

# **Agricultural Preservation Advisory Board**

Regular Meeting Minutes

December 14, 2021

7:00 p.m.

Attendance: John Fendrick, Margaret Giblin, Chuck Gingrich, Michael Jamison

Staff: Mike Scheffel

Guests: Sarah Daken, Tom Precht, Nick Magliato, Ron da Silva

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

Introductions were made as there were two requests coming before the Board.

## 1. Approval October meeting minutes

Fendrick made a motion to approve the November meeting minutes as submitted, Jamison seconded, motion passed.

## 2. AEP Easement Program

### a. Beverly/Broad Creek Run Farm, LLC update

Scheffel shared with the Board the County Council packet describing the terms agreed upon by the MNCPPC and OAG to finalize terminating the easement. MNCPPC agreed to pay \$953,055 and deed 5 TDRs to the OAG to terminate the easement. A 473-acre conservation park will occur on the property and the remaining 62 acres will be in private ownership of the current landowner. The 62-acre parcel has the ability to construct one (1) residence. Scheffel shared his concern about reporting this transaction to the state for the County's annual report as well as the upcoming re-certification request. As this is the first time an agricultural preservation easement was terminated in the State, we do not know how MDA, MDP or DNR will react.

### b. Laura Beth Resnick – 3200 Damascus Rd – MARBIDCO SNAG Program Proposal Update

Laura Beth and her husband Jascha presented their business and proposal for MARBIDCO's SNAG program to the Board in November. After the Board approved their request, an inspection took place on the house and some serious structural issues were found. The landowner and Butterbee farm could not come to an agreement and the contract was terminated. Butterbee Farm continues to look for a new property.

### c. Grateful Gardeners – Sarah Daken and Tom Precht – SNAG Proposal

Sarah and Tom are the owners/operators of Grateful Gardeners, an organic cut-flower operation located in Boyds. They gave a presentation to the Board describing their business, business model and what they could do on a larger property. Their proposal is identical to Butterbee farm- asking the County to support a SNAG application and then accept a donated ag preservation easement. After hearing the presentation and asking questions of Tom and Sarah, Fendrick made a motion to support the application and accept a donated easement, Jamison seconded, and the motion passed. Scheffel will send a letter to Sarah and Tom outlining the process.

### 3. Maryland Agricultural Land Preservation Foundation

#### a. FY22 Matching Funds request

MALPF asked each County if they would like to participate in the matching funds program for the FY22 funding cycle. Scheffel explained the Board approved of this request for FY21's applicant – Ida Dayhoff. This was important as it ensured the applicant received a fully funded easement offer price from MALPF. After discussing the FY22 application, Jamison motioned to approve up \$50,000 matching funds, Giblin seconded, motion passed.

### 4. RLP Easement Program

#### a. FY22 update

After introduction of this agenda item, Jamison recused himself from the discussion. On December 1, 2021, the BPW approved \$2,722,761 in the Mid-Maryland Montgomery RLA from our FY22 application. Scheffel asked the Board for support in completing the grant agreement to utilize these funds to purchase an easement on the top priority property, a 309-acre farm. After the discussion on the process, Giblin motioned to support completing the grant agreement and using the funds to purchase the easement on the top priority property, Fendrick seconded, motion passed. Scheffel indicated he has been working with the OMB to get these funds into our CIP.

#### d. FY20 Remaining funds

DNR sent Scheffel a letter asking for an update on how the County will utilize the remaining balance - \$101,649.39. Scheffel described why there was a remaining balance and if we want to use these funds, it will need to be for a rural legacy easement. Since the FY22 grant was targeted for the MMM RLA, Scheffel suggested we could use the remaining FY20 balance as well as other funds to

purchase an easement on the top priority farm in the UP RLA, a 241-acre farm. After discussing the item, Giblin motioned to ask for an extension to use the FY20 funds on the top priority farm in the UPRRW RLA, Fendrick seconded, motion passed.

5. Legislative activities

a. Bill 5-21

This bill was adopted by the Council as it was originally introduced on December 7, 2021. While Scheffel has not seen any funds because of this bill, any ability to collect additional funding for ag preservation is important.

b. Bill 16-21

Scheffel informed the Board of an additional letter sent by the AAC to the Council concerning this bill. The AAC letter asked for ag buildings to be exempted from the legislation citing several factors including Washington state's BEP legislation ag building exemption.

c. Bill 40-21

A public hearing took place on November 30, 2021, and Robert Butz testified in opposition of the bill. He spoke on behalf of the SCD but echoed similar themes shared by the ag groups of the County. Scheffel will continue to monitor the bill and provide updates.

6. Other business

a. FY22 Supplemental Appropriation

Scheffel explained the process for the supplemental and why it was necessary – the FY22 RLP grant and the proceeds from MNCPPC for reimbursement for the present value of the Broad Run Creek Easement. Once the supplemental is approved, the funds can be spent on easement acquisitions.

Meeting adjourned at 8:36 pm.