

**Montgomery County Agricultural Advisory Committee  
Meeting Minutes from January 18, 2022**

**Attendees:** Pete Driscoll, Chuck Schuster, Patrick Jamison, Eleanor Leak, Doug Lechluder, Janes Evans, Ben Butler, Russ Allnutt, Amanda Cather, Lori Larson, Debra Tropp, John Brewer

**Staff:** Jeremy Criss, Greg Wims

**Guests:** Tim McGrath, Jimmy Colihan, Ellen Gordon

**Agenda items are in Bold**

1. **Call the meeting to order and introductions.** 7:02 pm
2. **Approval of the November 16, 2021, AAC minutes.** Evans/Leak approved as corrected. *Please note the AAC did not meet in the month of December 2021.*
3. **Introduction of Bills: November 2, 2021- Bill 40-21- Individual Water Supply and Sewage Disposal Systems - Amendments (McCartney-Green)**  
**Lead Sponsor: County Executive at the request of the Council President**  
[https://www.montgomerycountymd.gov/council/Resources/Files/agenda/col/2021/20211102/20211102\\_9.pdf](https://www.montgomerycountymd.gov/council/Resources/Files/agenda/col/2021/20211102/20211102_9.pdf) *Public Hearing was scheduled for 11/30/21 at 1:30 pm.*  
All of the agricultural groups, APAB, MAP, AAC, MSCD and MCFB submitted written testimony opposing Bill 40-21. Robert Butz representing the MSCD also provided oral testimony in opposition to Bill 40-21 and Robert recommended the County should consider a septic tank program that is based on incentives and education to property owners and not the heavy-handed sledgehammer approach that threaten property rights. The Bill 40-21 will be scheduled with the T&E Committee. *Please see the attached AAC letter to the County Council. The Economic Impact Statement for Bill 40-21 shows that homeowners will spend \$6.1 million every five years to pump out their septic tanks.*

Jeremy said the Office of Agriculture is monitoring the County Council agenda to see when the Transportation and Environment-T&E Committee work session schedules Bill 40-21.

4. **ZTA 21-07 Height and Density Allocations for MPDUs-Affordable Housing- Introduction on October 9, 2021-Public hearing November 8, 2021-PHED Committee recommends approval with amendments-County Action January 18, 2022.** The Office of Agriculture is working with the League of Women Voters to suggest an alternative way to achieve incentives for affordable housing that uses the TDR Overlay Zones. *The Office of Agriculture remitted the attached second letter to the County Council that advocates for amendments that will create incentives for using TDRs for affordable housing.*  
[https://www.montgomerycountymd.gov/council/Resources/Files/agenda/col/2021/20211109/20211109\\_7.pdf](https://www.montgomerycountymd.gov/council/Resources/Files/agenda/col/2021/20211109/20211109_7.pdf)

Jeremy said that the letter from the Office of Agriculture outlining the suggestion from the League of Women Voters-LWV was discussed during the Planning and Housing and Economic Development Committee work session that was scheduled earlier in the day. The Office of

Agriculture has been requesting a Farmland Preservation Briefing with the County Council for over ten years. Jeremy has kept Margaret Chason, Chair of the Agricultural Committee of the LWV updated on these discussions.

5. **Introduction of ZTA 21-10 Accessory Structures- November 16, 2021- Public hearing is scheduled for January 18, 2022.** *The Office of Agriculture remitted the attached letter to the County Council supporting the ZTA 21-10 since it will not have a material impact on accessory structures used for agricultural purposes. The letter also recommends revisiting the 10% size restriction for accessory structures used for agriculture education and tourism.*  
<https://www.montgomerycountymd.gov/COUNCIL/Resources/Files/zta/2021/ZTA%2021-10.pdf>

Jeremy said the letter from the Office of Agriculture was provided as part of the written testimony for the public hearing that was scheduled earlier today. The issue of the restriction on the size of agricultural structures used for accessory agricultural education and tourism, 10% total of all existing accessory structures on the property, will need to be discussed with the Council separately.

6. **Follow up on the January 13, 2022, meeting between MAP, MCFB, and OAG & CE**  
**Update on the OAG FY23-28 Ag Land Preservation CIP budget-RESJ ranking 3 out of 4 total points**  
**Update on the OAG FY23 Operating Budget-One BDS position and one Engineering position**  
**Electric Lawn Care-Prohibition on the Use and Sale of gasoline blowers**  
**Reemphasis of TDRs and BLTs used for affordable housing-See Attached letter from OAG-County Executive requested that his staff work with Margaret Chasson of the League of Women Voters**  
**Future ZTA on size restriction for Accessory Structures used for ag-education and tourism**  
**Update on Community Solar in the AR Zone including tariffs for energy providers**

Jeremy provided a list of the agenda items that were discussed with the County Executive on January 13, 2022. The following people attended this meeting- Marc Elrich, Dale Tibbitts-Special Assistant, Bob Cissel-MAP, Lonnie Luther-MCFB, Todd Greenstone-MCFB, Mike Scheffel-OAG and Jeremy Criss-OAG. Jeremy said the CE's Recommended Capital Improvement Program-CIP budget was released today and the CE did not recommend approval of the OAG budget request-submission. Jeremy explained how the OAG budget submission would have addressed the recommendations from the Office of Racial Equity and Social Justice by appropriating County funds to purchase easements on both large and small farms less than 50 acres to provide opportunities for land access for table food farmers of color, both men and women. State funds can only be used to purchase easements on farms greater than 50 acres along with the extinguishment of at least one development right-TDR. The appropriation of County funds would not have this limitation. Jeremy said he was not surprised by the CE decision to not support the Office of Agriculture since the CE hasn't supported any requests for additional funding during his first term.

Jeremy updated everyone on the OAG FY23 Operating Budget submission that includes the two new positions (Reinstating 1 Business Development Specialist for OAG and 1 Engineering Position for the MSCD). These positions are needed to address the increased requests for technical assistance, new County Executive priorities for food resiliency, climate change and

racial equity and the decision by the USDA-NRCS to terminate engineering assistance on storm water management infrastructure and small pond reviews as part of the Chesapeake Bay Water Shed Improvement Program WIP Goals.

Lonnie Luther explained to the CE that any legislation to restrict the use of gasoline blowers will negatively impact the agricultural community as farmers must blow the dust-off equipment during planting and harvesting seasons. Lonnie said an electric blower will simply not hold a charge all day since the farmers are out in the field planting and harvesting with no access to electricity. The CE argued with Lonnie about the increased power electric blowers have today including the length time they will hold a charge.

The CE was interested in the recommendations from the League of Women Voters on the ZTA 21-07 to suggest creating incentives for TDRs and BLTs to be used for affordable housing. The CE requested that OAG coordinate with his staff Meredith Wellington and Claire Isle on this suggestion.

The CE was not supportive of removing the 10% restriction for accessory structures used for accessory agricultural education and tourism. The CE recommended the OAG come up with an alternative approach that would increase the size above 10% but not remove the size restriction altogether.

Jeremy provided an update on the progress of solar projects throughout the County. To date, there is only one solar project in the Agricultural Reserve-Black Rock Road Solar that has gone before the Development Review Committee-DRC of the MNCPPC.

7. **Update on the Broad Run Creek II Farm LLC: The County Executive, County Council, and Planning Board approved the acquisition of the Broad Run Creek Farm II LLC by County Parks. The CAO approved this acquisition requiring the County Parks to remit \$953,055 and five remaining TDRs the County Government C/O Office of Agriculture. Moving forward, the Parks will own 472 acres as part of a Conservation Park and the remaining 63 acres will be retained by the current owner along with 1 TDR.**  
[https://www.montgomerycountymd.gov/council/Resources/Files/agenda/col/2021/20211214/20211214\\_20I.pdf](https://www.montgomerycountymd.gov/council/Resources/Files/agenda/col/2021/20211214/20211214_20I.pdf)

**The Office of Agriculture-OAG believes the decision to terminate the County AEP Easement and allow Parks to create a conservation park was a mistake.** The OAG has reporting requirements to the State of Maryland for all transactions involving agricultural preservation easement properties. The OAG does not know if the State will require Montgomery County to reimburse them for the State funds that were used for this transaction.

Jeremy said the transaction was completed and the OAG has informed the State of Maryland.

8. **Update on the Montgomery County Farm to Food Bank program** — a partnership between the Montgomery County Food Security Task Force, the Department of Health and Human Services, Manna Food Center, the Montgomery County Food Council, the Montgomery

**County Office of Agriculture, and the Greater Washington Community Foundation — has collectively invested and committed over \$630,000 in local farms to support a sustained and resilient local food supply and provide more nutritious and culturally diverse produce to residents who experience hunger. Since July of 2020, over 112,235 lbs of fresh, locally produced food has been purchased or donated to over 30 food assistance providers, creating over 90,000 meals for the Montgomery County community.**

Jeremy said that he is encouraged by the progress of the Farm to Food Bank Program to expand the local food for wholesale production and including the response from participating farmers. Jeremy mentioned that Ben Butler, Linda Lewis, Amanda Cather, and Russ Allnutt are all participating.

9. **FY23-28 Ag Land Preservation CIP Program-Please see the attached PDF file on the Capital budget. Also attached, are the summaries on Climate Change and Racial Equity and Social Justice policy change. The OAG received 3 out of 4 total points from the Office of RESJ that could improve access to land for new and beginning BIPOC farmers. The OAG supports the purchase of agricultural easements on farms less than 50 acres contingent upon the County appropriating additional County funding to the project.**

Jeremy said this item was covered previously as part of the January 13, 2022, meeting with the CE and agricultural representatives. The Office of Racial Equity and Social Justice assigned 3 out of 4 points to the OAG because they believe the Ag Land Preservation CIP budget request would be helpful to address access to land for table food farmers of color for both women and men.

10. **Follow up on Bill 16-21-Environmental Sustainability- Building Energy Use Benchmarking and Performance Standards – T&E Committee on December 9, 2021**

**The DEP recommends the bill should apply to equestrian facilities in the County with buildings 25,000 square feet in size or larger to assess the energy being used for lighting, heating, and air conditioning, etc. The DEP presentation included a summary of other jurisdictions around the country including Washington State that exempts all agricultural buildings.**

**[https://www.montgomerycountymd.gov/council/Resources/Files/agenda/cm/2021/20211028/20211028\\_TE1.pdf](https://www.montgomerycountymd.gov/council/Resources/Files/agenda/cm/2021/20211028/20211028_TE1.pdf)**

**There was a second T&E Committee work session on December 9, 2021. The AAC remitted a second letter to the County Council recommending that Bill 16-21 should follow the lead of Washington State and exempt all existing and new agricultural buildings. Please note that agricultural buildings were not mentioned during the second T&E Committee work session.**

Jeremy said the OAG is continuing to monitor the T&E Committee discussion on Bill 16-21 to see if existing and new agricultural building/structures will be exempt like Washington State.

11. **Electric Lawn Care** – We are still waiting for legislation from DEP that proposes the prohibition on the use and sale of gasoline leaf blowers. A broader Electric Lawn Care bill may also be proposed.

Jeremy said that Lawn Care legislation has not yet been introduced and that Lonnie Luther did a good job of explaining to the CE the need for gasoline blowers for farmers blowing dust off of planting and harvesting equipment.

12. **MCA, OAG, MC Green Bank- Accessory Solar Webinar-See the attached flyer for this webinar on January 24, 2022.**

13. **Next Meeting of the AAC is February 15, 2022:** Jeremy asked the Committee if they wanted to conduct the meeting in person or continue meeting virtually. Some of the AAC members expressed concerns for meeting in person until metrics decline. Greg Wims said he may be able to accommodate a smaller number of AAC members at his office if the group decided to meet in person in Germantown. Greg asked Jeremy to connect by phone in the morning to discuss this further.

Ben Butler announced that his Aunt Susan passed away peacefully at home on Saturday. Jeremy said he was very sorry to learn about the passing of Susan Butler as she was a leader of the agricultural community. Jeremy and Susan graduated from high school the same year and Jeremy first met Susan in a Forestry Class at the University of MD.

Meeting Adjourned at 8:04 pm Butler/Leak

**Upcoming Meetings and Events:**

Montgomery Soil Conservation District-January 14, 2022  
Agricultural Advisory Committee-January 18, 2022  
MCA-Accessory Solar Webinar-January 24, 2022  
Montgomery County Farm Bureau Board of Directors- February 1, 2022  
Moco Farmer Forum-February 7, 2022  
Agricultural Preservation Advisory Board-February 8, 2022  
Farm Bureau Day in Annapolis-February 9, 2022  
Agricultural Advisory Committee-February 15, 2022  
North American Raspberry and Blackberry Conference-Gaithersburg-February 21-23, 2022  
Agronomy Update-Urbana Fire Hall-February 23, 2022  
Mini-Farmer Conference-One Acre Farm-Reschedule to February 25, 2022  
Taste of Maryland-Rescheduled to March 3, 2022