

Agricultural Preservation Advisory Board
Regular Meeting Agenda
October 10, 2023
7:00 p.m.

Board: John Fendrick, Sherri Gingrich, Michael Jamison, Nick DeLuca
Staff: Mike Scheffel, Natalia Salazar
Guests: None

The meeting was called to order at 7:09 pm.

1. Approval of September meeting minutes

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

2. AEP/BLT Easement Program

a. Dodo Farms – potential MARBIDCO SANG easement, update

Tope Fajingbesi and Niyi Balogun were not able to purchase 11405 Bethesda Church Road because the appraisal did not match the asking price.

3. Maryland Agricultural Land Preservation Foundation

a. FY23 Applicants – update

Nellie Hanagan's application has gone to settlement. Sharon Burdette completed the MALPF requirements and submitted the updated application to the Dept. of General Services (DGS).

b. FY24 Applicants – update

Both applicants should have been contacted by appraisers. Scheffel believed the appraisals have been submitted to DGS.

4. RLP Easement Program

a. FY23 grant – update

The Nicholson's RLP documents are closer to being finalized.

b. IWLA – on-site meeting

Scheffel and John Zawitoski (MSCD) visited the site at the IWLA's request to determine whether the improvements made to the property are in compliance with the easement, and they determined they are. The lead reclamation project is projected to start in April or May of 2024.

5. Legislative activities

- a. ECON Committee work session – November 6, 2023 at the AHFP

Councilmember Natali Fani-Gonzalez and her staff would like to host this work session to assess the state of agritourism in the county. Scheffel did not have any new information to offer, He requested that the Board members think of topics to bring to the County’s attention during the meeting. Fendrick suggested that the County promote the establishment of businesses close to each other that will attract visitors and allow them to stay in the area longer; e.g. restaurants and inns close to farms that offer goods for sale and daytime activities but no meals or lodging.

- b. AAC Letter – proposals to update Farm Alcohol Production (FAP) zoning ordinance, discussing with Councilmember Albornoz staff.

The AAC has not yet approved the letter and will continue to discuss it during their next meeting. Scheffel and Salazar recently discussed the recommendations with Councilmember Albornoz staff, who have shown interest in incorporating them into a ZTA.

- c. Bill 18-22 – Noise Control – Leaf Removal Equipment

Last week, the Council passed the bill with an exemption for agricultural producers on agriculturally-assessed properties.

- d. Potential ZTA for historic graveyards on properties with TDR easements

Graveyards are currently prohibited on properties with a TDR easement. A Councilmember is interested in introducing a ZTA that would allow graveyards existing before a certain date to expand onto neighboring properties with TDR easements.

6. Other business

- a. Meeting with DNR’s Power Plant Research Program (PPRP) on Certificate of Public Convenience and Necessity

The State has increased the maximum amount of energy a community solar installation can generate from 2 MW to 5 MW. The County Zoning Ordinance has not followed suit and therefore only regulates installations generating up to 2 MW. In addition, the new State legislation preempts local regulations. New projects proposing to generate over 2 MW up to 5 MW are required to obtain a Certificate of Public Convenience and Necessity (CPCN) from the Public Services Commission (PSC). Before issuing the CPCN, the PSC must give the local zoning ordinance “due consideration” but need not abide by it.

b. Illegal dumping of dirt on farms

A farmer has informed the OAG that some individuals were illegally dumping subsoil on his property, as well as on other properties. Scheffel simply wanted the Board to be aware of this.

c. Lease agreement between County and Parks ends 10/31/2023 for use of AHFP

The OAG has been advised by the Office of the County Attorney to not renew the lease given that the real property is owned by the County and the Activities Center building was built using County funds. The OAG has been discussing this with the Parks Department for some months and the lease will be replaced with an agreement of some kind, which will likely take a long time to complete.

The meeting was adjourned at 7:57 pm.