

# **Agricultural Preservation Advisory Board**

Regular Meeting Agenda

May 14, 2019

7:00 p.m.

Staff: Mike Scheffel, Kristin Fisher

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

The meeting was called to order at 7:24 pm.

## **Approval of the April 9, 2019 meeting minutes**

Jamison made a motion to approve the minutes assuming no Board members absent at the start of the meeting provide changes; Cissel seconded.

## **AEP Easement Program:**

### **Martin Farm (Peter Huyser) - update**

Peter is moving forward with all necessary approvals to be able to process hemp on the farm. He has built the fence and the greenhouse and seedlings are started.

### **TDRs Retained by grantors**

The OAG is looking into how many AEP easement properties retained TDRs for child lots that were never realized. These properties (including the Beverly farm) have TDRs attached that cannot be converted into housing units and this issue continuously causes title confusion when the properties transfer. OAG would like to work on a mechanism for clarifying this title issue moving forward.

### **Beverly Farm**

Mendich and his partners, who now own the Beverly farm, met with Park & Planning to discuss the forest mitigation bank and forest harvest, but are still awaiting approval to move forward with their plans. One issue is that the AEP easement says a landowner can do select harvest or clear-cut, and Park & Planning is uncomfortable with allowing clear cutting in a forest mitigation bank. OAG is working with Mendich to find some compromise that will work for both parties.

## **Maryland Agricultural Land Preservation Foundation:**

### **Certification Report Update**

OAG needs signatures from the Director of Finance and the County Executive before the report can be finalized and sent to the Department of Planning. OAG has submitted the request and the documents and is waiting for signatures.

### **FY20 MALPF applications due June 30**

We only have one applicant so far. The soils on the farm only just qualify for eligibility in the MALPF program. The property has two TDRs and one would be transferred to the County if the easement settles. After discussion, Jamison made a motion to approve the one application for submission to MALPF; Cissel seconded.

## **RLP Easement Program:**

### **Update on 2019 RLP grant application**

OAG met with Vickie Gaul to compare the current RLP easement language to that in the last RLP easement settled in Montgomery County. Much of the language has changed; it is more geared toward open space and environmental preservation than agricultural preservation. Vickie is working with the RLP attorney to make some changes so that the easement language is more favorable for agriculture in Montgomery County.

### **Easement Inspections**

Fisher inspected several RLP easements: Williams, Dorsett, JAKE Enterprises, Poss, O'Connell, Rubin/Crawford, Potomac Hunt, and Poplar Springs. No major issues were found; several need upaded soil conservation plans.

### **June 24<sup>th</sup> meeting in front of RLP cancelled**

A meeting OAG was planning to attend to talk about our easement application has been cancelled, but RLP wants talking points in support of our application for internal discussion.

## **Legislative activities:**

### **Amend Ch 52 letter**

The Board reviewed their draft letter requesting that the County amend Chapter 52 to allow the County's portion of the agricultural transfer tax to be allocated to the Farmland Preservation Program instead of being directed to the General Fund. A few edits were suggested to clarify the message. Fendrick made a motion to approve the letter with those edits; Cissel seconded.

### **Maryland Court of Special Appeals upholds Montgomery County's restrictions on lawn pesticide use**

OAG is preparing an explanation to defend agriculture's use of pesticides, in case restrictions on agricultural use is pursued as the next course of action.

## **Other business:**

### **New District Staff**

Travis Gorleski, currently employed by MDA, has been hired as the equine planner at MSCD. Travis worked as a planner at the District several years ago and will do a good job in the position.

Cissel requested that the Board discuss ZTA 19-04: Animal Boarding and Care – Residential Zones at the next meeting.