

**Ag Advisory Meeting
December 17, 2013**

Attendees:

Charlotte McGehee, David Heisler, Linda Lewis, Debbie Benson, Jane Evans, Patrick Brown, Woody Woodroof, Robert Beall, Drew Stabler, Tim McGrath, Ben Allnut, David Weitzer

Guests:

Rustic Roads Committee – Leslie Saville, Christopher Marston, Mark Miller, Greg Deaver, Eric Spates, Jay Beatty, Tom Hartsock

Staff: Jeremy Criss, John Zawitoski, Katherine Holt

APAP: Bob Cissel, Mike Jamison, Vince Berg, John Fendrick

The meeting was called to order at 7:02PM

The meeting began with a presentation from Ms. Linda Lewis who thanked Mr. Criss for all his hard work year after year. His contributions to this committee and the agricultural community at-large are invaluable. As a sign of gratitude, Linda Lewis, Jane Evans and Debbie Benson brought dinner for the entire group. The committee thanked these three for their generosity and extra work.

1. **Introductions** – With many visitors present, introductions were made.
2. **Discussion and Presentation from the Rustic Roads Advisory Committee- RRAC-Review of the Draft Programs Guidelines.**

The Rustic Roads Advisory Committee joined the Agricultural Advisory Committee this month to present and take comments on a draft set of Guidelines they would like to publish. The Guidelines are designed to be a reference for the general public. The Rustic Roads Committee wanted feedback from the agricultural community. There will be a working meeting in January to try to address issues that have been brought to their attention.

Comments included:

- Guidelines should not conflict with County Code or Executive Regulations. (M. Jamison)
- General concern was voiced for rustic roads' size limitations (height, width, etc.) that make it more difficult and even unsafe for large farm equipment. (M. Jamison)
- Guideline users generally include Department of Transportation, developers and engineers. DOT has given the Rustic Roads Committee maintenance guidelines. (Beatty)
- Discussion on whether these guidelines are enforceable. Are they "Law"?

- Farming community wants to balance preserving the beauty of rustic roads with maintaining the practicality of needing to use them for large farm equipment.
- Tree trimming – safety should be the first priority. But then close after is protecting livelihood of the farmers using the roads.
- A suggestion by M. Jamison was that Guidelines should include procedures/policies for the general public on how and when to give the right of way to large farm equipment. Leslie said she would develop language around this for review and send it to John and Jeremy. (Brought up again later in the conversation by Bob Cissel. We need to educate those about how to drive on rustic roads around farming equipment).
- Mr. Fendrick questioned the 16’ limitation (“cube” – 16’ vertical distance from pavement). Leslie explained this was a DOT number.
- Mr. Weitzer inquired as to how accurate the document was. He noted a few mistakes.
- Another consideration is making sure Rustic Roads are properly maintained. Mr. Weitzer referenced Sugarland Road that is bumpy and poorly maintained. Leslie responded that while DOT is working on shoulders, nothing has been proposed for concrete surfaces. Mr. Criss suggested that the Rustic Roads Committee should make that suggestion to the DOT. Concrete portions of roads present a safety hazard. Greg Deaver explained that the DOT recognizes the problem but doesn’t have a financial solution. They will continue to bring it up.
- Bob: There seems to be disconnect between the DOT and the agriculture community about what really happens on these roads. There needs to be a better understanding of long term planning when it comes to trimming and road maintenance. (Bob)
 Jay Beatty suggested the any time you want to write a joint letter to DOT, let’s do it. Let’s propose it to DOT.
 Jeremy Criss said a similar letter was done in the past and suggested that Rustic roads needs to have a separate CIP that you all can help to guide with the maintenance that’s necessary for the rustic roads. In the case of tree trimming, we suggest PEPCO and DOT need to coordinate so more can be done at one time. Jeremy will forward to everyone the February 9, 2009 letter that was addressed to the County Executive and copied to the Director of DOT.
- Michael Jamison asked the RRAC if they have planned/envisioned the impact of growth. Leslie responded that they are looking trying to anticipate future needs. At a certain point, too much traffic will result in a road being taken out of the program.
- Many agreed that more focus should be given to the rustic roads that are used more often. Money is limited so resources need to be used in a way that we are getting the biggest return on the money we spend.
- John Fendrick suggested the guidelines should include a section on how Rustic Roads can be removed from the program.

- Jeremy suggested we might have an opportunity to update the 21-96 Executive Regulations.
- Concern was voiced about these Guidelines being used as law. Leslie explained that the intent is not to regulate – rather to inform. However, members of the group warned that if they are written, someone will try to use them as law. They need to make sure that they cannot be used from a legal standpoint, regulations are enforceable. Guidelines are not.
- Robert Beall expressed the need for proactive signage on Rustic Roads that remind drivers that driving recklessly can be costly – especially on narrow roads that are used by large farm equipment.

3. Update from the PHED Committee Work Sessions on the Remaining Agricultural Issues for the Zoning Rewrite ZTA 13-04. PHED did not support including these Ag issues. Full Council Work Sessions scheduled for January 14, 15 & 16, 2013 at 9:30 am.

PHED committee had two work sessions in December -- the 2nd and the 9th. The positive news from those two meetings is the new proposed term Ag Education and Ag Tourism has been recommended by the PHED committee. There was some push back but the PHED committee insisted it was included.

The council did not take up the remaining issue of weddings falling outside the proposed definition of farming. Addressing this issue will have to be taken up as a separate zoning text amendment. The timeline is really tight to get anything considered before Jan 14, 15 and 16.

Ag Vending is another issue that didn't get resolved. 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.

Jeremy has brought this to Councilmember Roger Berliner who has agreed to work with the full council to address this. Councilmember Berliner was the sponsor of ZTA in 2011 that created the conflict in the code.

Jeremy said the Food Recovery Work Group recommended opportunities for farmers to receive food for feeding livestock or compost the non-edible food to generate income. Composting is one of the Accessory uses to farming that is permissible. Accessory uses are restricted to the lot of record and products

cannot be transported from another property. The code is not clear on whether these food stocks would be allowed.

John Fendrick said that he takes Chicken guts and composts them on his farm. The New Compost Regulations (Proposed by Delegate Heather Mizeur and MDE) will be in affect next year. Jeremy explained how the State Solid waste statute only has one subcategory called Natural Wood waste recycling. The MDE is now proposing a second subcategory called Composting.

Bob Cissel asked if there is a movement in the county to recycled food waste. Jeremy said the Food Recovery Work Group report was well received by the County Council because currently 19% of total tonnage of waste going into landfills is organic food waste that we could be recycled. David Weitzer said that feeding food waste to cows is working out very well (Lancaster County). Eric Spates said that composting would need to be in the farmer's Nutrient management plan. The farmer would have to revise the nutrient management plan. Jeremy said there are several working groups discussing food aggregating facilities including food Hubs. Having clarification on accessory uses to farming in the zoning code can be helpful.

4. Farming at Metro's Edge Conference-FAME Final Report. Council President Craig Rice will be scheduling a Full Council Work Session in March 2014 to discuss the recommendations in the FAME report. Follow up on Agricultural Education in MCPS-(Attachment B.)

Mr. Criss requested that the agricultural community be present for the Work Session in March. Over the years, the agricultural community has lost a number of positions in Agriculture Agencies in Derwood, MD. That has an impact on the services delivered to the public. As the County recovers from the down economy, we need to work to get these services and positions back. Jeremy will keep the group informed on the date and time of the meeting in March. Jeremy asked everyone to refer to Attachment B which was the AAC letter to Craig Rice on his suggestion for the MCPS to develop a Magnet Program on Agricultural Education.

At this time the Agricultural Preservation Advisory Board was dismissed and they resumed their meeting in the room next door.

Side conversation on the earlier Rustic Roads Guideline discussion: Jane Evans asked who is approving guidelines and Jeremy Criss responded that they aren't being approved. The County Council conducts a public hearing and approves Executive Regulations and in most County agencies the guidelines and regulations are one in the same. Ms. Evans explained that it feels like the RRAC are overstepping their bounds by proposing guidelines that are in addition to regulations. The group agreed that some of the guidelines were useful while other

parts were outside the bounds of what the RRAC should be doing. Either way, the RRAC needs to elaborate on the particular intentions of the committee. Jeremy will work with Jay Beatty and the topic will be brought up again in January. Please note the January 21, 2014 meeting was cancelled due to snow.

5. Approval of the AAC Minutes from November 19, 2013.

The November 19th Minutes of the AAC were accepted as corrected. (*Stabler, Benson*)

6. The AAC is still waiting for a response letter from Chancellor William Kirwan UM System-Extension Resources for the Agronomy Educator Position as suggested in the AAC letter dated November 8, 2013.

The AAC has yet to receive the Dean's response as outlined in the Chancellor's letter to the AAC dated September 24, 2013. The lack of communication caused the committee to wonder whether the issues brought up in the letter were being rightfully considered. There was no consensus on how to proceed but ideas ranged from taking a "wait and see" approach to trying to get the media's attention on the issue. Either way, the AAC agreed the University of Maryland's agriculture program should be more like that of Virginia Tech's.

7. Follow up from the High Tunnel and Greenhouse Listening Session for Montgomery, Frederick and Howard Counties. Sponsored by the DED-Ag Services, MSCD, U of MD-Extension-UME and USDA Agricultural Research Service-ARS.

Over 30 people participated in the Listening Session. Participants shared their experiences. There were many questions regarding a cost share assistance program to build greenhouses. The next steps are to prepare a summary of the notes, prioritize them, make them available to all of the people that participated and finally make them available to general public.

8. Community Meeting-MNCPPC-Seneca Store (Formerly Poole's Store) Rescheduled to January 7, 2014 7:00pm

The Community Meeting regarding the Seneca Store has been rescheduled for Jan. 7th. The question of who was paying for the restoration was raised and Jeremy responded that the Department of Park and Planning is the one funding the project. This raised more questions about where Park and Planning gets their resources. They collect fees at their active parks and they also get money from the County's general funds. They are supposed to be self-sufficient but they never have been. The AAC inquired as to what sort of oversight there is in their spending. The County Council appropriates funds to the MNCPPC and the Council provides the oversight. Jeremy Criss will look at their annual operating and CIP budgets and report on them. In FY 2014 the total Operating Budget for MNCPPC is \$87.15 Million. The FY2013-2018 CIP budget is \$38.97 Million.

9. AAC testimony to the County Council on the Clarksburg Limited Master Plan Amendment-Ten Mile Creek Water Shed- (See Attachment D.)

Mr. Weitzer recently presented to the County Council on how the Clarksburg Master Plan diminishes the capacity of TDRs. Since his presentation, there has been some follow-up: A few people, including Jim Clifford and Doug Tregoning, have asked for the accounting of TDRs. John Zawitoski will be discussing with MNCPC staff Pam Dunn the updated TDR status report. The report will discuss where we are today with total TDRs in the sending and receiving areas. Marlene Michaelson voiced concern about the imbalance of sending and receiving areas. For every TDR, in a sending area, there should be at least 2 TDRs or more in the receiving area because of Diminishing Capacity.

10. New Appointments to the AAC

The Committee focused its attention on identifying new farmer members to replace those whose terms expire – this year, both Robert Beall and Woody Woodroof will be leaving the AAC.

The AAC also needs to recommend a farmer member to the Rustic Roads Advisory Committee which will serve as the AAC representative.

Jeremy has two candidates for consideration: Joe Muldoon and Tom Hartsock who was the Farm Bureau State representative for Carol, Montgomery and Howard counties. Another suggestion was for Michelle Cropp who is currently with the Farm Bureau. Randy Stabler was suggested as a candidate for either AAC or the Rustic Roads Committee.

11. Follow up on MC 15-14 Montgomery County-Archery Hunting-Safety Zone- (See Attachment E.)

Jeremy asked everyone to refer to the Attachment E which was an AAC letter addressed to the Montgomery County Delegation regarding Local Bill MC 15-14 which adds Montgomery County to the list of counties that allow a 50 yard safety zone for archery hunting

12. Next Agricultural Preservation Advisory Board Meeting is January 14, 2014 and the next Agricultural Advisory Committee Meeting is scheduled for January 21, 2014.

David – Montgomery Countryside Alliance meeting he attended last week. The MCA has an annual \$180k budget. A lot of the discussion was about how they could work closer with the agricultural community. Royce Hanson talked about the FAME conference and some of the requests that came out of final report. Tom Hartsock wants to spear head a project that was discussed at that meeting. Remove artificial turf from athletic fields and reinstate natural surfaces.

A brief update on County Bill 27-13 was given. The bill raises the minimum wage in the County over the next three years to \$11.25. It was passed by the Council in an 8 to 1 vote. DC and Prince Georges County are also expected to

pass a similar bill. The Governor is also proposing a State Bill to increase the minimum wage.

The meeting was adjourned at 9:15pm.

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