

Agricultural Advisory Committee (AAC)

Minutes of January 17, 2012

Attendance: David Weitzer, Drew Stabler, Linda Lewis, David Heisler, Tim McGrath, Eddie Kuhlman, Jane Evans

Guests: Debbie Belt Benson **Staff:** Jeremy Criss, Callum Murray

The meeting was called to order at 7:15 pm.

Introductions: Everyone introduced themselves.

Approval of Minutes December 20, 2011:

Criss asked if any changes or corrections were needed to the AAC minutes from December 20, 2011. Callum Murray said a correction was needed on the first page to reference the Rural Cluster-RC zone and not R-200 zone. Criss acknowledged that a mistake is on page three and it should read-Robert Beall suggested Susie Butler-Todd Butler's widow. Hearing no additional changes Drew Stabler motioned to approve the minutes as corrected, and Tim McGrath seconded the motion and it passed.

Update on the Proposed Agricultural-Horticultural ZTA:

Criss said the DED met with County Executive on December 21, 2011 and he asked several questions surrounding landscape contractors being permitted by right in the RDT zone. The CE supported the recommended changes surrounding agricultural processing including the processing of firewood. The CE was concerned about landscape contractors and he suggested landscape contractors in the RDT zone should grow horticultural products like Ruppert Nurseries. Jane Evans asked if other zones were being recommended and Criss said the DED-ZTA only addresses the RDT zone. David Weitzer asked if the landscape contractors that are out there in the RDT zone operating landscape businesses would be addressed. Criss said these landscape businesses could be covered if they meet the proposed standards otherwise they would be operating illegally. Linda Lewis asked whether a 25 acre site that is leased to a landscape contractor could be allowed under the proposed standards and Criss said he thought this could be considered. Callum Murray said he would reserve judgement on the DED-ZTA until he sees it. Callum said he has no problem with Ruppert landscaping which operates under a special exception. Callum said he is concerned about the level of impervious surface for landscape contractors that the Board of Appeals normally governs under the special exception process. Eddie Kuhlman said that Council Member Craig Rice called him to question the proposed ZTA and he wants to go out and see some of these operations. Jane Evans asked if the ZTA includes vegetable production and Criss said the ZTA will not change the current ability to produce and sell raw vegetables in the RDT zone, but the ZTA attempts to expand the agricultural processing of products which would include vegetables. David Heisler questioned the number of public events for Wineries that are

currently limited to 2 annually. Criss said that Council Member Marc Elrich suggested this restricts wineries and he recommended this be removed. Marc Elrich questioned why the RDT zone allows a winery that processes horticultural products-grapes into wine but we prohibit the processing of fruit juice. Callum mentioned how the Zoning Rewrite process proposes a new definition of agricultural processing as a limited use. Criss said that he must obtain County Executive approval before the DED releases the ZTA.

Follow up on the January 12, 2012 meeting on the UME-Agronomy Educator:

Criss said representatives from the UME-Central MD Cluster-Frederick, Howard, and Montgomery counties met to discuss how to collectively fund the Agronomy Educator position. The UME has identified this position as a priority hire position for 2012. The UME is recommending this position be a Faculty Extension Assistant-FEA and not a Faculty Tenure position. The group of representatives recommended the position should not be a FEA position because the FEA is considered an entry level-low paying position. The group of representatives agreed that if a FEA is selected the individual will not have an incentive to stay and grow with the counties and the individual will leave after a few years and then we will be back at square one. Jane Evans asked for an example of a FEA position and Criss provided an example of one FEA position that was granted an enhanced benefit package along with potential to migrate to a Faculty Tenure position. Criss said he would recommend the group of representatives ask the UME to reconsider their stance on the Agronomy Educator position. After additional discussion the AAC recommended to wait and see the response from the Dean before submitting a separate letter requesting a higher level position for the Agronomy Educator.

New Appointments to the AAC, RRAC and FCAC:

The Agricultural Advisory Committee still needs another farmer representative. Kelly Lewis decided to not seek reappointment. Tim McGrath said that he asked Debbie Belt Benson (Allen Belt's daughter) to come tonight to see if she would be interested. Criss explained how the appointment process works and he said he would forward to her the instructions on how to request a new appointment. Tim McGrath said he would help Debbie if she had any questions. Criss said that he thinks Angela Butler (Wade Butler's wife) was interested in the Rustic Roads Advisory Committee to replace Fred Lechliden. Criss said he is still looking for an agricultural representative for the Forest Conservation Advisory Committee to replace Norman Mease. Dr. Charles Mess was suggested as someone who may want to consider applying given the trouble he has encountered with harvesting his timber. It was mentioned that MD Secretary of Agriculture Buddy Hance is interested in understanding the challenges that Dr. Mess has encountered. Doug Lechliden is currently on the MD Ag Commission and he was present during the discussion on the Mess property.

Update on Local Bills in the 2012 Maryland Legislative Session:

Criss said the Land Use and Transportation Committee of the Montgomery County Delegation will be conducting the first hearings on the local Bills. The AAC provided

letters of support for these two Bills- MC 7-12 and MC 16-12. The MC 7-12 is the Septic Easement Bill (House Bill 536) that failed to pass last year. The MC 7-12 is identical to HB 536, however the term Green Infrastructure is supposed to be removed since the Master Plan was not adopted and the Council dropped it from the MNCPPC work plan. Callum Murray recommended support for this Bill. The MC 16-12 is a new Bill that prohibits private covenants being recorded that restrict agricultural activities and structures on properties in the RDT zone that are also encumbered by TDR Easements. Callum Murray said the MNCPPC may be suggesting some amendments to this Bill. Jane Evans said she is concerned regarding how the Bill could impact 5 acre lots in subdivisions and she questioned how many animals would be permitted on 5 acres. The number of animals a property can support is determined by the Nutrient Management Plan that governs the property. The MC 16-12 was developed to address cases where agriculturally zoned and agriculturally assessed properties encumbered with TDR easements can be prohibited to having agricultural uses and structures due to the neighborhood HOA covenants.

Farmland Preservation Update-Building Lot Termination-BLT:

Criss said there is a press event scheduled for January 26, 2012 to celebrate the first BLT acquisition on Drew Stabler's home farm. The press event will be conducted in the Executive Office Building on the second floor starting at 11:00 am and Criss encouraged everyone to attend if they can. The second BLT easement purchase period will be announced as part of the press event.

Update on the Crown Farm Annexation Agreement and Payment to the County:

The Crown Farm project is moving forward as new infrastructure is being installed to accommodate the new development. The previous Crown Farm Village LLC went bankrupt and a new company has taken over. The DED and the APAB is tracking down the new development company to seek the \$2.0 million payment to the Ag Preservation Fund in accordance with the Annexation Agreement. Linda Lewis asked who approved the Annexation Agreement and Criss said the County Council, the City of Gaithersburg and the Developer all approved it. The project is currently under the first phase involving 375 units and this requires a payment to the County in the amount of \$500,000.

AAC recommendation on the Bethesda TDR Receiving Area request for Rezoning:

Criss asked everyone to turn to the AAC letter in the packet addressed to the Montgomery County Planning Board Chair regarding a request to rezone a property in Bethesda that would result in the loss of TDR receiving capacity and equity to RDT property owners. Criss said he would keep the group informed as the rezoning process moves forward.

The meeting was adjourned at 8:50 pm.