



AGRICULTURAL PRESERVATION ADVISORY BOARD

Agricultural Preservation Advisory Board

Regular Meeting Minutes

April 13, 2021

7:00 p.m.

Attendance: Michael Jamison, John Fendrick, Chuck Gingrich, Bob Cissel, Nick DeLuca

Staff: Mike Scheffel, Kristin Fisher

The meeting was called to order at 7:02 pm

1. Approval March meeting minutes

Fendrick made a motion to approve the meeting minutes from March, as written; Cissel seconded

2. AEP Easement Program

a. Willard-Watkins Farm – American Farmland Trust update

Scheffel put Willard in touch with AFT to discuss the possibility of using the Watkins Farm as a study site for quantifying the economic, water quality, and climate outcomes of regenerative farming investments in soil health. Willard is willing to cooperate, and has invited AFT out for a farm tour.

Fendrick asked for clarification on their use of the term “regenerative farming”. Scheffel indicated that AFT is looking for nutrient management, crop rotation, no-till, and continuous cover on the soil as four of the main components of regenerative farming. Montgomery County farmers already do these things, and are ahead of the adoption of these practices compared to other parts of the country. This partnership with AFT would be a good opportunity to showcase Montgomery County farmers’ success and long-term commitment to soil health.

b. Chuck Gingrich easement update

Scheffel reported that neither OAG nor Gingrich has received any further communication from Park & Planning on the tree harvesting complaint on Gingrich’s farm. OAG put



AGRICULTURAL PRESERVATION ADVISORY BOARD

together a timeline of events including the dates of subdivision, forest conservation easement, and plats so we can refer back to that if necessary.

c. PGH Comus Farm/Peter Huyser agritourism request

Peter Huyser purchased the Martin Farm out in Comus and was hoping to use it for hemp production, but that was not profitable. He is now considering agritourism. These uses, including use as wedding site, were advertised on his website and someone complained. Park & Planning asked OAG for information on his plans because no approvals had been given for agritourism uses. OAG had not heard anything from Mr. Huyser, so reached out to him and asked for a business plan to start the process of getting approvals for agritourism uses. OAG has not yet received a copy of the plan, but when it is submitted it will have to go to APAB for approval.

d. PGH Comus Farm new access road

Huyser and the tenant farmer (Johnson) have requested a new access road into the farm from Comus Road because access via the existing farm lane is on one of the Martin lots, and the Martins are no longer allowing them to use it. It will be a short access road connecting Comus Road to a point on the existing farm lane that is not on the Martin lot. Huyser and Johnson are working with the Soil Conservation District.

3. Maryland Agricultural Land Preservation Foundation

Applications to the MALPF program are due each year by June 30. Several people have expressed interest in the MALPF program over the past year, but no one has followed up with the intention of filling out an application. Scheffel will be reaching out to these people over the next couple of weeks to determine interest and plan for an application to be submitted in June.

a. Updates on FY 20/21 applicants

OAG is waiting for Suddath farm MALPF easement to settle; no update yet on when this will happen..

Ida Dayhoff's MALPF easement will move forward with the county's contribution of \$50,000, which enabled a full easement offer to be made on her farm.

b. Inspections – Luther, Stabler, and Willard (ISDA LLC)



AGRICULTURAL PRESERVATION ADVISORY BOARD

Scheffel and Fisher performed easement inspections on these three farms. There are some potential nutrient management issues on Lonnie Luther's farm, but otherwise the properties are in good shape.

4. RLP Easement Program

a. Update on FY22 application

DNR has received our application, but Scheffel had no further updates to provide on the FY22 application.

b. Unspent FY 20 Funds

Tom McCarthy from DNR reached out to Scheffel about some unused funds from Montgomery County's FY20 award. In FY20, OAG received \$2.7 million to settle easements, but didn't end up using about \$100,000 of it. McCarthy said we could hold onto that money and add it to anything we get for the FY22 award, but have to submit a letter to that effect. This is good news, although Scheffel had no update on when we will know the status of the FY22 application.

5. Legislative activities

a. Building energy use performance standards

DEP has developed new building energy use performance standards to help meet the county's climate change goals. Unfortunately, DEP didn't solicit input from OAG beforehand and there may be some impacts to agriculture, depending upon the final wording of the legislation. The current draft applies to individual nonresidential buildings with a gross square footage of 25,000 or more. However, a previous draft applied the standards to cumulative square footage across multiple buildings, which would affect a lot of farming operations. OAG had a conversation with DEP about ensuring that these standards would not apply to agriculture since profit margins for agriculture are smaller than in other businesses and farmers have no mechanism for passing extra costs off onto the consumer.

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

No update.

c. MD General Assembly Updates



AGRICULTURAL PRESERVATION ADVISORY BOARD

Maryland HB 991 - Tree Solutions Now Act of 2021 – bill was amended to allow existing forests to be used as mitigation banks if they were approved on or before December 31, 2020. The bill did pass. Now a study will be done to see how well the program has worked and when this is finished (~2023), recommendations will be given.

HB577 relating to H2-A and H2-B visa and migrant worker housing, safety, health, and welfare during the COVID-19 pandemic received an unfavorable report in committee, so it died.

HB581 - Hazard pay bill that would require essential employees to be paid an extra \$3/hr retroactively for the duration of the public health emergency is still being modified.

HB7 – Deer management pill passed – provides a \$75 credit off state income tax per deer butchered and donated; total eligible amount capped at \$600.

SB403 - Farmers Market minimum wage bill did not go through.

HB92 – Invasive and Nonnative Plant Species bill passed; state funds cannot be used to purchase or plant invasive or nonnative plant species.

HB 1069 - Water Supply – Private Well Safety Program bill passed; wells on rental properties must be tested every 3 years and provide results to tenant.

d. Bill 5-21 – Ag Land Preservation – Solar Collection Systems

Theoretically, applications could come in to today but the applications go to DPS, so OAG won't know about it until DPS passes the applications on to us. Bill 5-21 may provide OAG and the Ag Land Preservation fund with a couple hundred thousand dollars per year.

6. Other business

a. APAB position posted

The announcement for the open non-farmer position on the Board closed yesterday; the last update Scheffel received was that at least 6 individuals had applied.

Scheffel spoke to Frank Jamison: the Anderson Farm is going to settlement next week at some point, and it sounds like the entire farm is being sold in one piece.



AGRICULTURAL PRESERVATION ADVISORY BOARD

OAG has been working with DEP on improving access to farming in urban settings. OAG has been helping small farmers get Leaf Gro in Dickerson. But Sugarloaf Citizen's Association only lets 40 cubic foot trucks in and out of the property. This seems to be an effort to reduce traffic on the rustic road. However, most small farms do not need that much compost and cannot accommodate big trucks on their properties to offload the material. OAG wants to work with SCA to allow small trucks in to pick up compost, which would be a more realistic way for growers to access and use the material.

Jamison asked about the BLT market. Scheffel reported that people are contacting him to create BLTs, but developers are not looking to purchase whole BLTs. Instead, developers are comfortable paying the county for partial BLTs rather than go to the trouble of negotiating prices on the private market.

Scheffel spoke to Pulte Homes: they are offloading TDRs at less than \$20,000 per TDR, so market will be flooded with inexpensive TDRs for a while.

Jamison commented that the public and politicians seem to think that agriculture doesn't need funding. The Agricultural Preservation Program has been working uphill for a while to try to find a reliable source of funding, and this still hasn't been resolved. While it is understood that unexpected things happen, it does seem that there is always something getting in the way of our making progress on this issue (e.g., the Great Recession, the COVID-19 pandemic, etc.). Pressure on agriculture and on the land that is critical to the success of the Agricultural Reserve is only going to get worse. One way to protect it moving forward is to preserve it, but we can't do that without adequate funding.

The meeting adjourned at 7:48 pm.