

Agricultural Preservation Advisory Board

Regular Meeting Agenda

November 10, 2020

7:00 p.m.

Attendance: Michael Jamison, Nick DeLuca, John Fendrick joined at 7:21 p.m.

Staff: Mike Scheffel, Kristin Fisher

There was no quorum at the beginning of the meeting, so the members present heard Drew Baker's description of his project for informational purposes only and no Board action was taken.

After John Fendrick joined the meeting, it was called to order at 7:25 p.m.

1. Approval October meeting minutes

Fendrick made a motion to approve the October meeting minutes as written; DeLuca seconded.

2. AEP Easement Program

a. Thomson Butz easement

Thompson and Robert Butz may be exploring whether Thomson can sell his easement property to Robert and have the development right transferred to him. The justification would be that the building right is staying in the family, and the larger combined parcel was historically the family's farm. There is a type of precedent for this from Clifton Martin's easement property. That family created 5 child lots without obtaining approval to do so under the easement. The county attorney was able to retroactively approve the lots using the justification that the lots were for family members and this was helping to keep the family farm intact. The Board has not received a formal request from the Butzes yet, but if one is received, the Board will have to decide whether the request is within the intent of the easement and if so, to approve seeking legal counsel as to whether the request can be approved. We would likely have to amend the easement to adopt the most recent version because the current easement language does not allow development rights to be transferred to third parties.

b. Drew Baker – Burnt Hill Winery Proposal

Drew described his operation on Burnt Hill Road. His first grapes are to be harvested next fall. In addition to grapes, they are raising woodland hogs, mushrooms, and 25 acres of heritage grains. He plans to construct an agricultural building with all the necessary electrical, well, and septic permits. Drew met today with J. Harne from the Montgomery Soil Conservation District to look at the site for the proposed building. J. will send a letter to Drew by the end of the

week approving the location. Drew expects to stay under 5,000 square feet of disturbance. His goal is a small low-impact, off-the-grid (electrical permit would be for solar power) building.

Drew will submit a drawing of the building location and the approval letter from MSCD for the Board to review at the next meeting when a quorum is present.

3. Maryland Agricultural Land Preservation Foundation

a. Supercommittee meeting held 11/3/20

Scheffel and Fisher attended this meeting, but both had to leave it early. Nothing to report at this time.

b. Update on FY21 application

Unfortunately, there is no further update on this application. It is caught up in pandemic-related delays.

c. MPM Inc

Scheffel spoke with Charlie Jamison, whose client is interested in developing a wedding venue on their MALPF farm. Montgomery County requires that something grown or made on the property is used in the weddings. In addition, there are specific requirements from MALPF. For example, the maximum footprint for a special events venue is 2 acres, including the site and associated parking. The special events area has to be surveyed and recorded and requires full MALPF board approval. No Board action at this time.

4. RLP Easement Program

a. Updates on FY20/21

Fisher and Scheffel have been working to get all the necessary documents and signatures required for the Rural Legacy Program grants. OAG now has all of the necessary signed documents from the landowners, signatures from CE staff, and signatures from Vickie Gaul as to form and legality. OAG is now assembling the Project Agreements for the RLP. Once the Project Agreements are approved by DNR, the package has to be put on the BPW agenda. After BPW approval, settlement is expected to happen within 6-8 weeks.

Montgomery County's FY21 application was not funded by RLP. Scheffel will follow up with DNR to get more feedback on the reason for this and also to request that Montgomery County be considered if any money becomes available from other awards that are not fully utilized.

5. Legislative activities

a. ZTA 20-01 Solar Collection Systems in the AR Zone

Hans Reimer's Deputy Chief of Staff, Tommy Heyboer, sent out the makeup of the stakeholder working group that has been put together to discuss this ZTA. It consists of eight members, including farmer representatives Randy Stabler and Doug Lechliger. The group will meet at least four times between November 17 and Dec 16. OAG is hoping that the document put together outlining the agricultural community's thoughts on the ZTA will be the driving force behind the structure of the meetings.

b. Composting Bill – Evan Glass

Councilmember Glass continues to meet with groups to discuss his bill, which would increase the amount of offsite material allowed in on-farm composting and mulching in the Ag Reserve. He will be meeting with OAG and the Food Council to talk about this bill.

c. Development Impact Tax Update

The County Council approved a rate of zero development impact tax for agricultural buildings used for processing and storage. Next, OAG is pursuing a reduced rate for buildings that are used for agricultural retail. The county will be doing a traffic study of agritourism venues to prove that these businesses do not have the same impact on infrastructure, and should not be charged tax at the same rate, as down-county retail businesses and restaurants.

d. Subdivision Regulation Amendment

After handling changes to the development impact tax, Tommy Heyboer wants to address the subdivision regulations so that a commercial building permit for agriculture doesn't trigger subdivision. He wants to make all agritourism exempt from subdivision regulations. Hopefully this initiative will move forward with little resistance.

e. December 3rd, 9 – 10:30 am, Legislative webinar hosted by Farm Bureau – need 5 questions to submit

The usual annual legislative breakfast cannot be held in-person this year because of the pandemic. In its place, a webinar is being planned that will include federal, state, and local officials. Farm Bureau wants all county ag groups to submit questions to give to legislators during the webinar. The Board discussed some ideas including how to get high speed internet in rural areas, especially now that there are demands for online learning and teleworking resulting from COVID. The Board also discussed the need for agricultural land preservation money, since

local food production and a robust local supply chain have never been more important. In addition, there is a need for improved and faster USDA meat inspection and processing. Scheffel will follow up with the Board via email to get additional input.

f. Delegate David Fraser-Hidalgo deer bill

Delegate David Fraser Hidalgo introduced a bill that would allow the sale of venison harvested with a deer management permit. The idea was to come up with a way to encourage more deer harvesting. However, it has received a lot of push-back because MD does not allow state inspection of meat, and commercial sale of venison is not legal unless it is farm-raised. The legislative conflicts mean this probably won't go anywhere, but the good news is that we have their attention on this issue and they are trying to think creatively about how to address it.

6. Other business

a. Farm Alcohol Production Facilities – Biennial report to the Council

This report was submitted to the County Council on November 4th. OAG is happy with the final result and looks forward to feedback from councilmembers. The Board agreed that the report was well done.

The meeting adjourned at 8:10 pm.