

# Agricultural Preservation Advisory Board

Meeting Minutes

April 9, 2024

7:00 p.m.

Board: Michael Jamison, Sarah Daken, Nick Magliato, Randy Stabler

Staff: Mike Scheffel, Mike Weyand

Guests: Dale Tibbitts and Jake Adler.

The meeting was called to order at 7:01 pm.

1. Introduction of Guests
2. Approval of February meeting minutes

Stabler motioned to accept the minutes; Jamison seconded, and the motion carried.

3. AEP/BLT Easement Program
  - a. Revamping the TDR and BLT Program

Montgomery Planning (MNCPPC) staff sent the Office of Agriculture an updated memo on their draft recommendation for how to support the TDR and BLT programs through the Incentive Zoning Update. Currently, developers are required to purchase BLTs to develop at a higher density than the baseline level in the CR and LSC zones. The Planning Department's draft recommendation is to require that developers purchase either BLTs or an equivalent number of TDRs and to provide an incentive for purchasing TDRs instead of BLTs. One idea is for the OAG to buy TDRs from landowners at a set price and "sell" the TDRs to the developers for the same price. This would require changes in executive regulations. Once the developer uses the TDRs, a TDR extinguishing document will be recorded to close the loop on the TDRs assigned to a development project.

The board commended MNCPPC on this effort and supported this approach as an excellent first step. Board members agreed that re-establishing the TDR market will require a multifaceted approach. They encourage the County to continue finding ways to revitalize the TDR market and develop further strategies for increasing the demand for both TDRs and BLTs. The board asked staff member Weyand to write a letter of support.

4. Maryland Agricultural Land Preservation Foundation
  - a. FY23 Applicants

The OAG submitted the baseline report for Sharon Burdette's farm to the Maryland Department of Agriculture.

b. FY24 Applicants

FY24 applicants have accepted their offers and are now working with the Maryland Department of General Services.

c. FY25/FY26 Combined Application Cycle

The Maryland Agricultural Land Preservation Foundation has limited funds for the next two fiscal cycles. MALPF estimates 500k for FY25 and 725K for FY26 for a total allotment. MALPF would like to combine funding from both fiscal years (1.25 million) to compensate for limited funding. The drawback is that there will be only one application period for the next two years. Several counties expressed interest in keeping the funding cycles separate at the MALPF Board Meeting on March 26.

d. Inspections

OAG staff completed seven MALPF easement inspections last month. All farms were found to be in full compliance with the easement agreement. The staff has submitted reports to MDE. Montgomery County has now met MDA's annual inspection requirement for the MALPF easement program.

5. RLP Easement Program

a. FY23 Applicants

RLP easement terms have been reached and are being signed and finalized. FY23 grants are in front of the Board of Public Works on May 15.

b. Inspections

OAG staff completed two RLP easement inspections last month. Both properties were found to be in full compliance with the easement agreement. Staff submitted inspection reports to DRN.

6. Legislative activities

a. [ZTA 23-09](#) – Incidental outdoor stays, planning board recommendations.

ZTA 23-09 would allow overnight stays on farms in the AR zone that conduct accessory agricultural education and tourism activities as part of their regular operations. The proposed bill is on hold until June. The Ag Advisory Committee (AAC) is collecting feedback on the ZTA from several County Ag groups. The board provided the following feedback on the ZTA: 1. The APAB does not support incidental outdoor stays as an accessory to farming; this alters the definition of farming; 2. Incidental outdoor stays in the agricultural reserve must be limited in scope and have minimal long-term impact on the viability of the agricultural industry; 3. The use must be

conditional, subject to approval by the Hearing Examiner. Staff Weyand will follow up with an APAB letter to the AAC and the other County Ag Groups.

b. March 29 - Planning and Agricultural Community Meeting

On March 29, 2024, the Planning Board met with representatives from different agricultural groups and the OAG to discuss the benefits of the Agricultural Reserve, threats to farming in the Reserve, the need for revamping the TDR program, agritourism, and the importance of including farmers in discussions on legislative changes that affect farming and the Reserve. The Planning Board was very interested in hearing from the farmers and looks forward to continued discussions and farm visits.

7. Other business

a. APAB Board Member Update

Wade Butler applied for the last vacancy in the Agricultural Preservation Advisory Board (APAB), was recommended by the County Executive, and will be appointed by the County Council on April 16, 2024. Board Member Margaret Giblin has announced that she will be stepping down. A new non-farmer member vacancy will be announced in the coming days. The April APAB meeting was Chair Michael Jamison's last meeting with the board. Jamison motioned to elect Stabler as the new APAB chair; Magliato seconded, and the motion carried.

b. CREP/DNR/RLP Easement Option

OAG contacted DNR to set up a meeting to learn more about the new program. The County would need to sign an MOU to participate.

The meeting was adjourned at 8:27 pm.