

Agricultural Preservation Advisory Board

Regular Meeting Minutes

September 14, 2021

7:00 p.m.

Attendance: Michael Jamison, John Fendrick, Margaret Giblin

Staff: Mike Scheffel,

Guests: Stuart Barr representing Belt Farm estate, David McKee civil engineer representing Belt Farm estate, Charlie Jamison, a broker, joined for the Belt discussion. Sandy Ward—representative of the Belt family estate.

The meeting was called to order at 7:03 pm.

1. Approval July meeting minutes

Fendrick made a motion to approve the July meeting minutes with one minor correction. On page 4 tees should be trees. Jamison seconded.

2. AEP Easement Program

a. Beverly/Broad Creek Run Farm, LLC update

Scheffel reviewed this proposal and informed new Board Member Giblin of pertinent details. The Office of Agriculture sent a response letter to Mike Riley, Director of County Parks. The response contained OAG's proposed process and background information.

The Board discussed many details for this proposal and believes a methodical approach to this will best serve all parties.

b. Belt farm – proposed land swap

Jamison recused himself from this discussion because of personal knowledge of and involvement in the situation.

The representatives of the Belt farm introduced themselves to the Board. Scheffel recapped what the Board approved during the July meeting as:

Fendrick made a motion to approve the FCE, provided that the following conditions are met: 1) the personal representative of the estate applies for the FCE and the document is recorded in the estate's name (or the representative's name); 2) to the extent possible, the FCE will be recorded prior to the sale of the farm; 3) the FCE will follow the stream valley corridor and encumber the most sensitive natural areas, those areas that cannot be

farmed; 4) the FCE will be used to fulfill the requirements for subdividing the 3 lots on the Belt farm that were saved and excepted from the Ag Preservation easement, nothing else; and 5) the contract purchaser for the Belt farm understands the need for the FCE and is willing to have the FCE on the farm. Gingrich seconded the motion.

He then explained why the farm was coming before the Board again. The subdivision plan for the property was before the DRC earlier in the day. Due to agency review and comment, several changes were being requested to ensure regulatory compliance. These items include:

1. A proposed land swap from lot 1 into the easement for land coming out of the easement along the existing driveway.
2. MCDOT performed a sight distance study for the proposed driveway locations for lots 2 and 3. Based on the study, MCDOT asked to move the proposed driveway locations to be moved northward along Peach Tree Rd. This movement would require a land swap for land coming into and out of the easement. The land coming into the easement would be from the previous driveway location and land from the 26.97 acre saving and excepted area in the farm.
3. Environmental review staff at MNCPPC asked to change the location of the proposed Cat. 1 Forest Conservation Easement the Board approved during the July meeting. The new location would move the FCE to an area of existing forest that goes towards Peach Tree Rd. The staff at MNCPPC felt this was sensitive forested area.

Scheffel discussed how the County and State handled similar land swap requests; the soils for the land being swapped must meet the eligibility criteria, the land being removed from the easement must not alter the ability to farm the property and likewise, the land coming into the easement must be farmable.

After hearing the discussion from the Belt farm representatives Fendrick made a motion to:

1. Lot 1 – land swap of 0.29 acres to accommodate the recommendation of MNCPPC regarding the driveway. This land swap will take out 0.29 acres of land from the easement and replace with 0.29 acres of land currently not encumbered by the easement.
The land added to the easement will come from the land described as a 2.64 acre saved and excepted lot. This land contains the same soil as the land being removed from the easement.
2. Lots 2 & 3 – land swap of approximately 0.11 acres needed to accommodate the MCDOT recommendation of moving the driveways north ward along Peach Tree Rd to fulfill sight lines requirements. This land swap will remove land out of the easement and add an equivalent land into the easement.
The land being added into the easement comes from two locations – where the previous driveway was to be located and described in lots 2 and 3(both lots saving and excepted from the easement) as well as additional land from the 26.97 acre saving and excepted land described in the Ag Preservation easement.

The soils being added into the easement must contain the same soils as the land that is being removed from the easement.

3. Forest Conservation Easement language and location – to accommodate the MNCPPC environmental staff recommendation, the Board approved changing the location of the FCE on the farm. The Board also agreed to the language contained in the proposed easement.

Giblin seconded. Motion passed.

Scheffel said he would provide information to Mr. Barr for his use in drafting an easement amendment. This document will be reviewed and approved by Associate County Attorney, Vickie Gaul.

- c. Amendments to chapter 2B-10 (b) – termination of easements

Due to the Broad Run Creek farm proposal from Parks, OAG is recommending amendments to Chapter 2B-10 (b) that would provide clarity on this process. Scheffel and Criss have drafted language and have begun working with the County Attorney's Office.

3. Maryland Agricultural Land Preservation Foundation

- a. FY20 – Stanley update

Scheffel informed the Board this easement has been settled. This easement terminated 1 TDR and added preserved approximately 111 acres.

- b. FY21 – Dayhoff update

Scheffel informed the Board this easement has been settled. This easement terminated 3 TDRs and preserved approximately 106 acres.

- c. FY22 – Driscoll update

Scheffel informed the Board of our FY22 applicant. The application was submitted on June 24, 2021. After some questions from MALPF staff, the application was accepted as complete. The background/appraisal process now begins with the State.

- d. FY21 Annual Ag Transfer Tax Report

Scheffel informed the Board of the ending FY21/beginning FY22 Ag Transfer tax balance and what was collected in 2021. Scheffel has worked with staff at the

Department of Finance to approve our numbers and will be submitting the report to the State on time.

- e. Moxley Farm – potential on farm brewery

Scheffel provided an update on the Moxley Farm new owners Susan and Donald Katzenberger. They purchased the farm and would like to start an on-farm brewery. There has been no formal request to the Board yet but Scheffel would be making a site visit on 9/15 to talk with the Katzenbergers.

4. RLP Easement Program

- a. FY22 update

No update yet on the application, the RLAC met in July but no decisions have been released.

5. Legislative activities

- a. HB 991 Farmside chat

Scheffel updated the Board on the chat hosted by Billy Willard on 9/8 dealing with forest banking. Among the items discussed at the meeting was a potential solution that would allow landowners who had already begun the forest mitigation bank process to be able to complete the process.

Another item discussed from HB991 was the mandate of the State to plant 5,000,000 new trees by 2031. This mandate would require approximately 200,000 to 250,000 acres of new trees to be planted. As open space is limited to parks and privately owned farmland, this will create a challenge to keep farmland as farmland along with the pushes from the solar industry for open land.

6. Other business

- a. Solar Update – agrivoltaic etc.

Scheffel informed the Board of the status of the pilot agrivoltaic project and the involved parties.

Scheffel updated the Board on how the OAG is proposing to focus on 2MW solar projects in the AR zone – by looking at equestrian facilities with characteristics needed to meet the zoning code.

- b. FY23-28 CIP Budget Submitted

The CIP was submitted on September 8, Scheffel will work with OMB on any questions they have.

Scheffel reported the funds on hand technically balance the budget, but as with previous versions of the CIP, the out years rely on expenditures of fund on items not legally allowed.

The Board asked Scheffel and the OAG to continue to search for creative ways to move expenditures back to the general fund and ways to increase funding into the CIP.

c. FY21 MDP Annual Report

Along with the MALPF ag transfer tax report, Scheffel worked to complete the reporting deadline for the MDPs information. Scheffel stated he worked with staff at the Department of Finance to certify the numbers and will be able to meet the reporting deadlines.

Fendrick motioned to submit both the MALPF and MDP report, Giblin seconded. Motion passed.

Meeting adjourned at 8:39 pm.