

**Montgomery County Agricultural Advisory Committee
October 20, 2020 Meeting Minutes**

Attendees: Aliza Silver, Chuck Schuster, Debra Tropp, Doug Lechliden, Jane Evans, Peter Driscoll, Ben Butler, Lori Larson, Angie McNally, Patrick Jamison

Staff: Jeremy Criss

Agenda items are in bold and minutes are not bolded.

1. **Call the Meeting to Order-Introductions:** 7:04 pm
2. **Approval of the September 15, 2020 AAC meeting minutes.**

Accepted as corrected (Evans/Tropp).

3. **Update on the expanded Farm to Food Bank Program. This program has been working well for the 6 farmers that are participating and almost 50,000 pounds of food has been delivered to Manna with expectations of another 40,000 pounds to be delivered through the end of December. The participating farmers are being paid competitive prices above the wholesale prices. We have received applications from 25 farmers to participate in the Phase II program for 2021 growing season where we hope over 75,000 pounds of food will be delivered to Mana Food Center. Please see the attached summary of the Farm to Food Bank Program.**

At our last AAC meeting we had 6 farmers signed up to participate. The Manna Food Center sent out grant applications for Phase II for the 2021 growing season and 25 farmers applied. Last week staff representatives from the Manna Food Center, Montgomery County Food Council and OAG reviewed all 25 applications including their budgets and proposals, and 22 out of the 25 will be receiving grants, totaling \$236,000. The press release announcing this is attached to our meeting packet. There is excitement in the farming community to grow food for Manna to help people in need.

The 6 farmers participating now are encouraged by the prices they are receiving. Manna is pleased with the invoice system, the quality of food they are receiving, and the competitive wholesale prices.

The funding for this program came primarily from the CARES Act and some from the Community Foundation. OAG is continuing to look for more funding partners for this program. In absence of more funding, farmers may need to revert to only donations. Manna still runs their Farm to Food Bank program to accept edible foods including seconds.

4. **Update on the Solar ZTA 20-01. The Full County Council Work Session scheduled for October 6, 2020 was postponed until Tuesday October 13, 2020. We believe the two meetings at Randy Stabler's house-August 28 and September 18, 2020 have helped the Council to slow the Solar ZTA down and ask for additional input. Council President Katz stated that he will meet with the PHED Committee Chair-Hans Riemer and the T&E Committee Chair-Tom Hucker to discuss how the Solar ZTA 20-01 will be directed back to the Joint Committees for additional work sessions. The full County Council has some concerns about assigning the Solar ZTA to a task force. *The Office of Agriculture will present to all agricultural groups a list of potential amendments, suggestions and concerns surrounding the Solar ZTA.***

The ZTA was taken up by the full County Council last Tuesday. Since our last AAC meeting, there was a second meeting (on September 18th) at Randy Stabler's house. Doug, Jeremy, Bob Cissel (representing MAP) and Caroline Taylor (representing MCA) were in attendance. It appears that Hans Riemer was persuaded that Council President Sidney Katz should slow down the process. Council President Katz had previously expressed that he was unwilling to let the ZTA move forward to a vote while there were so many people with concerns who want to participate in the process but are having difficulty during the pandemic (Lack of internet connection prevents participation on Zoom), particularly the agriculture community, and who would be most impacted.

Last Tuesday, Council President Katz said that he wanted the ZTA to be assigned to a task force. There was much discussion back and forth. Other councilmembers who are not members of the PHED or T&E committees agreed. However, it would require a resolution be drafted, introduced, and voted on, before officially selecting the members of the task force. Even then, the task force would have to determine how it would be lead and would operate. Putting together a task force can take at least 6 months. Many of the councilmembers don't want to be discussing the ZTA at the same time as the FY22 operating budget. They came to an agreement to redirect the ZTA back to the PHED and T&E committees for additional stakeholder engagement and consideration. Since last Tuesday, Jeremy has been waiting to hear what came of a meeting that President Katz was going to have with Riemer and Hucker, the chairs of the two committees.

Jeremy believes that the ZTA will eventually pass. Now is the time to improve it as best we can. Jeremy has prepared a list of potential amendments and suggestions and concerns surrounding the solar ZTA. Jeremy sent them to the AAC in a Word document before this meeting.

For the record: the AAC is unanimously opposed to the ZTA along with all other Montgomery County agricultural organizations.

Potential Amendments, Suggestions and Concerns:

- Limit the number of panels based on soil class, and exclude prime acres from being eligible for solar, which would equal 32,943 acres. The County Executive is supportive of this idea.
- Require a certain number of megawatts outside the AR zone before allowing it in the AR zone.
- Phase in solar sites by three 600/acre phases
- Adopt Baltimore County policy requiring bonding from the solar company or landowner to require the site clean up after the panels are no longer used. They also believe the concept of agrivoltaic farming will be limited due to insurance companies prohibiting animals/people/farm equipment inside the fenced in solar fields.
 - o Insurance companies require fencing.
 - o There is no fencing requirement in the Solar ZTA 20-01.
 - o How can we promote agrivoltaic if farm equipment is prohibited inside the fences in solar fields?
- Solar fields should only be allowed in the AR as an accessory use to farming. Increase the level of accessory solar from 120% to 200% of on-site energy consumption.
- Create a fee mechanism where the solar company makes a payment that goes directly to Ag Preservation, as is done in Queen Anne's County. Could be based on price per megawatt or price per acre.

5. **The Office of Agriculture has been included in a Commerce Cabinet that has met on July 31 and September 11, 2020. The OAG has reported that in working with MNCPPC on the Thrive 2050 General Plan Update, all vacant commercial and office space buildings should be retrofitted into affordable housing units with the application of using TDRs and BLTs. The County has determined that 40,000 additional affording housing units are needed in the next 10 years.**

Jeremy will start raising the point that if the County has the need of 40,000 additional affordable housing units in the next 10 years, we should be retrofitting vacant office buildings and warehouses. The AR is 40 years old this year and the County still hasn't fulfilled its commitment to the farmers to have enough TDR receiving capacity. Each of these housing units should require a TDR and/or a BLT!

6. **The Office of Agriculture worked with John Zawitoski of the MSCD to develop a virtual farm tour of One Acre Farm owned by Michael Protas.**
<https://www.youtube.com/watch?v=ReiBgu81aHM>

OAG selected One Acre Farm because there are so many examples of new infrastructure on the farm due to the various programs and resources that Michael Protas applied for through matching grant programs and cost share assistance programs. The virtual tour should promote many programs designed to assist farmers.

7. **Paula Linthicum spoke with Colby Ferguson of the Maryland Farm Bureau about the Legislative Luncheons that Montgomery County has conducted for the past two years. In light of COVID-19, we are now planning for a Legislative Webinar where members of the Montgomery County Delegation and County Council can attend virtually. The agricultural groups will huddle up to develop a program-agenda for this Legislative Webinar that we hope to schedule in December 2020.**

The past two years we had these Legislative Luncheons at the Linthicum's Seneca Ayr Farm. We can't do that in the pandemic, but we're going to develop a webinar to do this virtually to be held in December. We'll all be invited since we serve on the AAC.

8. Additional Items

- Bad news last week from State of Maryland. We submitted application in February to DNR for a rural legacy grant. We were competitive in FY20 with \$2.7 million. But DNR told OAG on Friday that we didn't competitively rank for FY21. This will be tough for many who have gone out on their own and incurred mortgages to buy farmland with expectation that they would get financial help through agricultural preservation programs. Some had contemplated purchasing another farm, but may not do so since this funding won't be available in the next 12 months. Maybe we'll get some money from the solar industry.
 - o Councilmembers Riemer and Friedson are looking for a funding mechanism to fund ag preservation through the solar industry. One bill they had in mind and was introduced was pulled when the vote on the solar ZTA was delayed.
 - o Jeremy is hopeful that Bill 41-20 for the solar industry to fund ag preservation will be reintroduced soon.
- OAG has a biannual report on the progress of farm alcohol production. Dr. Kristin Fischer who works with OAG has the report completed. The County has 10 farm alcohol production businesses today. There was a 100% response rate from all 10 farmers telling OAG what their average sales and job creation were over the past two years. OAG is tracking the economic impact of the farm alcohol production. Jeremy will meet with Kristin and hopefully have it ready for our next meeting.
- Jeremy has been pressing the Council and Executive for an amendment to the County Code for commercial buildings that be reviewed and approved for subdivision. The Executive requested the

County Attorney to draft amendments to Chapter 50 Subdivisions. The County Executive wants commercial buildings used for ag tourism, a tasting room, on-site farm market, or ag tourism venue to be exempt from the development impact tax when the use requires both a production area and a storage area. For example, in a winery you will have one area for producing the wine and one for storage of the wine in barrels. Currently the County DPS charges \$19.95 per square foot for both the production and storage areas that are designated as accessory uses to farming. But the Executive and Council agree that is fundamentally wrong. The County shouldn't be charging industrial rates for uses that are accessory to farming. The Council will be introducing legislation as part of Bill 38-20 to get those two things fixed.

9. **Adjournment:** 8:03 pm (Silver/Driscoll)