

Agricultural Advisory Committee
November 19, 2013

Attendees: David Weitzer, Tim McGrath, Jane Evans, Charlotte McGehee, Debbie Benson, Linda Lewis, Drew Stabler, Paula Linthicum, Patrick Brown

Visitors: Eric Spates, Wade Butler

Staff: Jeremy Criss, Jonathan Casey

The meeting called to order at 7:06PM (*Weitzer*)

1. **Introductions** – Brief introductions were made.
2. **Approval of the AAC Minutes from October 15th, 2013.** The minutes were approved as noted. (*Stabler, McGrath*)
3. **Remaining Agricultural Issues for the Zoning Rewrite ZTA 13-04 (Attachment B)**

A letter was sent from AAC President, David Weitzer to Council President Nancy Navarro detailing the remaining three issues the Ag Community feels need further consideration. They included:

- **Accessory Uses to Farming – Off site transportation of agricultural products.** The AAC supports the Food Recovery Work Group's recommendation that Montgomery County should declare that its policy is to recover food. Under such a policy, the County would have three priorities: (1) recover and deliver food that can be used by people, (2) create systems to feed animals food that cannot be used by people but is still edible, and (3) compost remaining inedible food. To achieve this, the AAC recommends additional changes to the definition which can be seen in the letter to Council President Navarro at the following web address: http://www6.montgomerycountymd.gov/content/ded/agservices/pdffiles/AAC_Meetings/november2013/attachb.pdf
- **Agricultural Vending – Remove the restrictions for acres and number of lanes on roadways:** Footnote 53 is adversely impacting Vendors as they obtain annual approval from the Department of Permitting Services. There are vendors in the County that have been in operation since 1996 when Chapter 47 was adopted creating the Vendors program. Some of these vendors are site specific vendors approved by the DPS under Chapter 47 to operate in the public right of ways and therefore they do not have a lot or parcel larger than 2 acres and some are located along roads with less than 4 lanes. The current definition needs to be revised to remove the restriction of only being able to sell to down county vendors on properties of at least 2 acres and with 4 lanes of traffic.
Pam response: Changes proposed seem reasonable
- **Winery – Allowing Weddings to be considered as permitted events:** There continues to be questions about how agricultural events are defined. Under the current proposed definition, events are defined as something for

which an entrance fee or cover charge is collected. Under this definition, weddings do not fit, and they probably should.

In response to this, Pamela Dunn replied that built into the definition; there is an opportunity to have 9 days of unpermitted events such as weddings. However, this does not address the issue in a satisfactory manner.

Mrs. Linthicum pointed out that this restricts the farming community – out of 52 weekends in a year, only 9 can be used for things like weddings. This seems unfair. This issue will be brought to the Council's attention: There is a growing need for ancillary events on farms. After discussion, the feeling of the committee is that this is an issue that will need to be addressed eventually. Most agreed that it could wait until after the rewrite was complete. Mr. Criss will gather a list of things that the Committee will take up at a later time.

Mr. Jonathan Casey handed out Pam Dunn's response letter to the above three issues. On the topic of "Accessory use": Mr. Criss tried to get solar panels allowed on a portion of a farm to generate electricity that would support the operation and improvements located on the remaining 16 acres governed by a special exception. Mr. Criss had to convince DPS that the solar panels and the special exception use were all located on the same lot of record to support the definition of accessory uses that must be accessory to the same lot of record. Mr. Criss would like to have a conversation with Pam. The AAC is against what Pam is suggesting; we're just trying to solve a broader problem. PHED committee hearings are on Dec. 2 and 9th.

4. AAC Response letter to Chancellor William Kirwan University of Maryland System-Extension Resources for the Agronomy Educator Position

The AAC continues to be interested in the amount of resources allocated to Extension services on a yearly basis. The AAC feels the decline of funding needs to be addressed.

In the most recent letter from the AAC to Chancellor Kirwan, a chart was presented that showed State funding, County funding and Federal funding by year (Attachment C). Contrary to the claims in the Dean's letter, the table shows a reduction in funding between 2008 and 2012. Since 2012, the funding has increased slightly. This will be a conversation that will continue until further resolve is found. There is an opportunity to present the findings of the FAME Report, which indicated overwhelming support for Extension services. The AAC will look at the recommendations in the report and help identify ways to fulfill them.

5. Grand Opening – Rock Hill Orchard – Woodbourne Creamery – November 18, 2013.

Mr. Criss, who attended the event, reported back to the group. Rock Hill Orchard is a Grade A dairy and Grade A processing facility operating in Montgomery

County. They have a robotic milking machine which allows cows to milk on their own schedules. The event celebrated the farm's regulatory and licensing journey and recognized those who helped along the way. It was a successful event.

6. Bill 27-13

Mr. Criss gave a brief update on Bill 27-13 which proposes to raise minimum wage in Montgomery County in phases over the next several years. The bill went before the Health and Human Services Committee in October, 2013 who then scheduled a work session for Nov. 21, 2013. At the point of writing this, the bill was not considered to have much traction. It was expected that if the HHS Committee thought it necessary, they could recommend that the full council consider it. The AAC will continue to monitor any development surrounding this bill.

7. Farming at Metro's Edge Conference – Final Report.

Craig Rice (who is in line to be the Council President in 2014) suggested a Full Council Work Session after the holidays to discuss the recommendations in the Final Report from the FAME conference. Steve Silverman is considering three topics for the CE to comment on: UM-Extension staffing, Zoning for ZTA 13-04, and finance laws for farm LLC transfers.

On the topic of Agriculture Education, it was brought up that there should be a Magnet program for Agriculture in one of the county schools. The AAC noted the importance of connecting David Miller, a recent speaker at the Farm Bureau Banquet who advocated for such a program, with Craig Rice. Mr. Miller made a presentation at the Farm Bureau Banquet in which he advocated for the CASE Program – Curriculum for Agriculture Science Education. Gaining traction in the County school system could help bring more attention to the need for Extension. Mrs. Linthicum and Mrs. Evans offered to help. It was suggested a letter be written to Craig Rice from David Weitzer and a copy sent to David Miller. The letter would advocate for a more technical agriculture program in middle and high schools.

On the topic of transferring farm land to younger generations, Mr. Criss asked if anyone was having any problems. He is noticing there have been cases surrounding the transfer of Farms in LLCs to younger generations. Currently, a farm owned by a property owner is assessed 1% transfer taxes on the current assessed value of the property when it is passed down for farming. If a farm has been put into an LLC and then passed down, a 6% tax has been requested. If the County cannot get the 6%, they reassess the value of the property at the highest and best use, even if the farm has been put into preservation and then assess the 1% transfer tax on the reassessed value. This is an unfair practice by the County. The County should not be charging the 6% transfer tax on farms in an LLC passed on to the next generation for farming. Furthermore, a reassessment should not be required. The County should simply be collecting the 1% transfer tax at the current assessed value of the land.

Discussion: McGrath – they still assess the residential lot plus one acre. County is not providing public services (Public water and sewer, Road improvements on Rustic Roads, Ride-On to the farmers.) Jonathan Casey found reference to Maryland Annotated Code– 12-117 ©, 13-103. Perhaps this gave the County the authority to do this? Jeremy said he is working with Carol Tarkowski of the Md. Dept. of Assessments and Taxation on this farm transfer issue and will report back to the Committee.

- 8. DED-Agricultural Services, MSCD, University of MD Extension-UME and USDA Agricultural Research Services** – ARS may be partnering on a Listening Session on December 3, 2013 for High Tunnels and Greenhouses in Montgomery, Frederick and Howard Counties. The goal is to promote the number of high tunnels in the region and figure out costs and cost share assistance.
- 9. Community Meeting – MNCPPC- Seneca Store (Formally Poole’s Store) – December 10th** MNCPPC has spent money to renovate Seneca Store. A photo showing the newly renovated building was provided in Attachment E. Discussion surrounding the ongoing need to have farm stores in agricultural areas ensued.
- 10. County Council Public Hearing – Clarksburg Limited Master Plan Amendment – Ten Mile Creek Water Shed – Dec. 3 and 5 (attachment F)**

Paula Linthicum said the stream that feeds into the lake is only one of the problems in the area. Paula said there are other streams in the watershed that are not even part of the discussion. David Weitzer said the Amendment will reduce TDR receiving areas if this goes through. The King property and Pulte property are recommended for down zone from RE-1/TDR to RNC/TDR. Jim Clifford is advocating that there’s another master plan that proposes to further erode TDR receiving capacity. Jeremy said he would have to look at schedule of the Planning Board because he doesn’t know of one. If there was one, we’d be talking about. Jeremy said there are several Master Plans like White Flint where new BLT receiving capacity was recommended. Jonathan Casey said the Planning Board has recommended as part of the zoning re-write increasing the use of TDRs. We need the Council to support what the Planning Board is proposing on new uses for TDRs. The Council hasn’t always supported the Planning Board. The Council doesn’t always adopt what the Planning Board recommends. The 1994 Clarksburg Master Plan recommends total TDR receiving capacity for 2,184 TDRs and there are a total of 194 TDRs are proposed west of I-270 that are associated with the King and Pulte properties. After additional discussion it was recommended to update the letter that was sent to the Planning Board in September and address it to the County Council for the Public Hearings scheduled in December 2013.
- 11. New Appointments to the AAC –**

Several AAC members who have expiring terms have already requested reappointment. Two members will need to be replaced: Robert Beall and Woody Woodroof. Joe Muldoon, guest at the October meeting has conveyed an interest.

Robert Beall has suggested Delaney Gladhill. Other suggestions: Patrick Jamison, Steve Martin, Michael Protus.

12. MC 5-14 Montgomery County-Archery Hunting-Safety Zone-

Jeremy informed the Committee that a State Bill has been proposed MC5-14 that will add Montgomery County to the list of counties-Frederick and Carroll Counties that have a safety zone of 50 yards of archery hunting. All other counties must comply with a safety zone of 150 yards. The reduction of the safety zone to 50 yards for archery hunting will help to increase the harvest of deer in many areas of the County where the current distance of 150 yards is not possible. After discussion the Committee suggested that Jeremy draft an AAC letter of support for David Weitzer to present to the Montgomery County Delegation on Monday December 2, 2013.

13. Next AAC meeting December 17, 2013-

Jeremy reminded everyone to read the proposed Rustic Roads Guidelines that will be discussed at the December 17, 2013 AAC meeting.

Meeting adjourned at 9:12 pm.