

Agricultural Advisory Committee (AAC)

Minutes of February 21, 2012

Attendance: David Weitzer, Linda Lewis, David Heisler, Tim McGrath, Eddie Kuhlman, Jane Evans, Robert Beall, Woody Woodroof, Gary Marx, Ben Allnutt, Patrick Brown

Guests: Debbie Belt Benson, Barbara Weitzer, Anne Sturm, Diana Conway, Vince Berg, Jane Seigler

Staff: Jeremy Criss, Callum Murray

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

Introductions: Everyone introduced themselves.

Approval of Minutes January 17, 2012:

Criss asked if any changes or corrections were needed to the AAC minutes from January 17, 2012. Hearing none Eddie Kuhlman motioned to approve the minutes as written, and Tim McGrath seconded the motion and it passed.

Follow up on the February 14, 2012 correspondence to the Dean UME-Agronomy Educator:

Criss said representatives from the UME-Central MD Cluster-Frederick, Howard, and Montgomery counties forwarded an email to propose 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. Criss said the Dean has yet to respond to the email from the representatives in the Central MD Cluster but he predicted the response will not be favorable. Criss said he could go ahead and prepare a response back to the Dean from the AAC that could be copied to the Provost of the University. The Montgomery County Farm Bureau wants to send a letter to the Dean but they have decided to wait until we have a letter to respond to. After additional discussion Gary Marx motioned and Eddie Kuhlman seconded for the AAC to draft a letter from David Weitzer to the Dean and copy the County Executive and the Provost requesting a higher level position for the Agronomy Educator. The motion passed.

Drew and Robert Stabler Inducted into the Governor's Maryland Agriculture Hall of Fame:

For the first time since the Agriculture Hall of Fame was started in 1991, Montgomery County has been acknowledged by Drew and Robert Stabler being inducted this year. The presentation for this induction will be loaded on the County U-Tube for all county residents to see.

New Appointments to the AAC:

The Agricultural Advisory Committee still needs another farmer representative. Criss thanked Debbie Belt Benson for requesting an appointment to the ACC and for attending tonight's meeting to learn more about the AAC. Criss said that Kelly Lewis decided to not seek reappointment and that Charlotte Ruppert has been contacted to see if she would be interested in applying to the AAC.

Update on Local Bills in the 2012 Maryland Legislative Session:

Criss said the HB 722 MC 16-12 has been amended further by the County Delegation. The neighbors in the Rolling Hill subdivision are working with the Delegation to prevent existing covenants being impacted by the bill. One of the amendments would enable an existing covenant recorded prior to the creation of the RDT zone to remain in effect unless it is in conflict with the public purpose of the agricultural zone. The amendment would create a process for the County to review a private covenant on a case by case basis to determine whether the public purpose or intent is called into question and then decide whether the covenant should be invalidated. Woody asked for an example of an easement and Criss explained how the Transferable Development Rights easement is one of many types of easements. Woody asked Criss to provide an orientation on land use matters including the TDR program and Criss agreed to provide this opportunity. Diana Conway said the Delegate Feldman pulled the bill from the Full County Delegation to provide more time to consider the amendments. Diana provided an example of state legislation approved in 1980 that prohibits private covenants from restriction wind turbines for generating energy. Diana said the amendments to the legislation are not clear and some people do not understand them. Linda asked for an example of a HOA-Home Owners Association restricting agricultural activities and Criss explained how the Rolling Hill subdivision Declarations prohibit poultry and livestock on lots less than 5 acres in size. Callum Murray gave another example of the Jones Farm subdivision adjacent to the Town of Laytonsville where the Declarations are very restrictive. Criss explained how both of these examples are located in the RDT zone where agriculture is identified on the preferred use but the private covenants restrict agricultural activities. Woody Woodroof asked if the AAC can testify in Annapolis on this legislation. Criss said the AAC cannot lobby at the State level without the written permission of the County Government. Woody asked if it was appropriate that members of the AAC send in their views as County residents and Criss said this was acceptable as long as the comments do not reference the AAC. Tim McGrath said he received a letter from one of the neighbors

in the Rolling Hill subdivision complaining about the email from the Montgomery Soil Conservation District supporting the HB 722. Tim said he is member of the MSCD Board of Supervisors and that is why he received the letter from Ed Burke.

Discussion surrounding proposed changes to Intent of the RDT zone which is proposed the Agriculture Conservation-AC Zone in the Zoning Rewrite Process.

Criss referred to the packet that outlined the proposed changes recommended by Diana Conway. Jane Seigler is the agricultural representative on the Zoning Advisory Panel – ZAP and she explained how the recommendation was first shared with MNCPPC staff. The MNCPPC requested that the AAC needs to consider the MCA recommendation and provide input back to the ZAP at their next meeting March 21, 2012. Jane explained how the intent of the RDT zone is to promote agriculture and agriculture is the preferred use. The intent of the new AC is virtually the same as the intent of the RDT zone with exception to referencing the new conditional and limited uses as proposed in the Zoning Rewrite Process. Jane asked everyone to turn to the proposal where the wording in paragraph 4 is new. Jane read the new wording and Linda Lewis asked what does it mean? Woody Woodroof asked how we define harmonious. A lengthy discussion followed regarding the basis for the original intent of the RDT zone to help address the needs of farmers. Eddie Kuhlman asked what we need to do tonight on this. Jane Seigler said the AAC needs to provide comments to the MNCPPC and the ZAP on this proposal for the ZAP March 21, 2012 meeting. After additional discussion Gary Marx motioned to assign the matter to a subcommittee of the AAC for developing a recommendation and explore what wording is needed if any to gain support of the MCA proposal. Jane Evans seconded the motion and it passed. Criss asked for volunteers for the AAC subcommittee- Jane Seigler, Tim McGrath, Callum Murray, Jane Evans, Eddie Kuhlman, and David Heisler.

Montgomery Food Policy Council

Woody said the first meeting of the MC Food Policy Council was very interesting and there was a good turn out of members and guests because there is a lot of interest in this area. Woody said the organization has some things to do like establish their By-Laws and Procedures. Woody said that local food production is only one area with in the mission of the Food Council.

Annual meeting between the County Executive and the AAC:

David Weitzer said that the annual meeting with the County Executive is scheduled for February 23, 2012 and the format of the meeting will be the same as last year. David said the AAC and the APAB have decided to not attend the meeting this year since we really did not have a forum to speak and discuss the mission of our groups and the status of agriculture in the County.

Callum Murray announcement of the Delegation from Panama

Callum said a delegation from Panama was coming to Montgomery County on March 5, 2012 to learn more about the Agricultural Reserve and the TDR program and the other preservation programs. Callum said that John Z from DED will be participating with this delegation.

The meeting was adjourned at 8:55 pm.

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