

Agricultural Preservation Advisory Board

Regular Meeting Agenda

September 12, 2023

7:00 p.m.

Board: John Fendrick, Margaret Giblin, Michael Jamison

Staff: Mike Scheffel, Natalia Salazar

Guests: Tope Fajingbesi

The meeting was called to order at 7:05 pm.

1. Introduction of Guests
2. Approval of June meeting minutes

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

3. AEP/BLT Easement Program

- a. Dodo Farms – potential MARBIDCO SANG easement

Tope Fajingbesi and Niyi Balogun would like to purchase 11405 Bethesda Church Road to expand their produce operation. They grow culturally appropriate food for farmers markets and food banks. They would also like to host a farm incubator, a farmer training program, and agritourism activities on the property.

Fendrick introduced a motion to allow Scheffel to proceed with the SANG application, Giblin seconded, and the motion passed.

- b. Comus Farm – proposed solar installation

A solar company asked whether they would be allowed to construct a community solar installation on the property. Scheffel informed them that the county zoning code does not allow it on this property, but an accessory solar installation would be allowed.

4. Maryland Agricultural Land Preservation Foundation

- a. FY23 Applicants – update

Nellie Hanagan's application has gone to settlement. Sharon Burdette's application is on hold until the property meets the required conditions.

- b. FY24 Applicants – update

Both applicants should have been contacted by appraisers.

5. RLP Easement Program

- a. FY23 Grant
- b. Greenfield View (Bock Farm) inspection

Everything looked good on the property.

6. 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 status of agritourism in the county. Scheffel believes they will invite stakeholders to the meeting.

- b. AAC Letter – proposals to update Farm Alcohol Production (FAP) zoning ordinance

The AAC will send a letter to the County Council and County Executive recommending that moving forward all FAP businesses be required to be located on a property with at least 25 acres, to grow at least 5 acres of ingredients on-site, and to demonstrate they will be contract-growing some of their ingredients. Fendrick suggested that contract-growing not be required if 5 acres of ingredients are being grown. Scheffel asked the Board if they would like the OAG to draft a similar letter on behalf of the Board, and the Board agreed.

7. Other business

- a. Jeremy's replacement

Scheffel will be replacing Jeremy Criss as the Director of the OAG on October 1.

- b. Community Solar Projects – meeting with MNCPPC and Council Attorney

Due to the recent expansion of community solar to 5 MW at the state level, the OAG is being approached by solar companies interested in building solar installations between 2 and 5 MW. Below 2 MW, a solar project must abide by the county's zoning code. However, for projects between 2 and 5 MW, the applicant is required to obtain a Certificate of Public Convenience and Necessity (CPCN), which only requires that county zoning ordinances be given due consideration, but do not need to abide by them. Fendrick said that Montgomery County could sue the State. Scheffel replied that according to a Washington County lawsuit, the State can indeed preempt local zoning codes. The CPCN process requires a public hearing before a project is approved.

c. FY25-30 Ag Pres. CIP budget submitted

The most reliable source of funding are the partial BLT payments made by developers, which Scheffel expects to decline due to the recent rent cap bill and other factors and therefore believes should be used judiciously.

The meeting was adjourned at 7:47 pm.