

Agricultural Advisory Committee (AAC)

Minutes of December 20, 2011

Attendance: Robert Beall, David Weitzer, Woody Woodroof, Drew Stabler, Chuck Schuster, Gary Marx, Kelly Lewis, David Heisler, Ben Allnutt, Tim McGrath

Guests: Anne Sturm, Linda Peppe

Staff: Jeremy Criss, Callum Murray

The meeting was called to order at 7:00 pm.

Introductions: Everyone introduced themselves.

Approval of Minutes October 18, 2011:

Criss asked if any changes or corrections were needed to the AAC minutes from October 18, 2011. Criss said that Patrick Brown needed to be shown as attending the meeting. . Hearing no additional changes Tim McGrath motioned to approve the minutes as corrected, and Ben Allnutt seconded the motion and it passed. *Please Note there was no meeting on November 15, 2011 since this was the same night as the Annual Banquet of the Montgomery County Farm Bureau.*

Update on the Proposed Agricultural-Horticultural ZTA:

Criss said the DED met with County Council members Floreen and Rice on November 16, 2011 to gain support for the ZTA. Council staff member Jeff Zyontz also attended the briefing. The council members were in general support of the ZTA and they were concerned about the impact of landscape contractors in the RDT zone. Woody Woodroof said the DED should make it clear that the ZTA was not a product of the Horticultural Work Group. Criss agreed and said the minutes from previous AAC meetings were amended to address this point. Robert Beall said there is a relationship between horticulture and agriculture that we need to address. Criss explained the importance of horticulture in the County as it represents the largest component of agriculture. Criss explained how the County only has two zones that pertain to landscape contractors by right and that most of them must rely on the special exception process that does not work, is very expensive and very uncertain for these types of businesses. Callum respectfully disagreed with Criss and said that he currently has some special exception cases for landscape contractors and that the special exception process does work. Callum gave an example of a special exception case in Laytonsville Kline Landscaping, which is located in the RC zone. Callum also discussed how the Special Protection Area has an 8 percent impervious surface requirement and the proposed ZTA shows much higher 30 percent impervious surface requirement. Criss explained the Special Protection Area for Upper Rock Creek is the only SPA that impacts a portion of the RDT zone and the 8 percent imperious does not apply in the remaining area of the RDT zone. Criss said that Council

member Floreen spoke with Jim Clifford because he is concerned about landscape contractors being permitted by right in the RDT zone unless they are actually growing horticultural products. Criss said that DED was meeting with the County Executive tomorrow to brief him on the proposed ZTA.

Follow up from the November 1, 2011 meeting on the UME –AED

Criss reviewed the background surrounding the proposed UME-AED. The last meeting was held on November 1, 2011 and the Dean invited three UME-AEDs to present their views to the agricultural community. Everyone that attended the meeting said the three UME-AEDs did an excellent job of reviewing their background with Extension and how their new positions were working with the counties in their cluster planning areas. The presentations were well organized and well received. Criss said the agricultural community chose to reluctantly support the UME-AED position contingent upon the UME agreeing to fill the Agronomy Educator position that has been vacant since July 2010 when Doug Tregoning retired. Criss said the Dean met with the County Executive on November 17, 2011 and the CE specifically wanted to know why the agriculture community was no longer opposing the UME-AED position. Criss explained how the Agronomy Educator Position is a priority of the agricultural community. Criss referenced the December 7, 2011 letter from the County Executive thanking him for the meeting and he encouraged the Dean to explore how to collectively fund the Agronomy Educator position with the counties in the Central Maryland Cluster along with the University. Chuck Schuster said the UME has identified this Agronomy Educator position as a priority hire position for 2012. Drew Stabler said that he hopes the UME-AED position will work for us and he was encouraged regarding the developments surrounding the Agronomy Educator. Drew said that he called a farmer in Worcester County and a farmer in Washington County. Both of these farmers did not know the AED that the UME hired for their county. Chuck Schuster said the interviews for the UME-AED applicants started last week. David Weitzer asked if the AED will interact with the farmers and Chuck said probably not but we will do the best we can and make it work. Gary Marx said that if the County is a funding partner of the Agronomy Educator position this should help us to have say in the individual that UME hires. Criss said that he is working with Chuck to schedule a meeting for representatives of the Central Maryland Cluster to discuss how to collectively fund the position. Then we would need to schedule a meeting with the Dean to discuss how to move forward on the position.

Outcome of Bill 29-11-Consolidation and Sunset for Boards and Committees

The County Council chose to not enact Bill 29-11 and supported the recommendation of the Government Operations and Fiscal Policy Committee. Criss referenced in the packet the final action and recommendation of the County Council.

Agricultural Representatives needed on Several Boards and Committees

Criss referenced the notice in the packet surrounding the need for agricultural representative on the AAC, the Rustic Roads Advisory Committee, the Forest Conservation Advisory Committee, and the Historic Preservation Commission. The AAC needs two new farmers (Tom Linthicum and Gene Walker) and this assumes that both Tim McGrath and Kelly Lewis request reappointment to the AAC. Criss said that all three non-farmer members (Patrick Brown, Gary Marx, and Eddie Kuhlman) requested to be reappointed. The dead line was originally in November and it was extended until January 6, 2012. Robert Beall suggested Allen Belt or his daughters. Tim McGrath said he would talk with Brenda and Debbie. Robert Beall suggested Susie Butler-Todd's widow.

MD General Assembly-Local Bills

Criss referenced in the packet the letters and testimony that was presented to the Montgomery County Delegation on December 5, 2011. The AAC- MC 7-12 and MC 16-12 supported two bills. Criss explained how MC 7-12 is the septic easement bill (House Bill 536) that failed to pass the Senate on the last day of the 2011 Session. The MC 7-12 is identical to HB 536. 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. The legislative Intent of the RDT zone states that agriculture is the preferred use and the TDR Easement sets forth a procedure for the preservation of farmland. Callum said that he supports MC 7-12 for septic easements and that was going to look into MC 16-12 to better understand what the bill is trying to achieve.

Farmland Preservation Update:

Building Lot Termination-BLT

Criss said the DED is completing BLT easement settlements on three properties totaling 308 acres where a total 7 BLTs will be terminated at a total cost of \$1.7 million. The average BLT price is around \$250,000 for these three properties. The DED will be working with the County Executive to schedule a press event. The DED is also working to complete the first private BLT easement in the Twin Brook Master Plan in the TMX zone. Criss explained the County APAB policy that requires developers to purchase whole BLTs from RDT property owners and only partial BLT payments can be made to DED-Agricultural Easement Fund. The DED is monitoring a list of private BLT property owners to make sure there are opportunities for developers looking for seller of BLTs. David Weitzer asked how many BLTs are out there and Criss said he has no way of answering this question.

Agricultural Easement Program-AEP

Criss said the Agricultural Preservation Advisory Board recommendation on the AEP program was submitted to the County Executive. The FY 2012 AEP Base Easement Value is recommended at \$1,600 per acre and an AEP easement purchase period will be announced after the holidays. Callum said he understands from the APAB that the Office of Management and Budget is questioning the use of General Obligation Bonds for the AEP. Criss said the OMB recommended reducing the GO Bonds by \$2.0 million or 50 percent of the DED appropriation.

Bill 8-11 Excise Tax on Disposable Bags effective January 1, 2012

Criss referenced in the packet Bill 8-11 that outlines the disposable bags that are exempt from the Excise tax. Any bag used for a perishable is exempt. Any bag provided at the point of sale at a seasonal event, such as a farmers market, street fair, or yard sale, or occasional retailer is exempt from the tax. Criss said that it is logical to interpret that disposable bags provided for perishable agricultural products at an on-farm market should also be exempt from the tax. The Excise tax is effective on January 1, 2012.

AAC recommendation on the Bethesda TDR Receiving Area request for Rezoning

Criss said that he received this request from Jim Humphrey of the Montgomery County Civic Federation because if the rezoning request is approved it would result in the loss of TDR receiving capacity and equity to RDT property owners. An extensive discussion followed and then Drew Stabler motioned for the AAC to submit a letter to the Planning Board opposing the rezoning, Robert Beall seconded the motion and the motion passed. Woody Woodroof chose to abstain because he does not fully understand the TDR program and that he needs an orientation to TDRs.

The meeting was adjourned at 8:36 pm.