sell and deliver beer manufactured in a facility on the licensed farm or in a facility other than one on the licensed farm to:

(i) a wholesaler licensed to sell and deliver beer in the State; or

(ii) a person in another state authorized to acquire beer.

(2) The beer to be sold and delivered under paragraph (1) of this subsection shall be manufactured with an ingredient from a Maryland agricultural product, including hops, grain, and fruit, produced on the licensed farm.

Scope of authorization--Specific acts
(c) A license holder may:

(1)(i) sell beer produced by the license holder for on-premises consumption;

(ii) in an amount not exceeding 6 fluid ounces per brand, provide samples of beer that the license holder produces to a consumer:

1. at no charge; or

2. for a fee;

(iii) sell or serve:

1. bread and other baked goods;

2. chili;

3. chocolate;

4. crackers;

5. cured meat;

6. fruits (whole and cut);

7. hard and soft cheese (whole and cut);

8. salads and vegetables (whole and cut);

PROTESTANT'S
EXHIBIT NO. 2

9. ice cream;

10. jam;

11. jelly;

12. vinegar;

13. pizza;

14. prepackaged sandwiches and other prepackaged foods ready to be eaten;

15. soup; and

16. condiments; and

(iv) subject to subsection (e)(2) of this section, sell or serve any food if the license holder is licensed to operate a food establishment under Title 21, Subtitle 3 of the Health-General Article;

(2) store on its licensed farm, in a segregated area approved by the Comptroller, beer produced at the licensed farm for sale and delivery to a wholesaler licensed in the State or a person outside the State authorized to acquire the beer;

(3) brew, bottle, or contract for not more than 15,000 barrels of beer each calendar year;

(4) contract with the holder of a Class 2 rectifying license, a Class 5 brewery license, or a Class 7 micro-brewery license to brew and bottle beer from ingredients produced on the licensed farm;

(5) import, export, and transport its beer in accordance with this section;

(6) store beer at a warehouse for which the license holder has been issued an individual storage permit, for sale and delivery to a wholesaler licensed in the State or a person outside the State authorized to acquire the beer, or shipment back to the licensed farm, if:

(i) the license holder does not serve or sell beer at the warehouse; and

(ii) the Comptroller has full access at all times to the warehouse to enforce this article; and

(7) enter into a temporary delivery agreement with a distributor only for delivery of beer to a beer festival or a wine and beer festival, and the return of any unused beer, if:

(i) the festival is in a sales territory for which the license holder does not have a franchise with a distributor under the Beer Franchise Fair Dealing Act in Title 5, Subtitle 1 of this article; and

(ii) the temporary delivery agreement is in writing.

Limitation on brewery location
(d)(1) A Class 8 farm brewery may be located only at the place stated on the license.

(2) The place listed on the license shall be in compliance with § 1-405(b) of this article.

Preemption of local law
(e)(1) Except as provided in paragraph (2) of this subsection and notwithstanding any local law, a license holder may exercise the privileges of a Class 8 farm brewery license.

(2) A license holder who sells foods under subsection (c)(1)(iv) of this section shall meet the same ratio of gross receipts between food and alcoholic beverages sales as a holder of a Class D beer and wine license or an equivalent license in the jurisdiction, as the local licensing board determines.

Hours of operation
(f) Subject to subsections (i) and (j) of this section, a license holder may exercise the privileges of the license each day:

(1) from 10 a.m. to 6 p.m., for consumption of beer and sales and service of food at the licensed farm; and

(2) from 10 a.m. to 10 p.m., for:

(i) sampling of beer;

(ii) consumption of beer off the licensed farm if the beer is packaged in sealed or resealable containers, such as growlers; and

(iii) guests who attend a planned promotional event or other organized activity at the licensed farm.

Days of operation
(g) Except as provided in Division II of this article, a Class 8 farm brewery license allows the license holder to operate 7 days a week.

Section not to limit application of Hea[illegible]eneral Article
(h) Nothing in this section limits the application of relevant provisions of Title 21 of the Health--General Article, and regulations adopted under that title, to a license holder.

Multibrewery activity
(i)(1) A license holder may sponsor a multibrewery activity at the licensed farm that:

(i) includes the products of other Maryland breweries; and

(ii) provides for the sale of beer by the glass for on-premises consumption only.

(2) In a segregated area approved by the Comptroller on the licensed farm, a license holder may store the products of other Maryland breweries for the multibrewery activity.

(3) The multibrewery activity:

(i) may be held from 10 a.m. to 10 p.m. each day; and

(ii) may not exceed 3 consecutive days.

Brewery promotional event permit
(j)(1) The Comptroller may issue a brewery promotional event permit to a license holder.

(2) At least 15 days before holding a planned promotional event, the license holder shall obtain a permit from the Comptroller by filing a notice of the promotional event on the form that the Comptroller provides.

(3) The permit authorizes the license holder to conduct at the licensed farm a promotional event at which the license holder may:

(i) provide samples of not more than 6 fluid ounces per brand to consumers; and

(ii) sell beer produced by the license holder to persons who participate in the event.

(4) The beer at the event shall be sold by the glass and for on-premises consumption only.

(5) The license holder may not be issued more than 12 permits in a calendar year.

(6) A single promotional event:

(i) may be held from 10 a.m. to 10 p.m. each day; and

(ii) may not exceed 3 consecutive days.

(7) The permit fee is $25 per event.

Fee
(k) The annual license fee is $200.

Credits
Added by Acts 2016, c. 41, § 2, eff. July 1, 2016. Amended by Acts 2016, c. 8, § 5; Acts 2016, c. 627, § 1, eff. July 1, 2016; Acts 2017, c. 467, § 1, eff. July 1, 2017.

Editors' Notes

LEGISLATIVE NOTES

Revisor's Note (Acts 2016, c. 41):

This section is new language derived without substantive change from former Art. 2B, §§ 2-209(b) through (e) and (a)(1) through (7), (8)(i), (9), and (10) and, as it related to the farm brewery license, 2-201(a).

In subsection (g) of this section, the reference to "Division II of this article" is substituted for the former reference to "subparagraph (ii) of this paragraph" to reflect the organization of this revised article.

Defined terms: "Beer" § 1-101

"Comptroller" § 1-101

"Consumer" § 1-101

"Person" § 1-101

"State" § 1-101

HISTORICAL AND STATUTORY NOTES

2016 Legislation

Acts 2016, c. 8, § 5, in (f), corrected internal cross-references.

Derivation:

Former Art. 2B, § 2-201, amended by Acts 1994, c. 3, § 2, eff. Feb. 28, 1994; Acts 1996, c. 9, § 1, eff. April 9, 1996; Acts 2006, c. 111, § 2, eff. April 25, 2006; Acts 2010, c. 355, § 1, eff. June 1, 2010; Acts 2012, c. 385, § 1, eff. July 1, 2012; Acts 2012, c. 542, § 1, eff. July 1, 2012; Acts 2012, c. 543, § 1, eff. July 1, 2012; Acts 2013, c. 207, § 1, eff. July 1, 2013; Acts 2015, c. 190, § 1, eff. July 1, 2015; Acts 2015, c. 449, § 1, eff. July 1, 2015, related to manufacturer's licenses; classes, fees, additional licenses, repealed by Acts 2016, c. 41, § 1, eff. July 1, 2016.

Former Art. 2B, § 2-209, added by Acts 2012, c. 542, § 1, eff. July 1, 2012; Acts 2012, c. 543, § 1, eff. July 1, 2012. Amended by Acts 2013, c. 88, § 1, eff. July 1, 2013; Acts 2014, c. 596, § 1, eff. July 1, 2014, related to class 8 farm brewery license, repealed by Acts 2016, c. 41, § 1, eff. July 1, 2016.

MD Code, Alcoholic Beverages, § 2-210, MD AL BEV § 2-210
Current through legislation effective July 1, 2018, from the 2018 Regular Session of the General Assembly

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PET- 10

Baltimore County, Maryland

MASTER PLAN 2020



Baltimore County, Maryland

MASTER PLAN 2020

ADOPTED BY BALTIMORE COUNTY COUNCIL
November 15, 2010

Baltimore County Executive
James T. Smith, Jr.

Baltimore County Council
S.G. Samuel Moxley, District 1
Kevin Kamenetz, District 2
T. Bryan McIntire, District 3
Kenneth N. Oliver, District 4
Vincent J. Gardina, District 5
Joseph Bartenfelder, District 6
John Olszewski, Sr., District 7

Thomas J. Peddicord, Jr., Legislative Counsel/Secretary

From the Baltimore County Executive and the Baltimore County Council

Master Plan 2020 is the guiding document that directs future development in Baltimore County over the next ten years and beyond. This plan embodies this County's broad goals of protecting the environment, preserving agriculture, and ensuring safe and attractive places to live and work. It combines the expertise and skill of Baltimore County's public servants with input from the people of our communities to help determine both where and how land development will occur throughout the next decade.

Master Plan 2020 is based on the concept of *sustainability*. We cannot meet our present needs and simultaneously preserve resources for future generations without implementing sustainable practices throughout Baltimore County. By reducing greenhouse gases in our air and pollutants in our streams and wetlands, we will improve not only the health of our entire County, but also the quality of life in all of our communities. We must maintain Baltimore County's tradition of smart growth by promoting policies that encourage compact, walkable, well-designed redevelopment of underused properties along commercial corridors and close to public transit. And by continuing to promote economic development in our historic neighborhoods and maintaining our highly skilled and well trained workforce, we can keep attracting and strengthening businesses that provide a wide variety of jobs for all our residents.

Many residents provided valuable assistance in the development of *Master Plan 2020*. The numerous comments and suggestions received at the public input meetings, from advisory committees, through the mail and emails, and through telephone calls and personal conversations, were greatly appreciated and critical to this plan's completion.

Master Plan 2020 is an effort to create and maintain safe and sustainable communities to achieve a sensible balance of economy, equity, and a healthy environment for people to reside, pursue careers, raise families, and enjoy the amenities of Baltimore County. This is an exciting opportunity for Baltimore County to continue working as partners with all its residents, businesses, and adjacent jurisdictions to develop a new direction for a brighter and healthier future.

S.G. Samuel Moxley, District 1

Vincent J. Gardina, District 5

Kevin Kamenetz, District 2

Joseph Bartenfelder, District 6

T. Bryan McIntire, District 3

John Olszewski, Sr., District 7
Chairman, County Council

James T. Smith, Jr.
County Executive

Kenneth N. Oliver, District 4

VISION

Create and maintain safe and sustainable communities, to achieve a sensible balance of economy, equity, and environment for people to reside, work, pursue careers, raise families, and enjoy the amenities in Baltimore County, Maryland.



Goals of Master Plan 2020

To promote policies and actions resulting in a safe, sustainable environment for future generations, the County Council in partnership with the citizens of Baltimore County, Maryland hereby adopt this Master Plan 2020.

Goal One: Continue the Success of Growth Management

- Direct the future growth within the Urban-Rural Demarcation Line (URDL)
- Protect and enhance Community Conservation Areas
- Promote redevelopment with an emphasis on ailing commercial or industrial properties
- Develop compact, mixed-use, transit-oriented, and walkable neighborhoods
- Advance economic well-being by promoting a high quality labor force
- Provide a mixture of housing types for an emerging diversity of residents
- Support quality public schools to enhance communities
- Prioritize infrastructure improvements via the Capital Improvement Program to endorse sustainable development
- Protect the character and economic vitality of the rural communities

Goal Two: Improve the Built Environment

- Provide adequate open space and recreational opportunities and increase connections to nature by linking open spaces and parks
- Invest in public grounds by tree planting, buffer conservation and habitat restoration
- Expand and deliver multi-modal transportation services
- Reduce pollutant loadings of runoff with enhanced stormwater management
- Meet desire for green communities by providing regulatory incentives
- Ensure integration between regulations and sustainability programs such as LEED

Goal Three: Strengthen Resource Conservation and Protection

- Protect health of the natural environment and maintain a valuable biodiversity
- Restore ecosystems and encourage fair, efficient use of natural resources
- Preserve cultural assets to establish a tangible sense of community
- Nurture farming activities and importance of the agricultural industry
- Conserve rural characteristics and scenic vistas

Visions of Master Plan 2020

Futhermore, in conformance with Article 66B of the Annotated Code of Maryland, the following "Visions" to be implemented by Master Plan 2020 are hereby adopted.

(1) Quality of life and sustainability: a high quality of life is achieved through universal stewardship of the land, water, and air resulting in sustainable communities and protection of the environment;

(2) Public participation: citizens are active partners in the planning and implementation of community initiatives and are sensitive to their responsibilities in achieving community goals;

(3) Growth areas: growth is concentrated in existing population and business centers, growth areas adjacent to these centers, or strategically selected new centers;

(4) Community design: compact, mixed-use, walkable design consistent with existing community character and located near available or planned transit options is encouraged to ensure efficient use of land and transportation resources and preservation and enhancement of natural systems, open spaces, recreational areas, and historical, cultural, and archeological resources;

(5) Infrastructure: growth areas have the water resources and infrastructure to accommodate population and business expansion in an orderly, efficient, and environmentally sustainable manner;

(6) Transportation: a well-maintained, multimodal transportation system facilitates the safe, convenient, affordable, and efficient movement of people, goods, and services within and between population and business centers;

(7) Housing: a range of housing densities, types, and sizes provides residential options for citizens of all ages and incomes;

(8) Economic development: economic development and natural resource-based businesses that promote employment opportunities for all income levels within the capacity of the State's natural resources, public services, and public facilities are encouraged;

(9) Environmental protection: land and water resources, including the Chesapeake and coastal bays, are carefully managed to restore and maintain healthy air and water, natural systems, and living resources;

(10) Resource conservation: waterways, forests, agricultural areas, open space, natural systems, and scenic areas are conserved;

(11) Stewardship: government, business entities, and residents are responsible for the creation of sustainable communities by collaborating to balance efficient growth with resource protection; and

(12) Implementation: strategies, policies, programs, and funding for growth and development, resource conservation, infrastructure, and transportation are integrated across the local, regional, State, and interstate levels to achieve these visions.

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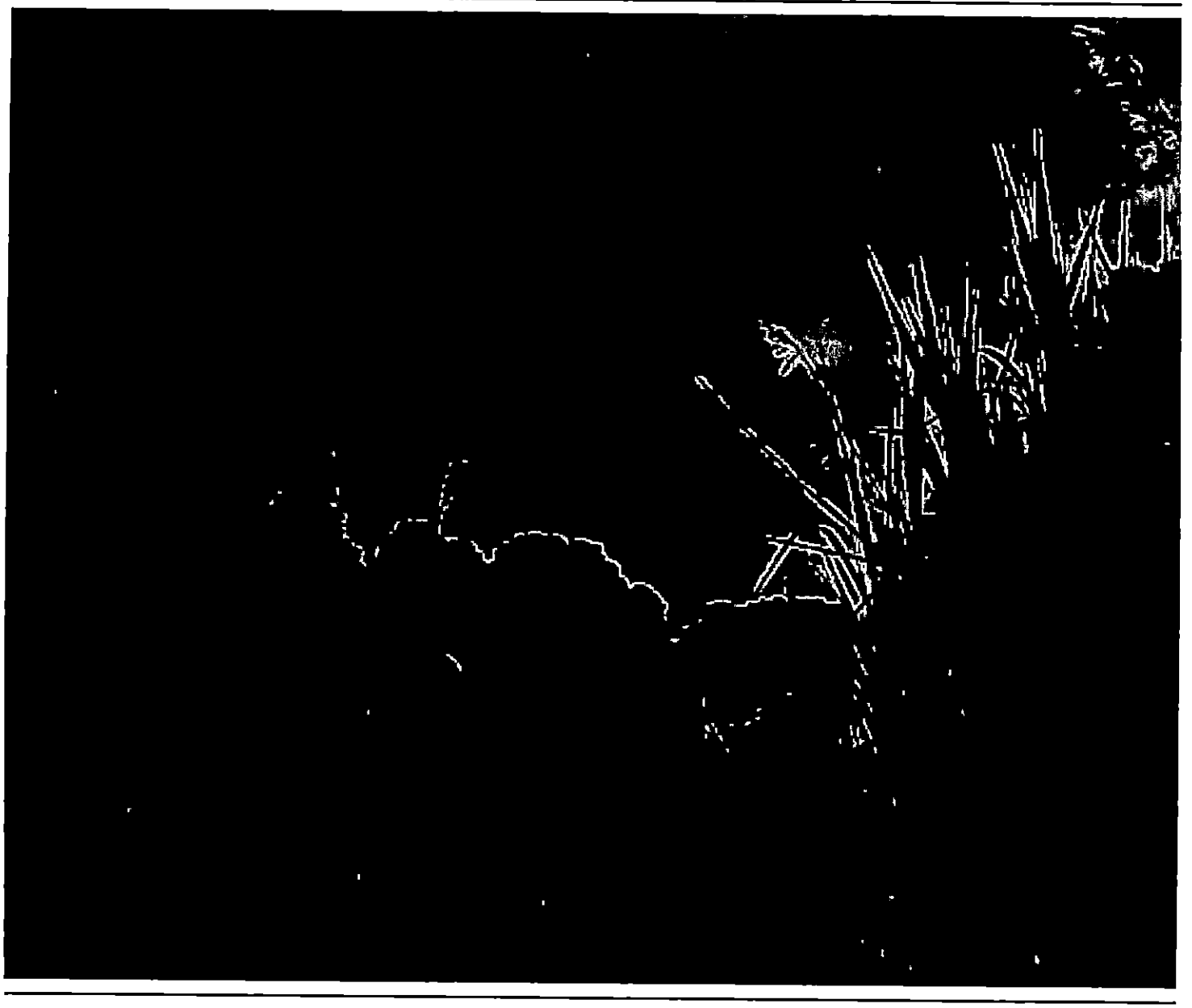
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INTRODUCTION

The present and future needs of our citizens with respect to the economy, community and the environment will be protected and enhanced by actions proposed in this plan, with the intention of achieving a sustainable community.



The general purpose of *Master Plan 2020* is to guide the coordinated, adjusted, and harmonious development of Baltimore County. Policies and actions proposed herein will promote public health, safety, morals, order, convenience, prosperity and the general welfare. Although a few proposed actions are required by state law, generally the policies and actions stated in *Master Plan 2020* are not mandatory and do not control or limit the County governing body. They serve, as do all of the statements of the Master Plan, as a guide for the County's governing body. This plan will build on the successful concepts and strategies of previous plans, and will strengthen these long-term goals using a framework of sustainability. The present and future needs of our citizens with respect to the economy, community and the environment will be protected and enhanced by actions proposed in this plan, with the intention of achieving a sustainable community.

The County Executive and the County Council acknowledge the importance of the master plan as an advisory tool for ensuring rational and orderly development. The policy decisions of the Council, expressed through its law-making powers, are the means to fulfilling the evolving needs of the County and the citizens. *Master Plan 2020* is intended to guide the County Executive, the Council, and the government agencies in accomplishing the visions and goals of the plan. However, in certain limited circumstances, the plan may be more than just a guide. In response to a recent court decision, the Maryland General Assembly revised Article 66B of the Annotated Code of Maryland. The code essentially describes how applicable regulations and ordinances promulgated by local jurisdictions shall be consistent with specific items in the plan. (§ 1.02 Consistency with comprehensive plans, Article 66B. Annotated Code of Maryland)

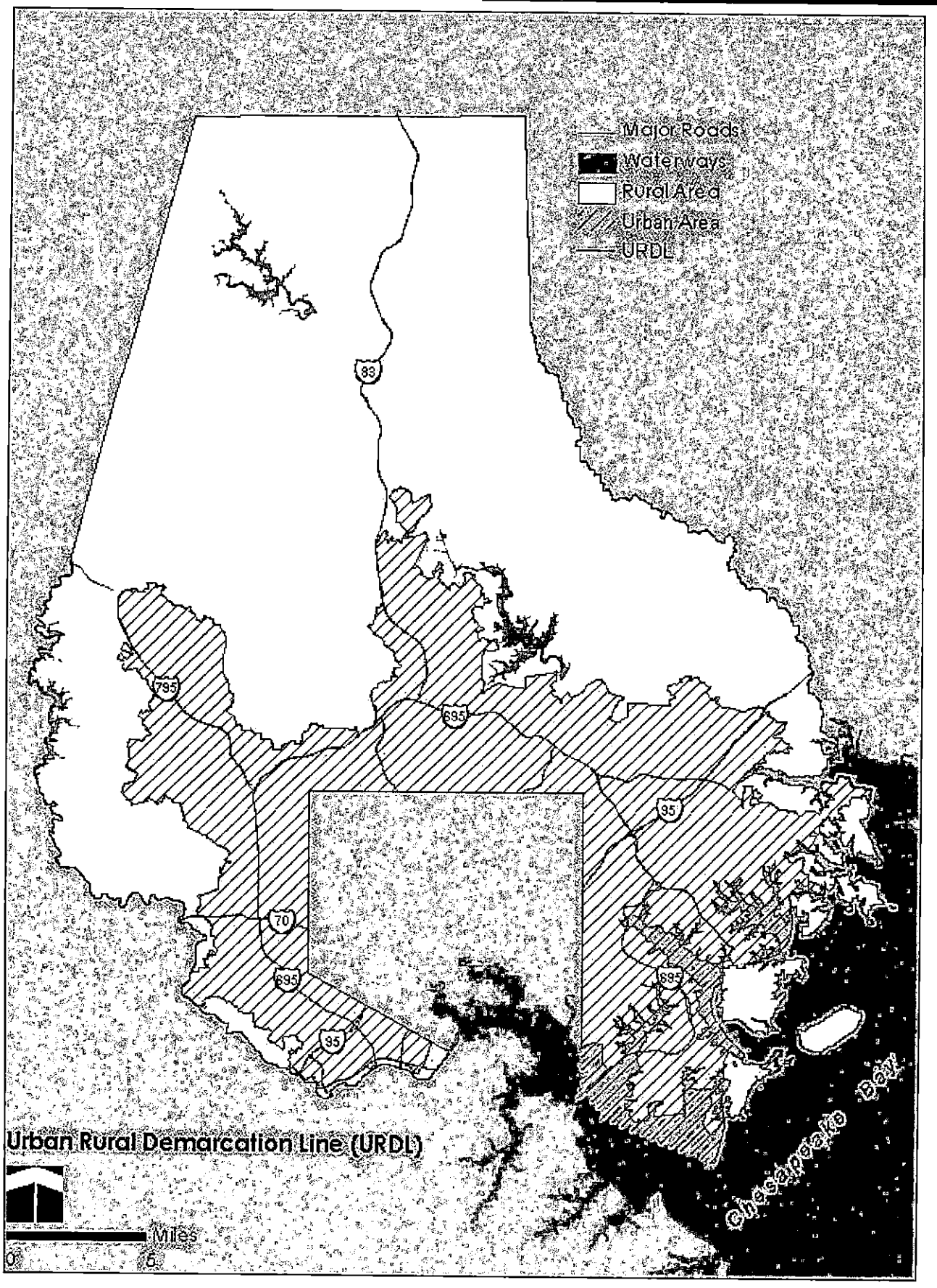
Several other mandates, including Federal, State, and local regulations affect *Master Plan 2020*. First, the Baltimore County Charter requires that a master plan be prepared and adopted every 10 years (§ 522.1 et. seq.). Additionally, details on required and optional contents of the plan are described in the Baltimore County Code (§ 32-2-202 et. seq.). Article 66B of the Annotated Code of Maryland, which is quite specific about elements required in local master plans, lists twelve new visions to be implemented to ensure a sustainable future for all jurisdictions in Maryland. This State Code was further revised to require a Water Resources Element (WRE) be included in the plan. The WRE is an examination of existing and future impacts of land development on all water resources in the County. Based on the results of this study, the proposed policies and actions in this plan are selected that will best help ensure the County will meet pollutant loading reductions in stormwater runoff and wastewater, and drinking water supplies will be safe and adequate. The WRE is included in *Master Plan 2020*. Finally, in compliance with Article 66B, a priority preservation element was recently added to *Master Plan 2010*, to ensure protection of the agricultural industry and the rural areas. The latter element is continued in this plan.

Success of Current and Past Master Plans

The first formal master plan, the *1980 Guideplan for Baltimore County, Maryland*, was adopted in 1972. Its philosophy was to accommodate growth and development in an orderly, environmentally sensitive manner, with adequate open space. Subsequent plans, the *Baltimore County Comprehensive Plan, 1975* and the *Baltimore County Master Plan 1979-1990* reorganized land use and development planning into a comprehensive growth management program. The 1975 plan resulted in the creation and adoption of urban and rural zoning. Two growth areas, Owings Mills and Perry Hall-White Marsh, were designated in the 1979 plan. The *Baltimore County Master Plan 1989-2000* created specific land management areas and policies that included growth areas, urban centers, community conservation areas, employment areas, and various rural land management areas.

Baltimore County is a national showcase in resource management and balanced growth, by successfully implementing *Master Plan 2010*, and the precedent master plans. The residential construction and redevelopment within the Urban-Rural Demarcation Line (URDL)(Map 1), first described in 1967, illustrate that the County excels in conserving its urban and rural communities by revitalizing existing communities and directing new development into the County's two designated growth areas. Water and sewer planning to allow those public utilities only in urban areas ensures development is concentrated inside the URDL, thus reducing sprawl. The noteworthy concentration of population and employment within the community conservation areas, and development in Owings Mills and Perry Hall-White Marsh, reflects the extraordinary effort on rational, aesthetic, and environmentally sustainable growth. *The Plan for the Valleys*, prepared and published in 1964 by the Green Spring and Worthington Valley Planning Council Incorporated, won the 2010 American Planning Association's National Planning Landmark Award. The Plan is the first long-range development plan based on the application of principles of ecological determinism to direct growth away from sensitive ecological features.

Map 1: Urban Rural Demarcation Line



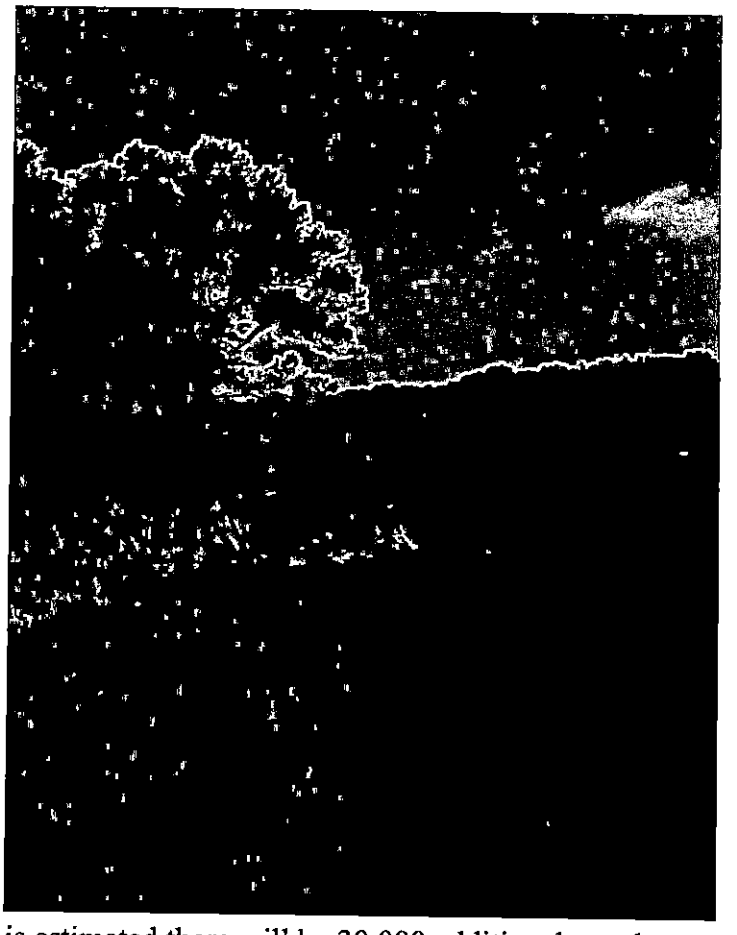
Since 2000, the County adopted and implemented amendments to the Comprehensive Manual of Development Policies (CMDP), new Resource Conservation (RC) zone designations, Renaissance Initiatives, the Adequate Public Facility Ordinance (APFO), and Planned Unit Development (PUD) regulations. These efforts continue to enhance quality design, high density, and efficient development in accordance with the Maryland Smart Growth Legislation. The County also strongly promotes large-scale redevelopment and new urbanist, or mixed-use development projects within its urban communities.

Furthermore, success is demonstrated in the economic development strategies to retain zoning districts for commercial and industrial expansion, by directing business development to the designated growth areas, commercial revitalization districts, enterprise zones, and employment centers. These policies are balanced with community conservation through programs that accentuate community empowerment, public/private partnerships, and coordination of public/private actions. Maintaining and strengthening the vibrancy of residential and business communities throughout the urban county is being achieved, and will be continued by *Master Plan 2020.*

Many advances in restoring, preserving and protecting our natural resources are continuing with policies and actions carried forward from precedent master plans. More than 55,000 acres of significant agricultural properties are preserved in perpetual easements available through various programs being administered by the Department of Environmental Protection and Resource Management (DEPRM). Stream restorations, retrofitting stormwater management facilities, tree plantings, establishment of stream buffers and forest conservation easements are successful and will continue to protect and enhance our natural resources.

Future Development

Over the next decade and beyond, the county must focus on where and how development occurs. This need is directed by State court decisions asserting that each jurisdiction must accommodate its fair share of population and employment increases. Although the rate of population increase is predicted to be slow, it



is estimated there will be 30,000 additional people living in Baltimore County in the next decade, with approximately 32,000 to 33,000 new jobs by 2020. Using policies and actions proposed by *Master Plan 2020*, this amount of growth can be accommodated with sustainable design at appropriate sites.

There are locations where growth and development should not occur. These sites may be of special concern or significance, such as agricultural properties, tracts within Chesapeake Bay Critical Areas, places near drinking water supply reservoirs, and other parcels with environmental resources. Some very localized parts of the County may have seriously inadequate infrastructure, such as insufficient public sewer capacity or over-crowded schools that make these sites unsuitable for additional density, unless these deficiencies are corrected. Many existing stable residential neighborhoods should not be disturbed for additional development. Most of these communities will be protected, with some in need being enhanced with physical improvements such as, schools, parks, open spaces, and, in some cases, enriched by amenities provided by nearby redevelopments.

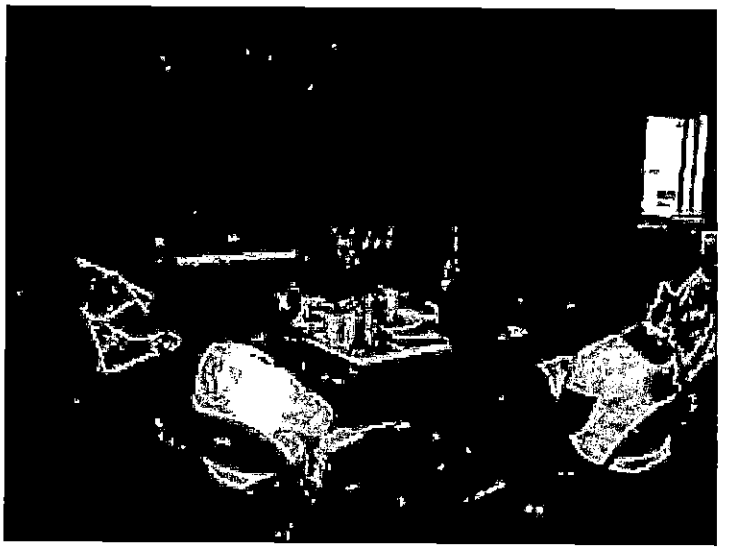
The majority of future growth will be in the form of redevelopment because most of the land within the urbanized portion of the County is already developed. Larger, one-story buildings with huge unused parking lots present great opportunities for redevelopment as compact, mixed-use walkable communities. The areas most suitable for growth are typically located along major roads in commercial corridors, in or adjacent to existing town centers, or on older industrial and warehouse properties. The most ideal sites to accommodate future growth will have adequate public infrastructure already in place. Other criteria include the possibility for a good mix of residential, office, retail and other uses, potential for walkable and sustainable design, proximity to existing or proposed public transit, and with civic services, amenities, and employment opportunities on the sites or very close. The term Community Enhancement Areas (CEAs) is used to identify these new, sustainable communities. A detailed description of the proposed CEAs, their function, and the overall effect on the economy, community and environment is presented in the *Sustainable Communities* chapter in this plan.

Master Plan 2020 introduces the concept of transect-based planning to guide development. The concept was used to formulate the proposed land use maps for Baltimore County. Identifying a range of habitats from the most natural to the most urban, transects may be used as a framework for creation of zoning categories. The habitats are divided into six transect zones that are defined by the level and intensity of their physical and social character. One very important principle of this planning concept is that certain forms and elements are appropriate in specific environments. For example, a large apartment building belongs in an urban area, while a ranch house is more suitable in a rural setting. Additionally, the transect concept recognizes more flexibility of uses and building types that support mixed-use development. A land use map and zoning categories based on transects will allow citizens to be better aware of the form that future development will take. Transect-based planning is more fully described in the *Sustainable Communities* chapter in this plan.

"To be truly successful in any community, planning must have the understanding and support of the people it serves. Staff members of the Office of Planning speak frequently before community groups, and the Office itself, with its collection of maps and other data in the County Building, is a clearing house for information that is open to everyone."

Excerpt from: 1958 Report of Programs and Progress, Baltimore County Office of Planning, December 1958

Citizen Participation



A significant key to the success of any proposal is the involvement of all stakeholders. Baltimore County is strongly committed to providing every opportunity for participation by any interested citizen, businessperson, property owner and government entity in the development/redevelopment process. It is very important to instill a sense of stewardship: with encouragement and support, the citizens will have an integral role in the creation of sustainable developments through collaborative efforts. At the very genesis of any proposals, the County will facilitate meetings with all stakeholders, soliciting comments and suggestions from all who will contribute.

Process

In November 2007, the Office of Planning convened an interagency committee to begin developing *Master Plan 2020.* Representatives from the following agencies served on this committee:

(1) Department of Environmental Protection and Resource Management (DEPRM)

(2) Department of Public Works (DPW)

(3) Recreation and Parks

(4) Community Conservation

(5) Economic Development

(6) Permits and Development Management

(7) Planning

A sub-committee consisting of representatives from DEPRM, DPW and Planning prepared the County's response to House Bill 1141 (2006): the development of the aforementioned Water Resources Element (WRE) to be included in the plan. The WRE provides significant influence on policies and actions herein.

In January and February 2010, more than fifty citizens from all areas of Baltimore County participated in two advisory committee meetings. This diverse group provided many comments, suggestions and observations on the future of their communities. Subsequent to the advisory committee meetings, four public input meetings were held in the southwestern, western, north-central, and eastern areas in Baltimore County. Comments offered were very informative and quite helpful in developing *Master Plan 2020*. Baltimore County is grateful to all persons who attended and participated in these meetings.

Implementation and Monitoring

The final test of any plan is its successful implementation. The multi-agency team that created this plan will be reconvened periodically to guide implementation, monitor progress, and propose strategies and programs to ensure the success of the plan. *Master Plan 2020* is developed to be a living document, that is, it will be reviewed periodically and updated when necessary. Past successful strategies in growth management will continue and be strengthened as the County moves toward achieving the goals, and implementing the State of Maryland's visions set forth in this document. All subsequent community plans formulated over the next decade will be based on the policies and actions proposed herein. Regulations and ordinances will be consistent with specific items in *Master Plan 2020*, in those cases where State law requires consistency. The plan will be used often to help secure a sustainable future for the citizens of Baltimore County, Maryland.

SUSTAINABILITY

Sustainable development has been defined as that which "meets the needs of the present in a responsible manner without compromising the ability of current and future generations to meet their own needs" (United Nations General Assembly (1987) *Report of the World Commission on Environment and Development: Our Common Future*). Most experts agree there are three intertwined elements to the sustainability concept: *Community (or Social Equity), Economy and Environment.* To achieve a truly sustainable society, all three principles are included, with any competing interests among them being reconciled. Furthermore, our evolving world requires periodic monitoring, adaptation, and likewise modifications of these elements to maintain sustainability.

Community

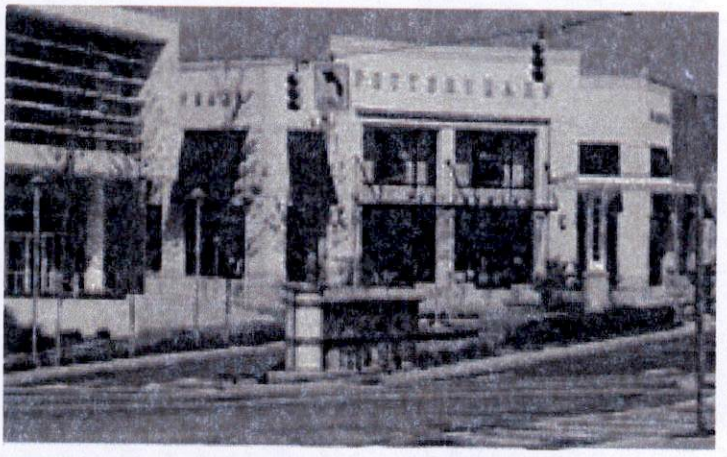
Equitable access to all resources and decision-making processes is necessary for all residents to enjoy a higher quality of life that comes with the many benefits available in our society. Public transportation that is convenient and efficient allows citizens to get to work and services, reduces congestion and pollution, and decreases costs. Training and education that is readily attainable fosters opportunities for youth and the unemployed, while also contributing to the standard of living. Communities with good walkability and a healthy mix of uses, built with natural, local, durable materials, will help ensure a sustainable society. The provision of appropriate and adequate open spaces for sitting, meeting or gathering is critical. The community is also sustained by the full, active participation of all people in the decisions made concerning the future of their neighborhood. A spirit of cooperation and involvement by all stakeholders in these challenges is extremely valuable to the planning and development process.

Economy

The infusion of capital investments from and within the community aids in sustaining the local and regional economy. Financial resources generated and reinvested in the neighborhood assure high quality services for residents. Attracting and retaining large and small businesses and supporting economic development issues are very important in providing jobs for residents. These economic issues are considered throughout the Master Plan, because a sustainable community depends on a strong economy.

Environment

Reducing and mitigating negative impacts on natural resources and the environment is crucial to the long-term success of any community. Clean air and water is essential for all living beings to survive and flourish. Healthy forests and wetlands help to clean the air and water; and must be protected. To accommodate population growth, we must employ careful planning and thoughtful design as we develop/redevelop land.





This will enable preservation of our natural resources and the environment as we work towards the goal of sustainability.

Sustainability in Baltimore County: Past Successes and Future Challenges

In 1967, Baltimore County took the first significant step toward creating a sustainable policy framework for growth and development when it established an urban growth boundary, the Urban Rural Demarcation Line (URDL). The URDL divides the County into urban and rural land management areas. The division allows infrastructure investments and most land development to be focused in the urban areas, while natural and agricultural resources in the rural areas are preserved. Subsequently, Resource Conservation (RC) zones were adopted to restrict the number, configuration, size and location of new building lots in order to preserve agriculture and protect natural resources, while permitting limited growth. The protection of agriculture has been a key component of the rural growth management of the County for over 40 years. Significant public funds are invested in the permanent protection of cropland, pasture and woodland to maintain and foster a viable agricultural industry. This forward-looking effort by the County has become more important as national attention focuses on issues such as energy conservation, sustainability, global warming and national security.

As a result of these land management framework and policies, ninety percent of the county's population resides in one third of the County's land area. Consequently, public services are provided with efficiency, and two thirds of the land area is reserved for farming and natural resource conservation. By confining much of its growth to a limited geographic area, costs that might have been incurred by extending infrastructure and development are avoided. Designating and reinvesting in suburban Community Conservation areas helps to sustain private property values, maintain stable communities in which residents and business prosper, protect government's investments in the established public infrastructure, and minimize disinvestment and blight. Resources that can provide for the basic needs of all citizens,

including local food production, a high quality water supply, and improved air quality are protected, contributing to the sustainability of the community.

However, as Baltimore County grew over the past several decades, relatively low-density and auto-dependent suburban development occurred. Unlike the main street shopping areas of older neighborhoods, new development consisted of housing separated from strip shopping centers, offices and industrial parks. Instead of walkable street grids connecting residential areas to playgrounds, schools, and main streets, pods of new, single-use developments were connected by way of arterial roads that carried large volumes of fast moving traffic. This development pattern resulted in higher production costs, increased vehicle miles traveled (VMTs), increased pollution from vehicles, more time spent in cars, and reduced safety and health to the citizens.

As the size and amount of undeveloped land parcels within the URDL diminishes, the redevelopment of underused property at greater density and with a mix of land uses provides significant environmental and economic benefits. When property is redeveloped at higher densities, more people and activities are accommodated on less land. For a given number of homes, stores, or offices, the more compact the development, the greater the amount of undeveloped land that can be conserved. And the undeveloped land, if left in a natural state, or planted with trees, helps filter the air we breathe and the stormwater runoff, protecting urban streams, rivers and the Chesapeake Bay.



There remain challenges towards achieving sustainability. Three areas by which the land management framework can be improved are:

(1) Provide a greater variety of efficient, safe, affordable and comfortable transportation choices.

(2) Improve the physical form of new development, and enhance existing neighborhoods.

(3) Redevelop sites to create compact, walkable, high-density mixed-use communities within the URDL to encourage economic growth and help pay for infrastructure and services.

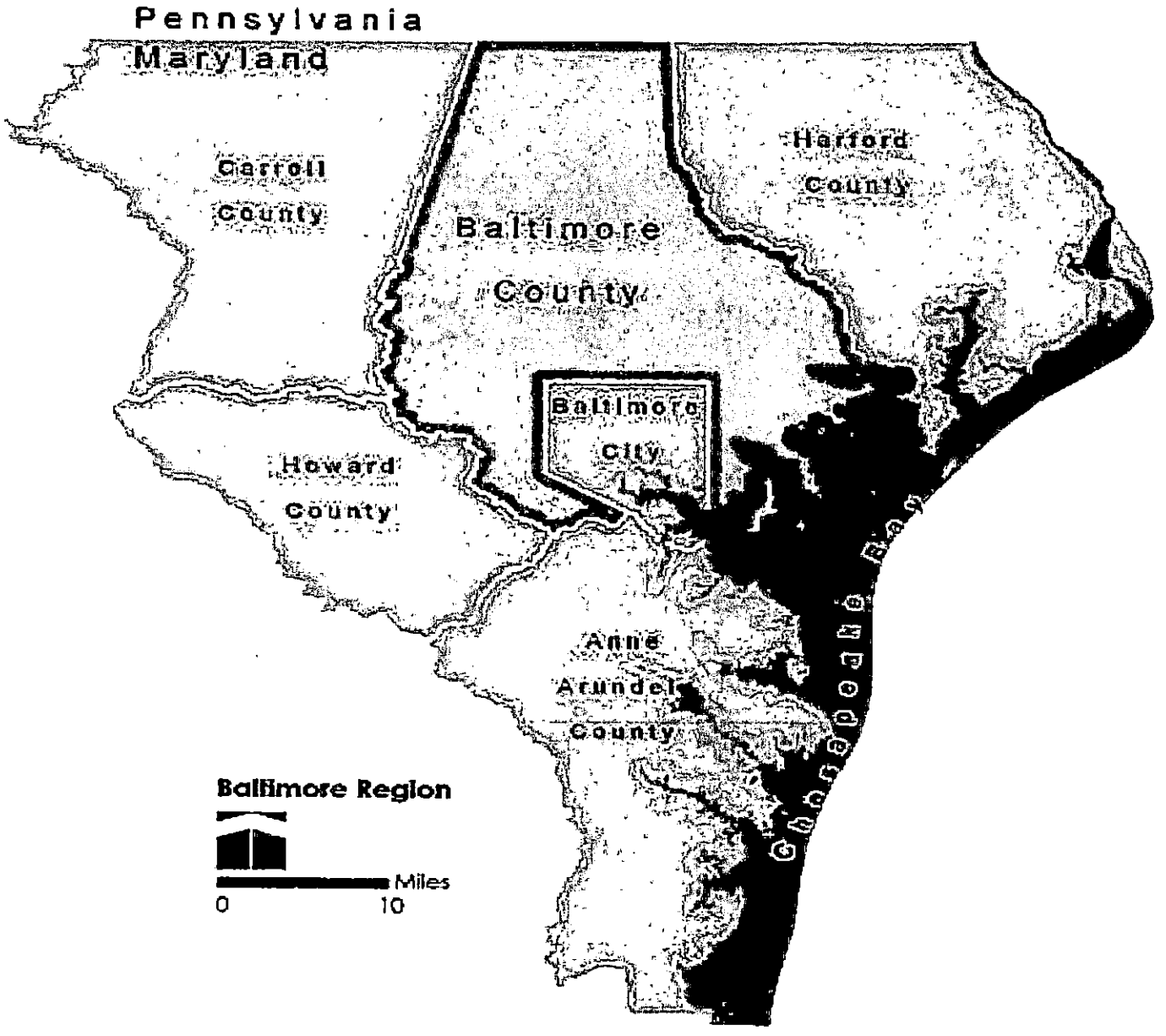
To realize a sustainable community, *Master Plan 2020* introduces a new land management framework that contributes to the health and prosperity of its residents, and to the conservation of natural resources for future generations.

REGIONAL FRAMEWORK

The Baltimore region consists of the City of Baltimore and Anne Arundel, Baltimore, Carroll, Harford, and Howard counties in central Maryland (Map 2). These six local jurisdictions are an integral part of an interdependent network socially, economically, and environmentally in the Washington-Baltimore metropolis. Each of these six local jurisdictions identifies challenges and opportunities to manage growth and enhance economic development in communities throughout the region.

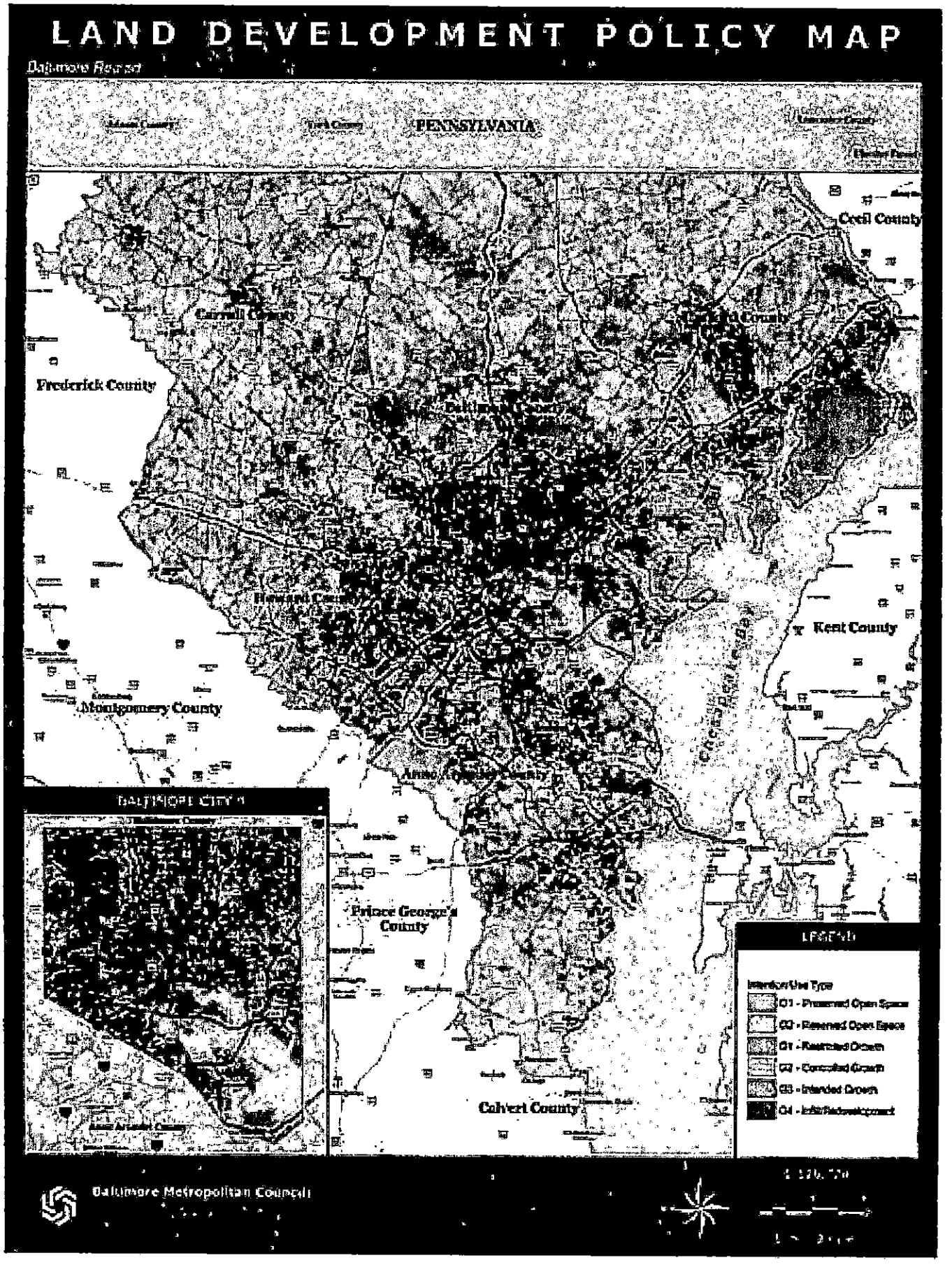
As the patterns of growth in the region continue to evolve, cities and counties redefine the previous forms of development with the goal of creating economically livable and environmentally sound communities. The State of Maryland's smart growth initiatives continue to guide regional collaboration and planning to strengthen communities and conserve natural resources, and also to achieve the twelve visions outlined in the Annotated Code of Maryland, Article 66B, revised in 2009.

Map 2: Baltimore Region



Future development in Baltimore County will be focused within underutilized commercial corridors by supporting and encouraging the creative use of mass transit, taking precedence over the automotive-oriented development. It is essential for Baltimore County to establish, in cooperation with surrounding jurisdictions, a regional development database, and a model of compact urban communities. This is necessary to successfully articulate and implement region-wide and statewide comprehensive plans, including Imagine 2060 and PlanMaryland. The Regional Development Policy map (Map 3) is for illustrative purposes only, and serves as a guide for the provision of regional infrastructure.

Map 3: Land Development Policy



DEMOGRAPHICS

Demographic information is critical in formulating policies, articulating community plans, and determining programs and services. The information enables county agencies to identify demographic change patterns and trends, not only indicating the success of the County's growth management, but also providing insights on challenges and opportunities for sustainable community enhancement in the next decade. Data provided in this section are derived from the U.S. Census Bureau's decennial enumeration and sampled data, its annual estimates, and yearly American Community Surveys (ACS). Other data sources include the U.S. Bureaus of Labor Statistics and Economic Analysis and the County's building and razing permits.

Growth and Diversity in Population

The URDL was established in 1967 and, later in the 1970s and 1980s, designated land management areas including the Owings Mills Growth Area and former Perry Hall-White Marsh Growth Area. The enacting and enforcement of these growth management policies in previous master plans has ensured the County's achievement in directing growth within the URDL, while protecting agricultural areas and preserving drinking water, natural resources and environment.

Baltimore County is the 3rd largest in population among Baltimore City and 23 counties in Maryland. In the past two decades, the County's population growth occurred predominantly inside the URDL. Approximately 90 percent of the County's residents live in the urban areas. The change in the County's population presents significant insights on how growth took place. Phenomenal growth in population occurred in the 1950s and 1960s, due to the nationwide boom after World War II. Since that time the population growth rate has decreased (Chart 1). The slower growth rates in the past 4 decades illustrate that the County is becoming a maturing jurisdiction, which requires different policies in order to ensure a prosperous, sustainable future. The projected county population by 2020 is expected to be 846,000.

In addition, there is an emerging trend in population and housing characteristics in Baltimore County, reflecting a profound and prevailing national trend. The median age of the population continued to grow from 28.9 in 1970 to 38.8 in 2008. This represents a growing number in the elderly 65 years old or over, which increased its percent share in the County's total population from 7.4 percent in 1970 to 14.4 percent in 2008. The percent share of the County's senior residents is projected to be 17 percent in 2020.

The number and percent share of married-couple families has decreased; whereas the number and percentage of other household types – non-family, single person, or single-parent households – has been on the rise (Chart 2). Consequently, the number of persons in a household (household size) continued to decline. As a result, the County's average household



Chart 1: Total Population and Population Change, 1950 - 2020

Area	1950	1960	1970	1980	1990	2000	2010	2020
Baltimore County	270,273	492,428	621,077	655,615	692,134	754,292	816,546	846,977
Change	-	*222,155*	*128,649*	*34,538*	*36,519*	*62,158*	*66,890*	*21,407*
Change Rate	-	*82%*	*26%*	*6%*	*6%*	*9%*	*9%*	*3%*

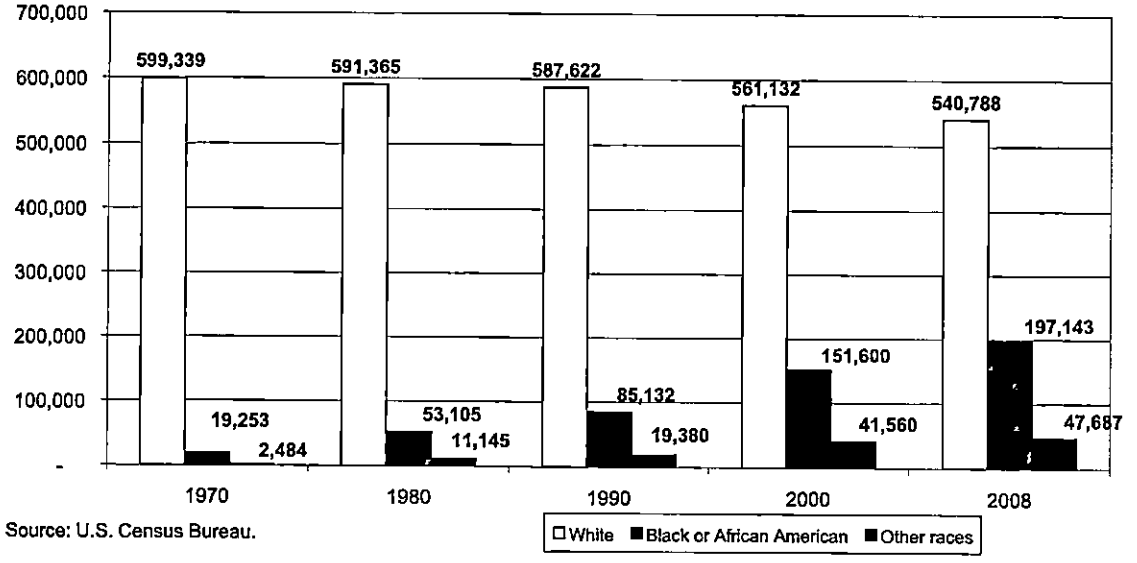
Sources: U.S. Census Bureau, 1950-2000 Censuses. Baltimore Metropolitan Council, Round 7C Forecasts.

Chart 2: Household Types, 1970 - 2008

Data Item	1970	1980	1990	2000	2008
Total Households	184,890	237,371	268,638	299,877	310,734
Married-Couple Families	146,248	150,731	151,223	148,099	144,520
% total households	*79.10%*	*63.50%*	*56.29%*	*49.39%*	*46.51%*
Single-Parent Families	16,085	29,671	38,612	50,506	53,863
% total households	*8.70%*	*12.50%*	*14.37%*	*16.84%*	*17.33%*
Non Family Households	22,557	56,969	78,445	101,272	112,351
% total households	*12.20%*	*24.00%*	*29.20%*	*33.77%*	*36.16%*

Source: U.S. Census Bureau.

Chart 3: Change in Racial Composition, 1970 - 2008



Source: U.S. Census Bureau.

Chart 4: Age of Housing Structures

Decade Structure Built	Number of Units	Percentage of Total Housing Units	Decade Structure Built	Cumulative Percentage of Total Housing Units
Built 1939 or earlier	28,163	8.61%	Before 1939	8.61%
Built 1940 to 1949	27,867	8.51%	Before 1949	17.12%
Built 1950 to 1959	65,578	20.04%	Before 1959	37.16%
Built 1960 to 1969	41,793	12.77%	Before 1969	49.93%
Built 1970 to 1979	46,882	14.33%	Before 1979	64.25%
Built 1980 to 1989	46,032	14.07%	Before 1989	78.32%
Built 1990 to 1999	45,874	14.02%	Before 1999	92.34%
Built 2000 to 2009	25,082	7.66%	Before 2009	100.00%
Total	327,271	---	---	---

Source: U.S. Census Bureau.

size changed from 3.28 persons per household in 1970 to 2.46 persons per household in 2008. The household size has remained at 2.46 persons since 2000.

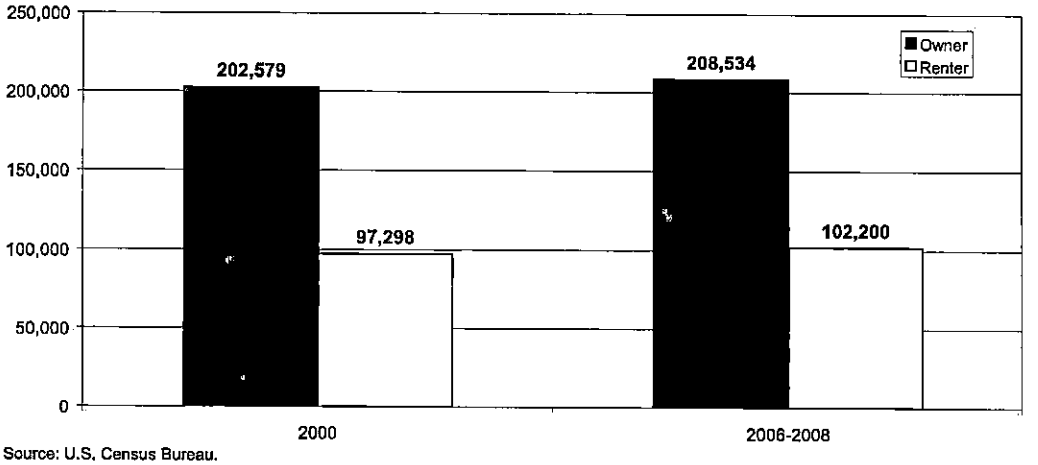
The County is also culturally diverse, with an increasing number and percent share of non-white or people of the Hispanic or Latino origin (Chart 3). As one of the state's immigration destinations, Baltimore County also experienced a noticeable growth in the foreign-born in the 1990s and 2000s. The number of people who immigrated from other countries or places to the County rose from 32,000 (4.7 percent) in 1990 to 73,000 (9.3 percent) in 2008. As a result, people of the Hispanic or Latino origin (can be of any race) grew from 8,100 (1.2 percent of the County's total population) in 1990 to 23,000 (3 percent of the total) in 2008. Asian and Native Hawaiian or Other Pacific Islander changed from 15,000 (2.3 percent) to 33,000

Chart 5: Housing Structure Types, 2000 - 2008

Housing Type	2000	Percent Total	2008	Percent Total
Single Family Detached	150,022	47.83%	155,728	47.58%
Single Family Semi-Detached	5,105	1.63%	4,232	1.29%
Single Family Attached (or Town Houses)	84,114	26.81%	86,703	26.49%
Multi-Family	74,447	23.73%	80,608	24.63%
Total	**313,688**	---	**327,271**	---

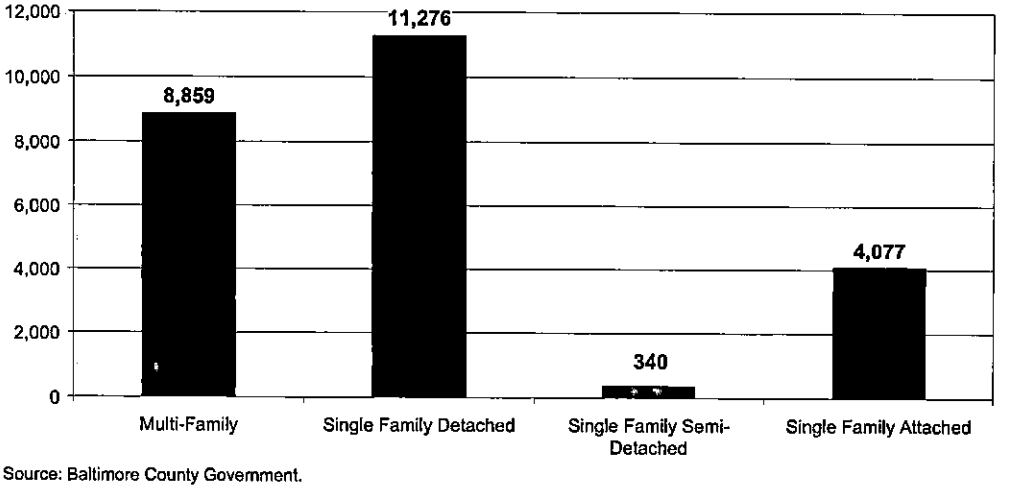
Source: U.S. Census Bureau.

Chart 6: Housing Tenure, 2000 - 2008



Source: U.S. Census Bureau.

Chart 7: New Residential Units by Housing Type, 2000 - 2009



Source: Baltimore County Government.

(4.3 percent) during the same time period. Prudently note that in Census 2000, the Census Bureau modified the race and ethnicity categories by adding two or more races. Also, the race and ethnicity data are tabulated from self-identification.

A Diverse, Affordable Housing Stock

Baltimore County leads the Baltimore region in housing inventory. The majority of the housing in the County (64 percent) was built prior to 1980, according to census data (Chart 4). Countywide, single family structures (detached, semi-detached, and attached) in the total housing inventory have been the predominant building type (Chart 5).

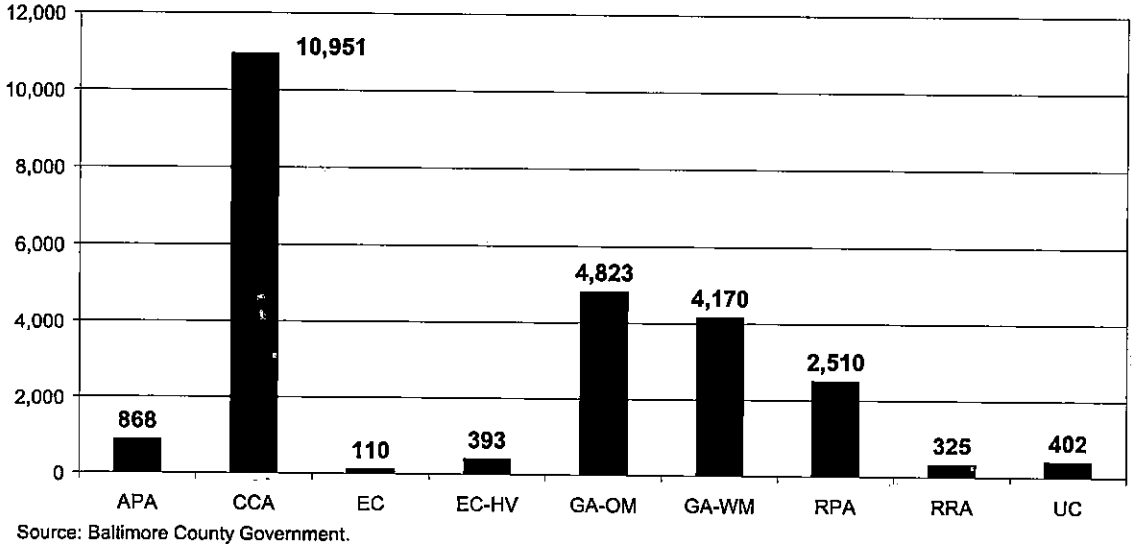
Data on housing tenure is an indicator of homeownership (Chart 6). The housing tenure consists of owner-occupied units and renter-occupied units. According to the Census Bureau, the homeownership rate in Baltimore County was 67 percent in 2000 and in the 2006-2008 period. In 2009, the County's building permit system showed the homeownership rate was 68 percent, demonstrating a relatively stable trend. New residential unit constructions since 2000, as registered in the Baltimore County building permit system, exhibited a similar pattern in housing structure types (Chart 7). However, the proportion of multi-family units in new constructions increased significantly to 36.1 percent, confirming the County's effort to diversify its housing stock.

Chart 8: Total Residential Units, 2000 - 2009

Area	Total Units		2000-2009	
	2000	2009	Total Growth	Percent Growth
Urban	283,040	301,138	18,098	6.39%
Percent county total	*90.22%*	*89.98%*	*86.37%*	-
Rural	30,694	33,549	2,855	9.30%
Percent county total	*9.78%*	*10.02%*	*13.63%*	-
County Total	**313,734**	**334,687**	**20,953**	**6.68%**

Source: Baltimore County Government.

Chart 9: New Residential Units by Land Management Area, 2000 - 2009



Source: Baltimore County Government.

Chart 10: New Residential Units by Land Management Area, 2000 - 2009

Land Management Area	Single Family Detached	Single Family Semi-Detached	Single Family Attached	Multi-Family	Total
Agricultural Preservation Area	831	0	0	0	**831**
Community Conservation Area	4,552	180	1,948	3,879	**10,559**
Employment Center	22	0	84	4	**110**
Employment Center-Hunt Valley	4	0	68	376	**448**
Growth Area-Owings Mills	922	49	1,247	2,476	**4,694**
Growth Area-White Marsh	2,116	96	681	1,098	**3,991**
Resource Preservation Area	2,260	14	6	0	**2,280**
Rural Residential Area	323	1	0	0	**324**
Urban Center	2	0	0	387	**389**
County Total	**11,032**	**340**	**4,034**	**8,220**	**23,626**

Source: Baltimore County Government.

Chart 11: Razed Residential Units by Land Management Area, 2000-2009

Land Management Area	Single Family Detached	Single Family Semi-Detached	Single Family Attached	Multi-Family	Total
Agricultural Preservation Area	124	0	0	0	**124**
Community Conservation Area	1,028	19	5	2,192	**3,244**
Employment Center	32	0	0	0	**32**
Employment Center-Hunt Valley	17	0	0	0	**17**
Growth Area-Owings Mills	63	0	1	0	**64**
Growth Area-White Marsh	115	4	0	0	**119**
Resource Preservation Area	380	4	0	0	**384**
Rural Residential Area	76	0	0	0	**76**
Urban Center	13	4	0	60	**77**
County Total	**1,848**	**31**	**6**	**2,252**	**4,137**

Source: Baltimore County Government.

Chart 12: Changes in Median Sold Price and Household Income, 2000 - 2008

Jurisdiction	2000-2001	2001-2002	2002-2003	2003-2004	2004-2005	2005-2006	2006-2007	2007-2008
Absolute changes in median sold price:								
Anne Arundel County	6,150	26,500	31,510	48,890	55,100	19,000	-22,000	18,000
Baltimore City	-3,000	4,900	8,100	15,000	30,000	20,400	12,600	-269
Baltimore County	5,900	10,100	20,000	32,000	48,000	18,000	6,900	-16,900
Carroll County	9,000	21,500	30,500	44,900	55,100	0	-30,550	35,550
Harford County	2,750	3,000	27,650	30,250	44,100	14,000	2,000	-5,000
Howard County	13,310	34,900	27,600	62,500	60,000	10,000	5,000	-15,000
Absolute changes in median household income:								
Anne Arundel County	2,850	750	700	3,150	2,500	5,550	3,000	1,600
Baltimore City	1,000	750	500	1,350	1,200	1,250	2,200	1,150
Baltimore County	2,000	600	700	2,150	2,050	1,400	2,850	1,450
Carroll County	2,150	1,250	650	3,350	3,200	1,100	3,250	1,800
Harford County	1,950	1,550	1,950	2,900	2,500	3,250	3,050	1,800
Howard County	1,550	300	1,000	3,100	2,850	5,800	3,550	1,850

Sources: Maryland Department of Planning for median household income; Metropolitan Regional Information Systems for median sold price; Freddie Mac for interest rate survey.

Recent statistics on residential development verify the county's success in enhancing community conservation and resource preservation. As shown in Chart 8, the majority of total residential units were constructed inside the URDL (or urban areas). The largest growth has occurred in Community Conservation Areas, followed by the Owings Mills and Perry Hall-White Marsh areas (Chart 9, see a land management area or LMA map for full names of LMA). The increase in residential construction in the Owings Mills area is more substantial than that in the White Marsh area. Among urban land management areas, there also is a mixture of housing types (Chart 10). In the Community Conservation Areas, single-family dwellings – detached, semi-detached, and attached (town houses) – are predominant. This is also true for the Perry Hall-White Marsh area. In Owings Mills, multi-family registers the largest number of new housing construction.

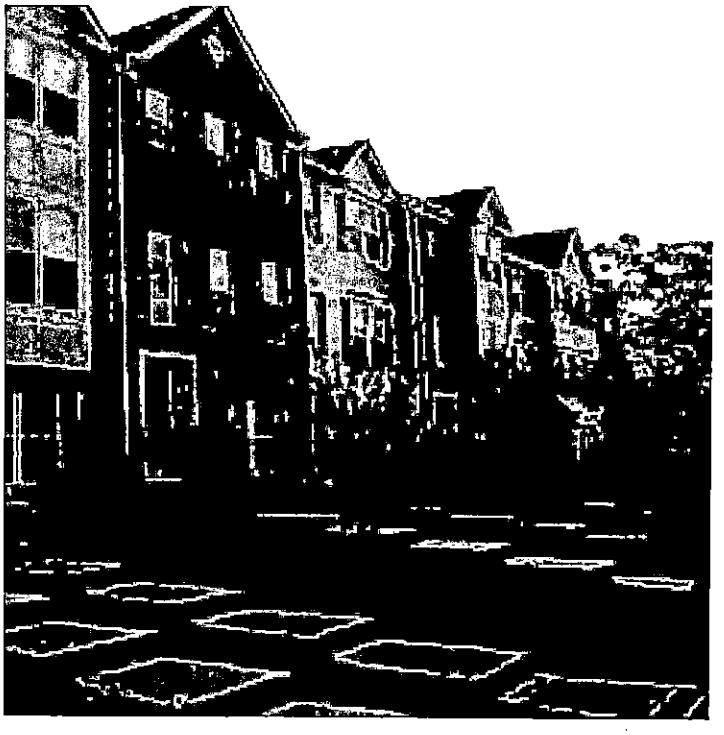
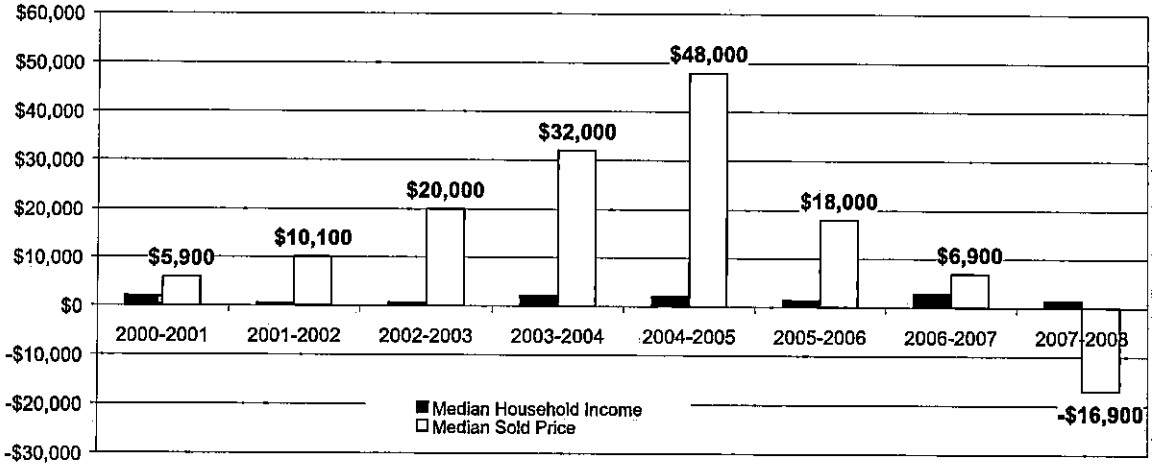


Chart 13: Changes in Income and Housing Price
Baltimore County, 2000 - 2008



Sources: Maryland Department of Planning and Metropolitan Regional Information

Chart 14: Housing Costs as Percent Household Income

Data Item	2000		2008	
	Owner	Renter	Owner	Renter
Less than 20.0 percent	55.00%	35.80%	35.20%	24.60%
20 to 24 percent	14.60%	14.30%	16.70%	14.70%
25 to 29 percent	9.70%	11.50%	13.60%	11.90%
30 to 34 percent	5.60%	7.70%	8.80%	9.20%
35 percent or more	14.50%	26.60%	25.70%	39.50%

Source: U.S. Census Bureau.

Reinvestment strategies will be required in older communities throughout Baltimore County for communities to retain their desirability. The redevelopment of older multi-family housing and/or commercial properties is the major component of the County's comprehensive redevelopment strategy. The majority of residential dwelling units (3,244 out of 4,137) razed were in Community Conservation Areas. Among those 3,244 units, nearly 70 percent (or 2,192 units) were multi-family dwellings (Chart 11).

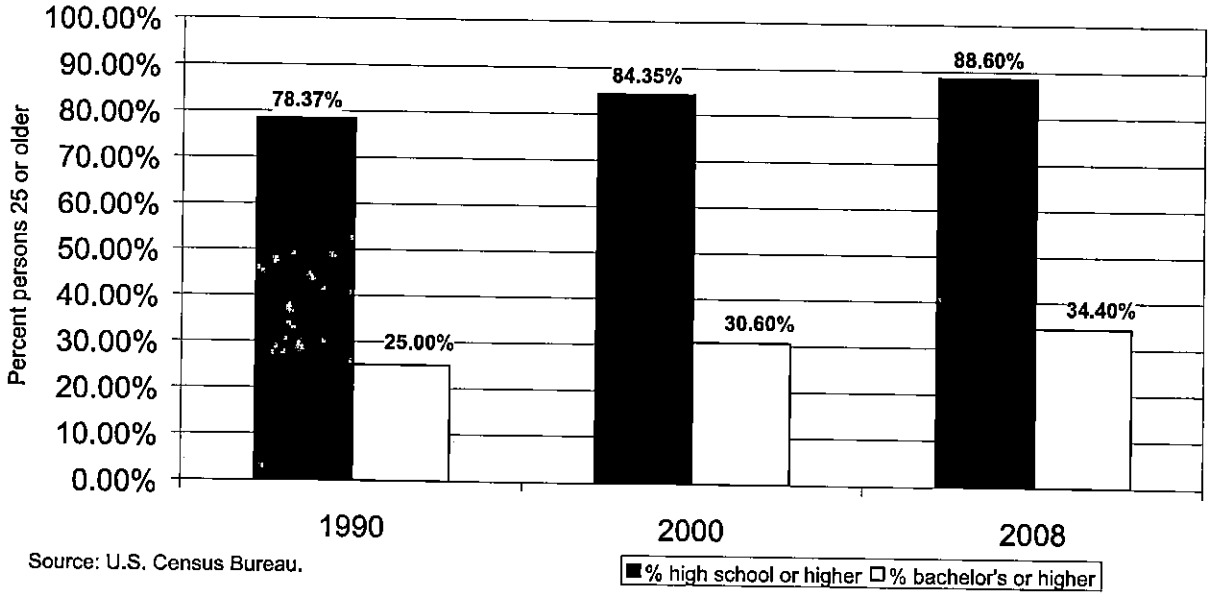


Charts 12 and 13 indicate that throughout all six (6) jurisdictions in the Baltimore region, consisting of Baltimore City and Anne Arundel, Baltimore, Carroll, Harford, and Howard counties, the change in median sales price has been substantially higher than the change in the median household income. Furthermore, the housing affordability index in Baltimore County dipped from 157.13 in 2000 to

119 in 2008, indicating that a smaller portion of the County's households are able to purchase a home.

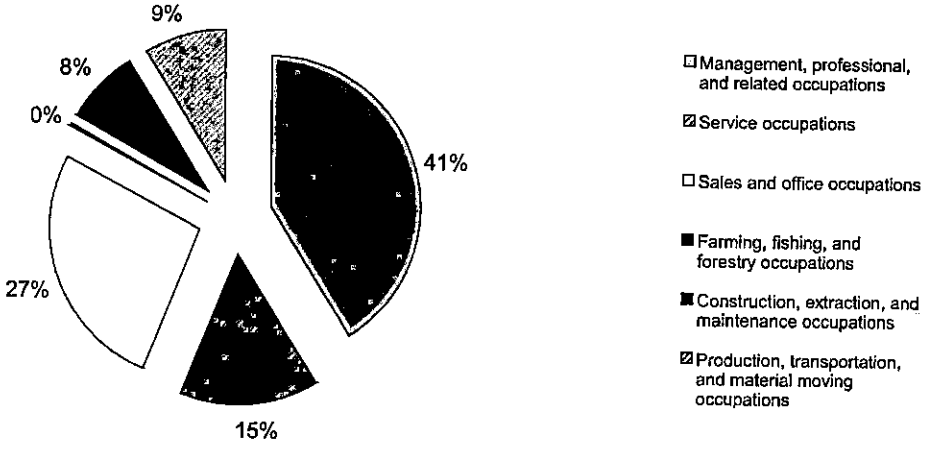
Additionally, in 2000, 14.6 percent of the County's homeowners spent more than 35 percent of their household incomes on housing, a threshold utilized by the U.S. Department of Housing and Community Development (HUD) measuring the housing affordability. Chart 14 demonstrates that the proportion of owners and renters who spent 35 percent or more of their household income on housing costs has increased between 2000 and 2008. This challenge in affordability for renters has been more significant than that for homeowners. However, the percent share of homeowners who experienced the affordability problems has increased more rapidly (in terms of rate of change) than that of renters. The percent share of homeowners surged from 14.5 in 2000 to 25.7 in 2008

Chart 15: Educational Attainment, 1990 - 2008



Source: U.S. Census Bureau.

Chart 16: Occupation of Employed Residents, 2008



Source: U.S. Census Bureau.

%: Percent share of each occupation to total employed residents

(a change rate of 77 percent); whereas, the percent share of renters rose from 26.6 to 39.5 (a change rate of 48 percent).

Educated Workforce and Diversified Economy

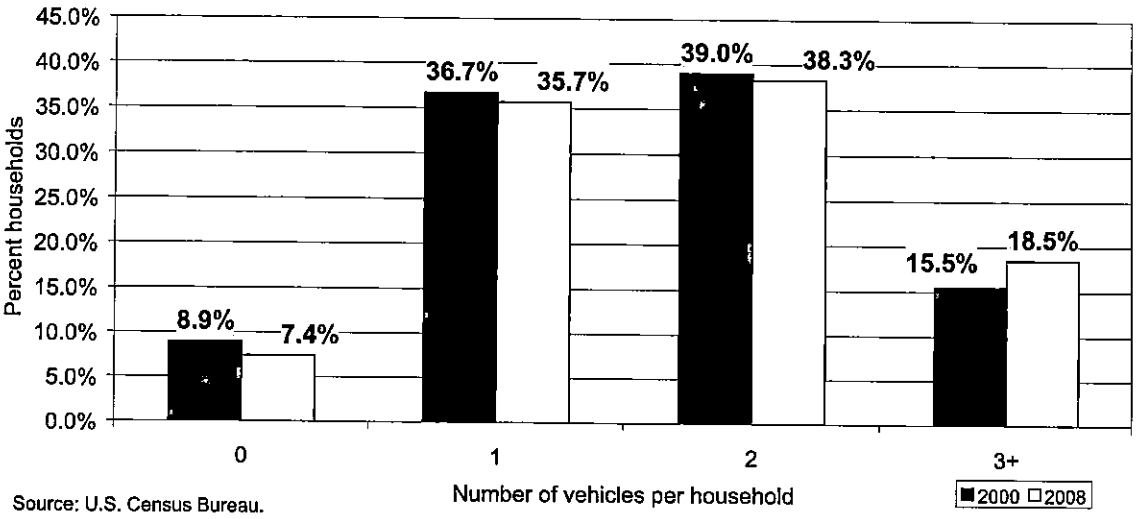
Baltimore County residents have a high attainment level in education. This is reflected in the percent share of persons achieving high school diplomas or higher, and bachelor's or advanced degree in the total population 25 years old or older (Chart 15). From 1990 to 2008, the average educational attainment in the nation and Maryland are 84.5 percent and 87.6 percent respectively for a high school graduate or higher. The County's average number of residents with a high school diploma or higher increased from 78.4 percent to 88.6 percent during the same time period. The percentages for a bachelor's degree or

Chart 17. Total Full-Time and Part-Time Employment by Industry

Industry (Job Type)	2001	2008	2001-2008 Change
Total employment	**468,712**	**520,891**	**52,179**
FARM EMPLOYMENT	1,437	1,022	(415)
NONFARM EMPLOYMENT	467,275	519,869	52,594
Private employment:	407,567	461,155	53,588
Forestry, fishing, related activities, and other	527	437	(90)
Mining	352	519	167
Utilities	(D)	(D)	---
Construction	29,767	37,177	7,410
Manufacturing	33,102	24,448	(8,654)
Wholesale trade	15,103	14,065	(1,038)
Retail trade	62,317	58,387	(3,930)
Transportation and warehousing	(D)	(D)	---
Information	8,748	9,072	324
Finance and insurance	27,896	35,917	8,021
Real estate and rental and leasing	19,358	31,499	12,141
Professional and technical services	35,024	45,097	10,073
Management of companies and enterprises	1,532	3,539	2,007
Administrative and waste services	35,226	36,112	886
Educational services	9,340	12,262	2,922
Health care and social assistance	56,175	70,793	14,618
Arts, entertainment, and recreation	10,664	11,747	1,083
Accommodation and food services	26,517	29,629	3,112
Other services, except public administration	24,017	26,689	2,672
Government and Government enterprises:	59,708	58,714	(994)
Federal, civilian	15,334	15,314	(20)
Military	2,639	2,332	(307)
State and local	41,735	41,068	(667)
State government	12,365	11,183	(1,182)
Local government	29,370	29,885	515

Source: U.S. Bureau of Economic Analysis.
(D) Not shown to avoid disclosure of confidential information, but the estimates for this item are included in the totals.
The estimates for 2001 were based on the 2002 North American Industrial Classification System (NAICS). The estimates for 2008 were based on the 2007 NAICS.

Chart 18: Percent Vehicles per Household, 2000 - 2008



Source: U.S. Census Bureau.

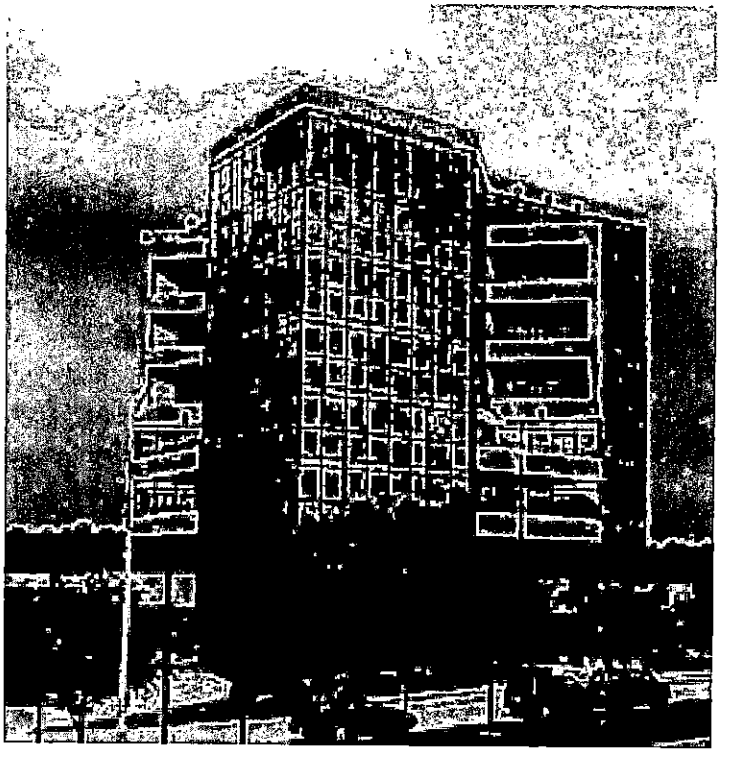
Chart 19: Place of Work at County Level, 2000 - 2008

Data category	1990		2000		2006-2008	
	Total	Percent Total	Total	Percent Total	Total	Percent Total
Total:	360,170	---	373,496	---	397,596	---
Worked in state of residence:	353,130	---	364,564	---	387,685	---
Worked in county of residence	181,837	50.49%	*196,917*	52.72%	*199,496*	50.18%
Worked outside county of residence	171,293	47.56%	*167,647*	44.89%	*188,189*	47.33%
Worked outside state of residence	7,040	1.95%	8,932	2.39%	9,911	2.49%

Source: U.S. Census Bureau.

higher are 27.4 and 35.2 in the nation and Maryland correspondingly. In Baltimore County, the average for a bachelor's degree or higher grew from 25 percent to 34.4 percent between 1990 and 2008. The outstanding educational attainment contributed to a well-educated workforce and helped improve the economic well being of the region.

In Baltimore County, national and state trends show that the majority of employed workers perform jobs in the management and professional occupations, followed by the sales and office occupation (Chart 16). The services occupation is the 3rd highest occupation. The number and proportion of residents employed in farming and related vocations is minimal. There are approximately 70,000 residents working in the construction, production, and transportation occupations.

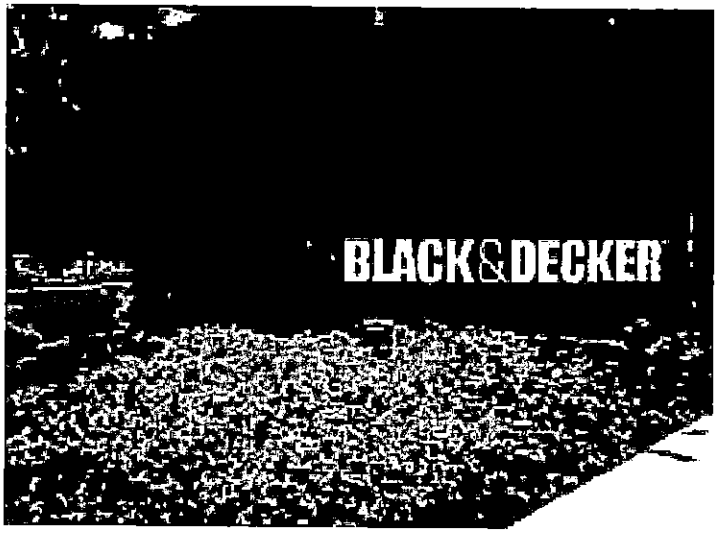


Baltimore County has an employment base (jobs by place of work) of approximately 521,000 (U.S. Bureau of Economic Analysis; also see Chart 17) and ranks 2nd in Maryland, behind Montgomery County. There are approximately 59,000 government jobs at the federal, state, and local level. The County is one of the hubs in Maryland for federal government agencies including the Social Security Administration, the Centers for Medicare and Medicaid Services, and the Federal Bureau of Investigation. The Social Security Administration and the Centers for Medicare and Medicaid Services are an economic engine for the Woodlawn area and also the entire Baltimore region.

Baltimore County is home to the national or regional headquarters of leading corporations, such as CareFirst BlueCross BlueShield, McCormick and Company, Stanley Black and Decker, and Proctor and Gamble. The key employers are located along major transportation corridors, largely concentrating in the Towson urban core, Owings Mills and Perry Hall-White Marsh growth areas, and various employment centers such as Hunt Valley, Woodlawn, and Middle River.

Reflecting ongoing national trends shifting employment from manufacturing to service, the employment in Baltimore County is highly professional and service-oriented. Major employment sectors are health care and social services, retail trade, and government (Chart 17). Also, according to the state Department of Labor and Licensing Regulations (2008), among Maryland's ten industry clusters, Baltimore County ranks 1st in finance and insurance, manufacturing, and the retail trade, and is 2nd place in bioscience, business services, hospitality and the tourist industries.





Transportation Means and Expenditures

In Baltimore County, the majority of households own at least one or two vehicles, although the percent share of at least one or two vehicles in a household declined slightly from 2000 to 2008 (Chart 18). Households possessing three or more vehicles grew from 15.5 percent to 18.5 percent between 2000 and 2008.

Approximately 51 percent of all residents who are employed work within the County. Another 42

Chart 20: Means of Transportation, 1990 - 2008

Means of Transportation	1990		2000		2008	
	Total	Percent Total	Total	Percent Total	Total	Percent Total
Drove Alone	278,509	77.33%	297,552	79.67%	314,792	79.17%
Carpool	47,472	13.18%	40,497	10.84%	39,918	10.04%
Public Transit	15,718	4.36%	15,687	4.20%	15,729	3.96%
Walked or Worked at Home	16,787	4.66%	17,959	4.81%	21,459	5.40%
Other means	1,684	0.47%	1,801	0.48%	5,698	1.43%
Total employed residents	**360,170**	---	**373,496**	---	**397,596**	---

Source: U.S. Census Bureau.

Chart 21: Transportation Expenditure per Family, 1990 - 2008
Baltimore Metropolitan Statistical Area and Nation

Area Type	Data Item	1990	2000	2008
Baltimore MSA	Transportation Expenditure	$5,100	$7,185	$7,793
	Total Expenditure	$30,768	$41,725	$52,543
	% Transportation of total	16.58%	17.22%	14.83%
Nation	Transportation Expenditure	$5,176	$7,216	$8,701
	Total Expenditure	$28,444	$38,163	$50,805
	% Transportation of total	18.20%	18.91%	17.13%

Source: U.S. Bureau of Labor Statistics.

percent commute to work in the five other jurisdictions in the Baltimore region (Chart 19). Also, according to the Census Bureau, the mean commuting time to work remained the same, about 28 minutes from home to the workplace during the same time period.

Chart 20 shows that the actual number of residents who took public transit, walked to work, or worked at home increased. However, nearly 80 percent of them still drove to work alone, which is substantially higher than the percentage of workers who rode in carpools, took public transit, walked to work, or worked at home. The percent share of workers who chose to carpool or rode public transit declined since 1990.

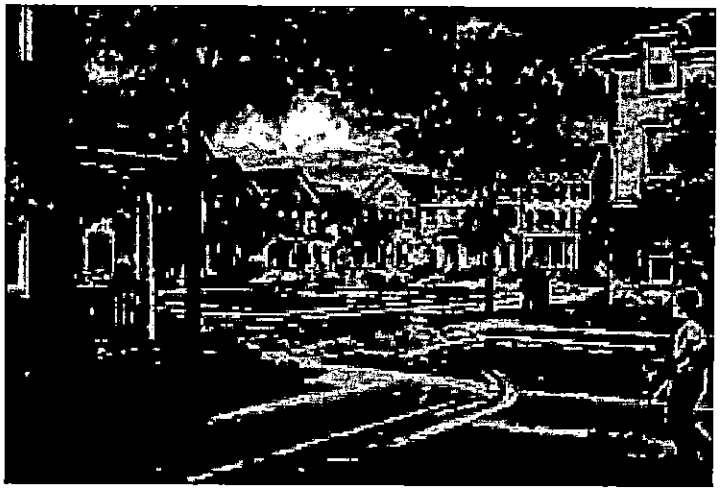
In the Baltimore Metropolitan Statistics Area (MSA) (including Baltimore City and five counties in the region, and Queen Anne's County), consumer expenditures on transportation, including vehicle purchases, gasoline and motor oil, finance charges, maintenance and repairs, insurance, rentals, licenses, and public transportation have increased since 1990. The expenditure data are only available at the national or MSA level. The absolute costs have significantly increased in the nation and the Baltimore MSA (Chart 21).

The regional household travel survey by the Baltimore Metropolitan Council in June 2010 demonstrates that 80 percent of daily trips – combined means of transportation – are attributable to the non-work related. The mileage of non-work related trips also increased substantially. Walking trips account for 6 percent of overall trips. Nearly 50 percent of daily walk trips are less than 0.3 miles in distance and 90 percent are less than 1 mile. The majority of the walk trip's duration is between 1 and 5 minutes, followed by the 6 to 10 minute range.

Policy Implications

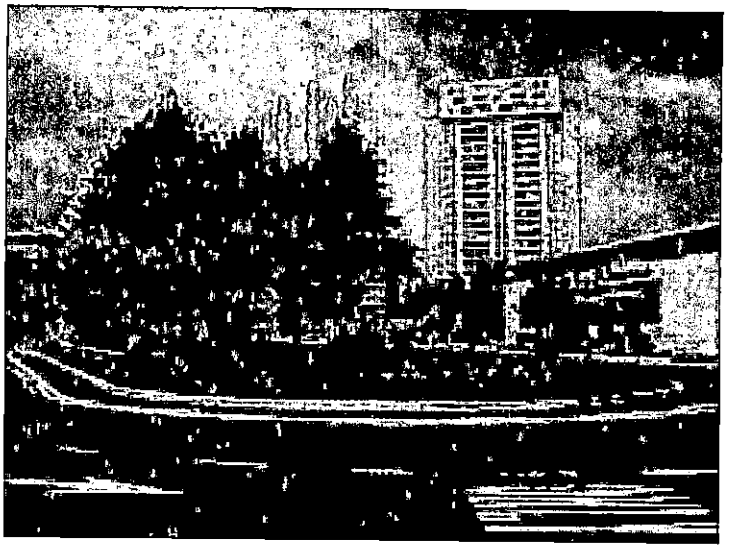
Baltimore County's population continues to grow, although at a slower pace through past decades. The maturing county requires that the County develop innovative strategies to promote compatible infill, revitalization, and sustainable design and construction of residential and non-residential structures. The emerging diversity strongly suggests that the County faces new challenges, and will need to offer alternative solutions for the provision of services to its residents.

The increase in senior residents - due to longevity, aging in place, and growing old of baby boomers – require a larger variety of services for daycare, transitional housing, senior centers, mobile transit, and health care. The dynamic in the household composition change indicates a need for diverse housing choices for different types and sizes of homes that will continue to meet the demand of married-couple families with children and single-parent households and non-family households. The senior residents may require a different type of housing for daily living and mobility around their residences. The growth in minorities and foreign-born will bring

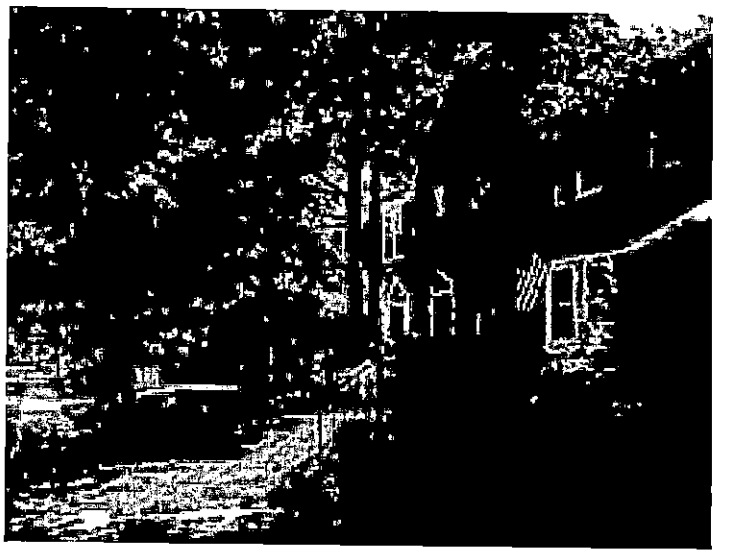


different cultural heritages to Baltimore County and will also have significant implications on programs and services, particularly schools, health, social services, workforce development, housing choices, and fair practices.

Baltimore County is successful in safeguarding its urban communities as viable places to live, work, and raise families. This is being achieved by revitalizing ailing communities while directing new development in the designated growth areas. The County works towards preserving existing, well-established residential communities where more than 90 percent of the housing stock was built prior to 2000. The County promotes an adequate supply of residential dwellings with a variety of types to meet the needs of people at different ages and stages of their lives. Multi-family construction has become increasingly important to fit emerging demographic trends and housing market conditions in recent years.







The relatively affordable housing stock will continue to attract people who desire to work and reside in Baltimore County.

Mirroring the national trend, there exists a significant increase in the transportation expenditure in the Baltimore metropolitan area. Workers choosing to drive alone to work accounted for 80 percent among all means of transportation. Additionally, half of employed residents perform their jobs outside of Baltimore County. The mixed-use, walkable, and transit-oriented development may help allow some residents to work close to their residences.

Retaining and attracting well-educated residents in the workforce will continue to be part of the County's workforce development. The County's business development plan also encourages mixed-use, walkable, and transit-oriented development, which will help provide opportunities for the County workforce to work and reside within the same area. Baltimore County is one of the key leaders in the Maryland state economy. The County is a hub of major employers (nationwide or statewide), with a diversified economic structure. A well-educated workforce in the professional and services occupations contributes to a high level of employment. The County will continue to achieve its goals by collaborating with jurisdictions in the Baltimore-Washington, D.C. region and the rest of Maryland in managing challenges for a continued growth in employment.

Baltimore County Agriculture
Maryland Agricultural Statistics (2006)
Source: *Agriculture in Maryland Summary for 2007, MDA*

Crop Products	62,160,000[1]
Nurseries & Greenhouses	124,000,000[2]
Equine	121,800,000[2]
Vegetables	6,398,000[1]

Total Value Agricultural Sales (2006)
Sources: (1) *Agriculture in Maryland Summary for 2007, MDA* (2) *Baltimore County, MD*

Number of Farms	784
Average Farm Size	91 acres
Total Farmland	71,227 acres
Total Cropland	48,525 acres

visitor attractions and local communities

(3) Create wayfinding signage to major visitor sites.

(4) Support agriculture-related tourist activities such as Shawan Downs, the Maryland State Fair in Timonium, wineries, horse farms, and farmers markets.

Policy: Enhance existing visitor destinations in Baltimore County.

Actions:

(1) Enhance quality and improve access to major War of 1812 heritage sites to maximize economic impact of Maryland's Star Spangled Banner bicentennial celebration.

(2) Maximize potential of unique museums and galleries throughout the county.

Policy: Improve and expand the visitor experience in Baltimore County.

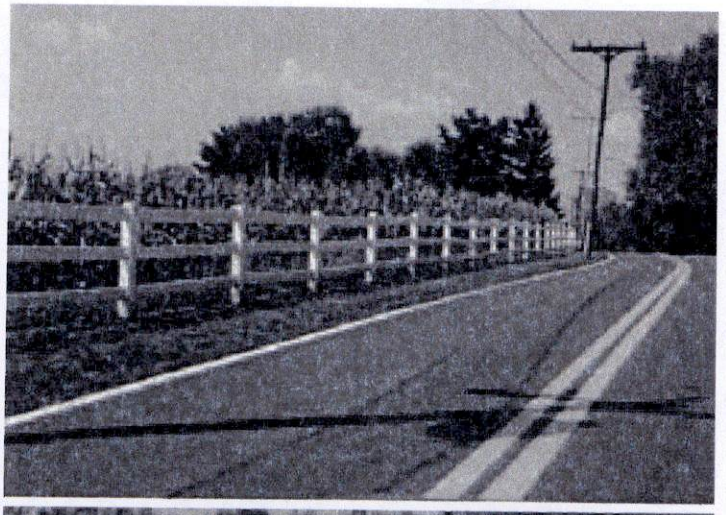
Actions:

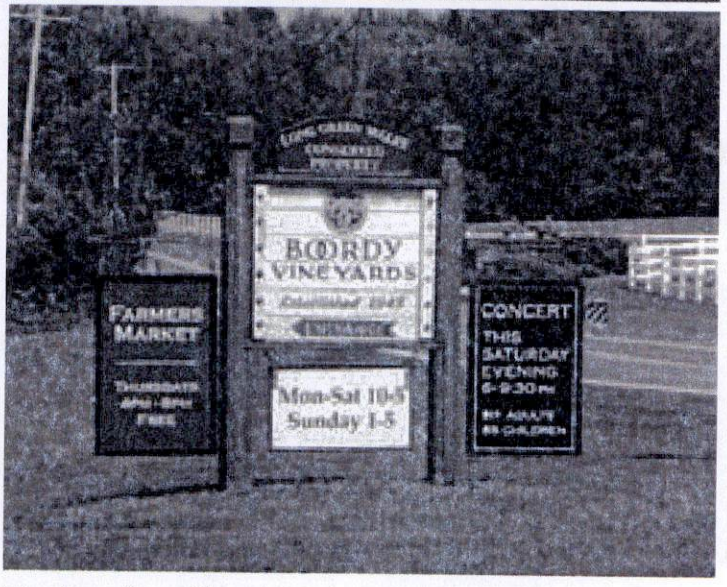
(1) Adopt a "Complete Streets" program to improve aesthetics and safety along local access roads, for use when improvements are being considered.

(2) Expand capacity for county to host additional conferences, large meetings, sports events and cultural activities

SUSTAINABLE AGRICULTURAL INDUSTRY

The policy to foster a sustainable agricultural industry has gained a new level of significance with the success of preserving over 50,000 acres of rural land. The County's agricultural industry is diverse and robust with an annual economic production estimated to be $300 million. There is an opportunity now with the land preservation accomplishments and momentum to build an even stronger and more *sustainable* agricultural economy. Without diminishing the support for commodity production, the mainstay of the county's agricultural industry, there clearly is an opportunity for increasing local food production.





The benefits of local food production are enormous and include energy conservation, sustainability, food security, and the potential for green jobs for the young people of our County.

The majority of land in agricultural production is in grain and livestock production. Large farms must survive on large volumes and low profits per item: to do this they must be efficient and able to get their products to competitive markets. The County can address the local issues of transportation, right-to-farm laws, and local tax benefits to support these operations.

The horse industry is one of the largest economic agricultural industries in the County. Nationally, the thoroughbred horse industry is very strong, with sales and breeding fees up. These increases are typically linked to the quality of the track facilities, promotion, and wagering handles (purses). However, Maryland's thoroughbred industry is at a crossroads. The County should support State efforts to improve racing facilities and the overall health of the industry.

The County has significant nursery and greenhouse production. Several of its growers are nationally recognized for the quality of their plant production. This industry is constantly changing in order to be successful. Laws, regulations and policies need to be constantly reviewed to promote the success of this industry while protecting the rural character of the surrounding communities.

The County, like the State, is seeing a strong interest in consumers who desire both local agricultural production and an experience relating to agricultural production. Operations such as wineries, pumpkin festivals, community supported agriculture, and direct market business operations are all part of the emerging agricultural economy. As with the nursery and greenhouse production, zoning laws, county regulations, and health department regulations need to be reviewed to remove unattainable burdens from these industries while still protecting public health and community character.

Policy: Foster a sustainable agricultural industry.

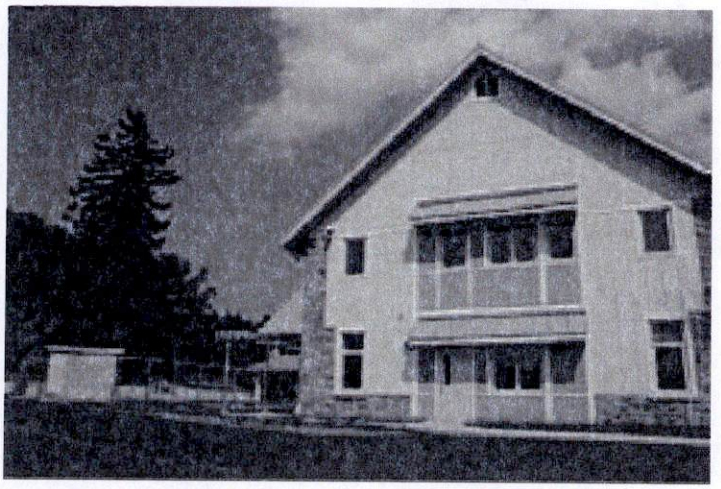
Actions:

(1) Continue to offer loans and economic support for sustainable agricultural operations.

(2) Consult the Rural Baltimore County Agricultural Profitability Study and Action Plan" (2009), and implement appropriate actions such as mentoring programs for new farmers and agricultural tourism activities on farms.

(3) Review County Zoning and Development regulations to provide for farm production and processing.

(4) Support the Baltimore County Center for Maryland Agriculture, which will promote a sustainable agricultural industry by providing educational and recreational opportunities for



the public, and encouraging "agro-tourism" The Center will also serve as an "incubator" for new ideas to help sustain agriculture in many aspects, including protective measures such as 'best management practices".

(5) Facilitate discussions with the agricultural community and surrounding neighbors regarding the new agricultural economies (i.e. sell what you grow, farm markets) and potential impacts on quality of life.

(6) Permit ancillary activities that allow farmers to sell products grown on the farm directly to customers, and promote certain farms as a destination stop for tourists and visitors.

(7) Ensure that County regulations provide flexibility in agricultural operations and enable them to adapt to changing economic conditions.



(8) Work with the Maryland Department of Agriculture (MDA), the University of Maryland Extension (UME), and the County Department of Economic Development to assist farm businesses in marketing to new local, national, and international consumers.

(9) Support Farm Bureau educational activities such as the "Agriculture in the Classroom" program at Hereford Middle and High Schools, and a new mobile agricultural classroom.

(10) Support the Farm Bureau program that identifies agricultural products produced in the County, which assists in the marketing of locally produced goods.

(11) Establish a program to assist young farmers in accessing capital to purchase farmland.

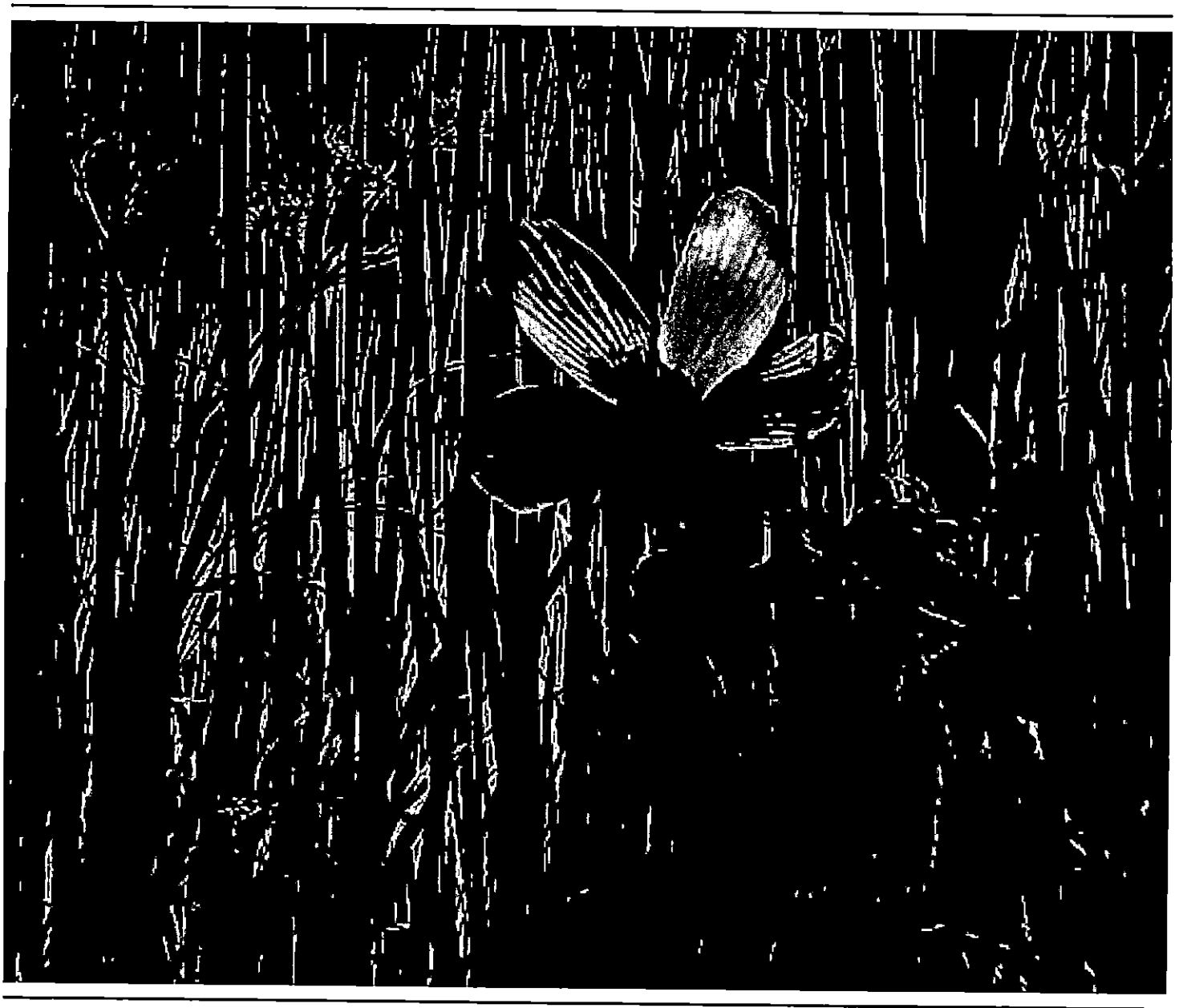
(12) Continue to foster and monitor the relationship between large-scale producers and landowners that lease land.

(13) Actively seek to solicit new agricultural operations.

(14) Encourage sustainable farming practices.

SUSTAINABLE ENVIRONMENT

Environmental sustainability means using natural resources wisely to meet current needs without degrading the supply and quality of those resources for the future.



The goal of a sustainable environment supports Baltimore County's vision for community vibrancy and economic vitality. Environmental sustainability means using natural resources wisely to meet current needs without degrading the supply and quality of those resources for the future. Natural resources and air quality are essential to economic growth, environmental protection, energy conservation, and quality of life. Natural resources, especially forests and wetlands that comprise the green infrastructure, provide valuable ecosystem services including cleaning air and water. Sustainability also assures habitat protection for terrestrial and aquatic wildlife and genetic diversity.

Baltimore County's environmental mission is to protect and perpetuate the natural resources of the County and to protect environmental health. Over the past 20 years, the County's Department of Environmental Protection and Resource Management (DEPRM) has established and implemented programs to protect critical natural resources, restore ecosystem functions, and educate citizens about good stewardship. While the County's environmental programs are nationally recognized, the pollution from sprawl development and unmanaged agricultural activities, as well as the continued loss of forests, requires significant changes to land use practices under new federal and State programs to restore the health of the Chesapeake Bay. *Master Plan 2020* builds upon past successes and recommends new policies to address emerging environmental challenges such as climate change.

Overall, both the biggest challenge and the most important reason for the County to serve as a catalyst for good resource management is the fact that 85% of the land area and resources in Baltimore County, depended upon and enjoyed by all, are privately owned. DEPRM uses an integrated watershed management framework to accomplish its mission, including land preservation, resource protection/ regulation, restoration, facility maintenance, monitoring, planning and research, and citizen education and participation.

Nature-Friendly Community

"Baltimore County, Maryland, has one of the most ambitious and successful land management and environmental protection programs in the country. An impressive combination of tools and strategies – land use regulations, land acquisition, and urban growth boundary, education, partnerships with private land trusts, and infill development initiatives – has been employed to preserve thousands of acres throughout the county and protect critical wildlife habitat....Baltimore County is in many ways a model for local governments everywhere when it comes to protecting nature and biodiversity." (Source: Duerksen and Snyder, 2005, Nature-Friendly Communities: Habitat Protection and Land Use Planning, p.152).

Climate Change

Citizens in Baltimore County and elsewhere are debating the implications of a changing climate as it relates to human activities. Of particular interest is whether human-produced greenhouse gases are causing long-term global warming. Baltimore County, as part of the global community, should reduce and mitigate negative impacts of human activities on the environment.

County government operations, private businesses, and the daily routines of citizens have great potential to increase atmospheric pollution through release of harmful gases and thermal pollution. One concern about a changing climate is the relative increase in sea level. While the rate and extent of sea level rise are under continuing study, it is estimated that the mean high tide in the coastal areas of the County may increase from three to five feet in the next century. Overall, the retention and planting of forests and trees is considered the single most effective measure for mitigating the negative impact of climate change.

Citizens can make adaptations to actions that might contribute to climate change, and mitigate impacts that are unavoidable or more difficult to prevent. This represents also good stewardship of limited energy and financial resources. Human activities that potentially affect the degree of climate change are mostly attributed to the production, use, and conservation of energy. Most of current energy in Maryland derives from coal and other fossil fuels that increase harmful atmospheric gases. Walking or riding a bike instead of driving, turning off lights and other electrical appliances when not in use, changing light bulbs from fluorescents to LED's, and similar actions are beneficial to the environmental health and natural resources. Energy conservation and other climate change adaptation and mitigation actions will lead to significant changes in current economic structure and community function. Over the long term, they will enhance sustainability.

Policy: Continue to adapt to, and mitigate impacts of climate change on the environment.

Actions:

(1) Implement the recommendations of the County's Sustainability Network for County operations, energy conservation, protection of natural resources, and communities in order to reduce emissions of greenhouse gases and energy consumption.

(2) Develop appropriate indicators for sustainability actions and commitments in order to summarize sustainability conditions and trends and to provide a basis for evaluation of progress.

Environmental Justice

The development of environmental justice in the United States dates to almost three decades ago when communities began to form organized protests against traditional planning efforts to site polluting factories and toxic waste dumps in less affluent and often minority neighborhoods. Local victories empowered local protesters to coalesce into a national movement. In 1994, President Clinton signed an Executive Order focusing the federal government effort on protecting or improving the quality of the environment and human health conditions for all communities.

The federal government definition of environmental justice is applicable to all levels of state and local government planning. Environmental justice calls for the fair treatment of all minority, indigenous, and low-income populations to ensure that no individual racial, ethnic, or socioeconomic group will bear an unequal burden due to the negative effects of pollution or other environmental hazards. Environmental justice also promotes equal access to public information and equal rights to participate in the development, implementation, and enforcement of environmental laws.

The Phase I Action Plan of the Baltimore Watershed Agreement between Baltimore County and Baltimore City specifically calls for consideration of environmental justice issues in the course of watershed management planning.

Policy: Incorporate environmental justice considerations when developing Small Watershed Action Plans to address water quality protection and restoration.

Actions:

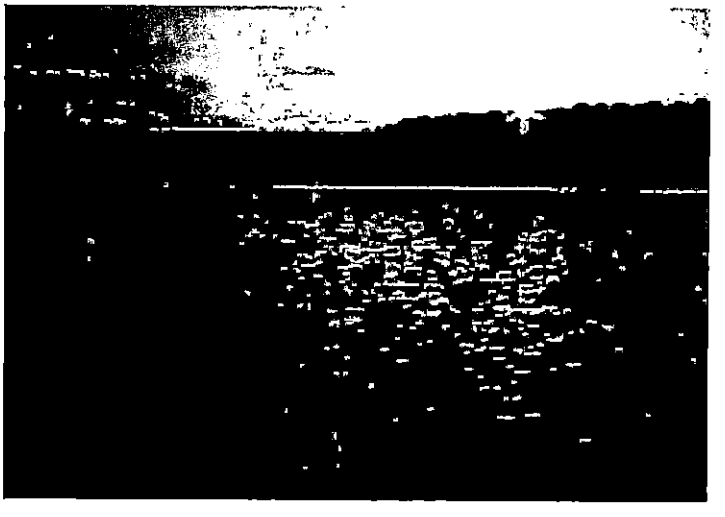
(1) Review environmental justice indicators developed nationwide and develop a set of indicators for the watershed management planning process.

(2) Include the environmental justice indicators in the Small Watershed Action Plans for prioritizing water quality improvement projects.

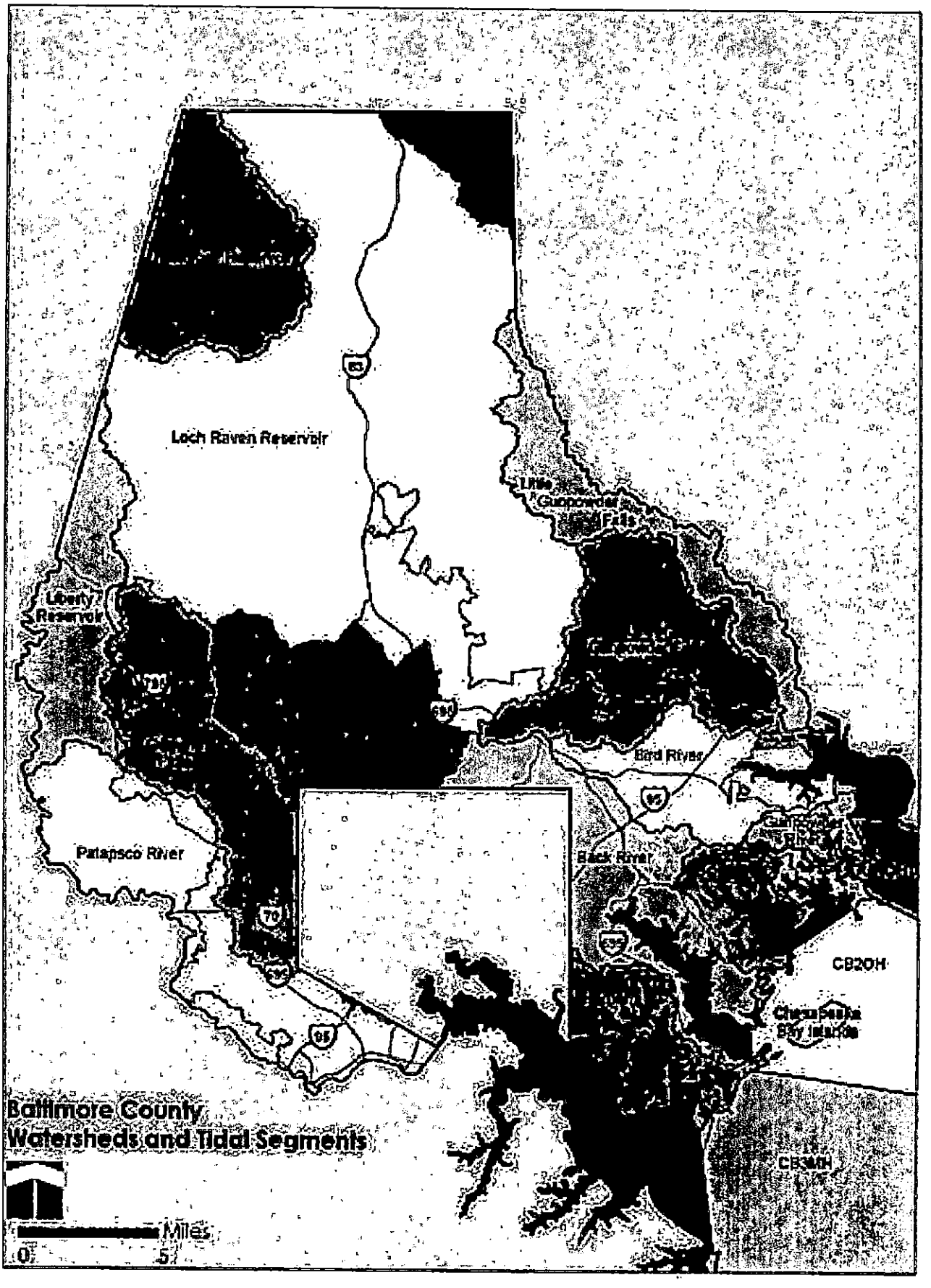
WATER RESOURCES

The water resources of Baltimore County include over 2,100 miles of streams, groundwater resources, three drinking water reservoirs, non-tidal and tidal wetlands, and tidal waters. All of these water resources are interconnected through the hydrologic cycle driven by precipitation in the form of rain and snow. These water resources are also interconnected with surrounding jurisdictions and through tidal exchange with the Chesapeake Bay.

Precipitation falling on the land drains to streams, either as surface flow or through groundwater flow. The land surface that drains to a particular stream is called a watershed or a basin. The Chesapeake Bay is a large basin with a total drainage area in excess of 64,000 square miles.



Map 36: Watersheds and Tidal Segments



Water Use Classification of County Waterways

In order to protect multiple water uses, the State of Maryland has designated four Use Classes and associated water quality standards. If the water is a source for a public drinking water supply, a "P" follows the Use Class.

The four Use Classes (and subcategories for Use II) are:
Use I
Water contact recreation and protection of non-tidal warm water aquatic life.
Use II
Support of estuarine and marine aquatic life and shell fish harvesting (not all subcategories apply to each tidal water segment); Shellfish harvesting; Seasonal migratory fish spawning and nursery (Chesapeake Bay only); Seasonal shallow-water submerged aquatic vegetation (Chesapeake Bay only); Open-water fish and shellfish (Chesapeake Bay only); Seasonal deep-water fish and shellfish (Chesapeake Bay only); Seasonal deep-channel refuge use (Chesapeake Bay only)
Use III
Non-tidal cold water – usually considered natural trout waters
Use IV
Recreational trout waters – waters that are stocked with trout

These waters support aquatic communities and provide for human uses such as agricultural irrigation and livestock watering, drinking water, industrial uses, fishing and boating, and receiving areas for treated wastewater. Having adequate clean water to support all of these uses is crucial to continued ecological and human health now and for the future, and for providing for the continued quality of life for citizens and the economic vitality of Baltimore County.

Waters in Baltimore County are of high quality in general. Some water resources are degraded by improper human activities. The waters that do not meet or exceed water quality standards are placed on an impaired waters list (Sec. 303(d) of the federal Clean Water Act) by the State of Maryland. These listings are based on 8-digit watersheds and tidal water segments, with each impairing substance listed separately. Regulations and policies require protection of high quality water resources and improvement of degraded water resources. High quality waters are protected through the permitting requirements associated with Tier II, defined as waters with a better than the average aquatic biological community. Tier II waters meet the anti-degradation requirements of the federal Clean Water Act. For each impairing



substance in any watershed or tidal segment, the State must determine how much of the substance must be reduced through modeling. This is referred to as a Total Maximum Daily Load (TMDL), or the maximum amount of a particular pollutant in a waterway that can be naturally assimilated while maintaining water quality standards

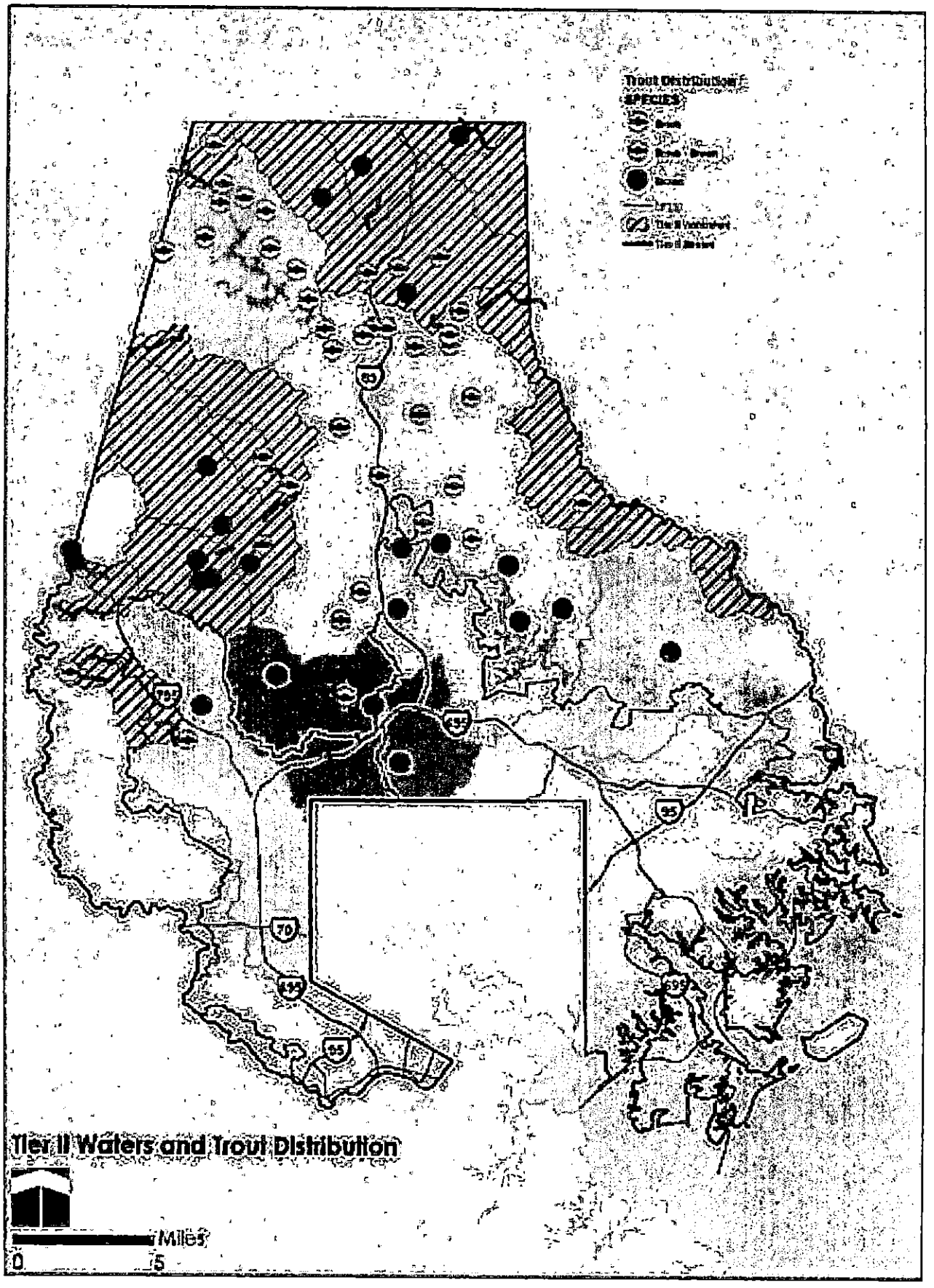
The principal regulatory requirement to address pollution impacts in urban areas is to implement the National Pollutant Discharge Elimination System - Municipal Separate Storm Sewer System (NPDES-MS4) permit. This permit requires the County to control the water quality that is discharged from its storm drain system, by implementing stormwater management, sediment control, education, monitoring, watershed management planning, and restoration programs. These programs are intended to control pollution from new development and restore

Tier II Waters and Trout

Tier II waters are identified and rated on the basis of aquatic community sampling by Maryland Department of Natural Resources. When both the fish and the bottom-dwelling invertebrate community have a rating of "good" the reach of stream represented by the sampling is identified as Tier II waters. Baltimore County has 33 miles of Tier II stream segments at 20 different sites, mainly in rural areas. The drainage area to these sites represents 23% of the County. These stream segments must be protected from degradation.

Trout are also indicative of higher quality water. Baltimore County's streams support a fairly good population of both brook and brown trout. Over 61 sites located on various streams have trout present. The trout are more wide spread than the Tier II waters, indicating that additional Baltimore County streams are still supporting aquatic natural resources.

Map 37: Tier II Waters and Trout Distribution



Total Maximum Daily Load (TMDL)

Baltimore County watersheds and tidal segments are impaired by a variety of substances, including nutrients, sediment, bacteria, trash, and various toxic substances, as well as biological impairments. The amount of each pollutant that needs to be reduced from each source in order to meet water quality standards is then determined. The model also indicates a cap for each pollutant based on the assimilative capacity of the water body. Any increase in a load from a new source must be offset to maintain the water quality standards. For each TMDL, the County is required to prepare an Implementation Plan with measurable implementation milestones and a projected timeline for meeting water quality standards.

The Chesapeake Bay is impaired by nitrogen, phosphorus, and sediment. The U.S. Environmental Protection Agency is developing TMDLs for nitrogen, phosphorus, and sediment to improve Bay water quality.

degradation caused by development that occurred prior to the current environmental protection requirements. Approximately 80% of the urban land was developed prior to environmental controls. Future permits will require preparing Implementation Plans for approved TMDLs and meeting water quality improvement and restoration milestones.

The Water Resources Element is an analysis of the adequacy of drinking water and wastewater treatment to support future population growth, and the ability to maintain and improve water quality within the County's receiving waters. The WRE analysis indicates that redevelopment will result in the greatest protection of high quality aquatic resources and reduction of pollution. The WRE is adopted as part of *Master Plan 2020.*

Watersheds

Baltimore County contains 14 major watersheds, which are identified on the basis of local stream systems and drinking water reservoirs. Seven of them are part of the Gunpowder River basin, six are in the Patapsco River basin, and one flows to the Susquehanna River basin. Watersheds are a useful framework for resource management. Individual resource elements including streams and forests are linked through ecosystem processes that operate to maintain the stability of the system.

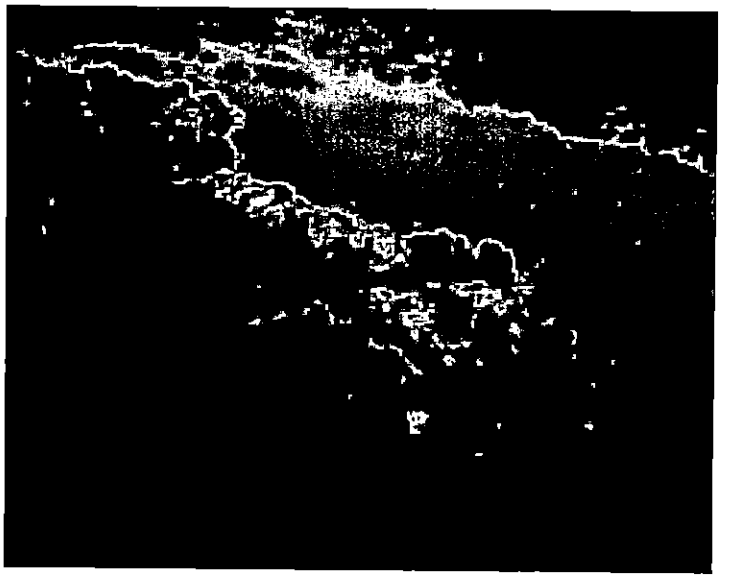
Land use activities within watersheds affect the water quality of streams and downstream water bodies. Clearing forests increases stormwater runoff to streams, causing an increase in the amount of sediments, nutrients, and toxins and the erosion of stream channels. Changes in sediment and nutrient levels may degrade stream habitat quality. Land preservation programs that place environmentally sensitive land in permanent easements help protect watersheds and their interrelated systems.

The County's watershed program consists of characterizing and prioritizing watersheds, preparing management plans, including Small Watershed Action Plans (SWAPs), and evaluating resource systems and functions at varying scales. Assessments of pollutant loads, stream stability, and forest community structure provide the framework for the implementation of capital projects, facility maintenance, education programs, and cooperative citizen actions.

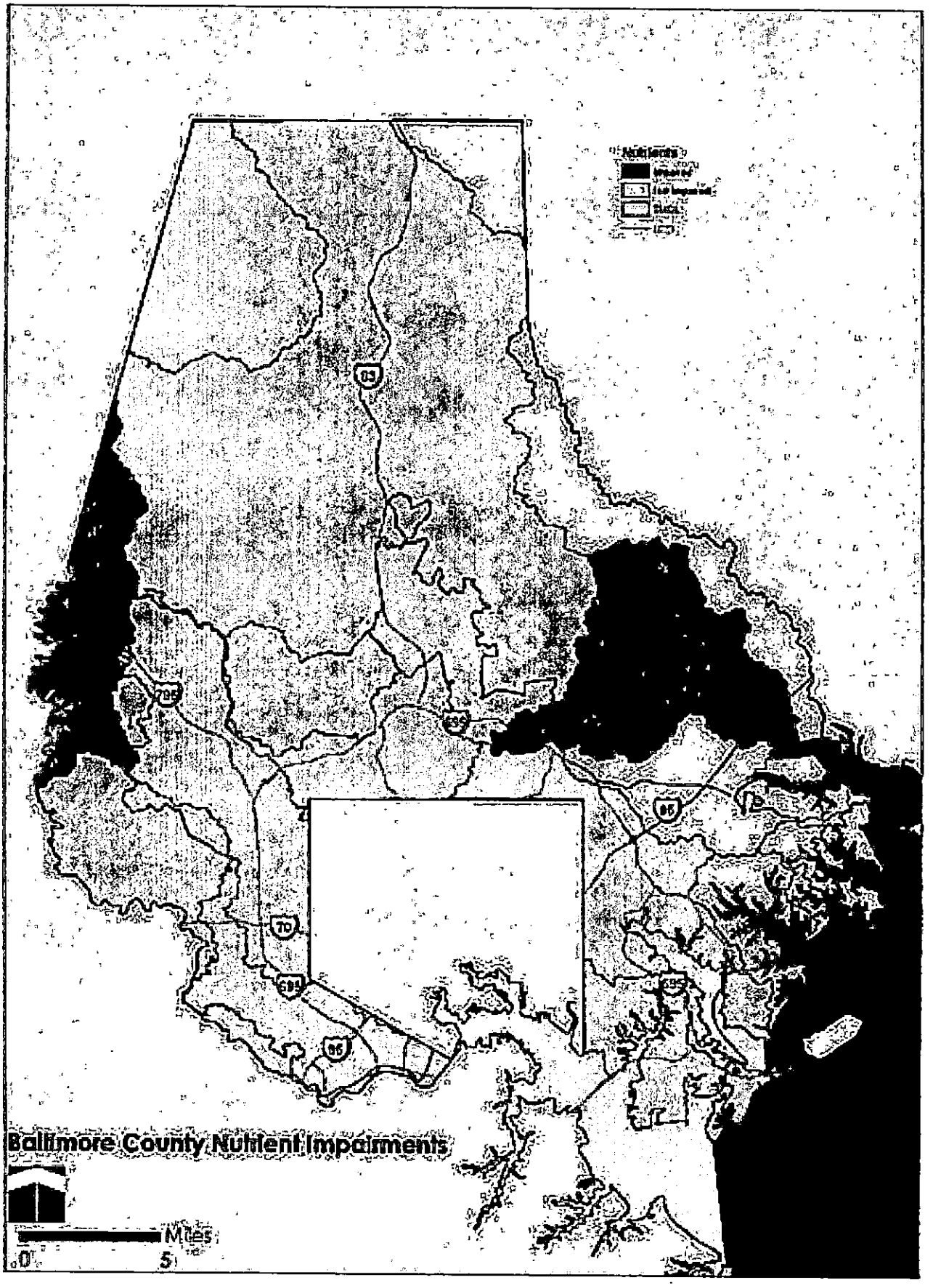
Policy: Promote redevelopment and revitalization inside the URDL to reduce pollutant loads and protect natural resources.

Actions:

(1) Assure that the countywide redevelopment strategy accommodates population growth, provides maximum pollutant reduction, protects high quality waters, promotes economic vitality, and maintains a high quality of life for Baltimore County residents.



Map 38: Nutrient Impairments



(2) Include environmental policies and goals in community plans for the preservation and enhancement of functional open spaces such as greenways and wildlife habitat; the reduction of water, air, and toxic pollution and solid wastes; and the promotion of neighborhood environmental stewardship.
(3) Facilitate the redevelopment of underutilized industrial properties.

(4) Direct redevelopment efforts along the waterfront into historically disturbed, uncontrolled buffer areas in order to maximize water quality protection.

Policy: Assure protection of Tier II waters and those with known trout resources.

Actions:

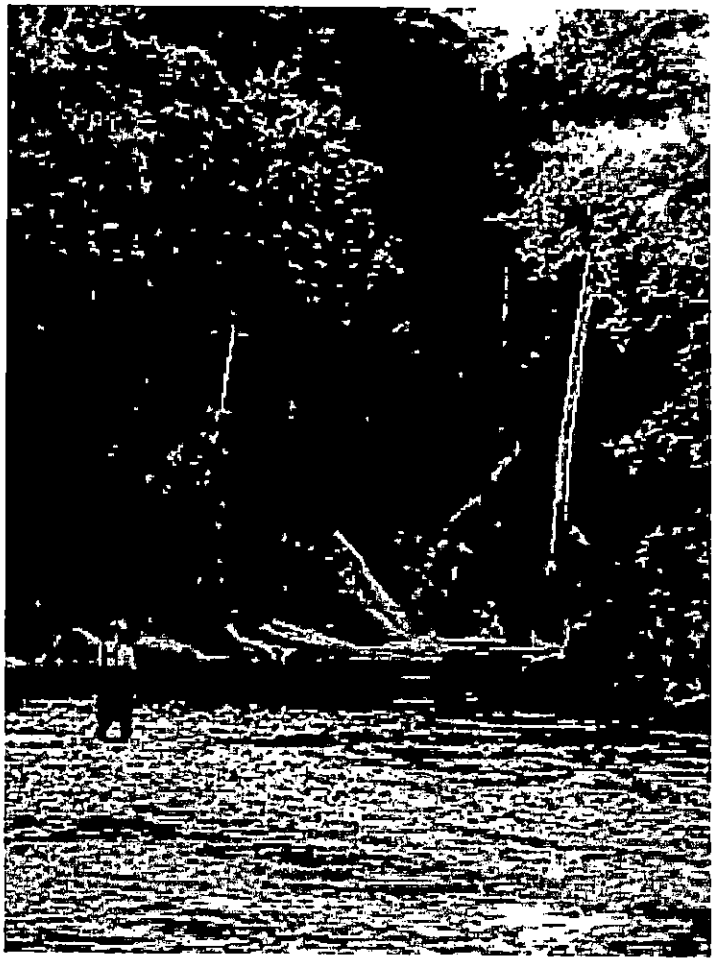
(1) Investigate the development of overlay zones for Tier II waters and those with known trout resources and evaluate the need for additional protection through development regulations.

(2) Examine the feasibility of an offset program to achieve a no net increase in pollutant loads from new development.

(3) Continue to protect water quality, streams, wetlands, floodplains, and forests from impacts of new development and redevelopment.

(4) Implement projects to restore wetlands, reestablish forests, plant stream and shoreline buffers, and stabilize stream channels in impacted watersheds.

(5) Continue to implement the 2006 Baltimore Watershed Agreement with the City of Baltimore for improved and coordinated efforts for public health, trash, stormwater management, community greening, and redevelopment.



Streams and Non-Tidal Wetlands

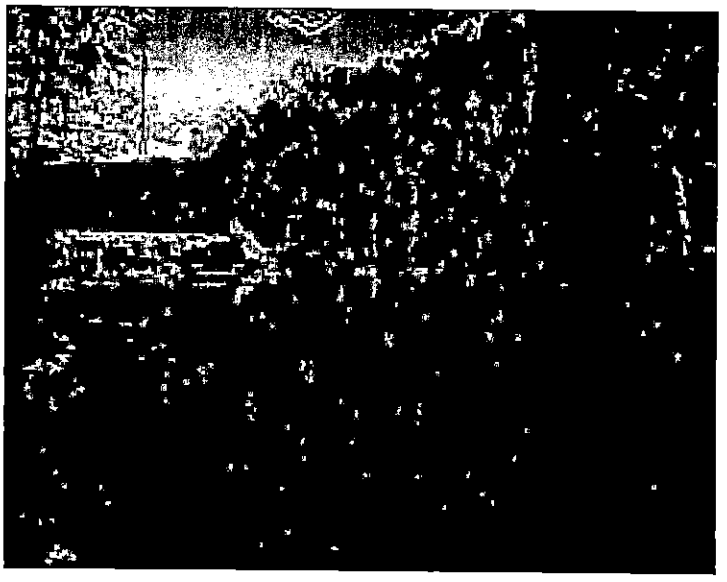
Baltimore County contains more than 2,100 miles of non-tidal streams and rivers, including some of the highest quality recreational fishery resources in the eastern United States and more than 1,000 miles of streams that drain to the three drinking water reservoirs. A stream system consists of a stream and its associated floodplain, wetlands, and springs. Wetland and riparian vegetation play an essential role in the natural functioning of a stream system, including maintaining base flow, regulating water temperature, controlling pollution, and providing habitat. Pollutants discharged from point and non-point sources degrade stream water quality. These sources include urban runoff (non-point sources, particularly from impervious surfaces), pollutants discharged directly to streams (point sources), and agricultural operations (non-point source). Urban non-point source types of pollution vary and include nutrients, sediments, metals, pesticides, oil and grease, salts, and other particulate and dissolved matter.

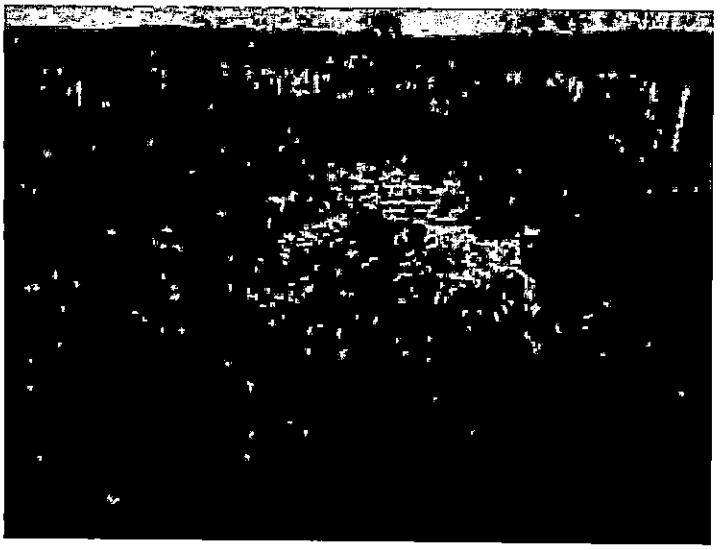
Point-source pollution, generated from wastewater treatment plants, industries, and other sources with a direct, piped discharge, is regulated by the State. Over the past several decades, channelization, encroachment of development on floodplains, draining and filling of wetlands, removal of riparian vegetation, and development or clearing of steep slopes and erodible soils has been detrimental to streams.

In 1987, DEPRM initiated a capital environmental restoration program to assess and identify water quality problems and implement design and construction of watershed restoration projects. The program is based on the County's 14 major watersheds, providing a comprehensive framework for protection and restoration of water resources. DEPRM has been recognized nationally for its stream restoration program and, with the completion of numerous projects, has made significant progress toward its objectives for watershed restoration. In the early 1990's Baltimore County developed regulations to protect water quality, streams, wetlands, floodplains, forests, and steep or highly erodible slopes from land development impacts. The County faces a challenge common to most areas experiencing urban growth: how to restore, protect, and enhance its waterways.

Stream Restoration

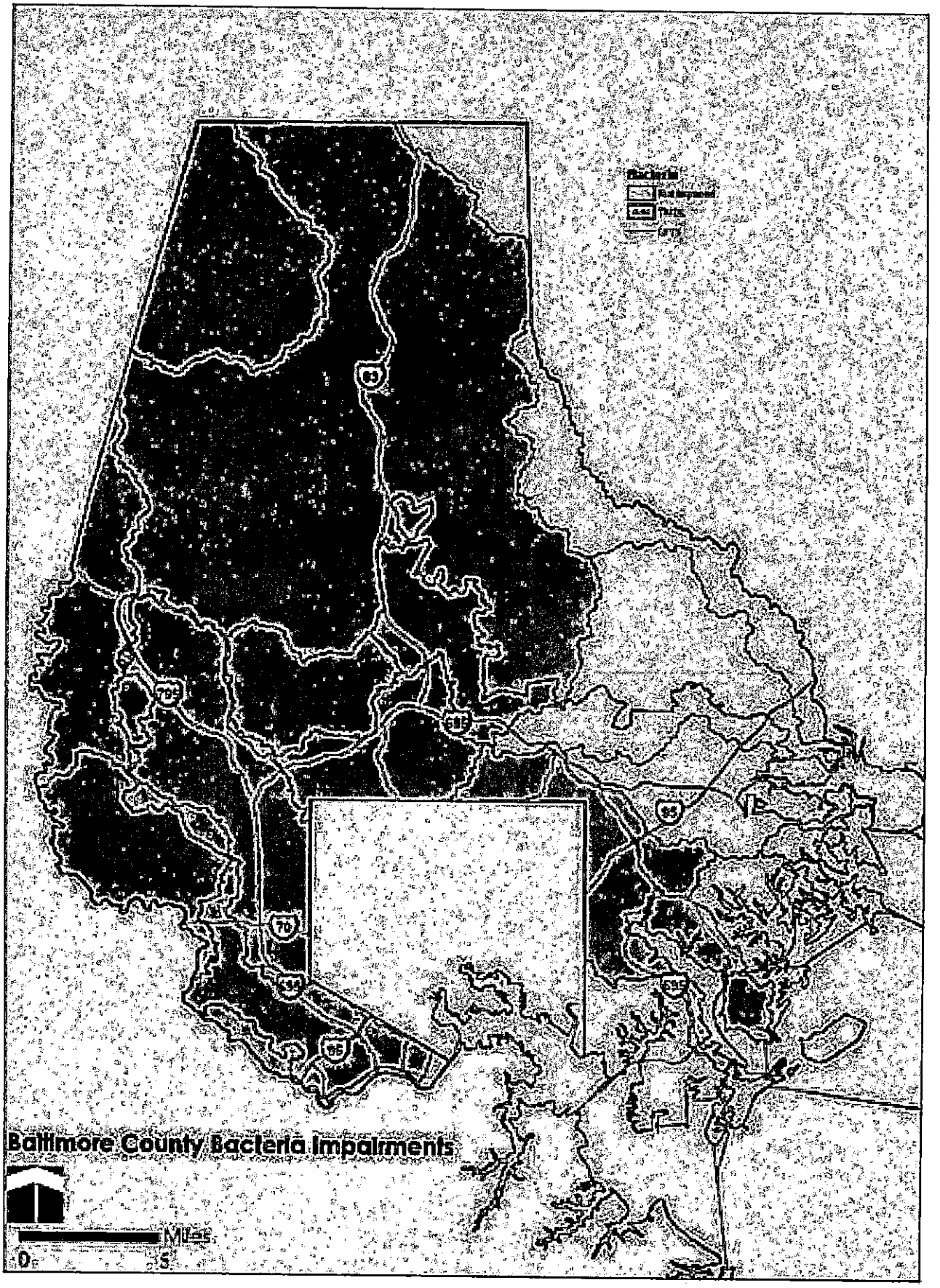
The U.S. EPA Mid-Atlantic Integrated Assessment program (MAIA) produced a document to share knowledge among state and local governments, regional offices, and non-governmental organizations. The document highlights DEPRM's stream restoration accomplishments. DEPRM's program incorporates project planning and design, communication and coordination with property owners, construction, and post-restoration follow-up. The program integrates state-of-the art techniques with an environmentally sensitive approach to stabilizing streams and reducing sediment loads, in turn enhancing stream morphology, ecological function, water quality, and aquatic habitat. Baltimore County responds to degraded urban streams with an adaptive natural channel design (NCD) approach that relies on the principles of fluvial geomorphology to evaluate stream flow, channel dimension, and bed and bank materials to optimize water and sediment movement and minimize erosive forces.





Physical changes to stream systems can be worse than pollutant runoff, point source discharges, or storm water management impacts. Since 1990, DEPRM has developed expertise in the restoration of destabilized stream channels. Reconstruction of channels applies the concepts of natural channel design (NCD) using natural materials (boulders and vegetation) in conjunction with the reshaping of the stream channels. When properly constructed, these restored streams are a cost-effective and attractive means to sustain physical stability, function, and habitat. Since the early 1990's, DEPRM has also maintained a physical, chemical, and biological stream monitoring program to determine ambient water quality and trends over time, assist in targeting restoration efforts, assess the effectiveness of restoration, and track progress in meeting TMDL pollutant load reduction requirements. The monitoring measures the abundance and diversity of aquatic life as indicators of stream quality and chemical constituents. Summary data from the biological monitoring indicate that there is fairly widespread impairment of aquatic organisms, even if only moderate, for most of the County's streams.

Map 39: Bacteria Impairments



Improvements to stream quality, in both water quality and habitat, will require a range of controls that best address specific types of pollution sources.

Policy: Continue to protect, enhance, and restore degraded waterways to meet water quality standards and permit requirements.

Actions:

(1) Continue to enforce development regulations for the protection of water quality, streams, wetlands, and floodplains.

(2) Continue to prepare and implement Small Watershed Action Plans (SWAPs) and participate in studies to identify needs and opportunities for stream restoration, wetland creation and restoration, and stormwater management.

(3) Continue to design and construct stream restoration projects using an adaptive natural channel design (NCD) approach.

(4) Incorporate stream protection policies in community plans.

(5) Continue to implement biological, chemical, and geomorphological stream monitoring programs in order to measure the long-term trends in stream quality.

(6) Identify opportunities for the creation of wetlands as mitigation for County capital projects and other land development impacts.

(7) Continue environmental education programs for schools, businesses, and homeowners for the reduction of water pollution and toxic and solid wastes.

(8) Continue to implement environmental inspection and maintenance programs such as storm drain inlet cleaning and maintenance of stormwater management facilities.

(9) Continue to identify and convert appropriate publicly owned stormwater management facilities to provide for increased water quality function.

(10) Continue to retrofit older communities to provide for stormwater treatment for improved water quality to the receiving waters.

(11) Continue to support watershed associations and citizens in stream clean-ups, stream and watershed surveys, and other restoration projects.

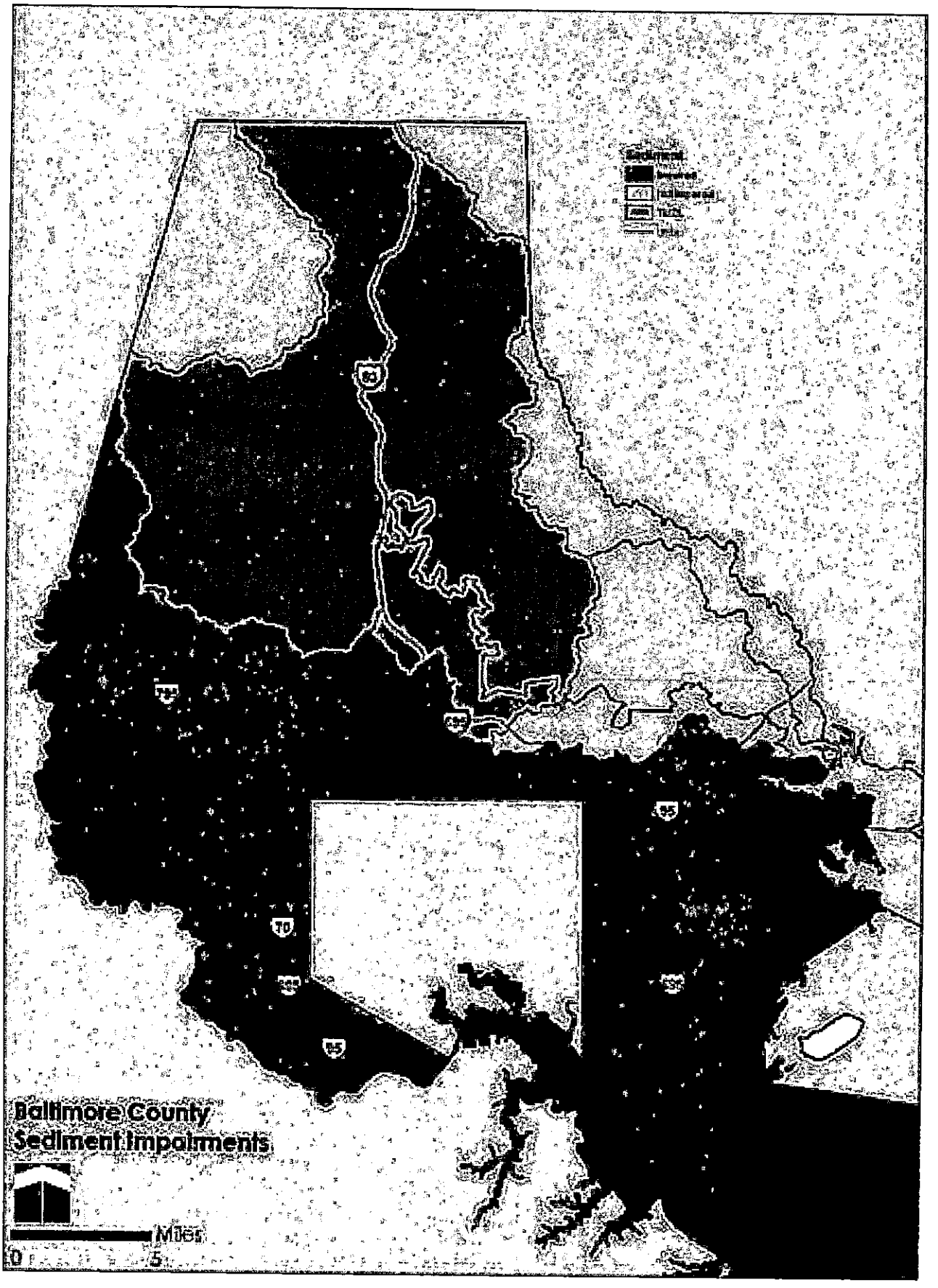
(12) Identify impediments to, and opportunities for tree plantings along streams on private properties, and work to plant more trees on private lands.

Stormwater Management and Sediment Control

The hydrologic cycle is a descriptive model for the movement of precipitation from the atmosphere to the earth's surface and then to receiving waters and back to the atmosphere. In natural areas, precipitation that reaches the ground infiltrates into the soil, replenishing groundwater aquifers and discharging to streams. In urban areas, precipitation that falls onto impervious surfaces runs off the surface much more rapidly. Unless properly controlled, stormwater runoff can result in stream channel erosion and the degradation of in-stream habitat and the aquatic biological community. Stormwater runoff also results in an increase of pollutants washed downstream. During the land development process, the soil at construction sites is the most vulnerable to erosion in streams and other surface waters. Soil erosion from construction activity may exceed 100 to 400 times that obtained from an adjacent undeveloped land or woodland in an equivalent period of time.

About 80% of Baltimore County was developed prior to the advent of stormwater management regulations, which damaged many waterways. In 1968, Baltimore County enacted Maryland's first local sediment control ordinance. Since the mid 1970's, Baltimore County has been a statewide leader in recognizing the impact of stormwater runoff generated as a result of land development. Stormwater management requirements have evolved over time. Initial

Map 40: Sediment Impairments



stormwater management focused on volume and peak discharge control to reduce physical impacts on streams. Beginning in the late 1980's through the early 1990's, water quality treatment was added as a means to address the increased pollutant loads associated with urban development. As stream science and understanding of stream dynamics evolved, it was recognized that further peak discharge control was necessary to protect stream channels from erosion during storm flow.

In the early 2000's, control of small storms was required, along with methods to disperse the flow from a development site instead of concentrating the flow. The Maryland Stormwater Act of 2007 further refined stormwater management by requiring Environmental Site Design (ESD) where practicable. ESD attempts to reduce stormwater runoff from a site by reducing impervious cover, retaining natural vegetation, and dispersing the runoff throughout the site to allow greater infiltration of precipitation. As Baltimore County's older urban and suburban areas are redeveloped, state-of-the-art stormwater practices will be constructed and water quality will improve.

Policy: Protect and improve water quality through the application of stormwater control measures for new development and redevelopment projects.

Actions:

(1) Continue to implement state-of-the-art stormwater management techniques, including ESD as feasible, for new and redevelopment projects.



(2) Provide flexibility for redevelopment to implement innovative solutions to stormwater management.

(3) Ensure the sustainability of stormwater practices including long-term function and maintenance.

Policy: Inspect and enforce compliance with the Baltimore County Code, permits, plans and State specifications as related to erosion and sediment control and grading.

Actions:

(1) Continue to inspect and enforce erosion and sediment control implementation on all active projects for compliance with approved plans.

(2) Continue to investigate complaints pertaining to erosion, sediment control, grading, and surface drainage problems associated with new construction.

(3) Continue to provide responsible personnel training and certification of individuals that oversee installation and maintenance of project controls.

(4) Continue to work in cooperation with the Baltimore County Soil Conservation District to require minimum standards for Soil Conservation and Water Quality Management Plans for conservation easements.

Best Management Practices (BMPs) for Agriculture

Best Management Practices (BMPs) that prevent soil erosion and protect water quality provide long-term benefits for maintaining the productive quality of farmland. Farmers are assisted in their efforts to apply BMPs by the Baltimore County Soil Conservation District, University of Maryland Extension (UME), the Maryland Department of Agriculture, the U.S. Department of Agriculture's Natural Resources Conservation Service, and the U.S. Farm Services Agency. Farmers and landowners participate in

On-site Sewage Disposal Systems (OSDS)

The proper siting, design, and construction of OSDS is critical to protecting ground water supplies and public health. Overall, there are relatively few problem areas for OSDS in Baltimore County. Should community health threats be documented in areas that are accessible to the Metropolitan District, extension of public water or sewerage is provided on a long-term financing basis. In areas that are not accessible to public water and sewer, problems with private water and sewage disposal are more difficult to correct. Some rural communities have limitations due to poor or marginal soil conditions, small property sizes, requirements for stormwater management, and zoning issues, which may impede corrections to failing OSDS.

Increasing concerns with water quality and nutrient loading along with advances in technology have resulted in a relatively large increase in usage of non-conventional OSDS since 2000. Continued operation and maintenance is considered critical to ensure that these systems operate effectively. As these types of systems continue to proliferate, inspection and enforcement will become more critical. An evaluation of OSDS problem areas and management solutions is presented in the 1999 study, Water and Sewer Service in Rural Baltimore County Maryland, available at: http://www.baltimorecountymd.gov/Agencies/environment/groundwatermgt/educational.html)

Other than the Chesapeake Bay Critical Area, the use of nitrogen removal technology on OSDS in Baltimore County does not appear to be cost effective for reducing nitrogen loads to the Chesapeake Bay, especially in reservoir watersheds where nitrogen loads are reduced by 89% or better due to the treatment effects of the reservoirs themselves. A detailed discussion of nitrogen loading from OSDS is presented in the WRE, Chapter 4, Wastewater Assessment for Private OSDS (Appendix A).

In 2008, DEPRM started to collect information about the locations of wells and OSDS in the County using Global Positioning System (GPS) units. From this data, a detailed GIS data layer is being created to enable rapid assessment of local and regional water quality and well yield issues. In the event of an emergency (i.e. chemical spill, flood, or other natural disaster), accurate assessment and timely response are both expected by the public and critical for the protection of public health.

stewardship programs that help protect local streams, drinking water reservoirs, and the Chesapeake Bay. However, in order to make greater progress in protecting and restoring water quality, landowners need to increase stewardship actions.

Policy: Work with landowners and service agencies to implement Best Management Practices for agriculture.

Actions:

(1) Require landowners who participate in land preservation programs to implement soil conservation and water quality plans.

(2) By 2011, investigate developing a BMP implementation monitoring system with the Baltimore County Soil Conservation District.

(3) Continue to provide support to the farm agencies including UME.

(4) Provide information on research for new technologies to assist landowners with the implementation of BMPs.

(5) Investigate setting minimum water quality standards for plans written for farms in County land preservation programs, in conjunction with cost-share programs to offset the expenses incurred by landowners.

(6) Investigate innovative strategies, approaches, and incentives to encourage landowners to protect resources and overcome disincentives.

Groundwater

In Baltimore County, favorable geological conditions and plentiful precipitation combine to provide a valuable supply of quality groundwater that is used for agricultural, residential, commercial, and industrial uses. Since the establishment of the URDL in 1967 and the adoption of the *1980 Guideplan* in 1972, deliberate zoning, regulation, and policy have been put into place to implement the vision of a compact urban

area served by public utilities and a rural area with low density development served by individual wells and on-site sewage disposal systems (OSDS). Given this vision, it is imperative that the County takes the necessary precautions to ensure that development in the rural areas has safe and sustainable ground water supplies.

About 10% of the County's population currently resides in the rural areas outside the URDL and relies on groundwater as the primary source of drinking water. Approximately 30,000 domestic wells are in use in the County, including 9 community well supplies and approximately 270 transient and non-transient non-community water supplies (businesses and institutions). Groundwater is also important to the agricultural community.

In general, there are no significant concerns with regard to the adequacy or quality of ground water supplies in Baltimore County. The current regulations and standards for drinking water wells and OSDS are considered effective in protecting public health while ensuring that there is adequate supply for current and future demands. The Water Resource Element (Appendix A) documents the adequacy and quality of the ground water supplies in the County. To better ensure sustainable ground water supplies, a well reserve area could be incorporated for lots served by individual domestic wells. The well reserve area would ensure that lots have a pre-approved area that meets setback requirements, should there be a need to drill a well in the future.

Contamination from petroleum products and solvents usually involves specific point sources such as underground storage tanks, OSDS, or dumpsites. Promulgation of federal and State regulations has resulted in storage tank upgrades, and more stringent monitoring and reporting requirements for all auto service stations. Educational outreach about potential sources of contamination and the importance of removing out-of-service underground fuel tanks should continue to be a focus of the County.

In 2005, naturally occurring radium was detected at levels of concern in certain aquifers (the Baltimore & Setters Gneiss Formations). Educational outreach about radium and other potential radionuclides in local aquifers should continue to be a focus of Baltimore County. Groundwater quality is also affected by development-related contaminants such as chlorides from road de-icing compounds. Further analysis and evaluation should be performed to develop improved regulations and practices, along with education, training programs, and partnerships to ensure a better balance between public safety on roadways and water quality.

Policy: Continue to manage and protect ground water supplies, particularly in areas where citizens, businesses, industry and agriculture rely solely on wells.

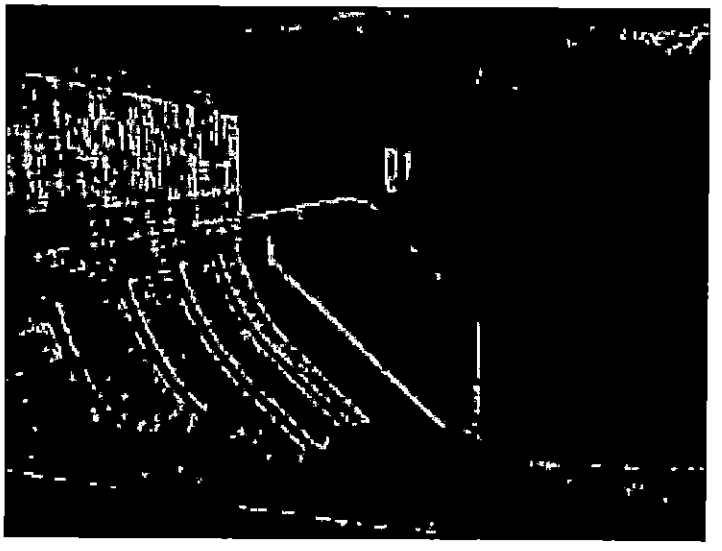
Actions:

(1) Review development proposals and permits to assure the proper siting, design, and construction of drinking water wells and OSDS in accordance with the *Code of Maryland Regulations* and *Code of Baltimore County Regulations*.

(2) Continue to implement the 1993 *Ground Water Management and Protection Strategy*.

(3) Continue to inspect all residential underground storage tank removals to ensure that any detected contamination is investigated and remediated, as necessary.

(4) Continue to collect and maintain the



location and construction information for new and existing wells and OSDS.

(5) Continue to educate homeowners concerning the proper management and care of individual well and septic systems, potential contamination from underground storage tanks, and potential radionuclides in aquifers.

(6) Continue to inspect all non-conventional OSDS periodically to ensure proper functioning.

(7) Assess the need to incorporate the use of "well reserve areas" for newly developed lots utilizing individual water supplies.

(8) Evaluate the need to establish well setback restrictions from roads to protect against road salt contamination.

Drinking Water Reservoirs

The Prettyboy, Liberty, and Loch Raven Reservoirs supply drinking water for 1.8 million people in the Baltimore region, including the 90% of Baltimore County residents within the URDL who rely on public water. The reservoirs and more than 17,200 acres of adjacent, mostly-forested land are owned and maintained by the City of Baltimore. Sixty-two percent of the reservoir watersheds are located within Baltimore County, and the remaining area is located in parts of three adjacent counties. This is the largest public drinking water utility in Maryland, with one-third of the State's citizens dependent on the reservoirs in Baltimore County. Careful management of the entire watershed area for the three reservoirs is important for maintaining their water quality.

The City's water quality monitoring program indicates that the reservoirs are adversely impacted by nutrient over-enrichment, including phosphorus from sewage treatment plants, agriculture, and urban development. The reservoirs are also experiencing increasing levels of chlorides and sodium from road de-icing as the mileage of roadways in the watersheds increases. Currently, the finished water supplied by the City contains 20 mg/l of sodium, the lower limit recommended for individuals on sodium-restricted diets. Several Total Maximum Daily Loads (TMDLs) for nutrients and other water pollutants have been established for the reservoir watersheds.

Maintaining the good quality of reservoir water has been a cooperative regional effort for several decades. Baltimore County policies for the protection of the reservoirs were first adopted in 1972 in *GuidePlan 1980*. The 1978 regional water quality management plan recommended the creation of an inter-jurisdictional program to address nutrient and sediment pollution in the reservoir watersheds. In 1979, the first Reservoir Watershed Management Agreement was signed and later expanded in 1984 to include an Action Strategy and technical and policy committees to guide implementation. The Agreement was re-affirmed in 1990 and 2003, and followed by an updated Agreement and Action Strategy in 2005. The cooperative Reservoir Watershed Management program is coordinated through the Baltimore Metropolitan Council (BMC).

Forest is the most protective land cover for water quality. The adoption of the Urban-Rural Demarcation Line and the Resource Conservation (R.C.) zones have served as the primary management tools for reservoir protection in Baltimore County. R.C. zones cover more than 169,000 acres or 92.6% of the reservoir watersheds. Despite the protective zoning, more than 12,000 residentially assessed parcels have been improved in the reservoir watersheds on more than 31,000 acres. The County's quadrennial Comprehensive Zoning Map Process has helped to reduce the potential for future development in the R.C. zones. With the creation of the R.C.6, R.C.7, and R.C.8 zones since the year 2000, more than 67,000 acres of higher density R.C.-zoned land have been further protected. With expanding requirements for meeting water quality standards and concern over new threats to water quality including sodium and chlorides from development, it is critical that the County's commitment to applying its planning and zoning tools be maintained. This will help prevent pollution that would endanger public health or necessitate expensive water treatment measures.

Policy: Continue cooperative efforts to protect the quantity and quality of source water in the County's three reservoir watersheds.

Actions:

(1) Continue to participate in the regional Reservoir Watershed Management Program, including implementation of commitments in the 2005 Action Strategy.

(2) Continue policy commitments to retain protective Resource Conservation zoning and to restrict creation of new development zoning in the reservoir watersheds.

(3) Continue to implement non-point source pollution control practices for development and agricultural operations, stream restoration projects, and infrastructure maintenance in the reservoir watersheds.

(4) Continue to establish riparian forest buffers and expand other forest cover in the reservoir watersheds in cooperation with private landowners, other agencies, and watershed organizations.

(5) Continue to implement water quality monitoring programs in order to determine conditions and trends for reservoir quality and to assist in the implementation and evaluation of management programs.

(6) Explore options to meet the need for road de-icing for public safety while reducing impacts on reservoir water quality.

(7) Continue to prepare and implement Small Watershed Action Plans to address TMDLs for phosphorus, sediment, and bacteria.

THE CHESAPEAKE BAY, WATERWAYS, AND WATERFRONT AREAS

Baltimore County contains about 219 miles of Chesapeake Bay shoreline. The Bay and its tidal tributaries – the Patapsco, Back, Middle, and Gunpowder Rivers – are a unique natural resource. The intertidal zone, land on which the tide advances and retreats, is essential for providing protection and food for waterfowl and aquatic life. These tidal waters also support Submerged Aquatic Vegetation (SAV) and are the spawning grounds for migratory fish species. Its health is fundamental to restoring the Chesapeake Bay, yet this area is threatened as a result of erosion and increasing human activities.

Submerged Aquatic Vegetation (SAV)

SAV, commonly referred to as Bay grasses, is a critical indicator of water quality and provide essential ecosystem functions that improve the health of the County's tidal waterways, as well as the Chesapeake Bay. SAV can function as a natural protection against sedimentation and erosion and the harmful impacts of pollutants including phosphorus and nitrogen. Additionally, SAV provides important food and habitat for waterfowl and aquatic species. SAVs are imperative to the overall vitality of the Chesapeake Bay and, Bay-wide, have been declining since the 1950's due to degradation of water quality. In Baltimore County, SAV coverage has increased over 25% since 2000 due to improved regulatory programs and aggressive restoration efforts.

DEPRM monitors the location, density, and species diversity of SAV beds in 30 of the County waterways every spring and summer, and has developed an extensive database to determine trends and overall waterway conditions. The County implements projects to improve water quality and promote healthy conditions for the growth of these important Bay grasses by treating excessive upland runoff before it enters the waterways, reducing shoreline erosion and channelizing boat traffic.

The Chesapeake Bay

Most of the County's Chesapeake Bay shoreline is privately owned. This has limited Bay access to the individual lot owners in many places, and has impacted several stretches of shoreline with piers, bulkheads, and other structures. Baltimore County encourages the use of community piers as an alternative to private piers. Land development proposals are reviewed for compliance with the Chesapeake Bay Critical Area (CBCA) and redevelopment regulations. The County's program was enacted in 1988, following the passage of the Maryland Chesapeake Bay Critical Area Act in 1984. Several updates to State and local Critical

Protecting the Chesapeake Bay

Maintaining water quality is a high priority for waterfront residents, businesses and visitors. Baltimore County has established a strong, comprehensive water quality program. It includes initiatives to convert and retrofit stormwater management systems, restore streams, dredge waterways, stabilize the shoreline, establish vegetated buffers, and develop and implement comprehensive watershed plans. In addition, the Chesapeake Bay Critical Area law helps to protect water quality and sensitive waterfront areas by regulating development within close proximity of tidal water and tidal wetlands. The County, as part of the State of Maryland's commitment to protect the Chesapeake Bay from further environmental degradation, enforces this legislation.



Area programs to improve regulatory efficiency and effectiveness have been made over the last two decades. This program generally encompasses all of the land within 1,000 feet of tidal waters and the majority of the southeastern peninsulas. Tidal and non-tidal wetlands, shorelines, and streams are required to protect and establish naturally vegetated buffers, which filter the sediments and nutrients in runoff. A Buffer Management Program, adopted by the County for waterfront properties with historically disturbed buffers, allows for the continuation of maintenance activities and limited improvements within the buffer.

Sensitive undeveloped areas are also protected through Resource Conservation (R.C.) zoning, additional environmental regulations, and by maintaining the URDL. Zoning densities have been reduced on properties that are undeveloped consistent with the Critical Area law. Efforts to permanently preserve these lands that are important to the health of the Chesapeake Bay have also included the designation of much of the Coastal Area as a Maryland Rural Legacy Area. The County has built upon early State efforts in this area to permanently preserve over 1,000 acres of sensitive land.

Since the 1960s, the largest concentration of known septic system failures occurred in the Bowleys Quarters and Back River Neck peninsulas. Beginning in the mid-1980s the County began to address these problems comprehensively by extending public sewerage to these areas. As of 2010, over 90% of the estimated 3,000 failing septic systems in those areas have been connected to the public sewerage system.

In addition, the County is systematically evaluating all existing septic systems located within the Chesapeake Bay Critical Area to determine whether public sewerage or on-site sewage disposal upgrades will most effectively reduce nitrogen from these sources.

The Waterways

Baltimore County continues to implement the Waterway Improvement Program, an initiative to enhance and restore the quality of its water resources. The Program includes stream restoration, shoreline enhancement, water quality retrofits, and waterway dredging. The dredging program provides for the maintenance of existing boat channels in creeks and boat access "spurs" from these channels to individual waterfront properties. As part of the program, Baltimore County implements controls to reduce future runoff of sediment and nutrients to the dredged waterways. The County also maintains navigation aids in dredged waterways, providing safe navigation by directing boaters to deeper waters and allowing for restoration of shallow areas. These efforts improve water clarity, which is the key limiting factor for SAV growth. The Waterway Improvement Program also includes shore erosion control and restoration projects. This has stabilized thousands of feet of steep eroding shoreline with vegetated beaches and structural protection, such as offshore gapped breakwaters to control erosive wave energy. With the use of natural vegetation for stabilization, the County is introducing citizens to alternative shoreline protection approaches. These techniques are self-maintaining and therefore are a viable long-term solution.

In May of 2002, DEPRM implemented the "Clean Shores" Program, with the goal to improve the water quality, aesthetics, and navigational safety of tidal waters. Controlling the sources of debris in the waterways includes community education, enforcement of no-dumping laws, maintenance programs, and the installation of debris collection devices. From May to October each year, Baltimore County crews survey the tidal creeks and rivers and remove hazards to navigation and waterway debris from the shorelines and shallow waters. This Program has increased community awareness and encouraged community involvement in waterway clean-ups. Marking storm drains to warn citizens not to dump or litter is another effort to protect the Bay by bringing awareness to citizens.

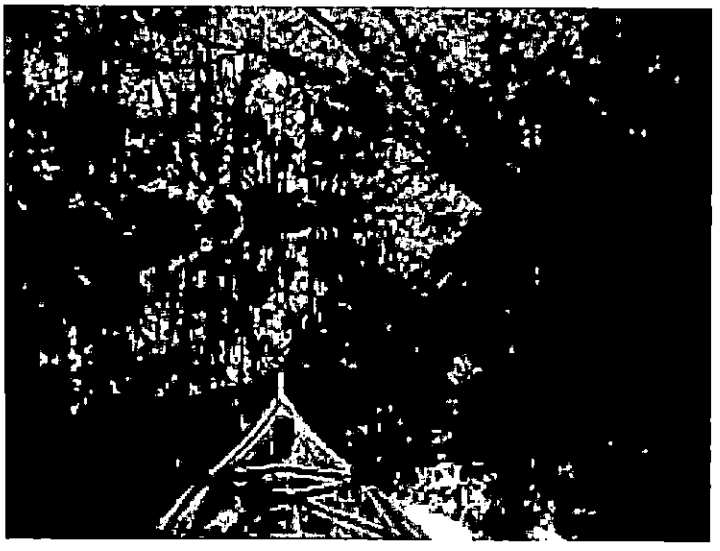
Living Shorelines

Living shorelines projects provide erosion control and ecosystem benefits utilizing green techniques as an environmentally friendly alternative to traditional armored shorelines such as bulkheads and revetments. Living shorelines generally consist of planted beach areas that stabilize the shoreline and create vegetative buffers to filter runoff and pollutants, while providing wildlife habitat. Living shorelines can also include the strategic placement of offshore gapped sills and breakwaters that reduce erosive wave energy while still allowing natural coastal processes to function. Baltimore County has implemented living shoreline projects in numerous waterways in an effort to protect County resources and enhance water quality.

The Waterfront Areas

The *Eastern Baltimore County Revitalization Strategy* (adopted as a master plan amendment in 1996) defines a vision for the waterfront areas that includes conserving and enhancing the existing waterfront communities, while attracting upscale housing development; creating economic opportunities, including tourism; and enhancing public access to the water. This vision requires balancing the use of the waterfront as a natural amenity, a recreational resource, a source of economic opportunity, and a place where people live.

Many of the permanent homes along the water were originally built as summer cottages on 50-foot wide lots. The addition of new housing on larger sites improves the diversity of the housing stock and helps to revitalize the waterfront communities. The addition of new housing could be accomplished through the consolidation and redevelopment of lots in existing neighborhoods or through the development of larger lot subdivisions where it is feasible. Although sites available for new development are limited, the CBCA regulations include a mechanism called "growth allocation" that allows for density increases on a limited amount of land in the Critical Area. To implement growth allocation, the County has established a committee consisting of representatives from various County departments to evaluate petitions for site design excellence and environmental sensitivity.



Baltimore County's waterfront includes 26 County waterfront parks and two State waterfront parks. There are numerous recreational and business opportunities related to the Chesapeake Bay, such as boating, sail boarding, swimming, water skiing, fishing, crabbing, and bird-watching. Healthy beaches for swimming and aquatic populations are essential to Bay-related recreational and economic activities. Recreational boating contributes over $200 million a year to the County's economy. Baltimore County recognizes the importance of boating and is committed to providing a safe and clean environment.

Policy: Continue to implement water quality improvement measures in and along the waterfront, and continue to enforce water quality, forest, and habitat protection components of the State-mandated Critical Area law.

Actions:

(1) Continue to implement the dredging component of the Waterway Improvement Program by maintaining channels and aids to navigation, while monitoring and protecting submerged aquatic vegetation.

(2) Continue efforts to protect shorelines from erosion and improve the water quality and habitat value of tidal wetlands. Use living shoreline measures, where physically feasible, for shoreline stabilization, and enhance tidal wetlands.

(3) Continue to implement the Clean Shore Program to improve the water quality, aesthetics, and navigational safety of the tidal waterways and increase community participation in waterway clean-ups.

(4) Explore beneficial uses of dredge material disposal including shoreline stabilization projects and tidal marsh creation.

(5) Maintain land use and development standards essential for the protection of the Chesapeake Bay's biological integrity.

(6) Create effective opportunities for recreation, tourism, and rural legacy.

(7) Design and plan projects to promote public access to the water and encourage public access to the water on private waterfront development projects, where appropriate.

(8) Consider steering redevelopment efforts along the waterfront into historically disturbed buffer areas in order to maximize water quality protection and improvement.

(9) Consider steering growth allocations involving conversions to Intensely Developed Areas into priority funding areas.

(10) Educate and provide technical assistance for waterfront property owners about the benefits of living shorelines and promote appropriate behaviors to improve water quality.

(11) Evaluate existing private septic systems in the Critical Area for upgrades and connection to the public sewerage system.

(12) Encourage the implementation of clean marina best management practices.

(13) Continue to provide easement programs that provide financial benefits and flexibility of use to farmland owners to permanently preserve their farms and forests.

LAND RESOURCES

The land resources of Baltimore County, which include its minerals, soil, and biota, provide the foundation for economic and community activities. They are also an integral part of natural ecosystem processes, and how land resources are used not only affects terrestrial ecosystems, but also the quality of water and air.

Baltimore County's goals for land preservation are to permanently preserve at least 80,000 acres of land to protect agriculture and natural resources for future generations, recognize and promote sustainable agriculture as a vital economic, commercial and industrial activity, manage development to protect agricultural lands and prevent conflicts between agricultural operations and incompatible uses, and ensure the proper management of agricultural lands to protect water quality and natural resources.

Land preservation goals are achieved through the use of several comprehensive growth management measures: the URDL, zoning classifications, land use regulations, the purchase and donation of permanent conservation easements, and the implementation of recommended actions of the Master Plan.

Agricultural Priority Preservation Areas

The protection of land for agriculture has been a key component of rural growth management in the County for over 40 years. Significant public funds have been invested in the permanent protection of cropland, pasture and woodland to maintain and foster a viable agricultural industry. This forward-looking effort by the County has become more important with the national attention on issues such as energy conservation, sustainability, and national security. Promotion of local farms can improve the quality and security of the local food supply and play a role in solving other environmental problems.

The 1989 Master Plan first designated "Agricultural Preservation Area" boundaries (now called Agricultural Priority Preservation Areas, or APPA's). These areas have been reconfirmed in subsequent plans. APPA's are based on their capability for agricultural production and the existence of agricultural operations and preserved lands.

From 1980 through 2009, more than 55,200 acres have been preserved, including 21,675 acres under the Maryland Agricultural Land Preservation Foundation Program, 4,351 acres under the Baltimore County program, 25,250 acres under the Maryland Environmental Trust, private land trusts, and Rural Legacy programs, and 3,929 acres in R.C.4 cluster conservancy areas. This cumulative preservation achievement represents about 24% of the total land area outside the URDL. Based on a 2006 study by The Conservation Fund, an additional 50,300 undeveloped, unprotected acres met agricultural program criteria. The protection of an additional 30,800 acres will be needed to meet the County's ultimate preservation goal, and the County must seek adequate funding, explore innovative purchase techniques, refine programs, and increase the acreage of donated easements. Based on preservation of 2,100 acres and loss or conversion of 870 acres per year, it is projected that the 80,000-acre goal will be met by the year 2022.

Policy: Permanently preserve at least 80,000 acres of agricultural and natural resource lands through Conservation Easements and other similar legal instruments.

Actions:

(1) Continue to seek and encourage the donation and sale of easements through the various land preservation programs.

(2) Conduct landowner outreach and public education to increase awareness of these conservation programs and garner interest in land protection.

(3) Identify and preserve parcels large enough to support normal agricultural and forestry activities.

(4) Fairly compensate farmers for loss of development rights.

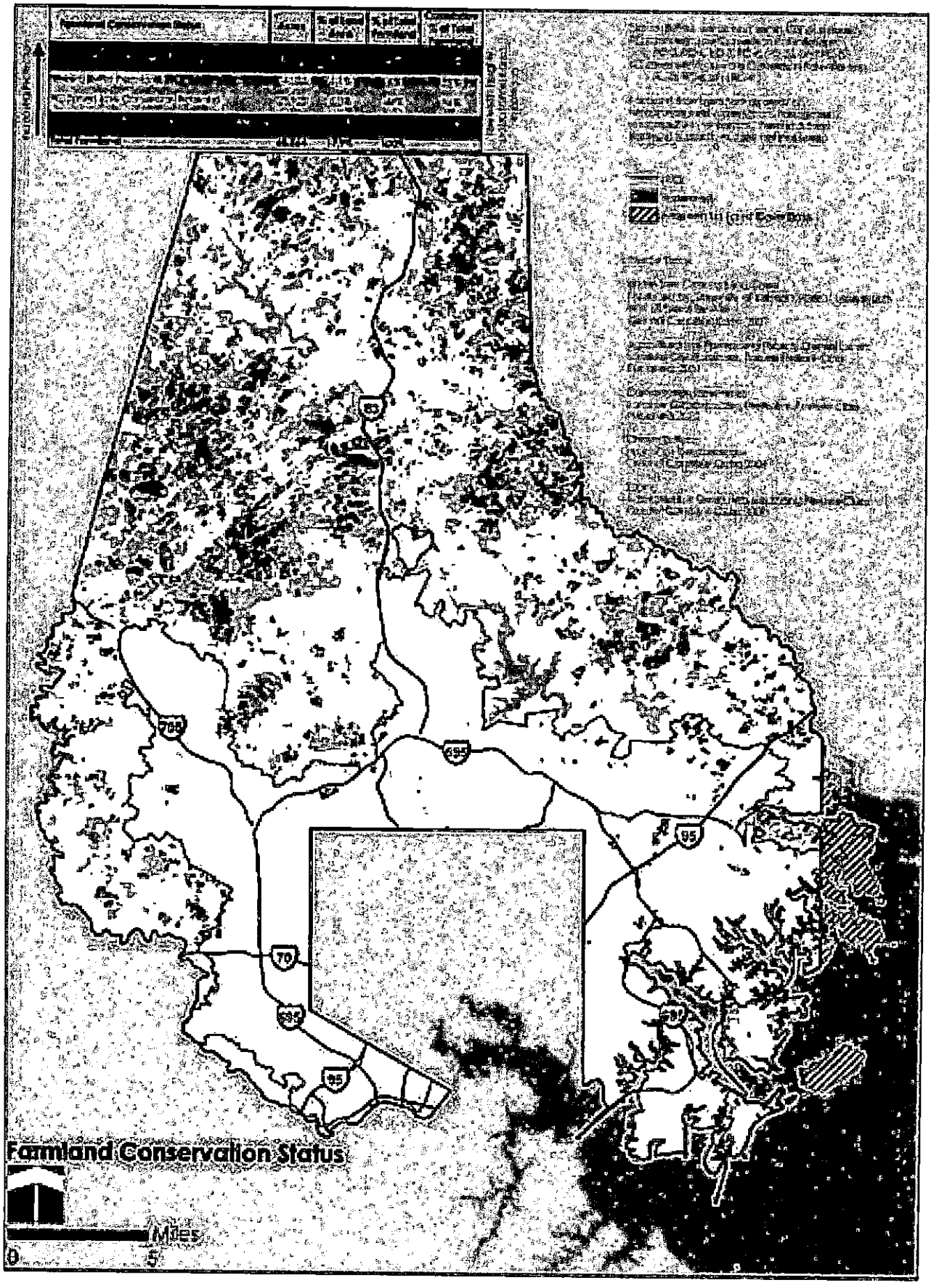
(5) Monitor the Agricultural Priority Preservation Areas to ensure that at least 80% of the remaining undeveloped land is either under easement or temporarily protected by restrictive zoning (such as RC 2).

(6) Work with state and local partners to monitor and steward existing conservation easements to ensure compliance with agreements to protect the County's investments in agricultural land preservation.

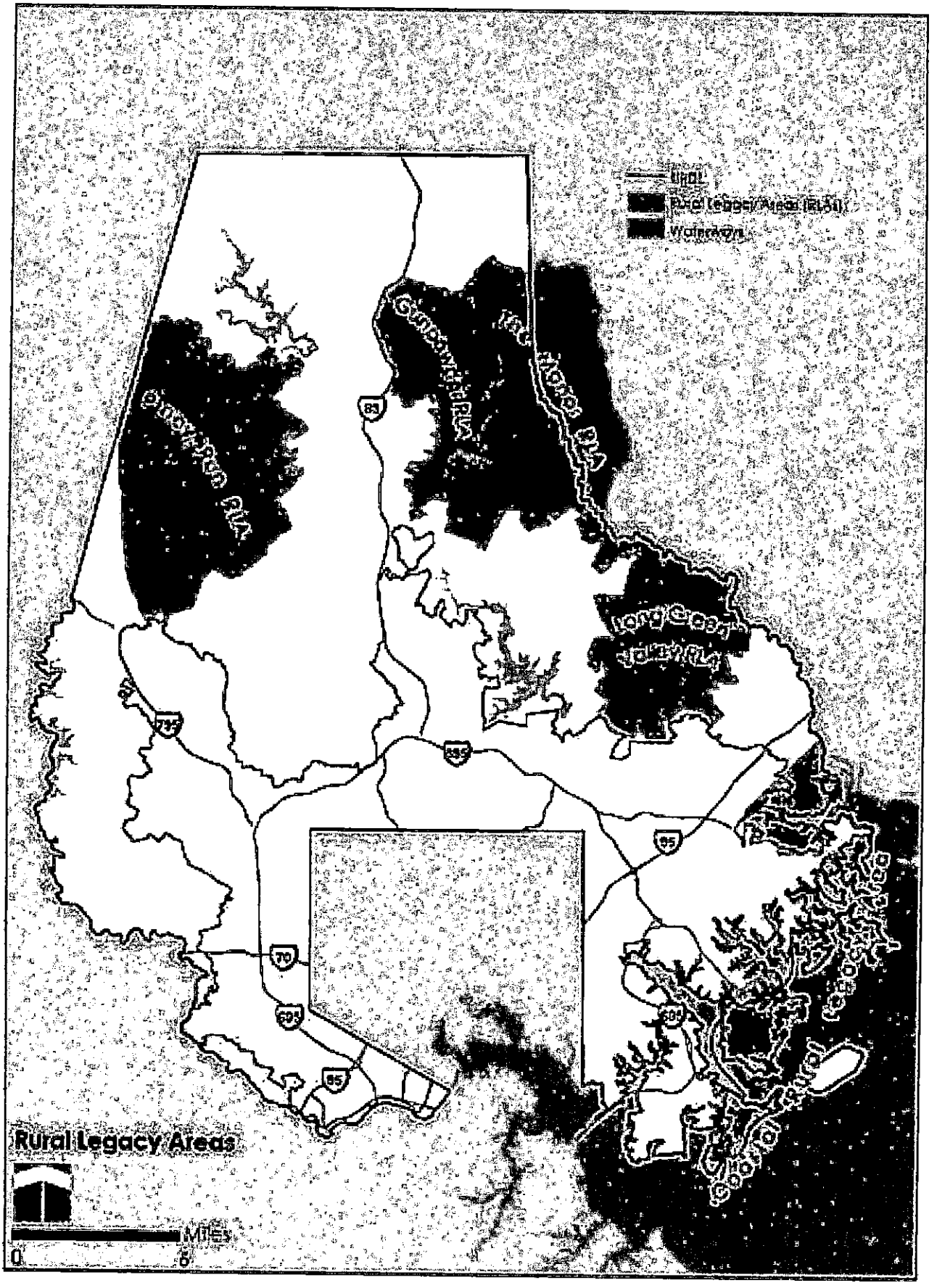
Land Preservation Progress

The United States Department of Agriculture states, "Agricultural land preservation constitutes sensible resource management for sustainable agriculture". Baltimore County agrees, and further defines land preservation as an effective management tool for protecting and preserving natural and cultural resources. The County's land preservation efforts are among the most successful in the nation. This success is in part due to the strategy of protecting land in the short term through restrictive resource zoning, and conserving land for the long term through preservation easements. Perpetual easements are the only way that preservation of the rural landscapes can be guaranteed. Fair compensation to landowners is provided to maintain the land in private ownership. Additionally, preserved privately owned lands stay on the tax roll.

Map 41: Farmland Conservation Status



Map 42: Rural Legacy Areas



(7) Continue to seek adequate funding to acquire easements on at least 2500 acres per year.

(8) As part of any update to this section of the Master Plan the County will:

- Determine progress towards meeting the goals of the MALPF;
- Evaluate any shortcomings in the County's ability to achieve the goals of MALPF;
- Determine and implement actions to correct identified shortcomings.

The Rural Legacy Program

The Piney Run Rural Legacy Area is among the most successful Rural Legacy Areas in the State of Maryland. The Rural Legacy area seeks to provide protection of the source water for the metropolitan drinking water supply through good land stewardship while also seeking to maintain the agricultural industry in the County. Over 17,000 acres of land have been protected through all preservation programs within the 32,320-acre Rural Legacy Areas. Of greatest significance is that through the use of the complimentary preservation programs and the targeting of Rural Legacy, a block of over 12,000 contiguous acres has been preserved. This is one of the largest blocks of land protected in this manner on the East Coast.

Rural Legacy Program

In 1997, the Maryland General Assembly adopted the Rural Legacy Program to address the continuing loss of natural resources and productive agricultural lands to development. The goals of the Program are to protect and maintain rural character, permanently preserve land through easement programs, and limit new residential growth in these areas. The Rural Legacy Program enables local jurisdictions and private organizations, such as Land Trusts, to apply for designation of significant areas as "Rural Legacy Areas." The County and its Land Trusts have received designation and funding for five Rural Legacy Areas: Coastal, Piney Run, Gunpowder, Long Green, and Manor (Map 41).

Policy: Manage growth within the designated Rural Legacy Areas and seek permanent preservation of undeveloped properties through easement programs.

Actions:

(1) Work with local land trusts to monitor goals and accomplishments of Rural Legacy Areas.

(2) Work with local land trusts to integrate comprehensive resource protection elements in Rural Legacy areas, including forest buffers, Chesapeake Bay shorelines, forest habitat, endangered species, and planning measures that reduce sprawl.

(3) Continue financial partnership with the State for preserving properties within Rural Legacy areas.

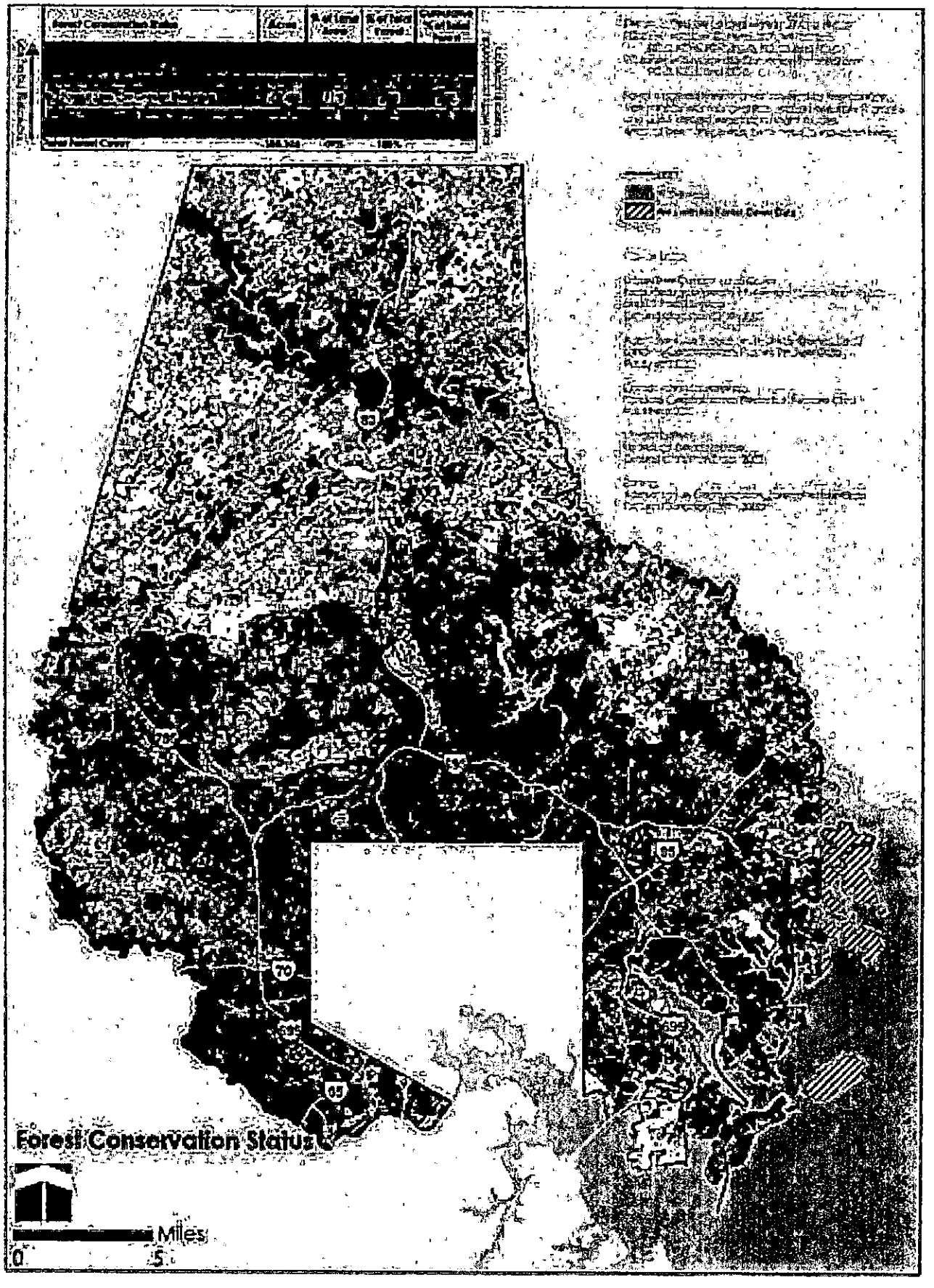
(4) Encourage donation of conservation easements to supplement purchased easements.

Forest Resources

Forests covered almost all of Baltimore County at the time of European settlement. Today, forests, agricultural lands, and developed areas each cover about 130,000 acres or one third of the County's land area. The largest forest blocks, totaling 30,800 acres, are public parks and reservoir reservations owned by the State of Maryland, the City of Baltimore, and Baltimore County. The County is placing its public forests under management plans that prioritize forest health and the protection of water quality, habitat, biological diversity, and the maintenance of forest-dependent recreation. Approximately 75% of the forests in the County are held in private ownership.

Historically, the greatest forest loss in the County occurred before the early 1900's, and there was a net increase in forest cover of about 17,000 acres from 1914 to 1997. Forest losses in recent decades have occurred as a result of land development. As a result of historical clearing, the forests in Baltimore County are fragmented into thousands of patches, most of which are smaller than 100 acres. Small patch size increases the forest's vulnerability to the many stresses imposed by the surrounding non-forested landscape, including temperature extremes, drying winds, air and

Map 43: Forest Conservation Status



Montreal Process Criteria & Indicators (MPC&I)

The MPC&I measure the ecological and economic sustainability of forest resources. These measures have been adopted by the U.S. and eleven other nations that collectively comprise 60% of the world's forests. Baltimore County uses the Criteria as goals. They include (1) Conservation of Biological Diversity, (2) Maintenance of the Productive Capacity of Forest Ecosystems, (3) Maintenance of Forest Ecosystem Health and Vitality, (4) Conservation and Maintenance of Soil and Water Resources, (5) Maintenance of Forest Contribution to Global Carbon Cycles, (6) Maintenance and Enhancement of Long-term Multiple Socioeconomic Benefits to Meet the Needs of Societies, and (7) Legal, Institutional, and Economic Framework for Forest Conservation and Sustainable Management. As a framework for sustainable forest management, the MPC&I have guided Baltimore County's efforts for forest assessment and program implementation. In addition to preparation of forest health assessments and management plans for forested County lands, an assessment of the urban tree canopy within the URDL was completed, and GIS analyses and typologies were developed (see the Forest Conservation typology under Sensitive Areas Protection). An estimate of the carbon dynamics of forestlands in the County was also completed. Programs to increase forest cover have been developed, including the Growing Home Campaign and rural reforestation projects with landowners. A case study of the development of the County's Forest Sustainability Program is available through The Conservation Fund (http://www.baltimorecountymd.gov/agencies/environment/workgroup/index.html). The County's Forest Sustainability Strategy and the State of Our Forests – 2007 report are also available. Information about the MPC&I is available from the national Roundtable on Sustainable Forests (http://www.sustainableforests.net).

water pollutants, and invasive species. The forests are also vulnerable due to a number of diseases and pests, and the lack of natural regeneration as a result of browsing by high populations of deer. These stressors can degrade forest health and reduce the forest's capacity to regulate critical watershed functions.

The multi-layered structure of the forest tree canopy and lower vegetation breaks the force of falling rain on forest soils, protects soil structure and the infiltration capacity of the forest floor. This function alone slows surface runoff, reduces erosion and soil loss, replenishes soil nutrients, and cleanses precipitation of pollutants as it moves slowly through the soil to adjacent streams. When forests become fragmented and degraded, flooding occurs more frequently, rushing streams threaten streambed stability, eroding soils and excess nutrients foul stream waters, and the efficiency of the forest ecosystem to regulate watershed function for the health of both the human and wildlife communities is greatly impaired.

In addition to water management, other forest functions include the sustainability of habitat for the diverse plant and animal communities associated with the eastern deciduous forest, as well as a valuable industry of timber and other forest products. Forests also clean air and reduce the effects of greenhouse gases such as carbon dioxide through the sequestration and storage of atmospheric carbon. In urban areas, trees and neighborhood woods shade and cool buildings, thereby reducing energy demands and costs. Forests and trees improve public health, provide recreational opportunities, and enhance urban living.

To protect forest resources, the Chesapeake Bay Critical Area Act (1984) was enacted to regulate forest harvesting to protect the full range of forest ecological functions. Outside the Critical Area, forest conversion to development is subject to the County's Forest Conservation Act (1992), passed pursuant to requirements of the Maryland Forest Conservation Act, the nation's first statewide forest protection measure. Through these laws, developers are required to preserve or reestablish forests on development sites, utilize approved forest retention banks, or provide mitigation through off-site plantings or through the payment of fees to the County. The Critical Area Act is a no net loss measure, whereas outside the Critical Area, only forest losses exceeding allowable thresholds are required to be mitigated. From 1993 through 2006, more than 6,500 acres (65%) of forests on development sites were protected through the Forest Conservation Act (FCA). Another 3,200 acres (32%) of forests were cleared, averaging about 245 acres per year. Additional losses were incurred from activities exempt from the FCA regulations. Non-development timber harvests average about 700 acres per year but have declined since 2000. These harvest areas generally remain to regenerate.

In 2003, Baltimore County was invited by the U.S. Department of Agriculture - Forest Service to participate as one of three counties in the U.S. in the "Linking Communities to the Montreal





Process Criteria and Indicators (MPCI)" project. The MPCI are science-based measures of the ecological and economic sustainability of forest resources. This initiative led to the development of a Forest Sustainability Program within DEPRM that has included the preparation of a countywide Forest Sustainability Strategy in cooperation with a stakeholder steering committee. In addition to establishing a sustainability framework for forest management, a number of forest assessment and implementation projects have been completed. The County's forest sustainability efforts are recognized nationally.

Policy: Continue to assure the sustainable management of public and private forest resources to provide ecosystem services and meet human needs.

Actions:

(1) Continue to protect forest resources pursuant to the Forest Conservation Act and Chesapeake Bay Critical Area regulations, and continue to protect "forest buffers" as required by the County's Regulations for the Protection of Water Quality, Streams, Wetlands, and Floodplains.

(2) Continue to implement the County's Forest Sustainability Program and promote sustainable forest management among agencies, forest landowners, and environmental organizations, guided by sound science and assessment of forest health.

(3) Implement actions and commitments for forest management in the Baltimore Watershed Agreement, the Reservoir Watershed Management Agreement Action Strategy, and the County's Sustainability program.

(4) Adopt and implement a No Net Loss of Forest policy.

(5) Continue to prepare Forest Health Assessments and implement Forest Management Plans for large County-owned forested properties.

(6) Continue to increase forest cover and maintain forest health using mitigation fees from the Forest Conservation Act and the Chesapeake Bay Critical Area Act.

(7) Continue to support the program of the County Forest Conservancy District Board.

(8) Include reforestation elements in community plans and community conservation projects.

(9) Continue to promote and support programs for community reforestation, including the Tree-Mendous Maryland Program, the County's Growing Home Campaign, Rural Residential Reforestation projects, and Big Trees program.

(10) Continue the protection of forestland in the Coastal Rural Legacy Area through easements or in-fee acquisition.

(11) Address forest pests, diseases, and other biotic stressors and continue cooperative projects for suppression of Gypsy moths and control of exotic invasive species.

(12) Promote and implement efforts for sustainable waste wood and woody biomass utilization.

(13) Continue collaboration with the USDA Forest Service, the Maryland Department of Natural Resources – Forest Service and other agencies and organizations for the collection and use of forest assessment data and research and the implementation of sustainable forest management practices.

(14) Continue to implement and improve deer management measures to better protect forest resources. Evaluate and address the impact that deer browsing has on priority forest determinations.

BIOLOGICAL DIVERSITY AND SENSITIVE AREAS

In Baltimore County, a diverse assemblage of natural areas including forests, wetlands, stream systems, and fields currently provide breeding and foraging habitats for at least 340 animal species. As of 2007, however, 89 species of plants and 30 species of animals were classified as threatened, endangered, or extirpated from the region by the Maryland Department of Natural Resources. The ability of these natural communities to maintain biological diversity is threatened by the degradation and loss of natural habitat.

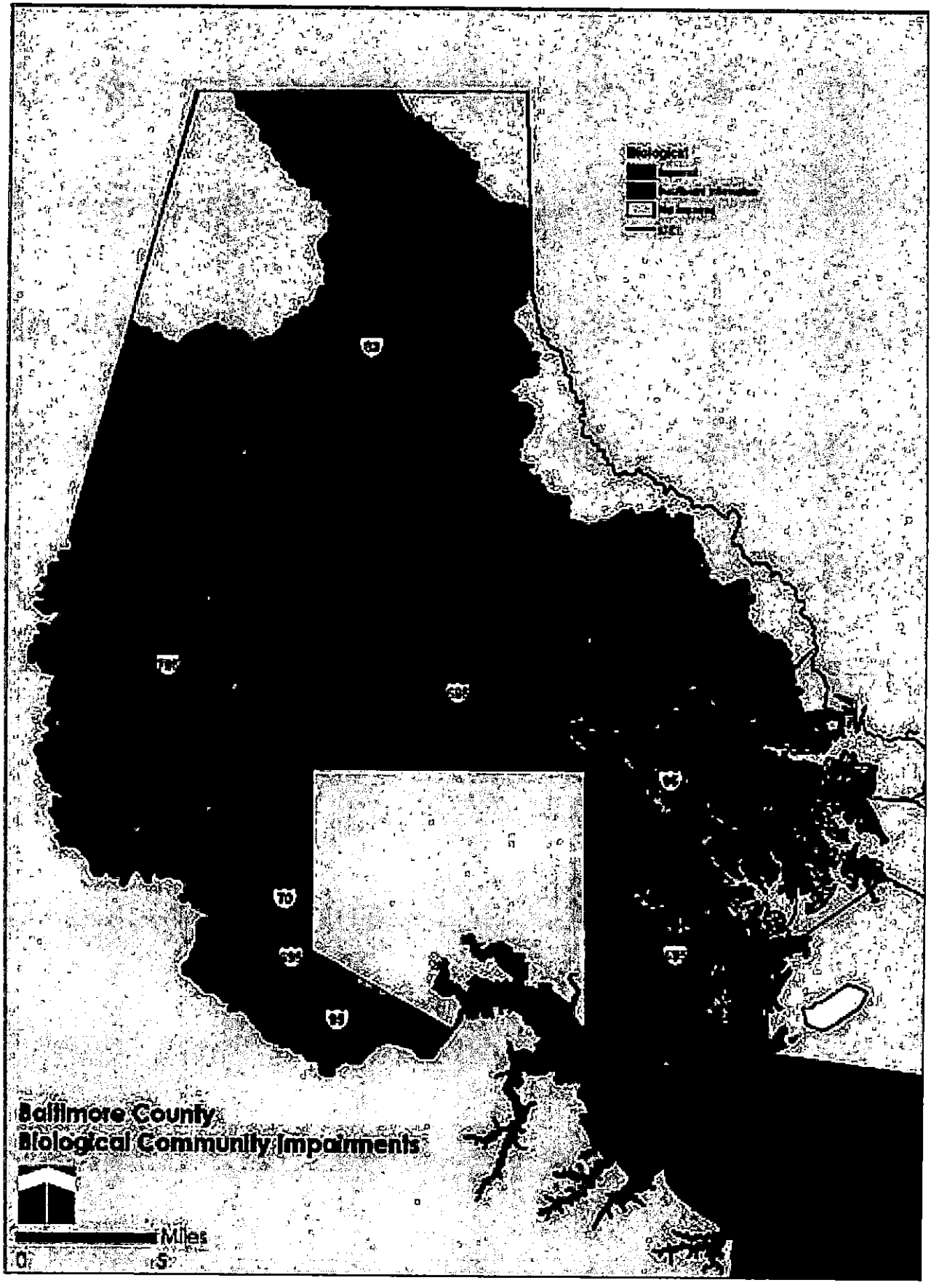
Biological diversity strengthens the resilience of natural ecosystems to withstand degradation. Natural disturbances are distinct, random events with recovery periods between disturbances. Disturbances caused by human activities, however, result in permanent changes, leaving no chance for the ecosystem to recover. The removal of native vegetation, forest fragmentation, environmental pollution, and the introduction of exotic invasive plant and animal species all degrade natural habitats, thereby reducing or eliminating native habitat suitability. The maintenance of biological diversity is critical to the sustainability of both the human and wild communities.

Baltimore County is required under the Economic Growth, Resource Protection, and Planning Act of 1992 to incorporate a sensitive area protection element into its Master Plan. Sensitive areas are defined as streams and wetlands and their buffers, 100-year floodplains, habitats of threatened and endangered species, steep slopes, and agricultural and forest lands intended for resource protection or conservation. The intent of the Sensitive Areas element of comprehensive plans is to develop goals, objectives, principles, policies, and standards to protect sensitive areas from the adverse effects of development.

Baltimore County has made significant progress toward the protection of these resources through several local and State-mandated regulatory programs. In particular, the County's stream protection regulations, which have been a model by the Local Government Advisory Committee of the Chesapeake Bay Program, provide effective protection for stream channels and their 100-year floodplains, wetlands, and adjacent erodible soils and steep slopes. Outside of the Chesapeake Bay Critical Area, this comprehensive view of the "stream system" affords protection through sediment control, stormwater management, and forest conservation regulations. Within the Critical Area, these protection measures are supplemented by additional requirements to protect significant plant and wildlife habitats. Collectively, these measures ensure that adverse effects of development in unsuitable locations are avoided and that beneficial ecological functions of stream corridors for water quality, channel stability, and habitat are maintained and preserved.

DEPRM has also worked with the Maryland Department of Natural Resources to verify the presence of the limited number of threatened or endangered species and their habitats that exist in the County. Many of the habitats for these sensitive species are protected through public ownership of wildlands and other areas such as the Soldiers Delight Natural Environmental Area, and through the public drinking water reservoir reservations and large State-owned lands along the Patapsco River, Gunpowder Falls, and the Chesapeake Bay. Any threats to sensitive plant or animal spe-

Map 44: Biological Community Impairments



cies elsewhere from land development are addressed through regulatory protection of the stream systems, wetlands, and priority forest retention areas; and implementation of the Chesapeake Bay Critical Area Program.

The County's regulatory tools deal with immediate site-level threats to sensitive areas. In addition, the County's overall growth management framework provides an important mechanism for protection. The Urban-Rural Demarcation Line (URDL) restricts intensive urban development to only one third of the County's total land area, which generally surrounds the City of Baltimore. Outside of the URDL, a series of rural Resource Conservation (R.C.) zones has been in place since 1976 that provides protection for sensitive areas through restricted development densities and performance standards. As a result of the County's quadrennial Comprehensive Zoning Map process (CZMP), a significant acreage of R.C. zones have been further reduced in density ¾ especially beginning in 1996 ¾ providing enhanced protection. An additional mechanism is the County's land preservation programs that include the purchase of development rights on farmland, forests, and other sensitive lands.

The degree of protection for sensitive areas and other land resources in the County reflects a variety of tools, from public ownership to land conservation easements to low density zoning. Overall, more than 129,900 acres (69%) of the forest canopy in Baltimore County are under strong protection. An additional 64,800 acres of farmland (94%) are similarly protected.

Policy: Implement biological diversity protection measures for the County's diverse habitats and their dependent wildlife and the ecological processes that ensure healthy, productive, and sustainable ecosystems. Restore lost or degraded ecosystem functions, and foster environmental stewardship.

Actions:

(1) Develop a Biological Diversity Conserva tion Plan that includes measures to assess and protect the natural habitats of the County's listed rare, threatened and endangered species and sustainable acreages of forest, wetland, riparian and early successional field habitats to maintain or improve biological diversity for current and future generations.

(2) Apply biological diversity conservation and improvement measures to the development plan review process, capital improvement proj ects, and forest restoration efforts.

(3) Work in cooperation with government agencies, non-profit organizations, and citizen groups to assess, protect, restore, and create a range of habitats.

(4) Maintain the extent of the URDL and Re source Conservation zoning to reduce the vul nerability of sensitive areas to conversion for development.

(5) Continue to implement multiple land pres ervation programs.

(6) Evaluate the vulnerability of high-value re source lands to conversion and recommend additional protection where appropriate.

(7) Utilize the Baltimore County Center for Maryland Agriculture to provide educational opportunities for good land stewardship.

(8) Support and promote the efforts of the Maryland Environmental Trust and local land trusts to protect sensitive lands.

MINERAL RESOURCES

Throughout its history, locally abundant and varied mineral resources have played an important role in Baltimore County's economic development. The County's geologic formations have provided recoverable reserves of clays, sands, and gravels throughout the County's Coastal Plain. Within the Piedmont physiographic province, the high-quality Cockeysville Marble was used for numerous building projects, innumerable row-house steps in Baltimore City, and renowned historic structures such as the Washington Monument in the District of Columbia. The Piedmont is also a source of other crystalline or hard rock re-

serves with great economic value, including iron ores, granites, gabbros, serpentines, and gneisses. While small mining operations were once prolific, competition from larger operations both inside and outside the County has reduced the number of active mining operations.

The primary issue regarding the mineral resources centers is that these resources are non-renewable and must be managed to remain accessible where economically recoverable to keep building construction costs competitive and to maintain self-sufficiency to the extent possible. For this reason, the State requires a Mineral Resources Element in each local comprehensive plan. In general, extraction of sand and gravel appears to be declining in Baltimore County, as evidenced by the closure of operations in the White Marsh area. Conversely, extraction operations at large hard rock quarries, such as at Cockeysville, appear stable and viable for the foreseeable future. Overall, there are no significant conflicts regarding the extraction of viable mineral resource reserves with areas planned for future development.

Policy: Recognize that mineral resources are an important and valuable element of the local economy. Develop appropriate land use policies to protect ongoing operations and prevent loss of these resources to other land uses.

Actions:

(1) Restrict land development in undeveloped areas containing deposits of commercially valuable mineral resources.

(2) Encourage a dialogue with the mineral resource industry to raise awareness of mineral resource-land use conflicts, and develop options for their resolution.

(3) Permit mineral extraction activities in suitable areas pending environmental and community impact assessments.

(4) Design and improve road networks to handle the truck traffic from mining activities in areas presently or likely to be used for extraction of mineral resources.

(5) Assure that post-mining reclamation plans are compatible with surrounding land uses and comply with State Surface Mining Regulations.



PETITIONER'S

EXHIBIT NO. 7


PETITIONER'S
EXHIBIT NO. 8

0027 5 109

First Mountain Title, LLC
File No. 08-3169
Tax ID # 07-0720066300 and 07-2100027O9

This Deed, made this 13th day of August, 2008, by and between Cameron Mill Farm, LLC, party of the first part, GRANTOR; and Fulks Farm, LLC, party of the second part, GRANTEE.

- Witnesseth -

That in consideration of the sum of FOUR MILLION DOLLARS 00/100 ($4,000,000.00), which includes the amount of any outstanding Mortgage or Deed of Trust, if any, the receipt whereof is hereby acknowledged, the said GRANTOR does grant and convey to the said Fulks Farm, LLC, in fee simple, all that lot of ground situate in the County of Baltimore, State of Maryland, and described as follows, that is to say:

Parcel 1:

The Tracey property located at 19919 Cameron Mill Road in the Seventh Election District of Baltimore County, Maryland.

Beginning for the same at an iron pipe (found) at the southwest corner of a subdivision entitled "Plat Two, Piereman Property" as recorded in the Land Records of Baltimore County, Maryland in Plat Book S.M. No. 74 folio 88, thence binding on the outline of said Plat the following four (4) courses and distances, as now surveyed, with all bearings referenced to the Maryland Coordinate System (NAD83).
1. South 50° 59' 29" East 335.01 feet to a 48-inch Oak tree; thence,
2. North 89° 36' 30" East 532.87 feet to a stone (found); thence,
3. South 80° 16' 02" East 1,277.38 feet to a stone (found); thence,
4. South 18° 16' 02" East 16.50 feet to a point; thence,
5. South 19° 08' 44" East 100.56 feet to a stone (found); thence,
6. South 63° 01' 38" East 50.73 feet to an iron bar (found) in the center of a stream known as "Painters Branch" thence binding on the center of said stream the following fifty-nine (59) courses and distances:
7. South 14° 04' 07" West 83.72 feet to e point; thence,
8. South 30° 20' 49" East 43.65 feet to a. point; thence,
9. South 08° 44' 32" West 70.18 feet to a point; thence,
10. South 50° 15' 59" West 14.84 feet to a point; thence,
11. South 25° 50' 40" West 42.33 feet to a point; thence,
12. South 52° 12' 29" West 59.99 feet to a point; thence,
13. South 19° 40' 29" West 57.85 feet to a point; thence,
14. South 06° 12' 50" West 38.63 feet to a point; thence,
15. South 43° 33' 57" West 73.00 feet to a point; thence
16. South 22° 01' 14" West 71.14 feet to a point; thence
17. South 43° 05' 53" West 55.09 feet to a point; thence
18. South 72° 53' 01" West 60.31 feet to a point; thence
19. South 62° 15' 53" West 136.02 feet to a point; thence
20. South 70° 21' 58" West 64.36 feet to a point; thence
21. South 4° 13' 43" West 61.39 feet to a point; thence
22. South 28° 49' 40" West 68.23 feet to a point; thence
23. South 5° 44' 56" West 37.41 feet to a point; thence
24. South 10° 35' 36" East 42.85 feet to a point; thence
25. South 03° 03' 37" West 89.91 feet to a point; thence
26. South 25° 49' 43" West 93.09 feet to a point; thence
27. South 11° 36' 18" West 39.08 feet to a point; thence
28. South 00° 36' 33" West 49.18 feet to a point; thence
29. South 7° 46' 01" West 103.78 feet to a point; thence
30. South 3° 7' 21" East 56.09 feet to a point; thence
31. South 18° 46' 48" East 32.54 feet to a point; thence
32. South 51° 01' 00" West 110.45 feet to a point; thence
33. South 27° 1' 33" West 32.90 feet to a point; thence
34. South 13° 19' 46" West 24.43 feet to a point; thence
35. South 2° 48' 05" East 108.9 feet to a point; thence
36. South 16° 10' 00" West 53.91 feet to a point; thence
37. South 04° 11' 01" West 72.57 feet to a point; thence
38. South 54° 17' 05" West 51.82 feet to a point; thence
39. South 17° 40' 46" West 18.71 feet to a point; thence

REVIEWED SDAT BY 8/06/08 DATE

...ultural Transfer Tax
...Applicable - Letter of Intent
...ture _____ Date 8/6/08

PETITIONER'S

EXHIBIT NO. 1

BALTIMORE COUNTY CIRCUIT COURT (Land Records) SM 27285, p. 0109, MSA_CE62_27140. Date available 09/02/2008. Printed 09/13/2018.

40. South 36° 07' 20" East 37.45 feet to a point; thence
41. South 12° 04' 05" West 59.32 feet to a point; thence
42. South 40° 49' 46" West 105.39 feet to a point; thence
43. South 63° 06' 30" West 42.17 feet to a point; thence
44. South 03° 35' 25" West 10.62 feet to a point; thence
45. South 47° 57' 33" East 22.10 feet to a point; thence
46. South 41° 11' 38" West 30.38 feet to a point; thence
47. South 65° 47' 19" West 23.76 feet to a point; thence
48. South 46° 27' 13" West 97.97 feet to a point; thence
49. South 35° 42' 48" West 60.59 feet to a point; thence
50. South 76° 08' 37" West 20.21 feet to a point; thence
51. North 75° 30' 39" West 58.09 feet to a point; thence
52. South 56° 08' 38" West 38.10 feet to a point; thence
53. South 28° 51' 06" West 111.72 feet to a point; thence
54. South 10° 12' 01" East 60.19 feet to a point; thence
55. South 33° 38' 51" East 68.30 feet to a point; thence
56. South 6° 52' 03" West 36.00 feet to a point; thence
57. South 35° 39' 22" West 66.96 feet to a point; thence
58. South 08° 08' 17" West 44.51 feet to a point; thence
59. South 51° 24' 14" West 47.73 feet to a point; thence
60. South 39° 01' 48" West 121.48 feet to a point; thence
61. South 07° 06' 07" West 35.50 feet to a point; thence
62. South 03° 38' 57" East 170.14 feet to a point; thence
63. South 21° 31' 17" East 113.21 feet to a point; thence
64. South 13° 26' 52" West 47.94 feet to a point; thence
65. South 43° 37' 31" West 93.58 feet to a point; thence binding on the outline of a subdivision entitled "Section Two, Stablers Manor" as recorded among the said Land Records in Plat Book SM 58, folio 138,
66. North 79° 39' 07" West 1,426.17 feet to a point; thence binding on the outline of subdivision Plat entitled "Mill Stream" as recorded among the said Land Records in Plat Book SM 57, folio 147, the following three courses and distances:
67. North 11° 44' 50" West 681.92 feet to a point; thence
68. South 37° 46' 00" West 996.61 feet to a point; thence
69. South 50° 47' 16" West 917.90 feet to a point; thence binding on the outline of a subdivision Plat entitled "Section 1, Plat 2, Cameron Mill" as recorded among the said Land Records in Plat Book SM 61, folio 002,
70. North 15° 24' 28" West 669.90 feet to a point; thence binding on the center of Cameron Mill Road, the following six courses and distances:
71. North 31° 25' 13" East 219.02 feet to a point; thence
72. North 45° 38' 57" East 393.00 feet to a point; thence
73. North 20° 49' 12" East 210.42 feet to a point; thence
74. North 20° 15' 40" East 132.00 feet to a point; thence
75. North 19° 00' 39" East 429.00 feet to a point; thence
76. North 19° 43' 18" East 503.25 feet to a point; thence binding on the outline of a subdivision Plat entitled "Section 2, Plat 2, Cameron Mill" as recorded among the said Land Records in Plat Book SM 67, folio 142 the following two courses and distances:
77. North 42° 01' 42" West 218.67 feet to a point; thence
78. North 07° 58' 18" East 770.00 feet to a point; thence binding on the outline of a subdivision Plat entitled "Section 2, Plat 3, Cameron Mill" as recorded among the said Land Records in Plat Book SM 67, folio 143
79. North 18° 46' 42" West 610.50 feet to a point to a capped iron bar (found), thence binding on the outline of a subdivision plat entitled "Plat 2 of 3, Quiet Valley at Cameron Mill" as recorded in the said Land Records in Plat Book SM 73, folio 38
80. North 23° 55' 06" East 656.25 feet to a point to a capped iron bar (found), thence binding on the outline of that parcel of land as described in a Deed dated July 1, 1985 as recorded in the said Land Records in Liber EHK Jr. 6998 folio 837 which was conveyed by Richard Wilson Tracey and Mellie Keech Tracey to Edward James Frack, Jr. and Barbara S. Frack the following three courses and distances:
81. North 45° 45' 25" East 390.28 feet to a point; thence
82. North 67° 02' 16" East 124.93 feet to a point; thence
83. South 49° 29' 45" East 937.54 feet to a point in the center of Cameron Mill Road, thence
84. South 50° 59' 29" East 298.08 feet to the point of beginning.

Containing 245.7319 acres of land, more or less.

The improvements thereon being known as No. 19919 Cameron Mill Road.

BALTIMORE COUNTY CIRCUIT COURT (Land Records) SM 27285, p. 0110, MSA_CE62_27140. Date available 09/02/2008. Printed 09/13/2018.

BEING the fee simple property which, by Deed dated December 16, 2003, and recorded in the Land Records of the County of Baltimore, Maryland, was granted and conveyed by Barbara Ann Nipkow, Joan Axelberd and Jean Holley unto Cameron Mill Farm, LLC.

Parcel 2:

Being known and designated as Tract A as shown on the Plat entitled "Mill Stream" as per plat thereof recorded in Plat Book SM 57 at folio 147 among the Land Records of Baltimore County, Maryland.

BEING the fee simple property which, by Deed dated August 11, 2008, and recorded in the Land Records of the County of Baltimore, Maryland, was granted and conveyed by Richard L. Sharp and Pamela R. Sharp unto Cameron Mill Farm, LLC.

Together with the buildings and improvements thereon erected, made or being; and all and every, the rights, alleys, ways, waters, privileges, appurtenances and advantages thereto belonging, or in anywise appertaining.

To Have and To Hold the said tract of ground and premises above described and mentioned, and hereby intended to be conveyed, together with the rights, privileges, appurtenances and advantages thereto belonging or appertaining unto and to the proper use and benefit of the said Fulks Farm, LLC, in fee simple.

And the said party of the first part hereby covenants that it has not done or suffered to be done any act, matter or thing whatsoever, to encumber the property hereby conveyed; that it warrant specially the property hereby granted; and that it will execute such further assurances of the same as may be requisite.

In Witness Whereof, Grantor has caused this Deed to be properly executed and sealed the day and year first above written.

Cameron Mill Farm, LLC

By: Sidney Emmer, Authorized Agent

STATE OF MARYLAND, COUNTY OF Baltimore, TO WIT:

I hereby certify that on this 13th day of August, 2008 before me, the subscriber, a Notary Public of the State and County aforesaid, personally appeared Sidney Emmer, who acknowledged himself/herself to be the Authorized Agent of the Grantor corporation, and that as such officer, being authorized to do so, executed the aforegoing Deed for the purposes therein contained, by signing the name of the Corporation, by himself/herself as such officer and further, did certify that this conveyance is not part of a transaction in which there is a sale, lease, exchange or other transfer or all, or substantially all, of the property and assets of the Corporation, giving oath under penalties of perjury that the consideration recited herein is correct.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

Notary Public
My commission expires: _____

THIS IS TO CERTIFY that the within Deed was prepared by, or under the supervision of the undersigned, an Attorney duly admitted to practice before the Court of Appeals of Maryland.

Attorney
Dan Radebaugh

BALTIMORE COUNTY CIRCUIT COURT (Land Records) SM 27285, p. 0111, MSA_CE62_27140. Date available 09/02/2008. Printed 09/13/2018.

CERTIFICATION OF EXEMPTION FROM WITHHOLDING UPON DISPOSITION OF MARYLAND REAL ESTATE

AFFIDAVIT OF RESIDENCY OR PRINCIPAL RESIDENCE

File Number: 08-3169

Property: 19919 Cameron Mill Road, Parkton, MD 21120

Based on the certification below, Transferor claims exemption from the tax withholding requirements of § 10-912 of Maryland's Tax General Article. Section 10-912 states that certain tax payments must be withheld when a deed or other instrument that affects a change in ownership of real property is recorded. The requirements of § 10-912 do not apply when a transferor provides a certification of Maryland residency or certification that the transferred property is the transferor's principal residence.

1. Transferor Information

Name of Transferor

Cameron Mill Farm, LLC

2. Basis for Exemption

- ☑ I, Transferor, am a resident of the State of Maryland.
- ☐ Transferor is a resident entity under § 10-912(A)(4) of Maryland's Tax General Article. I am an agent of Transferor, and I have authority to sign this document on Transferor's behalf.
- ☐ Although I am no longer a resident of the State of Maryland, the Property is my principal residence as defined in IRC § 121.

Under penalty of perjury, I certify that I have examined this declaration and that, to the best of my knowledge, it is true, correct, and complete.

3. Individual Transferors

Witness — Name

Signature

3b. Entity Transferors

Witness/Attest

CAMERON MILL FARM, LLC
Name of Entity

By:

Sidney Emmer
Name

Authorized Agent
Title

BALTIMORE COUNTY CIRCUIT COURT (Land Records) SM 27285, p. 0112, MSA_CE62_27140. Date available 09/02/2008. Printed 09/13/2018.

BALTIMORE COUNTY CIRCUIT COURT (Land Records) SM 27285, p. 0113, MSA_CE62_27140. Date available 09/02/2008. Printed 09/13/2018.

0027285 115

STATE OF MARYLAND
Department of Assessments and Taxation
Personal Property Division
APPLICATION FOR IDENTIFICATION NUMBER
SOLE PROPRIETORSHIP OR GENERAL PARTNERSHIP

This form is to be completed by unincorporated businesses that do not have an identification ("L") number, and should be submitted to the Department of Assessments and Taxation, 301 W. Preston Street, Baltimore, Maryland 21201.

The information furnished below will be used to determine whether the business needs an identification number with this Department for personal property assessment purposes. If you have any questions, please call (410) 767-4991 or toll free in Maryland 1-888-246-5941 Option 3.

Name (s) of owner (s): Kip Fulks - member of Fulks Farm, LLC

Federal ID Number. If none, Social Security Number of owner (s): [redacted]

Federal Principal Business Code Number:

Trading as name:

Mailing address: 1020 Hull Street, 3rd Floor, Baltimore MD 21230

Business location: 1020 Hull Street, 3rd Floor | Baltimore City | Baltimore
(STREET NUMBER & NAME) (County) (Incorp. Town)

Nature of business: Own, real estate

Is the business currently active? YES

When was the business started?

Was the business started new? YES

If no, list the name and address of the previous owner: N/A

Was the previous owner incorporated? N/A

If yes, provide Department ID number if known: N/A

Does the business need a trader's, construction, or other license? NO

Does the business currently own/lease or use personal property (furniture, fixtures, equipment, tools, machinery, etc.)? NO

If yes, what is the approximate value of the personal property owned/leased/used by the business: N/A

If no, do you anticipate owning/leasing/using personal property in the future? NO

Kip J Fulks — Date 8/15/08
Owner(s) Signature(s) — Date

443 627 5568
Business' Telephone Number

LT3-73
ev 7/02

P027285

State of Maryland Land Instrument Intake Sheet

[ ] Baltimore City [X] County: Baltimore

Information provided is for the use of the Clerk's Office and State Department of Assessments and Taxation, and the County Finance Office only.

(Type or Print in Black Ink Only All Copies Must Be Legible)

IMP FD SURE $ 20.00
RECORDING FEE 20.00
TR TAX STATE 20,000.00
TOTAL 20,040.00
Rcpt # 44837
Blk # 2030
AUG 27, 2008 12:30 PM

1 Type(s) of Instruments (If Additional Forms Attached, Complete Addendum Intake Form)

1 Deed / Deed of Trust	Mortgage / Lease	Other	Other

Rest BA03 SM CR

2 Conveyance Check Box

Improved Sale Arms-Length [1]	X Unimproved Sale Arms-Length [2]	Multiple Arms Length [3]	Not an Arms-Length Sale [9]

3 Tax Exemptions (If Applicable) Cite or Explain Authority

Recordation:
State Transfer:
County Transfer:

4 Consideration and Tax Calculations

Consideration	Amount	Finance Office Use Only
Purchase Price/Consideration	$ 4,000,000.00	Transfer and Recordation Tax Consideration
Any New Mortgage	$ .00	Transfer Tax Consideration $
Balance of Existing Mortgage	$	( )% $
Other:	$	Less Exemption Amount $
		Total Transfer Tax $
Other:	$	Recordation Tax Consideration $
		( )per $500 $
Full Cash Value	$ 4,000,000.00	TOTAL DUE $

5 Fees

Amount(s)	Doc #1	Doc #2	
Recording Charge	$ 20.00	$	Agent:
Surcharge	$ 20.00	$	Tax Bill:
State Recordation Tax	$ 20,000.00	$	C.B. Credit:
State Transfer Tax	$ 20,000.00	$	
County Transfer Tax	$ 60,000.00	$	Ag. Tax/Other:
Other	$	$	
Other	$	$	

6 Description of Property

SDAT requires submission of all applicable information. A maximum of 40 characters will be indexed in accordance with the priority cited in Real Property Article Section 3-104(g)(3)(i).

(1) MD Inst #	(2) Property Tax ID No.(3)	(4) Grantor/Liber/Folio	(5) Map	(6) Parcel No.	(7) Var. LOG (8)
07	0720066300 &	/			

(9) Subdivision Name	(10) Lot (3a)	(11) Block (3b)	(12) Sect/AR (3c)	(13) Plat Ref.	(14) SqFt/Acreage (4)
					251.06

(15) Location/Address of Property Being Conveyed (2)
19919 Cameron Mill Road, Parkton, MD 21120

(16) Other Property Identifiers (If Applicable) | (17) Water Meter/Account No.
07-210002709

Residential [X] or Non-Residential [ ] | Fee Simple [X] or Ground Rent [ ] | Amount: $N/A

Partial Conveyance? [ ] Yes [X] No | Description/Amt. of SqFt/Acreage Transferred: N/A

If Partial Conveyance, List Improvements Conveyed: N/A

7 Transferred From

Doc #1 - Grantor(s) Name(s)	Doc #2 - Grantor(s) Name(s)
Cameron Mill Farm, LLC	
Doc #1 - Owner(s) of Record, if Different from Grantor(s)	Doc #2 - Owner(s) of Record, if Different from Grantor(s)

8 Transferred To

Doc #1 - Grantee(s) Name(s)	Doc #2 - Grantee(s) Name(s)
Fulks Farm, LLC	

New Owner's (Grantee) Mailing Address
19919 Cameron Mill Road, Parkton, MD 21120

9 Other Names to Be Indexed

Doc #1 - Additional Name(s) to be Indexed (Optional)	Doc #2 - Additional Name(s) to be Indexed (Optional)

10 Contact/Mail Information

Instrument Submitted By or Contact Person

Name: kate
Firm: First Mountain Title, LLC
Address: 11 E. Chesapeake Avenue, Towson, MD 21286
Phone: Telephone: 410-337-6750 Fax: 410-337-6703

[X] Return to Contact Person
[ ] Hold for Pickup
[ ] Return Address Provided

11 IMPORTANT: ORIGINAL DEED AND A PHOTOCOPY MUST ACCOMPANY EACH TRANSFER

Assessment Information

[X] Yes [ ] No Will the property being conveyed be the grantee's principal residence?
[ ] Yes [X] No Does transfer include personal property? If yes, identify: _____
[X] Yes [ ] No Was property surveyed? If yes, attach copy of survey (if recorded, no copy required)

Assessment Use Only - Do Not Write Below This Line

(1) Ownership Verification | (2) Agricultural Verification | (3) Whole/Part | (4) Part | (5) Trans. Process Verification

Consideration | Doc. Type | Deed Reference | Assessed Property No.

Grid	Map	Subdiv.	Block
Zoning	Group	Plat	Lot
Use	Parcel	Section	Occ. Cd
Town Cd	Ex. Sh	Ex. Cd	

Remarks

ACTUAL TIME DRW
8/27/2008 12:15:56 4
8/27/2008 IN MCH KXM
8/27/2008 137 OFLN
RECORDATION TAXES
0066300
$80,000.00 CK $.00 CA
County, Maryland

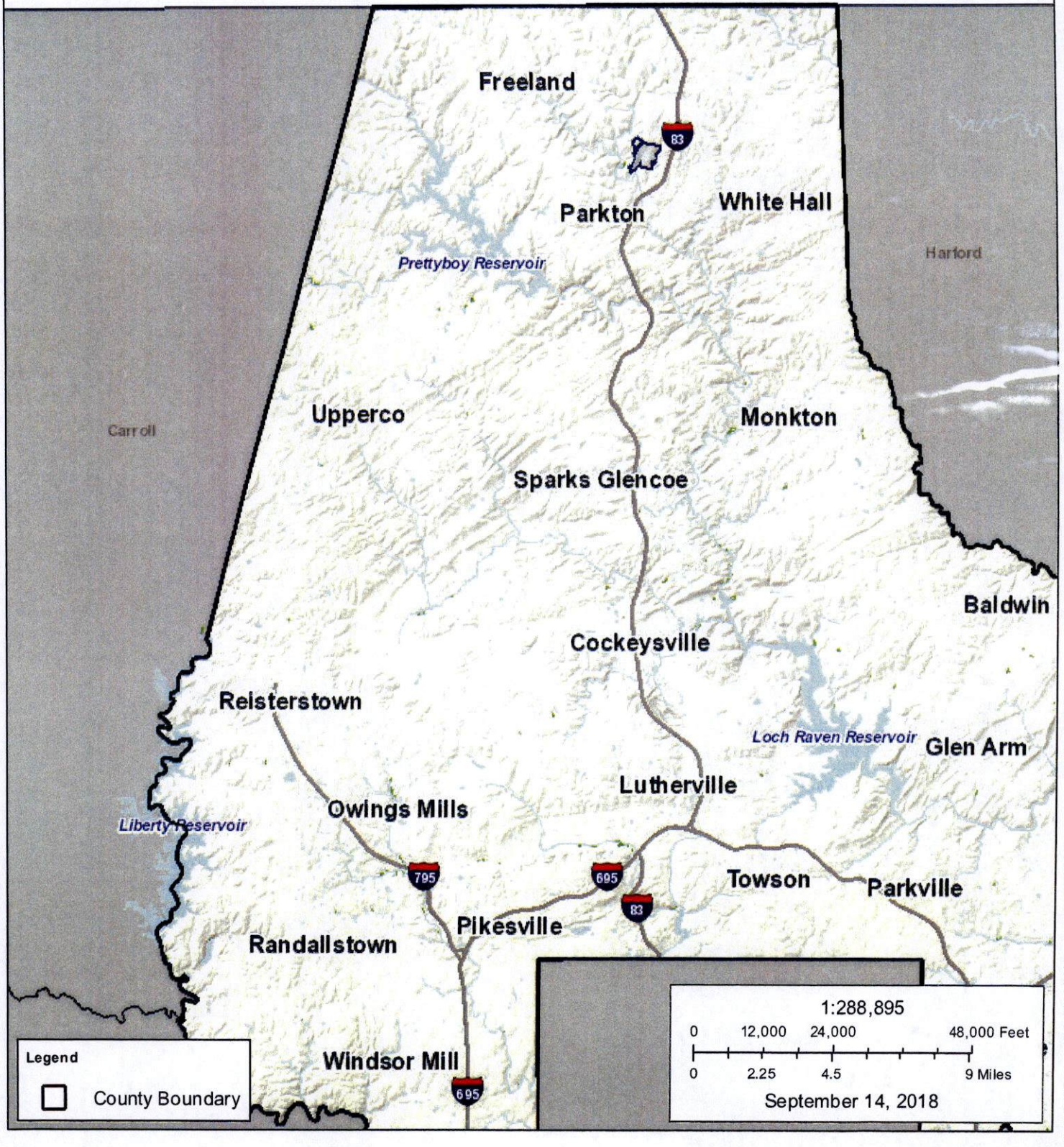
DUPLICATE PAID RECEIPT

08-3169

BALTIMORE COUNTY CIRCUIT COURT (Land Records) SM 27285, p. 0114, MSA_CE62_27140. Date available 09/02/2008. Printed 09/13/2018.

Balt ore County - My Neighbor od

PET. EX. 2

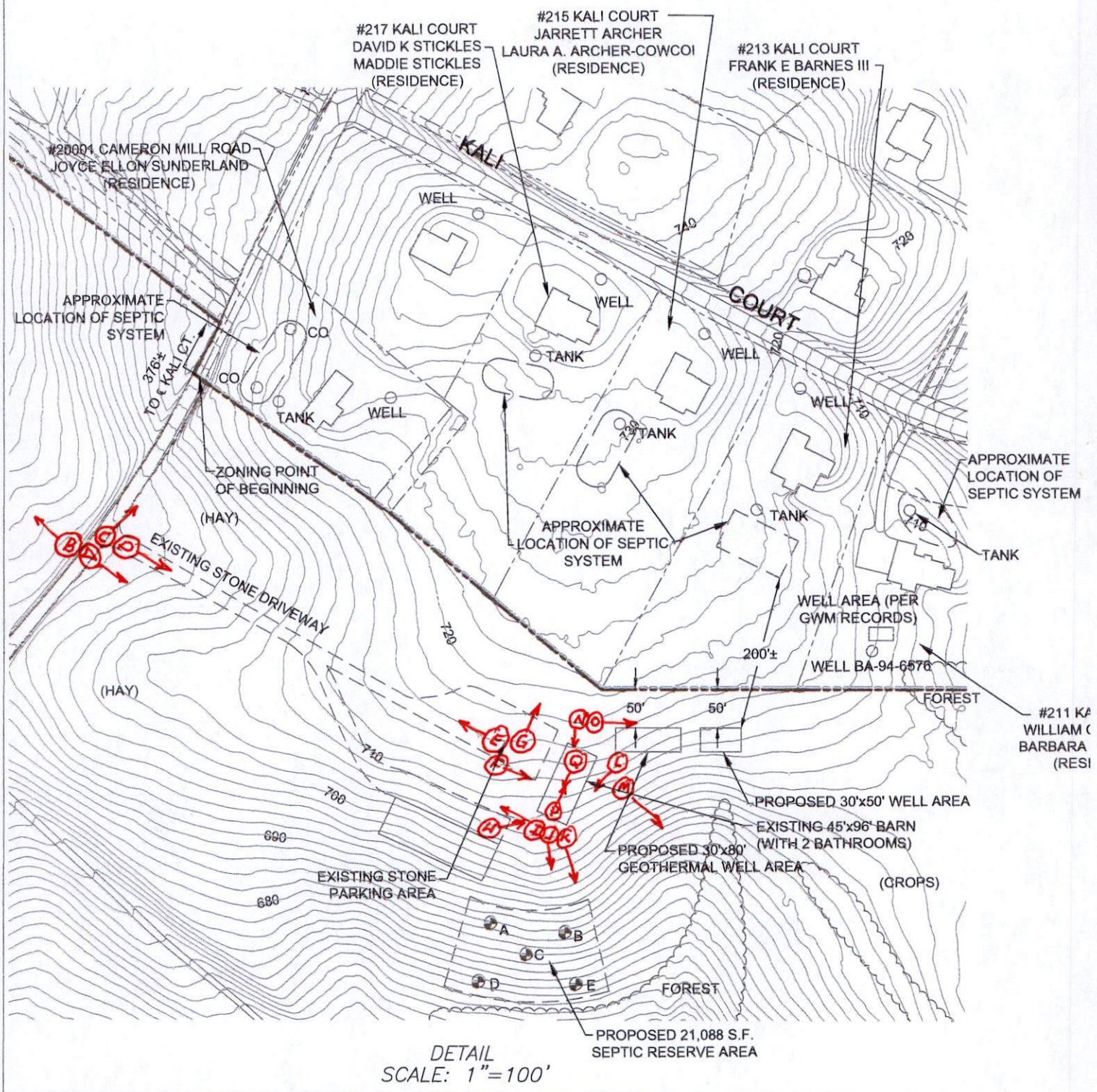


Case No.: 2018-0324-XA

Exhibit Sheet

DW 12-4-18 DW 1-15-19

	Petitioner/Developer	Protestants
No. 1	Title deed	Bill 64-15
No. 2	My Neighborhood Map	Art. 2B, §2-210
No. 3	Aerial photo	My Neighborhood Map
No. 4	Site plan	Photos
No. 5	Plan w/ photos	Photos
No. 6	ZAC comment - DOP	My Neighborhood Map
No. 7	Photo - Hops	Photos
No. 8	Photo - Hops	Photo - pasta patti
No. 9	Zoning Order # 2016-107	Google Map
No. 10	Master Plan 2020	Jakubiak resume
No. 11		Photos A-E (breweries + wineries)
No. 12		Maps A-F
#13		Maps A-F



DETAIL
SCALE: 1"=100'

PLAN TO ACCOMPANY PHOTOGRAPHS

PETITIONER'S

EXHIBIT NO. 5


19919
CAMERON MILL































IN RE: PETITIONS FOR SPECIAL EXCEPTION AND VARIANCE	*	BEFORE THE
(21305 Heathcote Road)	*	OFFICE OF
7th Election District		
3rd Council District	*	ADMINISTRATIVE HEARINGS
Carol Elizabeth & Carey Lue Carton		
Legal Owners	*	
		FOR BALTIMORE COUNTY
Petitioners	*	
	*	**Case No. 2016-0107-XA**

* * * * * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) as Petitions for Special Exception and Variance filed for property located at 21305 Heathcote Road. The Petitions were filed on behalf of Carol and Carey Carton, legal owners of the subject property ("Petitioners"). The petition for special exception seeks approval for a Class 7 or Class 8 Brewery, including accessory retail and wholesale distribution of beer produced on the premises and temporary promotional events such as beer tasting or public gatherings associated with the brewery. The Petition for Variance seeks relief per Baltimore County Zoning Regulations (B.C.Z.R.) as follows: (1) to permit a parking area with no screening or landscaping in lieu of the required screening and landscaping; (2) to permit a parking area to be surfaced with stone in lieu of the required durable and dustless surface; (3) to permit a parking area not to be striped in lieu of the striping requirement; and (4) to allow a two-way access driveway to have a width of 10 ft. in lieu of the required 20 ft. A site plan depicting the proposed improvements was marked and accepted into evidence as Petitioners' Exhibit No. 1.

Appearing at the hearing in support of the petitions was Carol and Carey Carton. Bruce E. Doak, a licensed surveyor from Bruce E. Doak Consulting, LLC, assisted the Petitioners. The

PETITIONER'S
EXHIBIT NO. 9

Petition was advertised and posted as required by the B.C.Z.R. No protestants or interested citizens attended the hearing. Substantive Zoning Advisory Committee (ZAC) comments were received from the Department of Planning (DOP), the Bureau of Development Plans Review (DPR) and the Department of Environmental Protection and Sustainability (DEPS). None of the agencies opposed the requests, and their comments (except as discussed herein) will be included as conditions in the Order below.

The subject property is approximately 24 acres and is zoned RC 2. The property is improved with a single-family dwelling, and the Petitioners reside at the property with their children. Petitioners cultivate hops at the site, and explained they would like to operate a farm brewery on the premises. The Petitioners have at other locations grown and sold hops since 2006, and have grown hops at the subject property since 2013.

Petitioners explained at length the process for cultivating hops and brewing beer, and provided a detailed description of the brewery operation, including proposed hours of operation and projected number of barrels produced per year. Petitioners estimate that in the first year of operation they would produce less than 1,000 barrels, and that within a five year period output would increase to approximately 3,000 barrels. The Petitioners would operate the brewery by themselves without employees in the first year, but they anticipate hiring perhaps 2-4 additional employees over the next five years. Petitioners' Ex. 6. Petitioners also explained they will grow on site no less than 51% of the hops required for the several varieties of beer they plan to sell, and a note to that effect was added to the site plan per the DOP's request.

SPECIAL EXCEPTION

Under Maryland law, a special exception use enjoys a presumption that it is in the interest of the general welfare, and therefore, valid. Schultz v. Pritts, 291 Md. 1 (1981). The Schultz

standard was revisited in People's Counsel v. Loyola College, 406 Md. 54 (2008), where the court emphasized that a special exception is properly denied only when there are facts and circumstances showing that the adverse impacts of the use at the particular location in question would be above and beyond those inherently associated with the special exception use.

Mr. Doak opined the use would not be detrimental to the surrounding community, and would otherwise comply with B.C.Z.R. §502.1. In addition, Petitioners presented letters of support from each of their neighbors in this sparsely populated, rural area. Petitioners' Exs. 4 & 5. As such, the petition for special exception will be granted.

VARIANCE

A variance request involves a two-step process, summarized as follows:

(1) It must be shown the property is unique in a manner which makes it unlike surrounding properties, and that uniqueness or peculiarity must necessitate variance relief; and
(2) If variance relief is denied, Petitioner will experience a practical difficulty or hardship.

Cromwell v. Ward, 102 Md. App. 691 (1995).

Petitioners have met this test. The large property is irregularly shaped and there is a significant topographical change throughout the site. As such the property is unique. If the B.C.Z.R. were strictly interpreted Petitioners would suffer a practical difficulty, in that they would be unable to operate the proposed brewery. Finally, I find that the variance can be granted in harmony with the spirit and intent of the B.C.Z.R., and in such manner as to grant relief without injury to the public health, safety, and general welfare.

ZAC COMMENTS

In addition to several other conditions which are included in the Order below, both the DOP and the Bureau of DPR indicated that off-street parking at the site should comply with

BCZR §409, which would entail, among other things, a paved surface with striped parking spots, etc. Having reviewed the site plan, photos and hearing the Petitioners describe the nature of the proposed enterprise, I do not believe that such requirements should be imposed at this juncture. The proposed farm brewery is of modest size, and as Petitioners explained, customers and those attending special events can park on a gravel/stone area adjacent to the cultivated fields, as is frequently done at agricultural events and festivals. Should Petitioners' nascent business become successful, they will likely have to revisit this issue, but I do not believe that such a requirement is warranted at this time.

The only other outstanding issue concerns the promotional events which may be held at the property. Under state law, the holder of a Class 8 (farm brewery) license may on a yearly basis have twelve (12) promotional events; each such event is limited to three (3) days in duration. Md. Ann. Code Art. 2B, §2-209. The DOP expressed concern with regard to such promotional events, especially since this is the first "farm brewery" proposed in Baltimore County. As such, that agency does not have any experience or a template upon which to base its recommendations, and suggests that a cautious approach be taken, whereby the Petitioners must obtain separate approval from the County for any events in excess of six (twelve being the maximum permitted under state law). I concur with the DOP's suggestion, and a condition to that effect is included below. The DOP also mentioned in its comment the possibility of the Petitioners obtaining a "beer festival license" under Art. 2B §8-802 of the Annotated Code. After reviewing that provision, it does not appear as if such a license could be issued for the subject premises since the law prohibits the event at a location which holds an "alcoholic beverages license." Art. 2B, §8-802(f)(2).

THEREFORE, IT IS ORDERED by the Administrative Law Judge for Baltimore County, this 6th day of January, 2016, that the Petition for Special Exception under the B.C.Z.R. for a Class

8 Brewery, including accessory retail and wholesale distribution of beer produced on the premises and temporary promotional events such as beer tasting or public gatherings associated with the brewery, be and is hereby GRANTED; and

IT IS FURTHER ORDERED that the Petition for Variance: (1) to permit a parking area with no screening or landscaping in lieu of the required screening and landscaping; (2) to permit a parking area to be surfaced with stone in lieu of the required durable and dustless surface; (3) to permit a parking area not to be striped in lieu of the striping requirement; and (4) to allow a two-way access driveway to have a width of 10 ft. in lieu of the required 20 ft., be and is hereby GRANTED.

The relief granted herein shall be subject to and conditioned upon the following:

1. Petitioners may apply for necessary permits and/or licenses upon receipt of this Order. However, Petitioners are hereby made aware that proceeding at this time is at their own risk until 30 days from the date hereof, during which time an appeal can be filed by any party. If for whatever reason this Order is reversed, Petitioners would be required to return the subject property to its original condition

2. Petitioners must provide landscaping (other than parking area landscaping and screening, for which variance relief was granted) and/or lighting for the site as determined in the sole discretion of the Baltimore County Landscape Architect.

3. Petitioners must comply with the ZAC comment of the DEPS, a copy of which is attached hereto.

4. Prior to issuance of permits Petitioners must obtain from the Fire Marshal's Office approval of the existing 10 ft. wide access driveway. Petitioners must also provide 10 ft. wide pull-over areas along the existing driveway, as discussed in the ZAC comment dated November 4, 2015 from the Bureau of DPR.

5. No illuminated signage shall be permitted in connection with the proposed farm brewery.

6. Lighting at the site shall be in operation from dusk until no later than 7 p.m. (for the consumption of beer and sales and service of food) or from dusk until no later than 11 p.m. (in the case of a brewery temporary promotional event).

7. Petitioners shall obtain from the Office of the Comptroller a permit for each of the "special brewery promotional events" held at the subject property. Petitioners shall at least 15 days before any promotional event provide to the DOP and the Office of Zoning a copy of the permit application required by the Office of the Comptroller.

8. During the first calendar year of the brewery's operation, Petitioners shall be entitled to hold six (6) "special brewery promotional events" (each of which shall be limited in duration to two (2) consecutive days, from 10 a.m. to 10 p.m.). The DOP shall be permitted to approve up to six (6) additional promotional events during the first calendar year of the brewery's operation. Such approval(s) shall not be unreasonably withheld provided Petitioners demonstrate to the satisfaction of the DOP that the initial six (6) promotional events were conducted in a safe and responsible fashion, and that no zoning or County Code violations exist with respect to the subject property.

9. The restrictions regarding the number of promotional events as set forth in the foregoing paragraph shall apply only during the first calendar year of the brewery's operation. Thereafter, assuming there exist no zoning and/or County Code violations with respect to the subject property and/or the operation of the farm brewery, and upon consultation with the DOP and the Office of Zoning, Petitioners shall be entitled to obtain a "spirit and intent" letter from the County indicating the brewery may thereafter hold each calendar year the number of promotional events permitted under state law, and that such a determination is within the "spirit and intent" of this Order granting special exception relief.

Any appeal of this decision must be made within thirty (30) days of the date of this Order.

JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB/sln

12|30

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence

RECEIVED
NOV 12 2015
OFFICE OF ADMINISTRATIVE HEARINGS

TO: Hon. Lawrence M. Stahl; Managing Administrative Law Judge
Office of Administrative Hearings

FROM: Jeff Livingston, Department of Environmental Protection and Sustainability (EPS) - Development Coordination

DATE: November 12, 2015

SUBJECT: DEPS Comment for Zoning Item # 2016-0107-XA
Address 21305 Heathcote Road
(Carton Property)

Zoning Advisory Committee Meeting of November 2, 2015.

X The Department of Environmental Protection and Sustainability offers the following comments on the above-referenced zoning item:

Ground Water Management will need to review any future building permits for this proposed brewery.

Reviewer: Dan Esser Date: 11/5/15

C:\Users\dwiley\AppData\Local\Microsoft\Windows\Temporary Internet Files\Content.Outlook\DXWB6LKP\ZAC 16-0107-XA 21305 Heathcote Road.doc


PROTESTANT'S
EXHIBIT NO. 4A-E





BALTIMORE COUNTY, MARYLAND
INTER-OFFICE MEMORANDUM

TO: Arnold Jablon
Deputy Administrative Officer and
Director of Permits, Approvals and Inspections

DATE: 7/5/2018

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: **ZONING ADVISORY COMMITTEE COMMENTS**
Case Number: 18-324

INFORMATION:
Property Address: 19919 Cameron Mill Road
Petitioner: Fulks Farm, LLC
Zoning: RC 2, RC 4, RC 5
Requested Action: Special Exception; Variance

The Department of Planning has reviewed the petition for a special exception to use the property for a Class 7 or Class 8 Brewery including accessory retail and wholesale distribution of beer produced on the premise; temporary promotional event, such as beer tasting or public gatherings associated with the brewery and the petition for variance to permit a parking area with no screening or landscaping, surfaced with stone and not to be striped in lieu of the required screening and landscaping, durable and dustless surface and striping respectively, and to allow a two way access driveway to have a width of 10 feet in lieu of the required 20 feet.

A site visit was conducted on 6/19/2018. The subject property straddles Cameron Mill Road with 8 acres of hops currently in crop. Single family detached dwellings are situated immediately adjacent to the north.

The Department has no objection to granting the petitioned zoning relief conditioned upon the following;

- Provide vegetative screening between the proposed brewery operation, to include the parking area, and the adjacent residential uses to mitigate any impacts from the special exception use.

For further information concerning the matters stated herein, please contact Joseph Wiley at 410-887-3480.

Prepared by:

Lloyd T. Moxley

Division Chief:

Jennifer G. Nugent

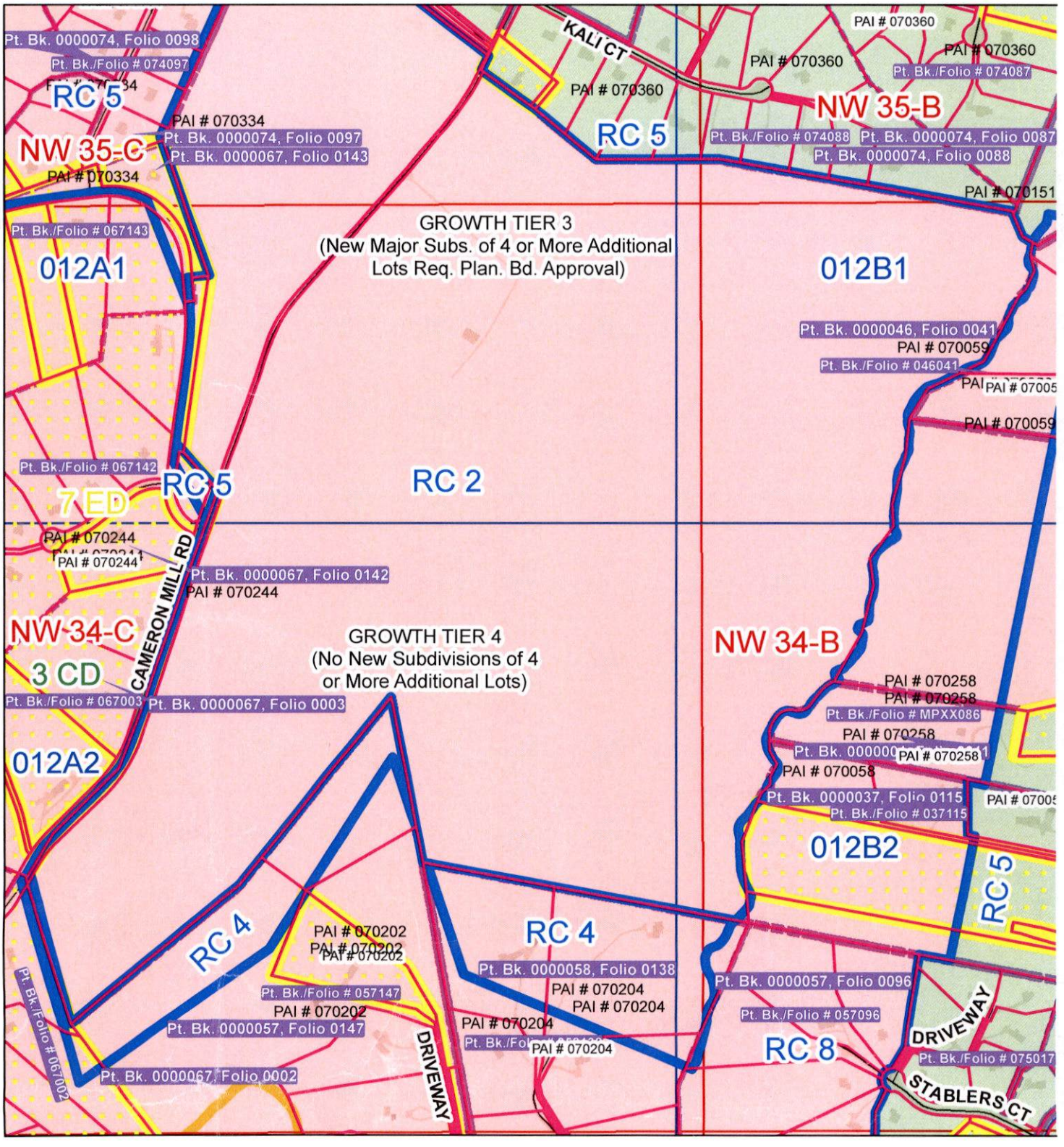
AVA/JGN/LTM/
c: Joseph Wiley
James Hermann, R.L.A., Department of Permits, Approvals and Inspections
Bruce E. Doak, Bruce E. Doak Consulting, LLC
Office of the Administrative Hearings
People's Counsel for Baltimore County

s:\planning\dev rev\zac\zacs 2018\18-324.docx

PETITIONER'S

EXHIBIT NO. 6

19919 Cameron Mill Road



Publication Date: 5/21/2018

Publication Agency: Permits, Approvals & Inspections
Projection/Datum: Maryland State Plane,
FIPS 1900, NAD 1983/91 HARN, US Foot

N
W E
S

0 165330 660 990 1,320 Fee

1 inch = 600 feet

Item # 0324

Debra Wiley

From: John E. Beverungen
Sent: Friday, December 14, 2018 2:44 PM
To: Debra Wiley
Subject: 2018-324
Attachments: 2018-0324-XA.doc

Deb, this is the final order, which gets sent to the 2 lawyers. Can you also attach the DEPS ZAC comment. Thanks.

IN RE: PETITIONER FOR SPECIAL EXCEPTION* BEFORE THE
19919 Cameron Mill Road

RECEIVED
DEC 07 2018
OFFICE OF ADMINISTRATIVE HEARINGS

* OFFICE OF ADMINISTRATIVE

* HEARINGS FOR

Owner: Fulks Farm, LLC * BALTIMORE COUNTY

* Case No. 2018-0324-XA

* * * * * * * * * * * * *

PROTESTANTS' POST-HEARING MEMORANDUM

Protestants, Cameron Mill Community Association, the Cameron Run Community Association, and individual members of those associations, submit this post-hearing memorandum.

I. FACTS

A. The Subject Property And Surrounding Area

The subject property is a 245-acre parcel in the Parkton area of northern Baltimore County. The property is presently used as a farm, for the growing of corn, soybean, and hops. It is surrounded, however, by residentially developed properties. To the north, and immediately binding the property, is the community known as Cameron Run with 34 homes. To the west is the community known as Cameron Mill with approximately 60 homes. To the south are residential properties not connected to these communities and their associations. The zoning of the subject property is, for the most part, RC2. Surrounding the property, however, are large areas of RC5 and RC8 zones. (*See* Prot's Exs. 3, 12F, 13F and Dev's Ex. 3). One witness, Jarrett Archer, aptly described the area as follows: "This is a residential area with a farm in the middle of it. This is not a farm with another farm, another farm, another farm and then just a few houses … mixed in." (136).

Cameron Mill Road, which runs through the property, is narrow and windy and bottoms out (to the south) at its intersection with Stabler's Church and Walker Roads in a sort of "bottle neck." where the NCR trail is located. These roads, along with Bentley and Kaufman Road form a rough, self-contained loop around the subject property. All of these roads, like Cameron Mill Road, are windy and narrow and have no dividing line or shoulder. In many areas, there is room for only one car to pass. There are at least five hairpin turns and two one-lane bridges on the roads. Protestants' Exhibits 6, 7 and 9 are maps and photographs of these roads.

B. <u>The Proposed Farm Brewery</u>

The Building

The building where Petitioner proposes the farm brewery (the "Building") sits, as Mr. Doak described it, at the "top of the hill," that is, at the property's highest elevation. (T. 12). Because of its prominent location, the Building is visible from locations throughout the valley. Mr. Fulks, the brother of the property owner, described the Building as "very large and very open" with "the grandeur that it is." (T. 89). The Building (depicted in the photographs at Prot's Exhibit 4) is only 80-100 feet from the boundary lines of the residential properties to homes in the Cameron Mill community to the north. (T. 13). Mr. Doak admitted that the houses shown on the Site Plan will have a direct view of the Building. (T. 68).

Importantly, the Building is not a pre-existing barn or other building used in connection with the farm. In fact, the skeleton of the Building was brought to the site two years ago from Indiana for the purpose of serving as the centerpiece of the proposed brewery. This was long before the filing of the instant petition for special exception. As Mr. Doak acknowledged, the Building was constructed there in *the hopes of* obtaining special exception approval. (T. 12, 35-40, 79). Not only has the structure never served as a working barn (one that stores farm equipment

and agricultural products), it is not styled as such. Mr. Doak is unaware of any working barn that is designed like this Building with its large windows. (T. 40).

The Special Exception Area

Mr. Doak testified that the special exception area is the entire property, that is, all 245 acres. (T. 43, 45, 46). In his words, "[i]t's all under the special exception request." (T. 46). In addition to the Building, shown on the Site Plan is a 20-foot wide driveway to the Building, a large) parking lot (roughly 450 ft by 175 ft), wells areas, septic reserve areas, and a large unlabeled envelope for a second building to be used, according to Mr. Fulks, as an office for processing of hops and for storage of equipment. (Pet's Ex. 41 T. 15, 48, 84). On the farm, there is also an existing pavilion-type structure close to where the old house on the property used to be (the "Pavilion Building"). The Pavilion Building and area around it has its own access road. (T. 115-16).

The Broad Scope of the Proposed Brewery's Events and Activities

At the hearing, it was immediately apparent that Petitioner's strategy was to be as vague as possible and hedge its bets so as to not limit the possible scope of the proposed brewery and activities and events it could have. Importantly, however, **Mr. Fulks admitted that he and his brother intend to do anything and everything that the State Class 8 license allows them to do.** (T. 112-14, 120-21; *see also* T. 59-60 (Mr. Doak acknowledged the same)). Although this is arguably insufficient for Petitioner to meet its burden of proof, we must take Mr. Fulks' testimony at face value and assume that this special exception use, if granted, would include all of the many activities and events contemplated under the State law (see discussion below). That said, Mr. Fulks did provide some specifics.

Mr. Fulks testified that he would have the maximum number of promotional events allowed with a Class 8 license (i.e., 12). He was apparently unaware that the State law allowed him to have an *unlimited* number of multi-brewery events, but he indicated that he was not willing to limit the number of such events. Again, he and his brother will do what the State law allows. (T. 112-14; *see also* T. 60). Aside from those events, he will have other types of large events such as a trail run, mountain bike ride, and a 3-D archery shoot. (T. 114, 87). He is "sure" that they will have still other events besides those three because "we're outdoors and those are the things that came to our mind of what kind of things we like to do." (T. 114).

He intends to use the "entire farm" for the events. (T. 114). However, the "very large and very open" Building will be "the centerpiece to where we would start anything." (T. 89). As he explained, it will be very easy to just tell people to "go to the big white barn" (T. 89). The Pavilion Building would also be used in connection with the events. (T. 114-15). For parking, Mr. Fulks simply stated that "there is a lot of parking available on the farm," but that the area around the Pavilion Building would be used. (T. 90, 117). There will be music inside the Building and potentially live music outdoors. (T. 117). Mr. Fulks said he has "no plans at this time for food," but there will be seating inside the Building and possibly tables and chairs outside as well. (T. 119)

Mr. Fulks intends to be open during the hours allowed under the State law, seven days a week, 10 am to 6 pm for consumption of beer and 10 am to 10 pm for beer sampling. (T. 120-21). He intends to distribute the beer to wholesalers and retailers offsite, which he acknowledged will require delivery trucks. (T. 122). As he said, "you want to sell your product wherever you can." (T. 122). When asked whether he anticipated operating a restaurant under the Class 7 license, he said "not at this time." (121).

C. Testimony of Community Members

Jennifer Barnes

Jennifer Barnes resides in the Cameron Run community, at 213 Kali Court, which is one of the closest properties to the Building. She lives there with her husband and three children. They moved to the property because one of her children is autistic, non-verbal and has severe sensory issues. Because of her daughter's sensory issues, they wanted to live where they had a lot of land and there were not a lot of people close by. (T. 95-96)

Mrs. Barnes spoke about a large wedding that took place at the Building two Saturday nights before the hearing. The community was not notified about the event. She stated that, from her house, she could hear every word that people were saying into the microphone. It "sounded like a concert." There were people at their property line, pointing to the trampoline in her yard and indicating that they might go onto her property. (T. 97-99). She is worried about the prospect of inebriated people hanging near her property or even coming onto her property and does not feel comfortable letting her daughter outside. The Building is "right there." (T. 98). She questioned why the Petitioner would build the Building right next to her property. (T. 99).

Mrs. Barnes also expressed concern about her son and the many other teenagers in the neighborhood driving on the roads when there are such events. In fact, later the night of the wedding, she was returning home with her teenage son who was driving. There were a lot of people leaving the wedding and she made her son pull over so she could drive. On a Saturday night at this time, if someone's on the road leaving an event like that, changes are that they've had alcohol. (98) "When people are inebriated they do things that they might not have done otherwise and this is literally in our backyard." (99). It's right there. And we're scared. It's just kind of pretty much ruined everything...." (99) As Mrs. Barnes testified, "I don't see how [people leaving

events] could possibly maneuver those roads. It's difficult when you're completely sober ... I can't even imagine." (100)

Jarret Archer

Jarrett Archer and his family live in the house next to Mrs. Barnes at 215 Kali Court. Like the Barnes, they moved there to get away from the hustle and bustle, congestion, noise, and distractions of the suburbs. They wanted to raise their son in an area where he could play outdoors. Photographs taken from his property show the proximity of the Building to his property line, roughly 80 feet. (Prot's Ex. 4; T. 135)). Mr. Archer described the roads around the site (discussed above) is concerned that people, who have been drinking, driving on roads that are difficult and they are unfamiliar with. As Mr. Archer stated, "these are not through roads. [Y]ou either live there or you're visiting someone there." (100, 139-49, 153-54). Mr. Archer also spoke about the way in which people in the community use the roads in the community for recreational purposes, such taking walks, kids riding their bikes, and walking dogs, which is unusual in a rural area. Even though the roads are tight, people know the roads and they feel safe using them in this way. In his view, that practice is going to end. (140, 155). Mr. Archer also expressed his concern for the noise that will be generated by the events, which would take place so close to this community. Like Mrs. Barnes, he was home when the wedding took place and could plainly hear every single song that was being played and people talking, including people coming up to his fence line. (156; Exhibit 8 (photos from wedding)).

David Hausner and Brett Moritz

David Hausner, President of the Cameron Run Community Association, and Brett Moritz, President of the Cameron Mill Community Association, on behalf of the members of their respective associations, echoed the concerns expressed by Mr. Jarrett and Mrs. Barnes. They also

testified regarding the number of young children who live in their neighborhoods and their concern for the safety of these children when playing in the neighborhood and during school bus pick-up and drop-off times.

II. ARGUMENT

A. The Special Exception Standard

Under *Shultz v. Pritts*, "the appropriate standard to be used in determining whether a requested special exception use would have an adverse effect, and, therefore, should be denied is whether there are facts and circumstances that show that the particular use proposed at the particular location proposed would have any adverse effects above and beyond those inherently associated with such a special exception use irrespective of its location within the zone." *Schultz v. Pritts*, 291 Md. 1, 22-23 (1981). The ALJ is charged with determining "whether the neighboring properties in the general neighborhood would be adversely affected and whether the use in the particular case is in harmony with the general purpose and intent of the plan." *Id.* at 11. "These standards dictate that if a requested special exception use is properly determined to have an adverse effect upon neighboring properties in the general area, it must be denied." *Id.* at 12.

Despite the presumption in favor of a special exception, "'both the burden of production and the burden of persuasion on the issue of whether the special exception should be granted' fall on the applicant...." *Attar v. DMS Tollgate, LLC*, 451 Md. 272, 286 (2017) (*quoting People's Counsel for Baltimore County v. Loyola Coll. of Md.*, 406 Md. 54, 109 (2008)). The applicant "must persuade the Board 'by a preponderance of the evidence that the special exception will conform to all applicable requirements.'" *Attar*, 451 Md. at 286.

B. The Definition Of "Brewery" And The Uses Permitted

The Zoning Regulations define "Brewery" and "Brewery, Class 8" as follows:

> "Brewery" - an establishment with a valid alcoholic beverage manufacturer's license Class 5, 6, 7 or 8 in accordance with the Annotated Code, Article 2B, section 2-206, 2-207, 2-208, or 2-209.
>
> "Brewery, Class 8" - a brewery located on a minimum of 10 acres with a class 8 (farm brewery) license, which sells and delivers malt beverage manufactured in a facility on the licensed farm with an ingredient from a Maryland agricultural product grown thereon, and produces no more than 15,000 barrels of malt beverage per year.

BCZR, 101.1.

Mr. Doak agreed that because "brewery" is defined as an establishment holding a Class 8 license, an approved brewery in Baltimore County is permitted to do any and all of the things that the Class 8 license allows. (T. 52). A review of the State law, specifically section 2-209 of Article B, demonstrates how permissive this is. A holder of a Class 8 license may:

- Sell beer for consumption on premises
- Sell beer in a facility other than on the licensed farm
- Provide samples of beer in amounts no exceeding 6 ozs.
- Can sell other products (bread, baked goods, chili, chocolate, crackers, cured meat, etc.)
- Open from 10 a.m. to 6 p.m. for consumption on site
- Open from 10 a.m. to 10 p.m. for sampling and sale of beer for consumption off site
- Store beer produced on site for sale to wholesaler
- Store beer at a warehouse for which there is storage permit, for sale to wholesaler
- Brew, bottle or contract for more 15,000 barrels each year
- Have temporary delivery agreement with distributer only for delivery of beer to festivals
- Sponsor unlimited number of multi-brewery activities
    - Sell beer by class for consumption on premises
    - Store products of other breweries for the multi-brewery activity
    - 10 a.m. to 10 p.m.
    - Not exceed 3 consecutive days
- Sponsor maximum of 12 promotional events
    - Provide samples of not more than 6 ozs per brand to customers

- Sell beer for consumption on premises only
- 10 a.m. to 10 p.m.
- Not exceed 3 consecutive days

C. There Are Unique Impacts That Would Result From The Granting Of This Special Exception Beyond Those Inherently Associated With A Brewery

In assessing this request for special exception, the ALJ should consider the potential impacts of this Petitioner undertaking *all* of the activities identified above. This is what the definition of "brewery" contemplates and precisely what Mr. Fulks said he would do.

There are several unique aspects of the area in which this property lies that would make the approval of a special exception here particularly impactful. First and perhaps foremost is the proximity of this proposed brewery to the residential community that surrounds it. As Mr. Archer put it, "this is a residential area with a farm in the middle of it." Because of this, the impacts that might normally be associated with a brewery (such as noise, traffic, smell) are much more detrimental here. These impacts are exacerbated because of the topography of the site and location of the Building on the site. As Mr. Jakubiak explained, noise and smells will carry farther than they normally would. Moreover, not only is the property surrounded by homes, there are a number of homes in very close proximity, specifically those along Kali Court. The Building is as close as 80-100 feet to these homes. Proof positive of the impact associated with such proximity is the wedding that was held at the Building shortly before the first day of the hearing. As Mr. Archer and Mrs. Barnes testified, the Building is so close to them and their neighbors that they could hear specific words that were spoken and songs that were played.[1]

[1] Mr. Doak testified that there are other places where the Building could have been constructed. He could investigate locations which would avoid significant impacts to trees and topographical challenged areas. (T. 42-43).

Protestants' expert, Mr. Jakubiak, looked at other farm breweries and wineries that have been approved and discovered that those facilities have very few, if any, homes anywhere near them. The maps introduced as Protestants' Exhibit 13A-F demonstrate this point perfectly. Likewise, maps showing the zoning surrounding this property and the other breweries and wineries demonstrate that this property, unlike any of the others, is surrounded by numerous RC5-zoned properties. None of the other locations have RC5-zoned property near them. (*See* Exhibit 12A-F).

Second, the roads around the site simply cannot handle, safely anyway, the traffic that will be generated by the brewery. As several witnesses testified, the roads are narrow, windy rural roads with no shoulder and no centerline. There are one-lane bridges and, in other areas, only one car can pass at a time. Although all of these roads do not run directly by the subject property, they are close and part of the rather small loop that serves the residences in this area. As Mr. Jakubiak confirmed, these roads are not through roads or even collector roads. They are local roads that serve only the residents that live there. No one is driving the roads to get through to somewhere else. Mr. Jakubiak compared this small road system to the roads that adjoin the other breweries and wineries. As the photographs he took reflect, each of these breweries and wineries are located on a collector or arterial road. (*See* Prot's Exs. 11A-E and 12A-F).[2]

Third, and related to the above, the community's use of Cameron Mill Road is extremely unique. As several witnesses mentioned, people use Cameron Mill Road for a variety of recreational uses that one simply does not normally see in rural areas, such as waking one's dog,

[2] Counsel does not recall if this ALJ has ever done this, but the Zoning Commissioner in the past would sometimes visit a site in order to assess the impact of a proposed development. Protestants would not be opposed to such a visit by the ALJ.

taking family walks and riding bikes. The NCR trial, in fact, is just down Cameron Mill Road. One would be hard-pressed to find such suburban-type uses in the rural areas of the County.

During the hearing, counsel for the Petitioner made much of the fact that there are other restaurants and bars nearby. These few restaurants and bars (Lee's Tavern, Park Inn, Stonebridge Grill) are not located within this community or within same road network. They are on York Road or elsewhere. No one is driving through the neighborhood where this property is located to go to those establishments. Indeed, if anything, it is notable that these establishments have small parking lots (capacity for roughly 10-20 cars).

Fourth, the proposed brewery would have a unique impact on Mrs. Barnes and her autistic daughter who are among the closest neighbors to the Building. As Mrs. Barnes testified, she moved to her property so that her daughter would not be exposed to type of impacts that this brewery entails. Her daughter has severe sensory sensitivities and being next door to events such as the wedding that took place is a particularly unique impact.

Finally, in assessing the potential impact of the proposed brewery, Protestants submit that it is appropriate to take into consideration the history of this Petitioner with this property and its track record. Petitioner has only been growing hops for 3 years (104) and is already the largest hops producer in the County. (T. 104). Petitioner doubled the amount of acreage between year one and year two. (T. 105). Mr. Fulks acknowledged that plans are already in place to increase the area for growing hops and candidly admitted that he anticipates that they will be the largest grower in the entire State. (T. 106). In his words, "we would certainly look to have the largest production of hops." (*Id.*). Indeed, when asked whether they intend to grow beyond the State of Maryland, he responded "there's always lofty intents, yes sir." (*Id.*). Moreover, Mr. Fulks stated

that they do not intend to grow hops only for their brewery but also to supply hops to breweries. (*Id.*).[3]

Along these lines, Petitioner allowed a large wedding to take place at the Property and did so without notice to the community. Petitioner also widened the driveway to the Building, apparently without informing Mr. Doak, who had requested a variance on their behalf to have a 10-foot wide driveway instead. As Mr. Doak said, the owners "got carried away." (T. 67). Protestants do not disagree that the ALJ should assume, in every case, the best of people and not presume that a petitioner is not going to abide by the law or conditions the ALJ might impose. Here, however, Petitioner's track record is not good.

Just as we must assume that the County Council contemplated there will be certain inherent impacts associated with a brewery, we must also assume that the County Council knew and understood that there will be some cases where the impacts are such that a special exception simply cannot be granted. This is one of those cases. The impacts are unique and too many.

D. If The ALJ Is Inclined To Grant The Special Exception, Significant Conditions Should Be Imposed

Protestants believe that the impacts of this proposed brewery are more than sufficient to deny the petition outright. However, if the ALJ is nevertheless inclined to grant the special exception, then Protestants ask that the following conditions be imposed.

1. The brewery's events and activities be limited to the immediate area around the Pavilion Building and not the Building that has been constructed;
2. If the brewery is allowed to operate out of the Building, then the area of the special exception and for all activities and events related to it should be limited to the immediate area around the Building and not other parts of the farm;
3. Installation of a security fence along the border of the property and the properties along Kali Court (specific properties to be identified).
4. No outdoor live or recorded music;
5. No indoor music that exceeds applicable noise regulations;

[3] The farm is called "Big Truck Farm" because Mr. Fulks and his brother "like big trucks." (T. 107).

6. No outdoor lighting except for security lighting directed towards the building;
7. Signage will be limited to the entrance on Cameron Mill Road;
8. No neon or illuminated signage;
9. No outdoor dumpsters or porta-potties;
10. No parking elsewhere on property, adjoining properties, or along Cameron Mill Road;
11. The number of events, whether they be promotional or multi-brewery events, be limited to four (4) per year;
12. If a trail run, mountain bike ride, or 3-D archery shoot is held, then that event should count towards the four allowed per year;
13, The hours of operation should be limited to 5:30 pm to 8 pm Thursday and Friday to address safety concerns when school children are dropped off;
14. The hours of operation on Saturday and Sunday should be 12 pm to 8 pm;
15. Petitioner shall not operate a Class 7 brewery at the property;
15. The Petitioner should provide written proof/assurance that there is sufficient water supply in existing wells and a commitment not to draw water from the stream system on property(ies); and
16. The Petitioner should provide written proof/assurance that operation has adequate liability insurance in the event of a fire or other hazard.

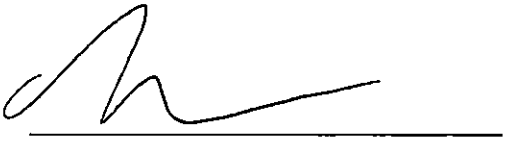
Respectfully submitted,

Michael R. McCann
Michael R. McCann, P.A.
118 W. Pennsylvania Avenue
Towson, Maryland 21204
(410) 825-2150

Attorneys for Protestants

CERTIFICATE OF SERVICE

I hereby certify that on this 7th day of December 2018, a copy of the foregoing Post-Hearing Memorandum was mailed, via first class mail, postage prepaid, to counsel for Petitioner.



Michael R. McCann

PLEASE PRINT CLEARLY

CASE NAME 11/21/2018
CASE NUMBER
DATE

PETITIONER'S SIGN-IN SHEET

2018-0324-XA

NAME	ADDRESS	CITY, STATE, ZIP	E - MAIL
James H. West	409 Washington Avenue, Suite 1010	Towson, MD 21204	jay.west@westandwestllc.com
James Koby Fulks	908 Zenith Dr. Freeland MD	FREeland MD 21053	Koby@bigtruckfarms.com
Beth Fulks	19606 Cameron Mill Rd Parkton	Parkton MD 21120	bethfulks@yahoo.co
Kip Fulks	19606 Cameron Mill Rd	Parkton MD 21120	Kipfulks@ymail.com
James A Fulks	2r Kitzbuchel Rd	Parkton, MD 21120	sdgriz66@yahoo.com
JAMES COATELY	125 BUCHANAN AVE.	SHREWSBERRY, PA 17361	JM@BIGTRUCKFARMS.COM
Scott Neuberger	2 Quiet Brook Ct.	Parkton, MD 21120	sneub1@aol.com

PLEASE PRINT CLEARLY

CASE NAME 11/21/2018
CASE NUMBER
DATE

CITIZEN'S SIGN - IN SHEET

2018-324-XA

NAME	ADDRESS	CITY, STATE, ZIP	E - MAIL
Brett Moritz	613 Cameron Ridge Ct	Parkton MD 21120	moritzbi@comcast.net
Karen Buck	19912 Quiet Valley Ct	Parkton MD 21120	karen@weddings4wondermand.com
Jay Buck	19912 Quiet Valley Court	PARKTON MD 21120	JAYBUCK@COMCAST.NET
David Hausner	105 Kirsten Ct	Parkton, MD 21120	dhausner@abacuscorporation.com
Ginny Terhune			terhunevirginia@gmail.com
Kim Ciemian	207 Kali Ct.	Parkton MD 21120	mkciemian@comcast.net
Mike Ciemian	207 Kali ct	Parkton MD 21120	ciemimic@comcast.net
Ken Long	19702 Cameron Mill Rd	Parkton MD 21120	Ken@debbelgm.net

11/21
1:30pm

Debra Wiley

From: Debra Wiley
Sent: Tuesday, October 02, 2018 12:29 PM
To: 'Michael McCann'; 'jay.west@westandwestllc.com'
Subject: RE: Continuance of Case No. 2018-0324-XA (from 9/17/18) - 19919 Cameron Mill Rd. - Fulks Farm LLC

Good Afternoon Gentlemen:

It is my understanding that you have agreed to a continuance date for the above case.

Therefore, this is to confirm that the above-referenced matter has been scheduled for continuance on Wednesday, November 21, 2018 @ 1:30 PM, in Room 205, 105 W. Chesapeake Ave., Towson, MD.

Please advise your client(s) accordingly.

Thank you and have a great day !

From: Debra Wiley
Sent: Tuesday, September 25, 2018 1:42 PM
To: 'Michael McCann' <michael@mmccannlaw.net>; jay.west@westandwestllc.com
Subject: RE: Continuance of Case No. 2018-0324-XA (from 9/17/18) - 19919 Cameron Mill Rd. - Fulks Farm LLC

Gentlemen:

This date was given to our office to send out a confirmation. Unfortunately, we were not aware that Mr. McCann was not advised of same.

There's no need to formally request a postponement; however, we ask that you contact Kristen Lewis to reset a new date agreeable to both of you.

Sorry for the inconvenience.

From: Michael McCann [mailto:michael@mmccannlaw.net]
Sent: Tuesday, September 25, 2018 1:34 PM
To: Debra Wiley <dwiley@baltimorecountymd.gov>; jay.west@westandwestllc.com
Subject: RE: Continuance of Case No. 2018-0324-XA (from 9/17/18) - 19919 Cameron Mill Rd. - Fulks Farm LLC

Deb: I have a call into Kristen, coincidentally, because Jay told me that he had rec'd that date from her as a possible date and, as I told Jay, I have a trial in the Circuit Court on Nov. 14. I called Kristen to get new dates.

So, I did not know why it's been scheduled, but Jay and I did not agree upon that. Hopefully, I do not have to formally request a postponement but let me know.

Thanks!

Michael

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Thanks!

Michael

Debra Wiley

From: Kristen L Lewis
Sent: Tuesday, October 02, 2018 12:22 PM
To: Debra Wiley
Subject: FW: Cameron Mill Road

FYI, thanks Debbie.

Kristen Lewis
PAI – Zoning Review
410-887-3391

From: Michael McCann [mailto:michael@mmccannlaw.net]
Sent: Thursday, September 27, 2018 3:31 PM
To: Kristen L Lewis <klewis@baltimorecountymd.gov>
Subject: Cameron Mill Road

Kristen: November 21 is good for this case. Thank you.

1:30 PM Rm. 205 per K. 10-2 D.W.

Michael

Michael R. McCann
Michael R. McCann, PA
118 W. Pennsylvania Avenue
Towson, Maryland 21204
(p) 410-825-2150
(f) 410-825-2149

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Michael

Michael R. McCann
Michael R. McCann, PA
118 W. Pennsylvania Avenue
Towson, Maryland 21204
(p) 410-825-2150
(f) 410-825-2149

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From: Debra Wiley [mailto:dwiley@baltimorecountymd.gov]
Sent: Tuesday, September 25, 2018 1:24 PM

Debra Wiley

From: Michael McCann <michael@mmccannlaw.net>
Sent: Tuesday, September 25, 2018 1:34 PM
To: Debra Wiley; jay.west@westandwestllc.com
Subject: RE: Continuance of Case No. 2018-0324-XA (from 9/17/18) - 19919 Cameron Mill Rd. - Fulks Farm LLC

Deb: I have a call into Kristen, coincidentally, because Jay told me that he had rec'd that date from her as a possible date and, as I told Jay, I have a trial in the Circuit Court on Nov. 14. I called Kristen to get new dates.

So, I did not know why it's been scheduled, but Jay and I did not agree upon that. Hopefully, I do not have to formally request a postponement but let me know.

Thanks!

Michael

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From: Debra Wiley [mailto:dwiley@baltimorecountymd.gov]
Sent: Tuesday, September 25, 2018 1:24 PM
To: Michael McCann <michael@mmccannlaw.net>; jay.west@westandwestllc.com
Subject: Continuance of Case No. 2018-0324-XA (from 9/17/18) - 19919 Cameron Mill Rd. - Fulks Farm LLC

Good Afternoon,

The above-referenced matter has been scheduled for continuance on Wednesday, November 14, 2018 @ 1:30 PM, in Room 205, 105 W. Chesapeake Ave., Towson, MD.

Please advise your client(s) accordingly.

Thank you.

Debra Wiley, Legal Administrative Secretary
Baltimore County Office of Administrative Hearings
105 West Chesapeake Avenue, Suite 103

JB 11/14
1:30 PM

Debra Wiley

From: Debra Wiley
Sent: Tuesday, September 25, 2018 1:24 PM
To: 'Michael McCann'; 'jay.west@westandwestllc.com'
Subject: Continuance of Case No. 2018-0324-XA (from 9/17/18) - 19919 Cameron Mill Rd. - Fulks Farm LLC

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Please advise your client(s) accordingly.

Thank you.

Debra Wiley, Legal Administrative Secretary
Baltimore County Office of Administrative Hearings
105 West Chesapeake Avenue, Suite 103
Towson, Maryland 21204
410-887-3868

Debra Wiley

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Sent: Tuesday, September 25, 2018 1:24 PM
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Thank you.

Debra Wiley, Legal Administrative Secretary
Baltimore County Office of Administrative Hearings
105 West Chesapeake Avenue, Suite 103
Towson, Maryland 21204
410-887-3868

PLEASE PRINT CLEARLY

CASE NAME Fulks Farm LLC
CASE NUMBER 2018-0324-XA
DATE 9/17/18

PETITIONER'S SIGN-IN SHEET

NAME	ADDRESS	CITY, STATE, ZIP	E - MAIL
Bruce E. Doak	3801 Baker Schoolhouse Road	Freeland MD 21053	
Bruce E. Doak Consulting			BDOAK@BRUCEEDOAKCONSULTING.COM
James K. Fulks	908 Zenith Dr.	Freeland MD 21053	Koby@bigtruckfarms.com
James H. West	409 Washington Ave., Suite 1010	Towson, MD 21204	jay.west@westandwestllc.com
West & West, LLC			
Beth Fulks	19606 Cameron Mill Rd	Parkton MD 21120	bethfulks@yahoo.com
Scott Neuberger	2 Quiet Brook Ct.	Parkton, MD 21120	stn.logan@gmail.com
Jim Fulks	21 Kitzbuhel Rd	Parkton, MD 21120	sdgriz6@yahoo.com
Matt McGee	19619 Burke Rd	White Hall, MD 21161	mattmcgee5@comcast.net
Janna Howley	6247 Falls Rd., Suite G	Baltimore MD 21209	janna@growingforthefuture.com

PLEASE PRINT CLEARLY

CASE NAME _____
CASE NUMBER 2018-324-XA
DATE 9-17-2018

CITIZEN'S SIGN - IN SHEET

NAME	ADDRESS	CITY, STATE, ZIP	E - MAIL
DAVID HAUSNER	105 KIRSTEN Ct	PARKTON MD 21120	dhausner@abacuscorporation.com
JARRETT ARCHER	215 KALI Ct., PARKTON	PARKTON, MD 21120	JARRETTARCHER44@gmail.com
Laura Cellucci	215 Kali Ct, Parkton	Parkton, MD 21120	lauracellucci@gmail.com
Denise Moritz	613 Cameron Ridge Ct	Parkton MD 21120	moritzdj@comcast.net
Brett Moritz	613 Cameron Ridge Ct	Parkton MD 21120	moritzbi@comcast.net
JAY BUCK	19912 QUIET VALLEY COURT	PARKTON MD 21120	JAYBUCK@COMCAST.NET
Karen Buck	19912 Quiet Valley Ct	Parkton, MD 21120	Karen2Buck@comcast.net
JOSEPH SIESS	627 CAMERON RIDGE CT	PARKTON MD 21120	JSIESS@COMCAST.NET
GAIL SIESS	627 CAMERON RIDGE CT	PARKTON MD 21120	GRSIESS@COMCAST.NET
Chuck Bridgeman	610 Cameron Ridge Ct.	Parkton, MD 21120	
Bryan Beyrodt	607 Cameron Ridge Ct	Parkton, MD 21120	bbeyrodt@gmail.com
Robert Knuth	20027 Cameron Mill Rd	" " "	rwk2845@aol.com
Gina Kazoly	109 Bentley Rd	" " 21120	
Beth Redlin	12 Bentley Rd	Parkton 21120	rbr8496@yahoo.com
W.K. Redlin	12 Bentley Rd	" "	WKR8480@yahoo.
Kim Zanotti	209 Kali Ct	Parkton MD 21120	Kimz1@ymail.com
Sally Warrenfeltz	20007 Cameron Mill Rd	Parkton MD 21120	ryanwarrenfeltz@hotmail.com
Kim Ciemian	207 Kali Ct.	Parkton MD 21120	mkciemian@comcast.net
PAMELA LETHERT	621 CAMERON RIDGE CT	" " "	PAM14BARS@AOL.COM
GEORGE KARAVEDAS	" " " "	" " "	
Jennifer Barnes	213 Kali Court	Parkton MD 21120	bcassam@aol.com
ED & Hope Johnson	20008 CAMERON MILL RD	PARKTON MD 21120	
THOMAS ENGER	104 KIRSTEN CT	PARKTON MD 21120	TENGER02@AOL.COM
Robert Brown	19910 Quiet Valley Ct	Parkton MD 21120	rfbrownjr28@comcast.net
BILL SCHOONMAKER	19911 QUIET VALLEY CT	PARKTON MD 21120	BILL SCHOONMAKER@YAHOO.COM
Natalie Antonelli	19904 Quiet Valley Ct	Parkton MD 21120	

PLEASE PRINT CLEARLY

CASE NAME 2018-324-XA
CASE NUMBER
DATE 9-17-2018

CITIZEN'S SIGN - IN SHEET

NAME	ADDRESS	CITY, STATE, ZIP	E - MAIL
Carol Christman	19906 Quiet Valley CT	Parkton, MD 21120	Chocolatebear@comcast.net

CASE NO. 2018-0324-XA

CHECKLIST

Comment Received	Department	Support/Oppose/ Conditions/ Comments/ No Comment
6/21	DEVELOPMENT PLANS REVIEW (if not received, date e-mail sent _____)	Comment
7/21	DEPS (if not received, date e-mail sent _____)	Comment
_____	FIRE DEPARTMENT	_____
7/5	PLANNING (if not received, date e-mail sent _____)	no Obj w/ comment
5/25	STATE HIGHWAY ADMINISTRATION	No Objection
_____	TRAFFIC ENGINEERING	_____
_____	COMMUNITY ASSOCIATION	_____
_____	ADJACENT PROPERTY OWNERS	_____

ZONING VIOLATION (Case No. _____)

PRIOR ZONING (Case No. _____)

NEWSPAPER ADVERTISEMENT Date: 8/28/18

SIGN POSTING (1st) Date: 8/26/18 by Doak

SIGN POSTING (2nd) Date: 9/14/18 by Doak

PEOPLE'S COUNSEL APPEARANCE Yes ☒ No ☐

PEOPLE'S COUNSEL COMMENT LETTER Yes ☐ No ☐

Comments, if any: _____

Real Property Data Search

Search Result for BALTIMORE COUNTY

View Map	View GroundRent Redemption	View GroundRent Registration

Tax Exempt:	**Special Tax Recapture:**		
Exempt Class:	AGRICULTURAL TRANSFER TAX		
Account Identifier:	**District - 07 Account Number - 0720066300**		

Owner Information

Owner Name:	FULKS FARM LLC	**Use:**	AGRICULTURAL
		Principal Residence:	NO
Mailing Address:	19606 CAMERON MILL RD PARKTON MD 21120-9001	**Deed Reference:**	/27285/ 00109

Location & Structure Information

Premises Address:	19919 CAMERON MILL RD PARKTON 21120-	**Legal Description:**	245.73 AC 19919 CAMERON MILL RD ES 2200 N WALKER RD

Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section:	Block:	Lot:	Assessment Year:	Plat No:
0012	0008	0014		0000				2017	Plat Ref:

Special Tax Areas:	**Town:**	NONE
	Ad Valorem:	
	Tax Class:	

Primary Structure Built	Above Grade Living Area	Finished Basement Area	Property Land Area	County Use
			245.7300 AC	05

Stories	Basement	Type	Exterior	Full/Half Bath	Garage	Last Major Renovation

Value Information

	Base Value	Value	Phase-in Assessments	
		As of 01/01/2017	As of 07/01/2018	As of 07/01/2019
Land:	103,300	103,300		
Improvements	1,800	1,400		
Total:	105,100	104,700	104,700	104,700
Preferential Land:	52,300			52,300

Transfer Information

Seller: CAMERON MILL FARM LLC	**Date:** 08/27/2008	**Price:** $4,000,000
Type: ARMS LENGTH MULTIPLE	**Deed1:** /27285/ 00109	**Deed2:**
Seller: NIPKOW BARBARA ANN	**Date:** 12/17/2003	**Price:** $1,600,000
Type: ARMS LENGTH IMPROVED	**Deed1:** /19314/ 00063	**Deed2:**
Seller: TRACEY RICHARD W	**Date:** 08/18/1997	**Price:** $0
Type: NON-ARMS LENGTH OTHER	**Deed1:** /12333/ 00201	**Deed2:**

Exemption Information

Partial Exempt Assessments:	Class	07/01/2018	07/01/2019
County:	000	0.00	
State:	000	0.00	
Municipal:	000	0.00|0.00	0.00|0.00

Tax Exempt:	**Special Tax Recapture:**

Exempt Class:	AGRICULTURAL TRANSFER TAX

Homestead Application Information

Homestead Application Status: No Application

Homeowners' Tax Credit Application Information

Homeowners' Tax Credit Application Status: No Application **Date:**

Debra Wiley

From: Von Tourgee <von.tourgee@taiengineering.com>
Sent: Friday, September 14, 2018 9:47 AM
To: Debra Wiley
Subject: FW: Cameron Mill HOA - Brewery

Ms. Wiley,

As per the email below I would like the email I wrote to Mr. McCann to be included in the file for the judge's consideration. I am not acting as an attorney in this matter only as a citizen living in close proximity to the farm.

Thank you for your help and have a great day!

-Von

From: Michael McCann <michael@mmccannlaw.net>
Sent: Friday, September 14, 2018 9:31 AM
To: Von Tourgee <von.tourgee@taiengineering.com>
Cc: Amanda Angstadt <aleigh8529@gmail.com>
Subject: RE: Cameron Mill HOA - Brewery

Thank you Von.

If you cannot attend the hearing, I would recommend you send to a letter to the judge at the address below. Ideally, it should get to him by Monday, before the case is concluded, so I would put it in the mail today and perhaps also email to his assistant, Debra Wiley, at dwiley@baltimorecountymd.gov, and ask that it be placed in the file for judge's consideration since you cannot attend.

Judge John Beverungen
Office of Administrative Hearings
105 W. Chesapeake Avenue
Towson, MD 21204

Michael

Michael R. McCann
Michael R. McCann, PA
118 W. Pennsylvania Avenue
Towson, Maryland 21204
(p) 410-825-2150
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strictly prohibited. If you have received this communication in error, please delete/destroy any copy of this message and notify Michael R. McCann at 410 825-2150.

From: Von Tourgee [mailto:von.tourgee@taiengineering.com]
Sent: Friday, September 14, 2018 8:11 AM
To: Michael McCann <michael@mmccannlaw.net>
Cc: Amanda Angstadt <aleigh8529@gmail.com>
Subject: Cameron Mill HOA - Brewery
Importance: High

Michael,

I received your email address via some neighbors on an email chain. The email stated that if we wanted to make our voice heard in regard to the brewery to attend the hearing and if that is not possible to reach out to you. I will not be able to attend the hearing due to a previous engagement but would still like to add my name to the list of residents that are concerned with the brewery being built.

Personally, I think the brewery could be a good thing for the community so long as there is a plan in place with the proper controls and the plan is properly executed. If the brewery operates in a similar manner to many of the wineries in the area like Basignani for example, and is respectful as to its proximity to housing communities I believe it may add value to our property and be a social gathering spot for many residents. If however it turns into a burning man concert twelve times a year then it will be a nightmare.

Below are some of my concerns and possible solutions:

1. Traffic – Many people are worried about drunk driving. While this is a concern everywhere I am not sure what could be done to curb this other than possibly having bigtruck farms agree to limit the number of drinks a patron can consume in one sitting. I am not sure if this is legal or not or if BigTruck Farms (BTF) is allowed to implement a policy but I think this maybe a common ground for both parties.

   The community is also worried about large trucks on small, snaking roads. This should be a concerns for BTF as well. About a month ago the county did some road work on one of the many bridges on Stablers Church Rd. They tried to get a large truck in there with equipment and it was a nightmare. The truck could not make the turns, and barely got back out. I am not sure how to address this concern other than to possibly limit the size of the trucks the farm can operate and or ask that they complete any bottling or kegging at an off site location and utilize totes to bring the beer to the bottling and kegging facility.

2. Noise and congestion. From what I understand BTF is applying for 12 events a year. I think this is fine personally so long as they have enough parking (they have a corn field so I am assuming they will use some of that to keep cars from parking along the main road. I would also like to see the events be cut down to a max of 2 days and to limit the hours from 1Pm – one hour after sunset.

3. Water table – Brewing uses a lot of water. I have worked at breweries and brew at home and the process uses lots of water. I would like the county to measure the water table prior to and while the brewery is in operation. If the water table is lowered due to the amount of water being used and folks have to redrill their well to reach lower BTF should pay for that expense.

I am sorry I cannot make it to the hearing and I apologize for the late notice but I just got your email this morning. If there is a petition or something you are trying to have signed by members of the community let me know how I can go about signing it or feel free to add my name to it.

Thanks and let me know if you have any questions.

Von Tourgee, Esq. | General Counsel
Office: 410-356-3108 x 295| Cell: 410-446-3766| E-Mail: von.tourgee@taiengineering.com
TAI Engineers, Managers & Technical Services
600 Red Brook Boulevard, Suite 300, Owings Mills, MD 21117| www.taiengineering.com
Partnering with Industry for Success
Locations: Chicago | Baltimore | Wilmington | Houston


Be Green! Please don't print this e-mail unless absolutely necessary.

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GENERAL SITE INFORMATION

1. Ownership: Fulks Farm LLC
2. Addresses: 19919 Cameron Mill Road
3. Deed reference: 27285/109
4. Property area: 245.73 acres (per SDAT)
5. Election District: 7th Councilmanic District: 3rd
6. Tax Map 12 Grid 08 Parcel 14 Tax Acc. # 07-20-066300
7. ADC Map Grid: 4120E4
8. Position Sheets: numerous
9. GIS Tile Numbers: 012A1,012A2, 012B1 & 012B2
10. Regional Planning District: Hereford/Maryland Line Regional Planning Dist. Code: 301
11. Growth Tier: 3 & 4
12. Growth Tier Description: Large lot developments on septic Preservation & Conservation Areas
13. Watershed Name: Loch Raven Reservoir
14. URDL Land Type: 1
15. School Districts: 7th ES Hereford MS Hereford HS
16. Census Block: 240054070005018 Census Tract: 407000
17. The boundary shown hereon is from the Baltimore County GIS.
18. The topography shown hereon is from GIS tiles 012A1,012A2, 012B1 & 012B2

GROUND WATER MANAGEMENT

1. No dwelling exists on the subject property
2. Any proposed agricultural building shown hereon will be served by a private septic system and a private well.
3. There are no underground fuel tanks on the subject property.

ENVIRONMENTAL IMPACT

Forest Conservation

1. Forest exists on the subject property.
2. No forest will be disturbed with any of the proposed uses.

Forest Buffer

1. Wetlands exist on the subject property.
2. No wetlands will be disturbed with any of the proposed uses.
3. No flood plain for the tributary is shown on the current FEMA FIRM Map.
4. The subject property is not located within a 100 year flood plain.
5. The subject property is not in the Chesapeake Bay Critical Area.

AGRICULTURE

A portion of the subject property are currently being used for agricultural purposes. The remaining property not used for residential use will continue to be used for agricultural purposes.

Agricultural Note

Any buildings may be subject to inconveniences or discomforts arising from agricultural operations, including, but not limited to noise, odors, fumes, dust, the operations of machinery of any kind during any 24 hour period (including aircraft), the storage and disposal of manure, and the application by spraying or otherwise of chemical fertilizers, soil amendments, herbicides and pesticides. The county shall not consider an agricultural operation to be a public or private nuisance, if the operation complies with these regulations and all federal, state or county health or environmental requirements.

STORM WATER MANAGEMENT

1. The storm water management regulations will be met as a part of any building permit process

OFFICE OF ZONING

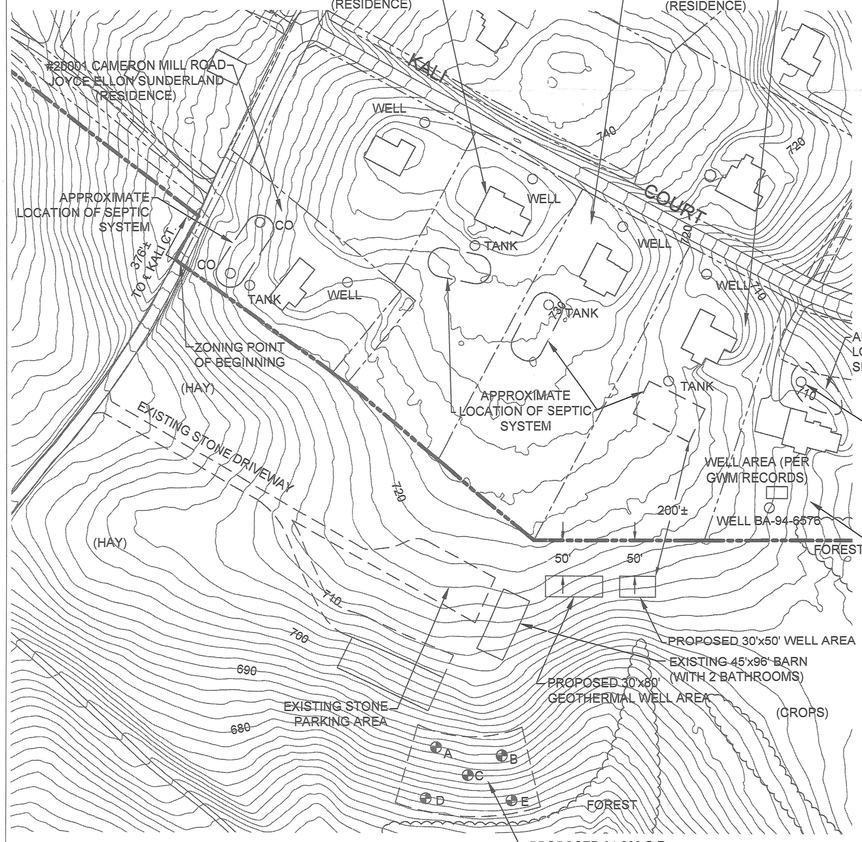
Current Zoning RC 2, RC 4 & RC 5

Zoning History

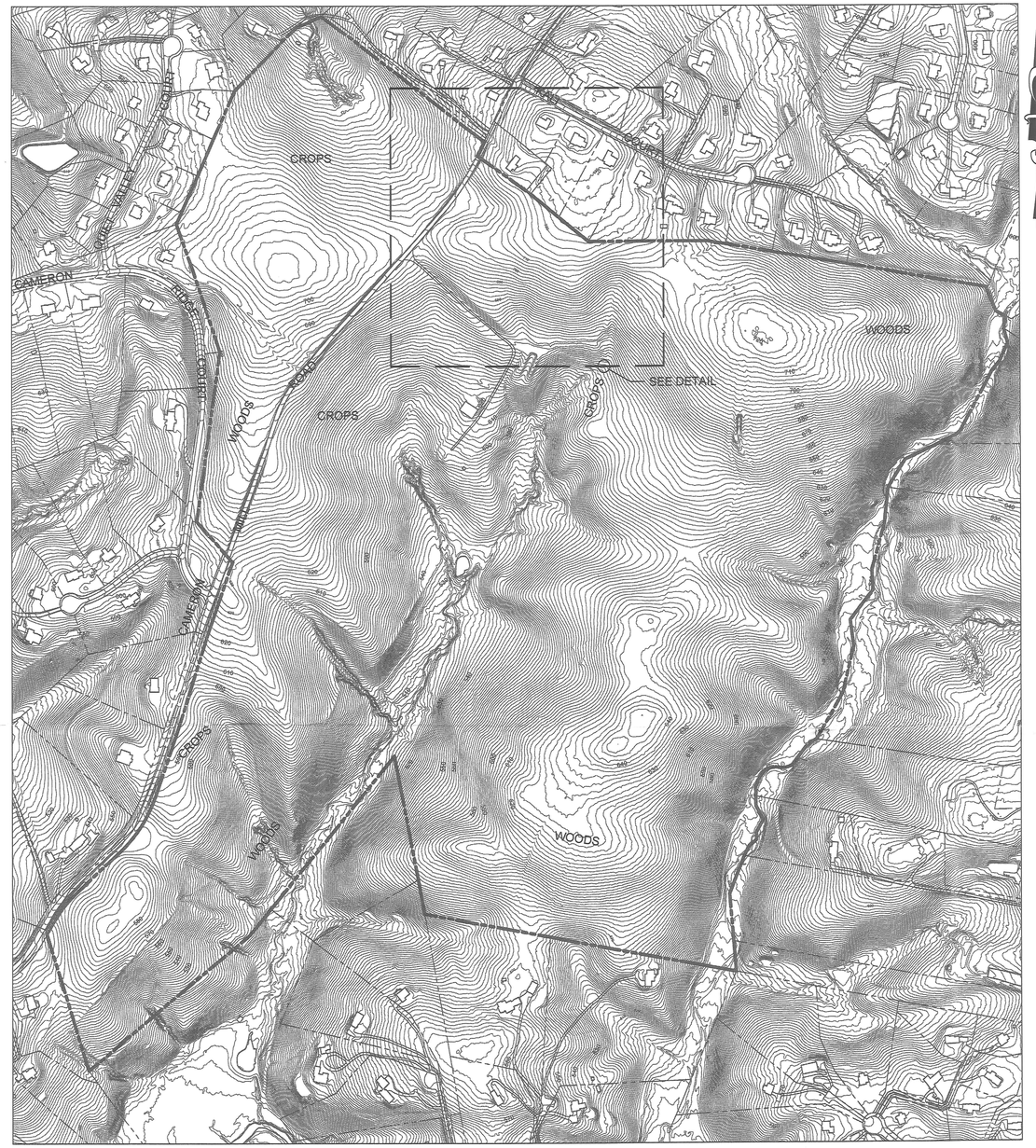
There have been no zoning hearings concerning the subject property.

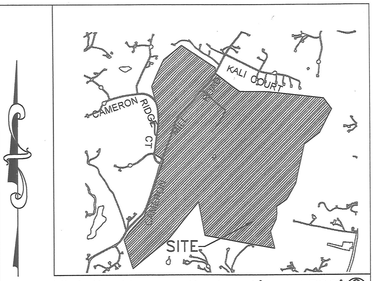
OFFICE OF PLANNING

1. The subject property is not located in a National Register Historic District.
2. Cameron Mill Road is not designated as a Baltimore County scenic road.



DETAIL
SCALE: 1"=100'





Vicinity Map – Scale: 1' = 1500'

BEARINGS AND DISTANCES

The Treacy property located at 19919 Cameron Mill Road in the Seventh Election District of Baltimore County, Maryland.

Beginning for the same at an iron pipe (found) at the southwest corner of a subdivision entitled "Plat Two, Parcetree Property" as recorded in the Land Records of Baltimore County, Maryland in Plat Book B.M. No. 74 Folio 88, thence binding on the outline of said Plat the following four (4) courses and distances, as now surveyed, with all bearings referenced to the Maryland Coordinate System (NAD83).

1. South 30° 39' 29" East 205.60 feet to a 48-inch Oak tree; thence,
2. South 30° 39' 29" East 1,277.15 feet to a point (found) thence,
3. South 85° 52' 00" East 1,277.15 feet to a point (found) thence,
4. South 18° 18' 02" East 16.99 feet to a point; thence,
5. South 19° 05' 40" East 336.56 feet to a stone (found); thence,
6. South 63° 01' 38" East 55.75 feet to an iron bar (found) in the center of a stream known as "Western Branch" thence binding on the center of said stream the following fifty-nine (59) courses and distances:
7. South 24° 04' 07" West 83.72 feet to a point; thence,
8. South 30° 20' 40" East 45.85 feet to a point; thence,
9. South 09° 44' 32" West 70.18 feet to a point; thence,
10. South 50° 11' 55" West 14.84 feet to a point; thence,
11. South 23° 12' 40" West 40.34 feet to a point; thence,
12. South 52° 12' 24" West 39.99 feet to a point; thence,
13. South 68° 12' 55" West 53.85 feet to a point; thence,
14. South 69° 12' 55" West 51.68 feet to a point; thence,
15. South 43° 11' 11" West 75.40 feet to a point; thence,
16. South 22° 01' 14" West 71.14 feet to a point; thence
17. South 43° 01' 51" West 55.09 feet to a point; thence
18. South 72° 25' 01" West 60.31 feet to a point; thence
19. South 82° 15' 53" West 156.01 feet to a point; thence
20. South 79° 21' 58" West 64.16 feet to a point; thence
21. South 4° 13' 42" West 61.20 feet to a point; thence
22. South 19° 40' 40" West 68.33 feet to a point; thence
23. South 1° 44' 58" West 37.41 feet to a point; thence
24. South 19° 16' 38" East 45.86 feet to a point; thence
25. South 03° 01' 37" West 55.91 feet to a point; thence
26. South 12° 48' 43" West 53.09 feet to a point; thence
27. South 11° 36' 18" West 59.08 feet to a point; thence
28. South 7° 46' 57" West 118.78 feet to a point; thence
29. South 7° 46' 57" West 118.78 feet to a point; thence
30. South 27° 21' 38" East 45.09 feet to a point; thence
31. South 19° 46' 48" East 52.54 feet to a point; thence
32. South 01° 01' 09" West 110.42 feet to a point; thence
33. South 27° 17' 39" West 52.99 feet to a point; thence
34. South 13° 19' 46" West 24.43 feet to a point; thence
35. South 3° 48' 07" East 109.9 feet to a point; thence
36. South 16° 18' 02" West 22.91 feet to a point; thence
37. South 54° 11' 01" West 73.37 feet to a point; thence
38. South 54° 11' 01" West 61.82 feet to a point; thence
39. South 17° 05' 40" West 18.71 feet to a point; thence
40. South 20° 01' 20" East 37.45 feet to a point; thence
41. South 12° 04' 03" West 39.26 feet to a point; thence
42. South 40° 49' 40" West 105.29 feet to a point; thence
43. South 02° 10' 20" West 41.17 feet to a point; thence
44. South 05° 32' 23" West 10.62 feet to a point; thence
45. South 47° 01' 55" East 53.10 feet to a point; thence
46. South 42° 11' 36" West 30.36 feet to a point; thence
47. South 64° 51' 10" East 35.76 feet to a point; thence
48. South 48° 21' 13" West 97.97 feet to a point; thence
49. South 50° 06' 39" West 40.39 feet to a point; thence
50. South 70° 08' 27" West 20.21 feet to a point; thence
51. South 39° 08' 39" West 38.19 feet to a point; thence
52. South 29° 08' 39" West 38.19 feet to a point; thence
53. South 17° 51' 21" East 60.00 feet to a point; thence
54. South 53° 51' 21" East 63.35 feet to a point; thence
55. South 53° 51' 21" East 63.35 feet to a point; thence
56. South 0° 32' 05" West 56.60 feet to a point; thence
57. South 39° 38' 32" West 66.56 feet to a point; thence
58. South 59° 08' 19" West 44.31 feet to a point; thence
59. South 31° 08' 14" West 47.53 feet to a point; thence
60. South 29° 01' 48" West 121.46 feet to a point; thence
61. South 07° 08' 57" West 38.59 feet to a point; thence
62. South 02° 38' 27" East 170.14 feet to a point; thence
63. South 21° 31' 17" East 113.21 feet to a point; thence
64. South 13° 26' 32" West 47.94 feet to a point; thence
65. South 13° 26' 32" West 47.94 feet to a point; thence binding on the outline of a subdivision entitled "Section Two, Southern Manor" as recorded among the said Land Records in Plat Book BM 39, Folio 159.
66. North 79° 29' 09" West 1,420.17 feet to a point; thence binding on the outline of subdivision Plat entitled "Mill Towers" as recorded among the said Land Records in Plat Book BM 87, folio 147, the following three courses and distances:
67. North 11° 44' 50" West 681.92 feet to a point; thence
68. South 57° 46' 00" West 996.61 feet to a point; thence
69. South 59° 47' 18" West 917.93 feet to a point; thence binding on the outline of a subdivision Plat entitled "Section 1, Plat 2, Cameron Mill" as recorded among the said Land Records in Plat Book SM 64, folio 082,
70. North 13° 24' 28" West 660.93 feet to a point; thence binding on the easter of Cameron Mill Road, the following six courses and distances:
71. North 51° 23' 17" East 210.02 feet to a point; thence
72. North 42° 38' 37" East 269.00 feet to a point; thence
73. North 28° 09' 12" East 215.42 feet to a point; thence
74. North 20° 35' 49" East 123.06 feet to a point; thence
75. North 13° 39' 49" East 123.06 feet to a point; thence
76. North 19° 41' 33" East 923.25 feet to a point; thence binding on the outline of a subdivision Plat entitled "Section 2, Plat 3, Cameron Mill" as recorded among the said Land Records in Plat Book BM 67, folio 142 the following two courses and distances:
77. North 42° 01' 45" West 218.47 feet to a point; thence
78. North 69° 35' 15" East 730.00 feet to a point; thence binding on the outline of a subdivision Plat entitled "Section 3, Plat 3, Cameron Mill" as recorded among the said Land Records in Plat Book SM 67, folio 142
79. South 19° 40' 42" West 618.00 feet to a point to a capped iron bar (found), thence binding on the outline of a subdivision plat entitled "Plat 2 of 3, Quiet Valley at Cameron Mill" as recorded in the said Land Records in Plat Book BM 75, folio 38
80. North 73° 01' 08" East 656.25 feet to a point to a capped iron bar (found), thence binding on the outline of that parcel of land as described in a Deed dated July 3, 1952 as recorded in the said Land Records in Liber ERIC Jr. 6986 Folio 337 which was conveyed by Richard Wilson Treacy and Mattie Kane Treacy to Edward James Frank, Jr. and Barbara S. Frank the following three courses and distances:
81. North 42° 40' 23" East 390.51 feet to a point; thence
82. South 67° 05' 16" East 124.92 feet to a point, thence
83. South 49° 29' 49" East 857.84 feet to a point in the center of Cameron Mill Road, thence
84. South 59° 59' 29" East 295.05 feet to the point of beginning.

Containing 245.7319 acres of land, more or less.

The improvements thereon being known as No. 19919 Cameron Mill Road.

#2018-0324-XA

Bruce E. Doak Consulting, LLC
Land Use Expert and Surveyor
3801 Baker Schoolhouse Road
Freeland, MD 21053
o 443-900-5535 m 410-419-4906
bdoak@brucedoakconsulting.com

0' 300' 600' 900'

PLAN TO ACCOMPANY
A ZONING PETITION
FOR
#19919 CAMERON MILL ROAD

BALTIMORE COUNTY, MARYLAND
7th ELECTION DISTRICT 3rd COUNCILMANIC DISTRICT

REVISION

Date: 5/15/18
Scale: 1"=300'

STATE OF MARYLAND
BRUCE EDWIN DOAK
No. 651
REGISTERED
PROPERTY LINE SURVEYOR

Case #2018-0321-XA

GENERAL SITE INFORMATION

1. Ownership: Fulks Farm LLC
2. Addresses: 19919 Cameron Mill Road
3. Deed reference: 27285/109
4. Property area: 245.73 acres (per SDAT)
5. Election District: 7th Councilmanic District: 3rd
6. Tax Map 12 Grid 08 Parcel 14 Tax Acc. # 07-20-066300
7. ADC Map Grid: 4120E4
8. Position Sheets: numerous
9. GIS Tile Numbers: 012A1,012A2, 012B1 & 012B2
10. Regional Planning District: Hereford/Maryland Line Regional Planning Dist. Code: 301
11. Growth Tier: 3 & 4
12. Growth Tier Description: Large lot developments on septic Preservation & Conservation Areas
13. Watershed Name: Loch Raven Reservoir
14. URDL Land Type: 1
15. School Districts: 7th ES Hereford MS Hereford HS
16. Census Block: 240054070005018 Census Tract: 407000
17. The boundary shown hereon is from the Baltimore County GIS.
18. The topography shown hereon is from GIS tiles 012A1,012A2, 012B1 & 012B2

GROUND WATER MANAGEMENT

1. No dwelling exists on the subject property
2. Any proposed agricultural building shown hereon will be served by a private septic system and a private well.
3. There are no underground fuel tanks on the subject property.

ENVIRONMENTAL IMPACT

Forest Conservation

1. Forest exists on the subject property.
2. No forest will be disturbed with any of the proposed uses.

Forest Buffer

1. Wetlands exist on the subject property.
2. No wetlands will be disturbed with any of the proposed uses.
3. No flood plain for the tributary is shown on the current FEMA FIRM Map.
4. The subject property is not located within a 100 year flood plain.
5. The subject property is not in the Chesapeake Bay Critical Area.

AGRICULTURE

A portion of the subject property are currently being used for agricultural purposes. The remaining property not used for residential use will continue to be used for agricultural purposes.

Agricultural Note

Any buildings may be subject to inconveniences or discomforts arising from agricultural operations, including, but not limited to noise, odors, fumes, dust, the operations of machinery of any kind during any 24 hour period (including aircraft), the storage and disposal of manure, and the application by spraying or otherwise of chemical fertilizers, soil amendments, herbicides and pesticides. The county shall not consider an agricultural operation to be a public or private nuisance, if the operation complies with these regulations and all federal, state or county health or environmental requirements.

STORM WATER MANAGEMENT

1. The storm water management regulations will be met as a part of any building permit process

OFFICE OF ZONING

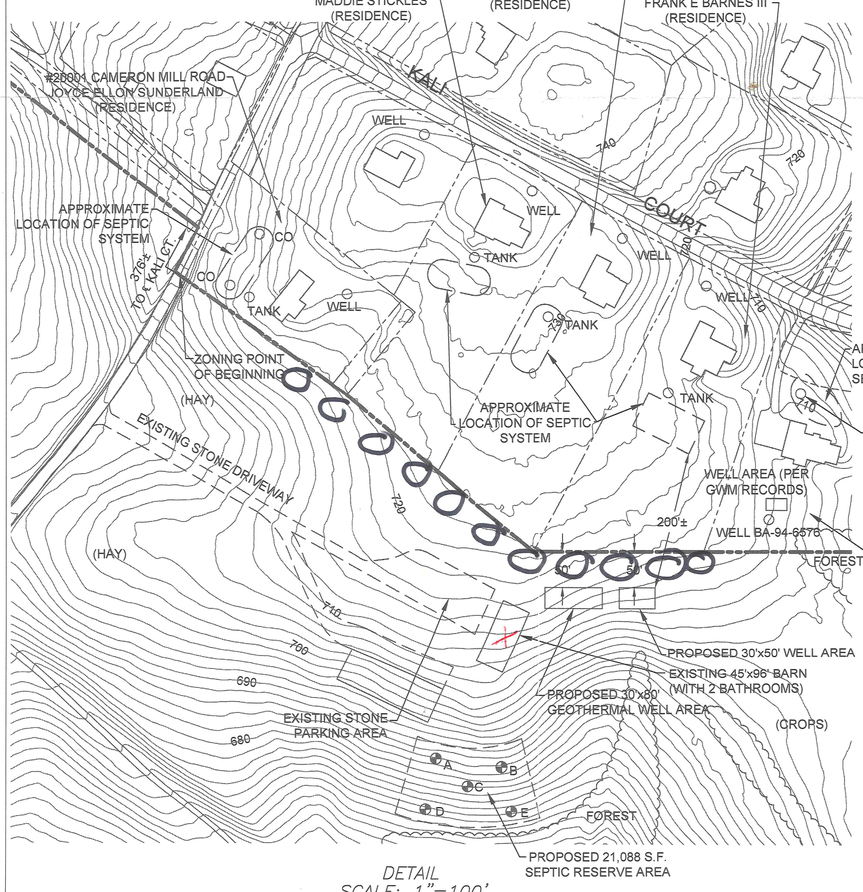
Current Zoning RC 2, RC 4 & RC 5

Zoning History

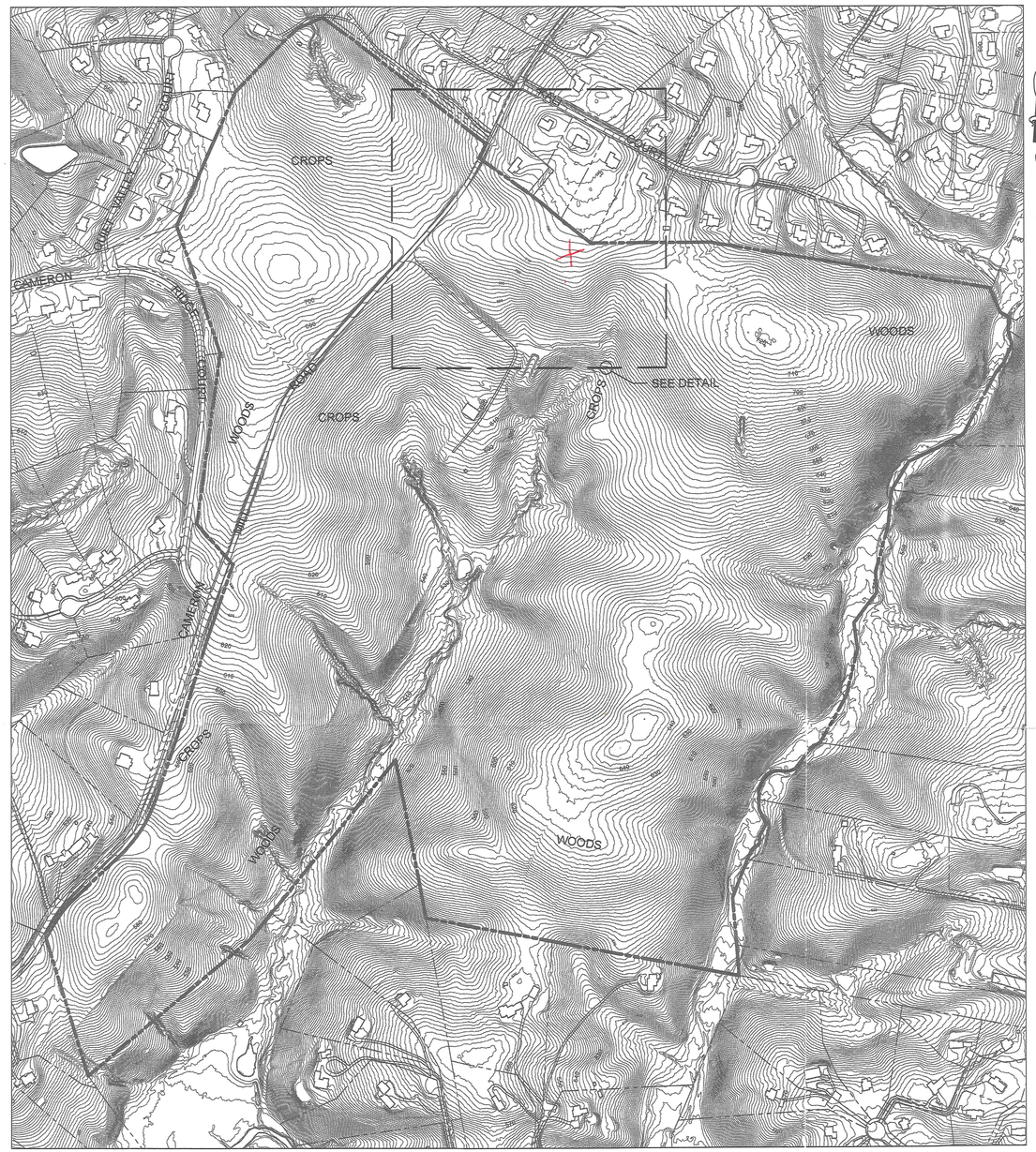
There have been no zoning hearings concerning the subject property.

OFFICE OF PLANNING

1. The subject property is not located in a National Register Historic District.
2. Cameron Mill Road is not designated as a Baltimore County scenic road.



DETAIL
SCALE: 1"=100'


CROPS
WOODS
CAMERON MILL ROAD
KALI COURT
CAMERON RIDGE CT
GREEN VALLEY
SEE DETAIL
WOODS
CROPS
WOODS
CROPS
WOODS
CROPS

GENERAL SITE INFORMATION

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3. Deed reference: 27285/109
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6. Tax Map 12 Grid 08 Parcel 14 Tax Acc. # 07-20-066300
7. ADC Map Grid: 4120E4
8. Position Sheets: numerous
9. GIS Tile Numbers: 012A1,012A2, 012B1 & 012B2
10. Regional Planning District: Hereford/Maryland Line Regional Planning Dist. Code: 301
11. Growth Tier: 3 & 4
12. Growth Tier Description: Large lot developments on septic Preservation & Conservation Areas
13. Watershed Name: Loch Raven Reservoir
14. URDL Land Type: 1
15. School Districts: 7th ES Hereford MS Hereford HS
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GROUND WATER MANAGEMENT

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2. Any proposed agricultural building shown hereon will be served by a private septic system and a private well.
3. There are no underground fuel tanks on the subject property.

ENVIRONMENTAL IMPACT

Forest Conservation

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Forest Buffer

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AGRICULTURE

A portion of the subject property are currently being used for agricultural purposes. The remaining property not used for residential use will continue to be used for agricultural purposes.

Agricultural Note

Any buildings may be subject to inconveniences or discomforts arising from agricultural operations, including, but not limited to noise, odors, fumes, dust, the operations of machinery of any kind during any 24 hour period (including aircraft), the storage and disposal of manure, and the application by spraying or otherwise of chemical fertilizers, soil amendments, herbicides and pesticides. The county shall not consider an agricultural operation to be a public or private nuisance, if the operation complies with these regulations and all federal, state or county health or environmental requirements.

STORM WATER MANAGEMENT

1. The storm water management regulations will be met as a part of any building permit process

OFFICE OF ZONING

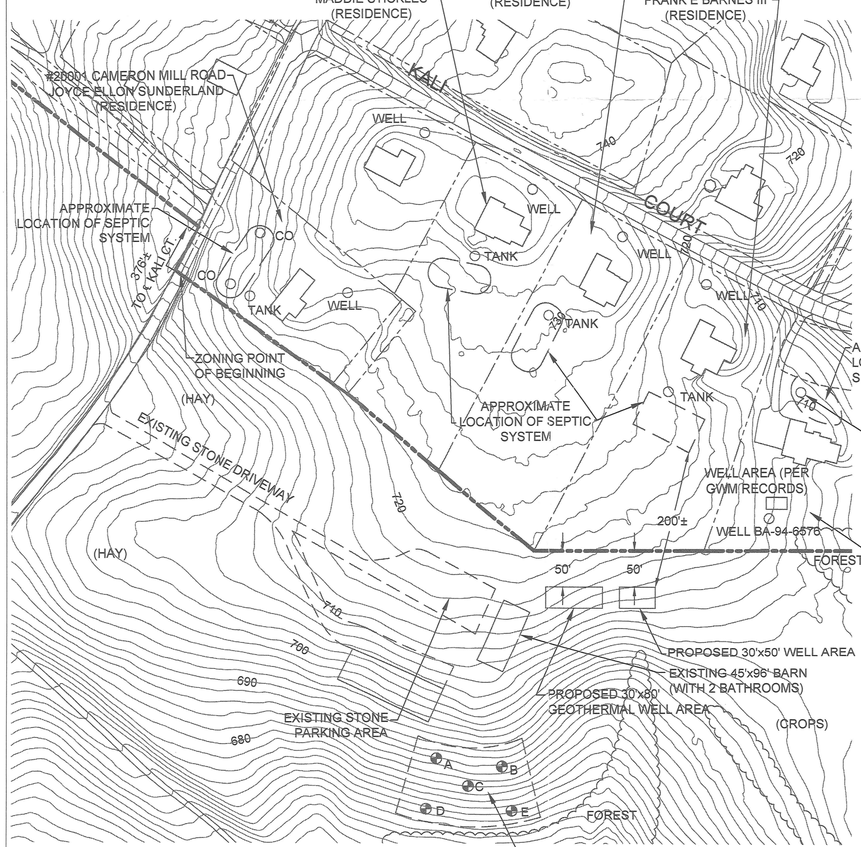
Current Zoning RC 2, RC 4 & RC 5

Zoning History

There have been no zoning hearings concerning the subject property.

OFFICE OF PLANNING

1. The subject property is not located in a National Register Historic District.
2. Cameron Mill Road is not designated as a Baltimore County scenic road.



DETAIL
SCALE: 1"=100'


CROPS
CAMERON MILL ROAD
KALI COURT
WOODS
SEE DETAIL
CROPS
WOODS
CAMERON
RIDGE
CT
CROPS
WOODS
CROPS
WOODS
CROPS
WOODS

GENERAL SITE INFORMATION

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6. Tax Map 12 Grid 08 Parcel 14 Tax Acc. # 07-20-066300
7. ADC Map Grid: 4120E4
8. Position Sheets: numerous
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11. Growth Tier: 3 & 4
12. Growth Tier Description: Large lot developments on septic Preservation & Conservation Areas
13. Watershed Name: Loch Raven Reservoir
14. URDL Land Type: 1
15. School Districts: 7th ES Hereford MS Hereford HS
16. Census Block: 240054070005018 Census Tract: 407000
17. The boundary shown hereon is from the Baltimore County GIS.
18. The topography shown hereon is from GIS tiles 012A1,012A2, 012B1 & 012B2

GROUND WATER MANAGEMENT

1. No dwelling exists on the subject property
2. Any proposed agricultural building shown hereon will be served by a private septic system and a private well.
3. There are no underground fuel tanks on the subject property.

ENVIRONMENTAL IMPACT

Forest Conservation

1. Forest exists on the subject property.
2. No forest will be disturbed with any of the proposed uses.

Forest Buffer

1. Wetlands exist on the subject property.
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4. The subject property is not located within a 100 year flood plain.
5. The subject property is not in the Chesapeake Bay Critical Area.

AGRICULTURE

A portion of the subject property are currently being used for agricultural purposes. The remaining property not used for residential use will continue to be used for agricultural purposes.

Agricultural Note

Any buildings may be subject to inconveniences or discomforts arising from agricultural operations, including, but not limited to noise, odors, fumes, dust, the operations of machinery of any kind during any 24 hour period (including aircraft), the storage and disposal of manure, and the application by spraying or otherwise of chemical fertilizers, soil amendments, herbicides and pesticides. The county shall not consider an agricultural operation to be a public or private nuisance, if the operation complies with these regulations and all federal, state or county health or environmental requirements.

STORM WATER MANAGEMENT

1. The storm water management regulations will be met as a part of any building permit process

OFFICE OF ZONING

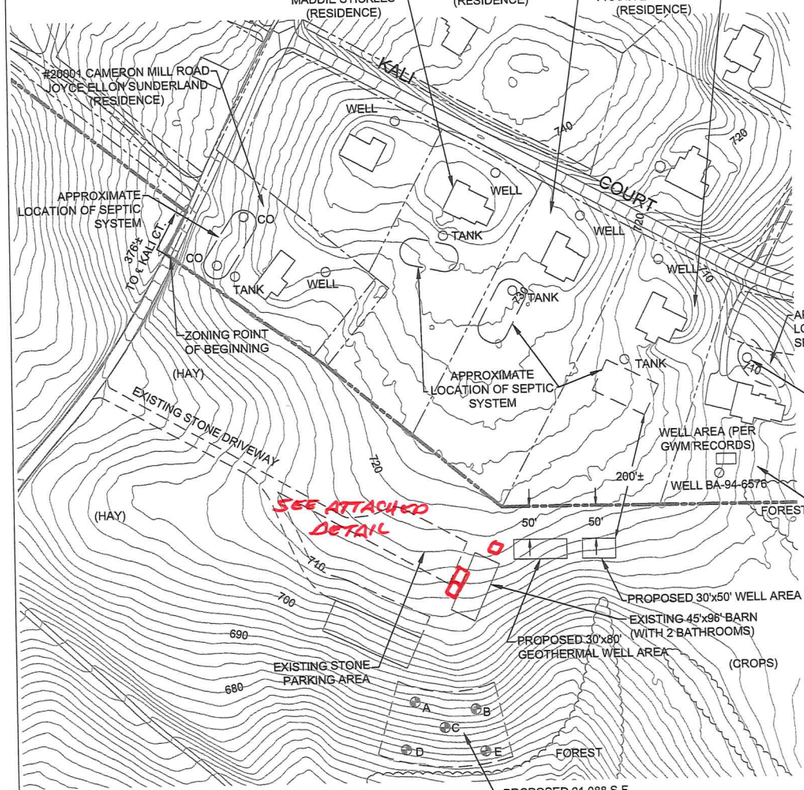
Current Zoning RC 2, RC 4 & RC 5

Zoning History

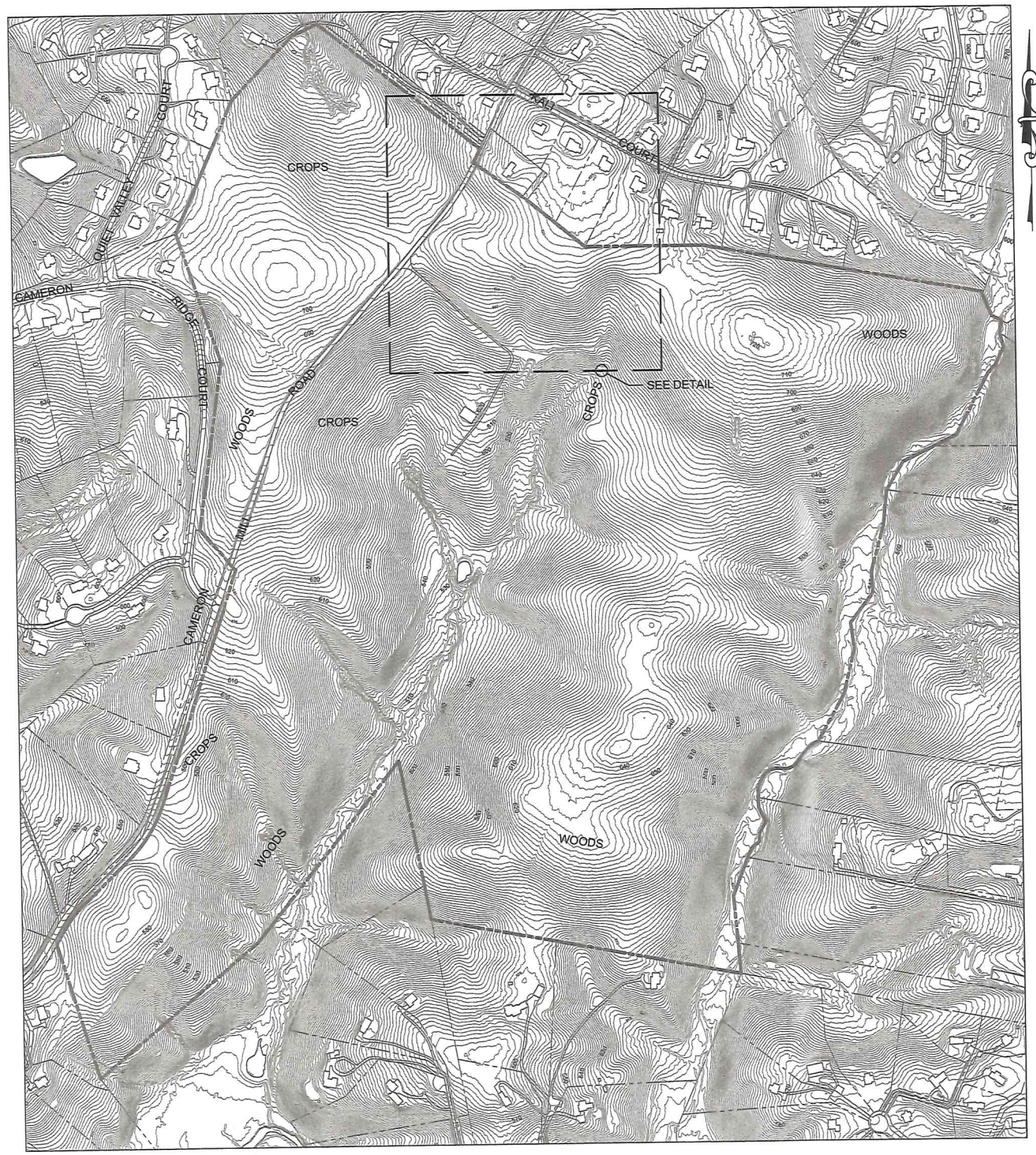
There have been no zoning hearings concerning the subject property.

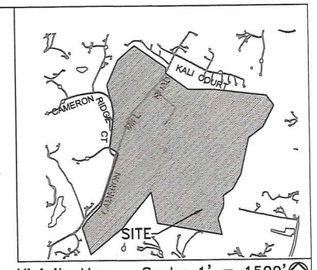
OFFICE OF PLANNING

1. The subject property is not located in a National Register Historic District.
2. Cameron Mill Road is not designated as a Baltimore County scenic road.



DETAIL
SCALE: 1"=100'





Vicinity Map – Scale: 1' = 1500'

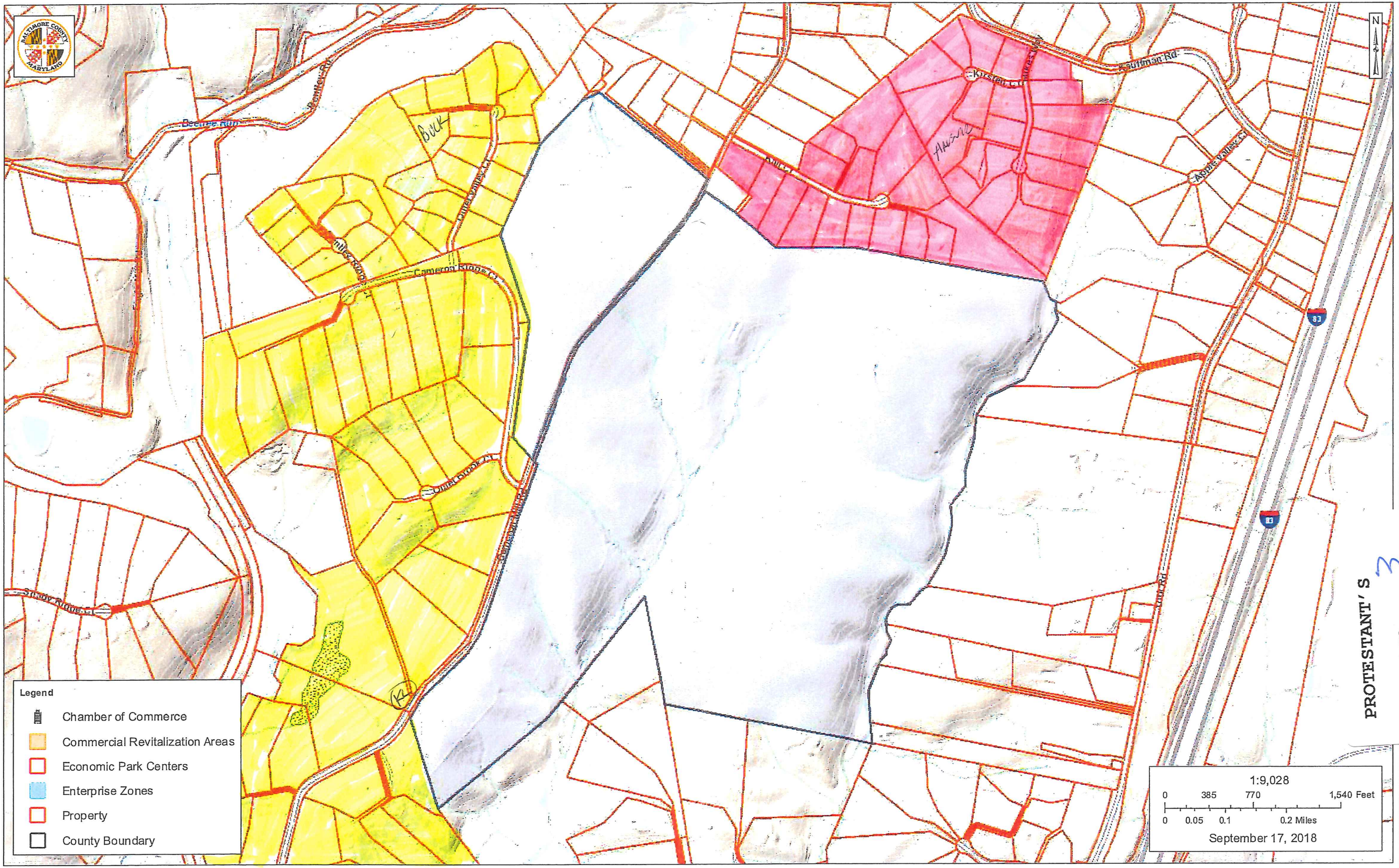
BEARINGS AND DISTANCES

The Survey property, known as 19919 Cameron Mill Road in the Seventh Election District of Baltimore County, Maryland.

Beginning hereby same at the iron pipe found on the northeasterly side of the intersection of Cameron Mill Road and Kali Court, as recorded in the Land Records of Baltimore County, Maryland in Plat Book E.H.K. No. 74 folio 65, thence binding on the easterly side of said Kali Court the following four (4) courses and distances, as now surveyed, with all bearings referenced to the Maryland Coordinate System (NAD83):

1. South 20° 24' 29" East 318.61 feet to a 40 inch Oak tree; thence
2. North 65° 59' 59" East 872.87 feet to a point; thence
3. South 86° 14' 42" East 1,277.74 feet to a stone (found); thence
4. South 19° 04' 42" East 198.51 feet to a point; thence
5. South 19° 04' 42" East 198.51 feet to a stone (found); thence
6. South 57° 08' 39" East 49.73 feet to an iron bar (found) in the center of a stream known as "Western Branch" thence binding on the center of said stream the following fifteen (15) courses and distances:
7. South 14° 04' 07" West 52.74 feet to a point; thence,
8. South 30° 20' 47" East 47.93 feet to a point; thence,
9. South 20° 11' 08" West 42.15 feet to a point; thence,
10. South 20° 11' 08" West 54.64 feet to a point; thence,
11. South 20° 51' 41" West 42.15 feet to a point; thence,
12. South 25° 52' 21" West 29.99 feet to a point; thence,
13. South 18° 40' 21" West 37.85 feet to a point; thence,
14. South 06° 12' 51" West 58.45 feet to a point; thence,
15. South 42° 37' 17" West 72.69 feet to a point; thence,
16. South 49° 19' 17" West 61.10 feet to a point; thence,
17. South 49° 49' 31" West 65.69 feet to a point; thence,
18. South 7° 59' 59" West 60.23 feet to a point; thence,
19. South 42° 0' 01" West 126.02 feet to a point; thence,
20. South 79° 51' 01" West 54.16 feet to a point; thence,
21. South 6° 13' 43" West 61.29 feet to a point; thence
22. South 20° 49' 46" West 56.23 feet to a point; thence
23. South 7° 44' 07" West 49.61 feet to a point; thence
24. South 10° 35' 36" West 47.01 feet to a point; thence
25. South 22° 44' 48" West 65.09 feet to a point; thence
26. South 31° 26' 18" West 94.04 feet to a point; thence
27. South 17° 38' 10" West 45.16 feet to a point; thence
28. South 7° 59' 59" West 103.75 feet to a point; thence
29. South 31° 7' 20" East 51.09 feet to a point; thence
30. South 21° 49' 40" East 102.24 feet to a point; thence
31. South 27° 17' 40" East 52.90 feet to a point; thence
32. South 27° 17' 40" West 24.43 feet to a point; thence
33. South 2° 46' 00" East 189.9 feet to a point; thence
34. South 16° 12' 07" West 22.9; feet to a point; thence
35. South 34° 51' 07" West 75.27 feet to a point; thence
36. South 54° 51' 07" West 21.75 feet to a point; thence
37. South 35° 8' 53" East 27.61 feet to a point; thence
38. South 21° 07' 27" East 27.61 feet to a point; thence
39. South 42° 04' 42" West 192.29 feet to a point; thence
40. South 40° 40' 42" West 110.29 feet to a point; thence
41. South 68° 26' 39" West 43.17 feet to a point; thence
42. South 68° 26' 39" West 43.17 feet to a point; thence
43. South 68° 26' 39" West 81.92 feet to a point; thence
44. South 47° 57' 19" East 22.55 feet to a point; thence
45. South 41° 13' 59" West 53.78 feet to a point; thence
46. South 69° 42' 15" West 53.78 feet to a point; thence
47. South 69° 42' 15" West 53.78 feet to a point; thence
48. South 35° 42' 40" West 60.29 feet to a point; thence
49. South 35° 42' 40" West 60.29 feet to a point; thence
50. South 17° 26' 39" West 28.54 feet to a point; thence
51. South 50° 02' 39" West 28.0 feet to a point; thence
52. South 25° 51' 39" West 111.72 feet to a point; thence
53. South 25° 51' 39" West 111.72 feet to a point; thence
54. South 25° 12' 51" East 68.15 feet to a point; thence
55. South 58° 56' 51" East 65.55 feet to a point; thence
56. South 57° 57' 39" West 54.01 feet to a point; thence
57. South 57° 57' 39" West 54.01 feet to a point; thence
58. South 57° 57' 39" West 54.01 feet to a point; thence
59. South 37° 01' 17" West 44.21 feet to a point; thence
60. South 27° 41' 46" West 77.72 feet to a point; thence
61. South 27° 41' 46" West 77.72 feet to a point; thence
62. South 27° 41' 46" West 77.72 feet to a point; thence
63. South 2° 9' 31" East 137.21 feet to a point; thence
64. South 12° 26' 29" West 47.91 feet to a point; thence
65. South 42° 27' 31" West 95.24 feet to a point, thence binding on the outline of a subdivision Plat entitled "Section 1 Parcel A Cameron Mill" as recorded among the said Land Records in Plat Book 68, folio 137,
66. South 42° 27' 31" West 95.24 feet to a point, thence binding on the outline of a subdivision Plat entitled "Section 1, Plat B, Cameron Mill" as recorded among the said Land Records in Plat Book 68 folio 137,
67. North 47° 44' 29" West 68.42 feet to a point, thence
68. South 27° 46' 00" West 996.68 feet to a point, thence binding on the outline of a subdivision Plat entitled "Section 2, Plat A, Cameron Mill" as recorded among the said Land Records in Plat Book 68 folio 137,
69. South 27° 46' 00" West 996.68 feet to a point, thence
70. South 62° 14' 00" East 917.0 feet to a point, thence binding on the center of Cameron Mill Road, as now surveyed, with all bearings referenced to the Maryland Coordinate System (NAD83) as the following two courses and distances:
71. North 61° 02' 17" West 219.07 feet to a point; thence
72. North 67° 57' 11" East 776.09 feet to a point, thence binding on the outline of a subdivision Plat entitled "Section 2, Part C, Cameron Mill" as recorded among the said Land Records in Plat Book 68 folio 143
73. North 67° 57' 11" East 776.09 feet to a point, thence
74. North 18° 02' 49" West 619.00 feet to a point in a stream now or formerly known as "Western Branch" thence binding on the outline of a subdivision Plat entitled "Plat 2 of 2, Quiet Valley Estates" as recorded among the said Land Records in Plat Book 68 folio 137 which was surveyed by Edward Wilson Tercey and Mollie Kenah Tercey to Edward James Tercey, Jr. and Kathryn E. Fricke the following three courses and distances:
75. North 18° 02' 49" West 619.00 feet to a point, thence
76. North 17° 02' 42" West 619.00 feet to a point in a stream now or formerly known as "Western Branch" thence binding on the outline of said stream the following fifteen (15) courses and distances:
77. North 72° 57' 18" East 215.07 feet to a point; thence
78. North 72° 57' 18" East 215.07 feet to a point; thence
79. North 72° 57' 18" East 215.07 feet to a point; thence

Baltimore County - My Neighborhood



PROTESTANT'S EXHIBIT NO. 3



PETITIONER'S

EXHIBIT NO. 3

Baltimore County - My Neighborhood

