

**Joint Agricultural Preservation Advisory Board and
Agricultural Advisory Board
March 15, 2016 Meeting
Joint Meeting Minutes**

Attendance from the APAB: Bob Cissel, Michael Jamison, Nicholas Deluca, John Fendrick, Billy Willard

APAB Staff: John Zawitoski

Attendance from the AAC: Drew Stabler, Pete Driscoll, Ben Allnut, Linda Lewis, Jane Evans, Patrick Jamison, David Weitzer, Doug Lechlides, Dennis Kamber, Chuck Schuster, Debbie Benson

AAC Staff: Jeremy Criss

Guests: Jim Clifford

Call the Meeting to Order and Introductions:

The meeting began at approximately 7:05 pm where the meeting was called to order by David Weitzer, AAC chair and introductions of everyone in attendance for the meeting was made. Jeremy Criss announced that approvals of both AAC and APAB Minutes will be done separately when the groups break out towards the end of the meeting. Jeremy Criss detailed that the last time both groups met jointly was along with the Rural Rustic Roads Advisory Committee when the need for more tree trimming was being discussed in the Agricultural Reserve.

The MAEF-Mobile Science Lab-Food Fiber and You

Jeremy Criss informed both boards as to the status of the Mobile Science Lab: Food Fiber and you. This initiative is funded by the Office of Agriculture and with a goal to visit elementary schools in the County each week. The lab started visiting County elementary schools in the fall and a total of 14 elementary schools have participated in the program. Criss detailed that positive feedback has been conveyed within evaluations provided by from both teachers and students.

MDA Weed Control Program and Staff

The Governor's proposed budget proposed that MDA's Weed control program and the remaining 4 staff would positions would be cut and eliminated. In response to this information, The Montgomery Weed Control, Inc. President-Eric Spates and the AAC Chairman-David Weitzer and MSCD Chairman-Robert Butz wrote letters of opposition to the members of the County Delegation and the Secretary of MDA. As a result, we received good news that the MDA Secretary reinstated 2 pins for 2 staff positions. While this is good news, it does draw attention to the fact that the program is once again being reduced and could be threatened again in the future. MDA underestimated the impact the decision to eliminate this program would cause and we have to believe the pressure was applied politically to restore some funding for this

important agricultural program.

Follow up from the Ag Tire Collection event

Criss reported that on February 16 & 17 the County Government partnered with the Maryland Farm Bureau and the Maryland Environmental Service to conduct an Ag Tire Collection Event. Over the two days about 15 farmers dropped off tires filling one and a half containers. Considering the short 2.5 week turnaround time for farmers receiving the letters and the weather on Tuesday the event was successful. It was noted that our 2014 Ag Tire Collection was very successful and it probably resulted in not many tires needing disposal this year. This year the event was held at a county facility and we hope to schedule the event again next year and the process should be easier for everyone.

Update on the Office of Agriculture-OAG

Criss reported that on February 22, the County Council's PHED Committee held a work session to discuss the status of the Office of Agriculture-OAG and funding for the Ag Land Preservation CIP project. During the work session it was announced that the OAG will not function independently until DED is closed sometime this coming spring. It was noted that the OAG did not get all the resources needed for a fully functional office and that we still have work to do to secure the funding necessary to meet all needs for the OAG. While we were successful in obtaining FY15 funding of \$320K in WQPC funding for the MSCD and funding for Doug Tregoning's part time ag educator contractual position, the funding for the Ag Navigator is still not funded. We are trying to get Ag Navigator Position restored. It was noted that the CE proposed operating budget does not include the Program Manager II position that was supposed to replace the capacity of Peter Bang; however the proposed budget restores the 2% savings in the amount of \$20,830 that was originally cut from the OAG operating budget from the budget reduction savings plan for FY17.

Although no official date has been established, the Agricultural Services Division will continue to operate under the DED until it closes. We have received word that the DED will not be closing down until June 30, 2016. This means it is likely the OAG will start FY17 on July 1st.

Criss reported that the February 22nd work session also included discussion of the The Ag Pres CIP program. For FY17 the proposed appropriation is \$1.1 million for easement acquisitions. The funding includes \$500K representing the 3rd payment of the Crown Farm Annexation Agreement funds and the County share of State Agricultural Transfer Taxes (about \$600K). The Ag Pres Advisory Board has requested new funding in the amount of \$500K from the WQPC. While the APAB submitted a proposal for this funding to DEP, there is no mention in the proposed FY17 budget for these funds. We are hopeful these funds will be directed to the Ag Preservation Program and we believe County DEP and CE will remit recommendations in April.

New Improvements and Communication Systems at the Ag History Farm Park

Criss reported that upgraded communication systems are in the works for the agricultural agencies in Derwood. The existing Verizon phones will be replaced with Comcast Business Service. The existing Verizon T-1 lines will be replaced for the County OAG, University of MD-Extension and the MSCD. The FSA, NRCS and MDA will maintain their existing Verizon T-1 lines. The Access Agreement to begin the project is pending and all of the utilities have been surveyed and marked. All phone numbers for agricultural agency staff will be the same.

New Farmer on Small Acreage workshops

Criss reported that the new farmer on small acreage workshops are scheduled on Thursdays evenings at 6:00 pm and will continue through March 31, 2016. Participation has been good as currently there are about 15 people attending these trainings.

Agricultural Advisory and recruitment for new members

Criss reported that the AAC is still looking for two farmer members to serve on the AAC to replace members whose terms have expired. There is a process whereby a farmer can request a waiver from the 2 term limit from the County Executive to serve a 3rd term. David Weitzer has requested a waiver to serve a 3rd term on AAC. The AAC has a total of 15 members, 12 being farmer members and 3 being non farmer members. Under the law, 50% of the income for an owner/operator must come from the farm enterprise. It is getting harder to find farmers willing to serve that also meet the farm income requirement. This problem will be discussed later in the agenda as it applies to the Rural Rustic Roads Committee.

Follow up from the County Council Proclamation for National Agriculture Day.

Criss reported that on March 15, 2016, the County Council presented proclamations to County Farmers as part of National Agriculture Day. Presenting the proclamations were Council members Berliner, Rice and Navarro to David Weitzer, Dennis Kamber, Tim McGrath, Linda Lewis and John Fendrick. Staff announced that a picture of the presentation including the folks that attended is in an article for the spring issue of the Montgomery County Farm Bureau Newsletter. It was a nice way to commemorate agricultural operations in Montgomery County.

Council seeks applicants to fill Planning Board Position:

Criss reported that the County Council is looking for new Planning Board member to replace Amy Presley (Republican or Independent) and deadline to apply is April 20, 2016.

Winter Agronomy Update

Criss reported that Doug Tregoning's Winter Agronomy Update was held on February 24, 2016. While there was a good turnout of farmers (about 125) the attendance was a little light from Frederick County. The location in Frederick County was selected to make it easier for Frederick County Farmers to attend. The Winter Agronomy Update is designed to provide

information to farmers in the Central Maryland Extension Cluster. The future location may be reconsidered if there is not more participation from Frederick County.

Rustic Roads Advisory Committee-RRAC Proposed Language for Farmer members

Criss reported that he was contacted in December by Leslie Saville about problems she was having recruiting farmer members for the RRAC.

The Current language carries the following requirements:

3 members who are owner-operators of commercial farmland earning 50 percent or more of their income from farming, one of whom is a representative of the Agricultural Advisory Committee.

The issue is that RRAC is having difficulty recruiting farmer members and they are suggesting amending the law to make it easier for a farmer to be appointed. The RRAC suggests the following changes:

3 members who are owner-operators of **agriculturally-assessed** farmland earning **\$10,000 annually (in 2015 dollars)** or more of their **gross** income from farming, one of whom is a representative of the Agricultural Advisory Committee

Criss informed the AAC that the APAB discussed the proposed language at their December meeting and did not support changing the requirements and it could have an unintended consequence of allowing someone to serve representing the interest of the ag community that were not really farmers. The APAB felt that this was a slippery slope that could impact other agricultural committees like AAC and APAB that could further diminish the farmers' voice at the table of government. Criss reported he is having difficulty recruiting farmer members for AAC as well and that maybe it is time to look at different standard. As staff to the AAC he provided the following staff recommendation:

Over the history of the RRAC, recruiting eligible farmers has been difficult. Requiring farmers to earn 50 percent or more of their income from farming is difficult.

Support the proposed changes noted above with the additional requirement that each of the farmer members on the Rustic Roads Advisory Committee must be identified as representative to one of the following groups:

One farmer as representative to the Agricultural Advisory Committee,
One farmer as representative to the Agricultural Preservation Advisory Board,
One farmer as representative to the Montgomery County Farm Bureau.

Both AAC and APAB felt that the amended language could result in almost anyone being considered a farmer. If the problem is that the law-policy prohibits a farmer from serving on more than one County Executive appointed committee, then perhaps what is needed is a change in the law-policy that would allow farmers to serve on more than Board or Committee.

Both groups felt that this was perhaps the way to go in solving the problem is the short term and that a larger discussion may have to occur at a later date to address a long term solution. The AAC unanimously agreed to have David Weitzer forward a letter to the Executive staff recommending a change in the law-policy on the limitation of members serving on only one Board or Committee. The motion for pursuing language that would allow a farmer to serve on more than one Board was made on by John Fendrick for the APAB and was seconded by APAB member Bob Cissel. There was no discussion on the motion, and the APAB voted 5-0 to recommend seeking amended language allowing a farmer to serve on more than one County Executive appointed Board.

ZTA 16-02 Agricultural Zone-Transferable Development Rights Requirements.

Criss provided as an attachment to the AAC/APAB agenda two versions of ZTA 16-02. The first ZTA on circles 1 and 2 was drafted by Jim Clifford to further amend the original ZTA. The second ZTA 16-02 on circles 3-6 was discussed at the public hearing February 23, 2016. Drew Stabler noted that ZTA is needed to fix a problem with the 2014 zoning ordinance. The heart of the issue involves when a TDR needs to be retained for a farm tenant dwelling and when it doesn't. Under the 2014 zoning code rewrite the code required that anytime a farm property goes through subdivision, a TDR needs to be retained for a farm tenant dwelling even if the subdivision involves the farm tenant dwelling remaining accessory to the farming operation and not subdivided to a separate parcel.

Jim Clifford worked to address the issue as a first step by drafting a ZTA that would address landowners with immediate requests and with the intent to come back after these landowners requests were resolved, to fix the ordinance for all landowners. He was told that if he tried to draft a ZTA that addressed the entire community that support for addressing the immediate requests may not there among Council members. Jim Clifford said this first step was supported by the planning staff, planning attorney, the County Council staff attorney and the Open Space Community- MCA and SCA.

The Ag Community understood why Jim adopted the first step approach to address the issue; however there was general agreement the ZTA did not go far enough and left too many landowners without relief under the ZTA.

Provided as attachment to the AAC agenda were comments from the APAB and County Executive as well as the Draft letter from the AAC that was not submitted as part of the public record. Montgomery Countryside Alliance-MCA and Sugar Loaf Citizens Association-SCA are not comfortable with further amending the language to the ZTA to expand who would be eligible for relief under the ZTA. They believe it will lead to abuse as they believe is the case with the Barnesville Oaks Subdivision Plan. MCA and SCA would like a provision that would limit the number of tenant houses to some acreage requirement like ag preservation easements do. The AAC and APAB felt that there is a difference between a farmer that is paid to accept certain easement restrictions under and ag easement program versus establishing similar limitations under zoning. APAB member Cissel indicated that there is a need to preserve tenant houses and it is vital to the continuation of Ag as a business. Jim Clifford said we need to make sure the 1958 exemption for existing dwellings is maintained in whatever version of the ZTA is adopted.

This exemption does not require the tenant living in the tenant dwelling to be engaged in the operation of the farm.

Patrick Jamison said we need amendments to ZTA 16-02 that will take us back to the original understanding that a TDR is not retained for farm tenant dwellings. John Fendrick provided an example of a large farm with an existing farm tenant dwelling that was subdivided. Jim Clifford explained how the provision to convey property by deed was also removed from the 2014 zoning code rewrite and this has created some challenges for subdivision approvals. Linda Lewis asked what happens if she needs another tenant dwelling and Jim Clifford responded that the easement provisions will address this.

Criss indicated that Jeffery Zyontz, Senior Council Legislative Attorney drafted amended language. These two amendments involved Use Standards and Special Requirements for the Transfer of Density.

These amendments state:

2. Use Standards

Where a Farm Tenant Dwelling is allowed as a limited use, it must satisfy the following standards:

- a. In the Agricultural and Rural Residential zones, it is excluded from any density calculations, if it remains accessory to a farm. **A Farm Tenant Dwelling is included in any density calculation if the dwelling is subdivided in a different lot or parcel from the farm that established the accessory relationship.**

D. Special Requirements for the Transfer of Density

1. In General

- c. **A development right is required for any Farm Tenant Dwelling or Detached Accessory Apartment if the dwelling is subdivided into a different lot or parcel from the farm that established the accessory relationship.**

Jim Clifford said that while he is not fond of wording farm that established the accessory relationship he could not offer alternative wording. Drew Stabler motioned to support the amended language drafted by Jeffery Zyontz as it would address most of the landowners impacted by the 2014 wording in the zoning ordinance and provide the relief necessary to get us back to the original understanding that a TDR is not retained for farm tenant dwellings. Ben Allnutt seconded the motion and it passed. The APAB requested deferring their vote until after the joint meeting adjourned and the APAB conveyed their part of the March 15, meeting so that they could have further discussion among Board Members.

Nancy Floreen scheduled a meeting of stakeholders on March 17, 2016 to discuss the amendments to the ZTA 16-02. The PHED Work Session scheduled for March 21, 2016 on the ZTA.

Ag Education Outreach Team

Criss reported that the OAG (Doug Tregoning and Jeremy Criss) are partnering with Gene Kingsbury, Greg Glen, Caroline Taylor to talk to high school students about Montgomery County Agriculture. The following dates have been scheduled: Poolesville High School was scheduled in January and Damascus High School-March 9, 2016 and Sherwood High Schools scheduled March 23, 2016. Field trips to farms will be scheduled in late April for, Rock Hill Orchard, Laytonsville Landscaping-Sod and Ruppert's Nursery.

Recommendations from the AAC Sub-committee:

Criss reported that he is working on following up with the AAC Sub-committee on the following items:

- A. Micro-Alcohol Production Facilities- Fruit and Grain based Alcoholic beverages.
- B. Limited Use Standards for Private Events on farms including food.
- C. Food trucks-trailers prohibited on farms due to Transitory Uses restricted under Section 3.1.5 TDR Prohibitions.

Criss indicated that the Council may be drafting a ZTA that would permit food trucks on farms that are encumbered by TDR easements.

Annual Meeting with the County Executive and Boards and Committees

Criss reported that the annual meeting for **County Executive and Boards and Committees** that was originally scheduled for March 21st is now scheduled for March 31, 2016 6:30 pm, The format is a Town Hall setting and will be held in the EOB Lobby Auditorium.

Next Meeting of the Agricultural Advisory Committee- April 19, 2016 @ 7:00 pm

The meeting was adjourned at 9:15 pm.