

Agricultural Preservation Advisory Board

Regular Meeting Minutes

November 9, 2021

7:00 p.m.

Attendance: John Fendrick, Margaret Giblin, Nicholas Deluca, Michael Jamison

Staff: Mike Scheffel

Guests: George Worthington, Skylar Miller, Perry Kapsch, Laura Beth Resnick, Jascha Owens

The meeting was called to order at 6:59 pm.

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

1. Approval October meeting minutes

Fendrick made a motion to approve the October meeting minutes as submitted, Giblin seconded, motion passed.

2. AEP Easement Program

a. Beverly/Broad Creek Run Farm, LLC update

Scheffel received contact from Parks indicating something formal would be coming shortly, to date nothing has been received.

b. George Worthington – child lot request and forest mitigation bank phase III

George and his daughter Skylar attended the meeting asking approval for a building lot and phase III of the forest mitigation bank on the property. The easement was settled in 2008 on two parcels containing 128.0324 acres and saving 5 TDRs. George submitted a request on August 18, 2021, for the building lot on P910 of the easement for his daughter Skyland to for phase III of the mitigation bank on the same parcel. After discussing the location and size of the building lot and reviewing the previous mitigation banks on the farm, the Board approved of both requests after Jamison made the motion and Deluca seconded. Scheffel will prepare a letter and send to George describing what must occur to build the house.

c. Laura Beth Resnick – 3200 Damascus Rd – MARBIDCO SNAG Program Proposal

Laura Beth and her husband Jascha presented their business and proposal for MARBIDCO's SNAG program to the Board. They have a successful cut-flower operation in Baltimore County and want to relocate to a bigger farm. The property they have a signed contract on is located at 3200 Damascus Rd, it's 27.94 acres, AR zoned, ag assessed, soils meet the eligibility criteria and its adjacent to preserved land. The proposed easement process would not extinguish a development right on the farm and as such, to complete their end of the deal, Laura Beth and Jascha would donate an easement to the County. After hearing the proposal, the Board approved of Scheffel working to complete application and determine the best way for the County to accept the donated easement after Jamison made the motion and Giblin seconded.

d. Kapsch – lot request- 20210 West Hunter Rd

The Kephart/Kapsch family sold an easement to the County in 1991 on their 28.71-acre farm located at 20210 West Hunter Rd. Prior to the easement being settled the Kephart's had an approved septic site for the farm with the intention to be the house on the farm. Perry sent in a request for the building lot on October 28, 2021, asking to go before the Board. Perry presented where the septic site was previously approved and the approximate location of the house. After discussing the proposed septic and house site, Jamison made a motion to approve and Fendrick seconded, the motion passed. Scheffel will send a letter to Perry giving permission to pursue the building lot.

3. Maryland Agricultural Land Preservation Foundation

a. Alternative Energy and Violations Policy Update (attached)

The Foundation is updating its policy for alternative energy sites on MALPF easements. There is a proposal to make two tiers of requests, one for sites an acre or less, one for sites greater than an acre. The other part of the policy update is how the Foundation will categorize violations. After reviewing the policy, the Board had no comments.

4. RLP Easement Program

a. FY22 update

Scheffel has not heard anything formally from DNR about the FY22 application.

5. Legislative activities

a. Farm Tour – 10/22

On 10/22 the OAG hosted a tour with legislators from Montgomery and PG county. The tour went to three farms – Gingrich, Woodbourne Creamery and 61 Vineyards. Scheffel said it was a successful tour and the hosts did a great job in communicating with the guests.

b. Bill 5-21 (attached)

There was a PHED/GO committee hearing on 10/28/2021 reviewing the bill. After several amendments were proffered by committee members, the bill was sent to full Council as drafted. This bill may bring in a different revenue source for the ag preservation fund.

c. Bill 16-21 (attached)

There was a T&E committee hearing on the Building Energy Performance standings bill on 10/28/2021. DEP described what this bill plans on achieving and how buildings of smaller sizes will fall into the jurisdiction. Scheffel described other states/cities that have already adopted similar legislation such as Washington state. Washington state's version of this bill exempts all agricultural structures and falls in line with what the APAB has previously submitted about bill 16-21. Scheffel will draft comment from the APAB to ask for ag buildings be exempted from this bill.

d. Bill 40-21 (attached)

This bill proposes to make pumping out septic systems required every 5 years and would require new septic systems provide an easement to the County along with an inspection and maintenance agreement (lines 138-141), allow access to the property to inspect the system at any reasonable time (lines 146–148) amongst other items. There was much discussion about the challenges with the language and the difficulties it would create for landowners on septic systems. The Board opposed the bill and asked Scheffel to draft a letter describing the challenges contained with the bills language.

6. Other business

a. Meeting with MCEDC – Comprehensive Economic Strategy Discussion

Scheffel and Criss met with staff from MCEDC on 10/29/2021 to discuss the Counties economic strategy. Much was shared about the challenges farmers face but the successes they have in spite of the regulatory hurdles. The OAG hopes to partner with the MCEDC to aid agriculture in the County.

b. BLT funds

Scheffel shared with the Board the current fund balance of partial BLT contributions. Based on the fund balance and what is needed to keep on hand to pay for the program administrators' salary, the Board believes it can purchase 3 BLTs using an open application period. This open application period will begin after the new year and run for 8-10 weeks. After all applications are submitted and reviewed by the Board, offers can be made.

Meeting adjourned at 8:46 pm.