

Agricultural Preservation Advisory Board

Regular Meeting Minutes

September 8, 2020

7:00 p.m.

Attendance: Mike Jamison, John Fendrick, Chuck Gingrich, Bob Cissel

Staff: Mike Scheffel, Kristin Fisher, Jeremy Criss

Guests: Cindy Gibson, Chief of Staff to Councilmember Friedson

Meeting called to order at 7:05 pm

Fendrick made a motion to approve the August 12, 2020 meeting minutes as written; Cissel seconded.

1. AEP Easement Program

a. Clark Poole – owner’s lot request update

Scheffel obtained a legal opinion on this and Vickie Gaul said that Marguerite Poole could request an owner’s lot, but she would have to live in the house for at least 5 years before transferring it to a grandchild. Scheffel sent a letter to the attorney for the Poole Trust explaining this and is awaiting a formal response.

b. Rebecca Roach Update

Ms. Roach is in contact with DPS and a contractor to do a perc test on the farm to determine whether the septic system for the equestrian facility is able to cover the septic for her tiny house, which is connected to it.

c. Farm Alcohol Production Facilities

OAG has received many requests for assistance with the development of farm alcohol production facilities, some of which are on preserved farms. The Board may wish to consider developing a policy for how to review and approve requests for farm alcohol production facilities on easement properties. For example, MALPF has restrictions on the size of the footprint, parking areas, etc.

2. Maryland Agricultural Land Preservation Foundation

a. Committee to discuss:

- Corrective Easement Regulation
- Overlay Easement Regulation
- Water Resources Overlay Policy
- Permitted Uses Policy
- Alternative Energy Guidelines

Mike volunteered to be part of this committee, which will be discussing the above-listed items. This will give him the opportunity to hear how these issues are being discussed and handled in other jurisdictions.

b. FY20/21 Updates

The FY21 application for Ida Dayhoff has been accepted as complete and she has received a draft easement from MALPF. The FY20 application from the Stanleys for the Suddath Farm is working its way toward settlement. The farm has been appraised and they are in the process of getting new surveys.

3. RLP Easement Program

a. Updates on FY20/21

Tom McCarthy from DNR has reviewed the draft easements with the farmers' and Vickie Gaul's comments and he accepted all the changes with minor modifications. Vickie will finalize the draft easements and send them to the farmers for their review in the next few days.

To the best of our knowledge and through talking with Tom McCarthy at DNR, there is no indication that FY21 funding is going to be eliminated. DNR has their budget appropriated for FY21. If anything gets cut, it would have to be done through a legislative act – a Budget Reconciliation Act, which was last done in 1992. Scheffel is hoping to get project agreements to DNR before the end of the calendar year.

4. Legislative activities

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

Councilmember Friedson's Chief of Staff, Cindy Gibson, joined the meeting and they share the APAB's concerns with the solar ZTA. They are worried that it will take valuable agricultural land away from farming and put it into solar panels. Friedson worked hard to get Class I soils exempted from eligibility for solar panel siting, and he's now trying to get enough votes to exempt Class II. Nevertheless, it looks like the solar ZTA will pass in some form. If that happens, they are looking at ways to generate some funding for the agricultural land preservation program as some kind of compensation. One possibility is to take the county's share of the personal property tax generated from solar installations in the Ag Reserve and dedicate that to an agricultural land preservation fund. At this point, Gibson is unsure of the potential income that would be generated from this but is working to get those numbers.

Jeremy Criss has similar ideas for ways to dedicate money to agricultural preservation. The Board discussed 1) ways to amend Chapter 2B to create a new source of funding for farmland preservation as a result of solar installations, and 2) create incentives for solar companies to install panels in a way that allows some form

of agriculture to take place underneath (“agrivoltaic farming”). Criss reiterated the need to exclude Class II soils from eligibility for solar panel installations.

The Board discussed the need for more time to review and comment on the solar ZTA so that they can work to minimize any negative effects to agriculture. For example, agrivoltaic farming suggests mounting panels at least 20 feet off the ground, but the concrete that would be necessary for that kind of infrastructure is not allowed under the current form of the ZTA. Fendrick asked whether anyone had received clarification on how a “farm” is defined in the ZTA, because if a “farm” is one tax parcel, there may be opportunities for multiple tax parcels under the same ownership, or owned by contiguous landowners, to each have up to 10 acres of solar panels next to each other, resulting in a much larger area under solar panels. Gibson did not know the answer to this but would get clarification before the ZTA goes before the full council.

b. Councilmember Glass – Compost ZTA

Councilmember Glass is interested in increasing the capacity for food scrap composting in the Ag Reserve, which would help the county reduce its food waste. Right now farms can create compost with a maximum of 20% of the compost stock coming from off-site. Councilmember Glass wants to increase this threshold to 50%.

DEP has implemented their own pilot program to have owners of restaurants and cafeterias sort out clean food scraps into a container that DEP picks up weekly. Currently, all of these food scraps are going to Prince George’s county. DEP is trying to demonstrate how many customers are interested in this program and how many tons of food scraps are being collected. That will give them the information necessary to draw interested parties from the private sector to take on and expand the program.

The Compost Crew has a pilot food scrap recycling pad set up on Michael Protas’s farm in Poolesville. They pick up food scraps from facilities not currently participating with the DEP pilot program. Criss is going to this farm on Friday to promote what they’re doing with the hope that more farmers will want to get involved in food scrap composting and its economic potential. We want the farmer to recognize the benefits of establishing the composting infrastructure on a farm to sell the final product. Farm income would come from the sale of the final product.

5. Other business

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

Fisher is compiling this report, which will be due in October to update the Council on the status of Farm Alcohol Production in the County.

b. 2019 HB20

In 2019, the general assembly passed a bill that eliminated the loophole that allowed no agricultural transfer tax collection from properties that were kept in agricultural use for at least 5 years after the assessment change. Recently, Scheffel and Criss have seen agricultural transfer tax recapture tags on farms that have gone to residential assessment, but are still being farmed. So we are seeing the effects of HB20, and OAG will get a minimum of 35% of the total agricultural transfer tax remitted at some point in the future.

The meeting adjourned at 8:29pm.