

Agricultural Advisory Committee Meeting

1/20/15

Attendees: David Weitzer, Chuck Schuster, Drew Stabler, Jane Evans, Aliza Fishbein, Michelle Cropp, Linda Lewis, David Heisler, Tim McGrath, Eddie Kuhlman, Charlotte McGehee, Paula Linthicum

Staff: Jeremy Criss, Meghan Flynn (Parks and Planning), Josh Penn (Planner Coordinator)

The meeting was called to order at 7:03PM.

1. Introductions

With guest present, brief introductions were made.

2. Approval of Minutes

The minutes from the December 16th, 2014 meeting were approved as written. (*Stabler/Cropp*)

3. The Pesticide Legislation Bill 52-14 is supported by 5 Council members (Leventhal, Floreen, Reimer, Navarro, and Elrich). The first public hearing was Thursday January 15, 2015 at 7:30PM with the T&E Committee. The AAC--Doug Tregoning and the MCFB--Lonnie Luther were signed up to testify. There is a second public hearing tentatively scheduled for February 12, 2015. The T&E Committee Work Session is scheduled for March 16, 2015.

Members who attended the recent hearing on the proposed Pesticide Bill 52-14 reported back to the group: About 200 people were present. There were people there who both strongly supported and strongly opposed the bill. Many perspectives were heard. Landscapers were worried that many jobs would be lost in the county as a result of the bill. Residents from Takoma Park, where similar legislation has already been enacted, voiced their concerns. Conversely, the mayor from Takoma Park was there to support the bill. Facilities personnel from the local soccer complex were concerned about the safety of their fields. An environmental company went on record saying that it would be a very serious mistake to eliminate pesticides. Many agreed that the bill is emotionally charged and is not based on proven facts. Those who attended thought both sides presented good arguments but it was unclear how the testimonies altered (or didn't alter) the perspectives of the councilmembers.

A second public hearing is scheduled for February 12th. The T&E Committee work sessions have been moved to March. Since there has been an overwhelming amount of voices that need to be heard on the bill, the process of the bill is slowing down. Lonnie Luther testified on behalf of the Farm Bureau. Jeremy felt that the Agricultural Advisory Committee and the agriculture groups that were present did a very good job. Ag Preservation submitted a letter opposing the bill. Eric Spates of the Montgomery County Ag Producers also testified and submitted a letter opposing the bill. The Maryland Department of Agriculture testified against the bill. Paula Linthicum is setting up meetings for the farm bureau to meet with different councilmembers.

Jane Evans commented that the letter we wrote really represented us well. It was thoughtful and through provoking. She thanked Jeremy for his help in writing the letter.

Linda Lewis asked how to testify -- Call Jackie Hawksford 240-777-7803

4. Supplemental Appropriation for the Agricultural Land Preservation CIP – \$1 million from the Crown Farm Annexation Agreement for a pending Agricultural Easement acquisition. The public hearing is scheduled for January 27th, 2015.

In 2006 the County Council approved the Crown Farm annexation agreement. The agreement required the developer to pay 2 million dollars to the County in exchange for developing land within the City of Gaithersburg because the property was previously designated as a County TDR receiving area. Today, the county has collected \$1 million dollars of the \$2 million that was agreed upon. That money has not been appropriated by the council yet and we have a pending easement adjacent to the town of Poolesville. There's a PHED Work session on Feb. 9 and if everything goes well, the council should approve the appropriation. Once the appropriation is approved, the program can purchase the easement on the property adjacent to the town of Poolesville and prevent development. The matter falls under the authority of the Agricultural Preservation Advisory Board who oversees these types of programs. Once the easement is purchased, the Farmland Preservation Program's funds will be depleted. Agricultural transfer tax – that is a 5% tax imposed on the consideration of farms converting from an ag use to a non ag use. In the past 6 months, we have had zero collections. Before the economy slowed we were collecting between 1 and 2 million dollars a year. The ag community needs to huddle up and address the future funding of the programs and discuss ways on how we continue to fund the program. The Crown farm was a TDR receiving area and losing this demand component of the TDR program represents lost equity opportunity for farmers who wanted to sell their TDRS.

5. The Tour of farms with Planning Board Chair Casey Anderson will be held weather permitting on the afternoon of January 30, 2015. The tour of farms on the east side of the County includes Robert Stabler – Pleasant Valley Farm, Pam Saul – Rolling Acres Farm, Wade Butler-Butlers Orchard and John Fendrick – Woodbourne Creamery.

Jeremy Criss is making sure the farmers who are scheduled to be a part of the tour can host the afternoon of the 30th. The Council will be touring Sandy Spring in the morning for the master plan update process. After the Council finishes the Sandy Spring tour the Planning Board Chair will vacate the bus to tour the farms in the afternoon. Josh says they have a 12 person van to accommodate the Planning Board member's staff and Jeremy.

6. Update on the Positions approved for FY15 Operating and Capital Budget.

The Ag Business Navigator – BDS position (Kristin Fisher) on December 3, 2014, the OHR Director approved waiver to bypass veteran with Preferential Hiring status. DED reviewed the 32 applicants that met the minimum requirements and then the County implemented a hiring freeze on December 12, 2014. A memorandum requesting exemption from hiring freeze is pending that will request the position be advertised again since four months have passed since the August deadline to apply.

Agronomy Educator for UM-Extension contractor -- the contract was approved and Doug prepared testimony for Pesticide Bill 52-14 and he is organizing the Winter Agronomy Update and speakers.

New Resource Conservationist for MSCD (Brian Taylor) The Ad was released Dec. 2, 2014 closed on December 15, 2014. The County implemented hiring freeze Dec. 12, 2014. A memorandum requesting exemption from hiring freeze is pending. Jeremy thinks it will be approved because funding comes from the water quality protection act. Josh said the Tree canopy administrator exemption was approved.

7. New Appointments to the AAC – Need to find farmer member to replace Tim McGrath and the Annual Meeting with CE, AAC, and APAB is scheduled Feb. 10, 2015 @ 8:00PM.

There are several members that need to reapply and Jeremy has sent them each an email.

Eddie Kuhlman will call Patrick Jamison who might be a good replacement. Drew Stabler suggested Jim Fraiser who has a bee farm on the corner of Hipsley Mill and 655.

The Annual meeting with the County Executive is coming up. Each group invited has only 5-10 minutes to talk and therefore we need a concise agenda. Mr. Criss invited anyone who wants to attend to join. Michelle Cropp, Linda Lewis and Aliza Fishbein all voiced interest.

Not the appropriate time to talk about the Pesticide Bill 52-14. Criss asked for suggested agenda items. Vacant positions were suggested. Funding Ag preservation – Ag preservation Board will do that. Farm to table dinner just got a national county activity of excellence award from American farm bureau it was for the 2013 program. The new Small farmer program was suggested. Criss said he would develop the agenda of items and provide it to everyone that will be attending.

Side note Mont. Countryside alliance is not opposed to the bill.

8. NEW MDE Regulations for storm water management on agricultural buildings

New MDE regulations may now require farmers to do a commercial sediment control plan. They also would require a plan be put into place for water that flows off building structures. Prior to Governor O'malley leaving office, he submitted the regulations on the phosphorus management tool and also MDE regulations for storm water management on ag buildings. The Committee reviewed an email from Rick Brush-Manager of Sediment Control in the Department of Permitting services. He is also the former NRCS District Conservationist. Once Rick and David Plummer received word on the proposed new regulations, we started we met to better understand the process. MDE is trying to have more restrictions in place for the storm water management of sediment control. Ag practices have been exempt from these structures. Farmers are exempt from sediment control if they are tilling the ground. If the building is being used for mercantile, on a farm the new regulations will be imposed. The building has to go through a more restrictive path because it is a commercial building. Under the new regulations, you have to have a plan for water that comes off a roof. These will become more restrictive for ag buildings. DPS has no intention of modifying Chapter 19 Sediment Control unless they have to. Walter Wilson County Associate Attorney is trying to determine if the Code must be modified. It appears that MDE is interested in capturing any 5000 SF of area disturbed and there may be a requirement for a commercial sediment control plan for associated buildings. Jeremy will keep us in the loop. A Pole structure is considered an agricultural building permit and today a permit is not needed unless you are installing electricity. That has always been the trigger. Storm water management is a separate requirement that now will apply to agriculture

buildings. David Weitzer asked if the new administration could repeal. The MSCD has forwarded a letter to Gov. Hogan to evaluate these circumstances and consider further. We hope the MSCD letter gets traction. It will be difficult.

9. High Speed Broad band in the rural and ag areas.

David Weitzer and his neighbors followed up from the Dec. 8 meeting with stakeholders to discuss expanding broadband high speed internet access to the Poolesville area of the agricultural reserve. The goal is to get more folks engaged in the effort. There will be a meeting in Poolesville to discuss the matter and all are welcome. David Weitzer reported that he has 17 people supporting the effort and he could use more. Roger Berliner has offered to help.

10. Update on the New Zoning Code and the continued need for new Uses in the AR Zone.

There is a need for amendments to the new zoning code. Breweries are not currently listed as a permitted agricultural use in the AR Zone. This seems like a contradiction because wineries are listed as a permitted use. There is also a need for private events like weddings and birthday parties on farms. The Committee discussed the draft wording prepared by staff and some revisions and corrections were offered. There is need to clarify language around how long porta potties are allowed for an event. Jane Evans expressed caution on any PIF uses in the AR zone. Criss said he would revise the draft wording and bring it back for review at the next meeting.

11. Updated Farm Directory

The DED-Agricultural Service updated the farm directory and we are requesting assistance to make corrections to the farms that are listed and help to reach out to those that still need to be listed.

12. Three grant opportunities.

Jeremy Criss updated the group with current Grant opportunities including the following: The USDA-Rural Development offers a Value-Added Producer Grant (VAPG) program annually. Information can be found at http://www.rurdev.usda.gov/bcp_vapg.html

The MARBIDCO also has an annual matching grants overlay program, providing up to 15% of the matching funds required under the USDA VAPG (with a maximum of \$11,250 for planning grants and \$25,000 for working capital grants). We expect the USDA NOFA to be announced sometime in February with a 45-day application submission deadline. MARBIDCO's application deadline will be 14 days in advance of USDA's deadline. More information can be found at www.marbidco.org.

The Kathleen A.P. Mathias Agriculture Energy Efficiency Program-Eligibility
More information can be found at <http://energy.maryland.gov/Business/MathiasAg14.htm>

13. Paula Linthicum announced an event on Feb. 23 that will help farmers engage in social media.

14. The meeting was adjourned at 8:21 pm.