

Agricultural Preservation Advisory Board

Regular Meeting Agenda

March 14, 2023

7:00 p.m.

Board: John Fendrick, Nicholas Deluca, Chuck Gingrich, Margaret Giblin, Michael Jamison, Chuck Gingrich

Staff: Mike Scheffel, Natalia Salazar

Guests: Carl Holland, Rebecca Roach, Sherri Gingrich

The meeting was called to order at 7:02 p.m.

1. Introduction of guests
2. Approval of February meeting minutes

Fendrick made a motion to accept the minutes, Deluca seconded, and the motion carried.

3. AEP Easement Program

- a. Sherri and Chuck Gingrich

Mr. Gingrich left the meeting and Ms. Gingrich joined.

The Gingriches requested permission to build a FLHU on 7810 Damascus Road for their employee (Russ) and his family. They would like to build it next to the existing machine shed and grain bins to take as little arable land out of production as possible, but the exact location would be dependent on the results of the water table and percolation tests. They provided the Board with an aerial image showing the shed and grain bins.

The easement allows for a FLHU, which means they do not need to enter a FLHU covenant in the land records. There is an existing house on the property that is occupied by a tenant, which is using the only development right on the property (a development right is not required for FLHUs).

Fendrick was concerned that at some point in the future the FLHU would cease to be occupied by a farm employee and instead be used as a second tenant house for a non-employee. Scheffel said that he and future ag land preservation program administrators would find out if the FLHU is being used inappropriately during their routine easement inspections. Scheffel said that if at some point they decide to use the tenant house as a FLHU and vice-versa, they would have to record this in some way.

After hearing the proposal, Jamison made a motion to approve the request, Fendrick seconded, and the motion carried.

b. Rebecca Roach

Rebecca requested turning an existing two-acre paddock into a sheepdog training park. She provided the Board with a written request and map outlining the paddock in question.

She owns Moon Rising Farm, an equestrian boarding and training operation on 21800 Slidell Road. The operation is struggling financially, so she would charge the dog owners for using the area as a way to stay in business. She would allow only one dog at a time. The paddock in question is next to the barn where sheep are currently kept but is largely unused at the moment.

No modifications to the property would be needed except replacing the existing fencing on the paddock with six-foot tall fence with wire to keep the dogs and sheep in. Nothing would be taken out of operation. There is already parking, so no additional parking would be required.

Fendrick asked why the board needs to approve this since sheep qualify as agriculture. Scheffel said that, should the Board approve Rebecca's request as presented, it would set a clear precedent establishing that the dog parks are allowed on properties protected by agricultural easements only if they will be used for agricultural purposes. The board was in agreement that calling it a dog park could make people think the use will be recreational and it should be called a sheepdog training facility.

After hearing the proposal, Giblin made a motion to approve the request, Jamison seconded, and the motion carried.

4. Maryland Agricultural Land Preservation Foundation

a. Offer Letters to FY23 Applicants

Bruce and Sharon Burdette received an appraisal for the Burdette property for their MALPF easement application. Nellie Hanagan also received an appraisal.

b. FY24 Budget

c. Don and Susan Katzenberger – brewery update

Scheffel has helped the Katzenbergers answer MALPF's questions and he hopes MALPF will review their request at their next meeting.

d. Rob Baker

Rob requested permission to build a 50'x100' "hoop style" hay barn directly across the road from 22910 Dickerson Road. He provided the Board with a map showing the location of the proposed barn relative to the other agricultural buildings on the property.

The barn would be built on the existing impermeable surface that was in place before the easement was established. Rob has requested assistance from the MSCD for sediment and erosion control.

After hearing the proposal, Fendrick made a motion to approve the request, Margaret seconded, and the motion carried.

e. Carl and Tricia Holland

The Hollands requested permission to build a 4,100 sq.ft. agricultural building on a 55-acre property they own adjacent to their residence on 24451 Hipsley Mill Road.

The building would be used for agricultural equipment and their children's 4-H steers. They cannot build this structure on their residential property. They have requested assistance from the MSCD for erosion and sediment control.

After hearing the proposal, Fendrick made a motion to approve the request, Jamison seconded, and the motion carried.

5. RLP Easement Program

- a. Scheffel did an easement inspection on David Scott's farm today and found no compliance issues.

6. Legislative activities

- a. OLO – TDR/BLT Discussion – 3/3 meeting with MNCPPC staff re: Public Benefit Points

MNCPPC is reviewing the Public Benefits Point System that developers can use to build using the optional method. They have found that, of the many types of public benefits developers can choose, a large number of them are not being used, including purchasing TDRs and BLTs. Jeremy Criss and Mike Scheffel told the MNCPPC staff that the development equivalencies for TDRs and BLTs should be increased to incentivize their use. The MNCPPC staff recognized that the base density allowed in many areas is high enough to make development profitable, which is why Criss and Scheffel think the TDR and BLT equivalencies need to be high enough to make purchasing additional density attractive.

b. RRFMP Update

The RRFMP report was introduced to the Council and a public hearing is scheduled. Scheffel asked the Board what their wish is regarding testifying at this hearing. Jamison said he has testified before and thinks they should again. Scheffel asked the Board if they would like OAG to draft a testimony on behalf of the Board to present at the hearing and the Board accepted.

c. Legislation – Bill 18-22

The final version of the bill (which seeks to ban the use of gasoline-powered leaf blowers in the county) includes an exemption for agriculture.

7. Other business

a. FY24 OAG budget

The budget will be introduced soon by the CE. Non-agricultural preservation costs have been placed in the general budget, which will help Scheffel purchase easements in the future.

b. Scheffel and Salazar have been asked to present on Montgomery County's TDR and BLT programs at a Town of Middleburg, VA community meeting on April 11, which is the planned date for the April APAB meeting. Scheffel asked the Board if the April meeting could be moved to a different date and the Board agreed. Scheffel will send everyone some suggested alternative dates.

c. The OAG and representatives from several agricultural groups met yesterday (March 13) with Secretary of Agriculture Kevin Atticks. They visited Windridge Winery and Willard Agri-Service's grain bins in Poolesville. The agricultural representatives appreciated Mr. Atticks meeting with them and the conversation that resulted. They are hopeful about their upcoming relationship with him.

The meeting was adjourned at 8:02 p.m.