

Agricultural Preservation Advisory Board

Regular Meeting Minutes

June 11, 2019

7:00 p.m.

Staff: Mike Sheffel, Kristin Fisher

Board Attendance: John Fendrick, Chuck Gingrich, Bob Cissel, Michael Jamison

The meeting was called to order at: 7:05 pm

Approval of the May14, 2019 meeting minutes

Jamison made a motion to approve the minutes as written; seconded by Fendrick.

AEP Easement Program:

Waredaca child lot and DRC meeting on May 28th

Scheffel attended this meeting in support of Waredaca's child lot request and it went smoothly; they are proceeding with next steps.

Warner Farm

This is a 33-acre farm on Martinsburg Rd. Mr. Warner wants to donate it to Montgomery Parks. That can be done, but if Parks wants to open it up to the public, they have to buy it out of the easement from OAG at current value, which is probably \$3-5,000/acre. Scheffel sent information from Chapter 2B to Parks for their review. No further information at this time.

Maryland Agricultural Land Preservation Foundation:

Certification Report Update

Montgomery County's Certification Report is completed and signed by the County Executive and the Director of Finance. Now the recertification process has to be completed every 5 years. This certification lets the Farmland Preservation Program keep 75% of the State Ag Transfer Tax.

FY 2020 easement application update

Scheffel is meeting with Lisa Stanley tomorrow to finalize their MALPF application and plans to submit all materials to MALPF by the end of the week.

The Bakers have to get the Montgomery County portion of their property surveyed to correctly exclude the Frederick county acres and the road acreage that bisects the farm; MALPF will not pay for these acres. They are moving forward with this.

RLP Easement Program:

Update on 2019 RLP grant application

OAG is still waiting to hear from RLP about our application.

Easement Inspections: MDR-RCS

Scheffel inspected this property and found no problems.

Legislative activities:

Proposals for 2020 legislative session

HB 1141 passed in 2018 was the enabling legislation adopted by the state that allowed agricultural buildings used for agritourism and holding fewer than 50 people to be exempt from building permit requirements.

HB639/SB99 outlined more specifically that certain Counties qualifying for the exemption from building permits for agritourism when buildings are occupied by 50 or fewer people are also exempt from building permit requirements if the buildings are occupied by fewer than 200 people at any one time. We are proposing that Montgomery County be formally put onto the list of counties qualifying for the 50 or fewer occupancy exemption (we have that policy), as well as the 200 or fewer list to encourage agritourism

ZTA 19-04 – Animal Boarding and Care – Residential Zones

This ZTA does not affect agriculture, so it is not within the purview of APAB. It addresses a limited use for animal boarding care in residential zones.

Chapter 52 Letter

Scheffel reported that the letter proposing an amendment allowing collections of County Ag Transfer tax to be used by the Farmland Preservation Program instead of the General Fund was sent to the CE on June 5th. Since there has been no response from the CE or staff, Fendrick proposed that the Board approve sending the letter to the County Council; Gingrich seconded.

Other business:

Agritourism Study Advisory Committee meeting on May 29th.

Cissel and Fendrick attended this meeting and reported that the project has been transferred from Josh Penn to the Director of Area 2, Jessica McVary. Fendrick is concerned that Park & Planning will back out of commitments made under Josh Penn’s leadership since he is no longer in charge. The next meeting is set for June 26.

Meeting with MNCPPC and OAG on Forest Conservation Easements and Agricultural Preservation Easements- June 17th.

Criss and Scheffel will attend. The goal of the meeting is to agree on a path forward for landowners who want to both harvest forest (allowed under ag easement) and set up a forest mitigation bank on the same property. Park & Planning doesn’t want to see any amount of clear cutting performed. They wanted OAG to amend our easement to this effect, which OAG refused, but Vicki Gaul drafted a document clarifying that OAG is responsible for agricultural activities under the easement and Park & Planning is covering forest conservation easements as long as there is no conflict with the ag easement.

CIP Prescreening Document for the OAG

Scheffel submitted this document; it is a way to prioritize budget items for each department and show how these proposals meet the CE’s priority criteria. OAG submitted 1) a supplemental budget appropriation for agricultural transfer tax collections and policy for easement acquisitions opportunities in lieu of an open purchase period, 2) supplemental budget appropriation for RLP,

and 3) ag transfer tax proposal for county collections going to farmland preservation program. No response yet on this submission.

Meeting with DTS and OAG – updating the Ag Preservation Map

Zawitoski and Scheffel met with the Department of Technology Services to update the ag preservation map that shows all properties in the county and which are covered by easements; it was last updated in 2016. OAG will send out the new version when it is completed.

July APAB meeting

Scheffel will be out of town for July’s normally scheduled meeting. The meeting is tentatively rescheduled for Monday the 15th; Scheffel and the Board will determine whether a meeting is needed closer to that date.

Cissel reported that 5,000 acres of county parkland are leased for agriculture and the use of pesticides in parks will be discussed during the PHED committee meeting on July 8th at 9:30am. County lands leased for agriculture should be exempt from any pesticide restrictions.

Meeting adjourned at 8:17 pm.