

**Montgomery County Agricultural Advisory Committee  
Meeting Minutes  
October 18, 2022**

**Attendees:**

Amanda Cather, John Brewer, Debra Tropp, Doug Lechliden, Jane Evans, Lori Larson, Aliza Silver, Patrick Jamison, Peter Driscoll, Russ Allnutt,

**Guest:** Jennifer freeman, Randy Stabler, Tim McGrath

**Staff:** Jeremy Criss, Greg Wims, Natalia Salazar

**Call the meeting to Order-** 7:05 pm

Approved as corrected. (Evans/Tropp)

**Approval of the September 20, 2022, AAC minutes-**

**Bill 40-21- Individual Water Supply and Sewage Disposal Systems - Amendments** (McCartney-Green)

*The Bill 40-21 will be discussed during the October 24, 2022, Transportation and Environment Committee. The OAG remitted to the agricultural groups an amended copy of the Bill 40-21 that removes all of the sections that would be burdensome to property owners. The OAG suggests that the agricultural groups need to schedule a meeting with the County Council President Gabe Albornoz to request this Bill be delayed until next year when the new County Council begins.*

The last day to pass Bill 40-21 would be October 25, the day after the work session, which seems rushed, so Bill 40-21 will probably come back after the holidays when the new County Council begins. Jeremy is hoping to speak to the Council President about this.

**Bill 18-22 Noise Control – Leaf Removal Equipment – Amendments-** *This Bill 18-22 was introduced back in June and the Public Hearing was on September 20, 2022. Please see the attached letter from the AAC opposing this Bill 18-22.*

[https://www.montgomerycountymd.gov/council/Resources/Files/agenda/col/2022/20220920/20220920\\_9.pdf](https://www.montgomerycountymd.gov/council/Resources/Files/agenda/col/2022/20220920/20220920_9.pdf)

Jeremy got some positive responses from Council members and staff for exempting agricultural use of gasoline blowers as outlined in the AAC letter. Noise is not as much of an issue in the AR zone where the use farm equipment is permitted at all times. The only noise restrictions in the AR zone pertain to the loud music or an intercom used for competition events that can carry across property boundaries.

**Bill 24-22 Streets and Roads-Amendments from the Rustic Roads Advisory Committee**

*The Bill 24-22 Streets and Roads will be discussed during a Work Session with the Transportation and Environment Committee on October 17, 2022. The RRAC is recommending amendments to Bill 24-22 that will increase the number of RRAC committee members from 7 to 9 and remove the income requirements for farmers. Please see the attached letter from the AAC on the amendments to Bill 24-22.*

[https://www.montgomerycountymd.gov/council/Resources/Files/agenda/cm/2022/20221017/20221017\\_TE1.pdf](https://www.montgomerycountymd.gov/council/Resources/Files/agenda/cm/2022/20221017/20221017_TE1.pdf)

The T&E Committee discussed Bill 24-22 last Monday but didn't have time to take up the recommendations from the RRAC. T&E has scheduled a second work session on October 24, 2022. Doug and Jeremy were able to get a letter together from the AAC in time for the second work session opposing the RRAC amendments to Bill 24-22.

The AAC's concern pertains to how the three existing farmer members may not be able to advocate the interests of the agricultural community if the committee membership is increased by two additional members for a total of nine members. If the income requirement for farmers is removed, there could just be AR residents who own a farm but don't really farm the land or understand the needs of the agricultural community. We feel that commodity farmers need to be represented on the committee since they have the largest equipment that they use to go from one farm field to the next. The current income requirement is to make 50% of your income from farming. Park and Planning staff decided this requirement would need to be discussed as part of the master plan update for rustic roads. There is a feeling that this effort is an attempt to dilute the input from farmers on the RRAC.

Jeremy suggests that we attend the hearing on the rustic roads master plan update. There was wide agreement that we should want more farmers, not fewer, on the RRAC.

### **Office of Legislative Oversight on the Status of TDRs and BLTs -**

*The Office of Legislative Oversight-OLO staff has presented draft sections of the final report and the OAG and MNCPPC are providing comments and additional information. The total supply of TDRs in the AR Zone=Sending Area +4,000 and the total demand from 131 TDR Overlay zones=Receiving Areas 1,117 TDRs. With diminished capacity at 50% this means that only 558 TDRs will be realized in these TDR Overlay Zones. The OAG believes the findings from this report will show that the County Government and MNCPPC have not proposed new receiving capacity for TDRs for the past 10 + years. Here is a recent article from the Delmarva Farmer that provides the farmers perspective on the importance of how farmers use the equity from the TDR and BLT programs [Saving suburban farms, and their value – American Farm Publications](#) There is another group meeting scheduled for October 26, 2022 and OAG believes the final OLO report should be completed in November.*

We have a long way to go to find homes for the remaining 4,000 + TDRs in the sending area. We have some great opportunities to educate the new members of both the Planning Board and the County Council about the history of TDRs in the County, their status, and how the downzoning diminished the value of farmland in the AR zone, and how the TDRs were designed to build back a portion of the lost equity in the farmland.

Diminished capacity means the developer proposes a given density and due to forest conservation, wetlands mitigation, neighborhood push back, and styles of development the developer can only achieve 50% of what they intended to achieve. That means that for every TDR in the sending area we actually need two receiving areas. We would need capacity to absorb 8000 + TDRs in the receiving areas down county, which will be very difficult to achieve.

The County needs to adjust the affordable housing ratios of how many units each TDR can equate to, and this will incentivize the use of TDRs to compensate farmers for the downzoning 42 years ago.

**Bill 13-22 Buildings-Comprehensive Building Decarbonation scheduled for Planning Housing and Economic Development Committee on October 17, 2022.**

*All agricultural groups provided letters to the County Council in opposition. Hans Riemer has provided the language to exempt agricultural and farming uses from Bill 13-22 and added to the existing exemptions for manufacturing, production, crematory, and commercial kitchens.*

[https://www.montgomerycountymd.gov/council/Resources/Files/agenda/cm/2022/20221017/2021017\\_PHED2.pdf](https://www.montgomerycountymd.gov/council/Resources/Files/agenda/cm/2022/20221017/2021017_PHED2.pdf)

Bill 13-22 would require all new buildings be 100% electric. The only exemptions would be for commercial kitchens, crematoria, and production and manufacturing uses. The letters from the agricultural community have gotten Council attention. Hans Riemer will recommend agricultural uses defined in Chapter 59 Zoning be included the exemption section of the bill.

The County Executive met with some leaders of the agricultural community, and they expressed that we have significant commodity production in the County, and we need LP gas to dry grain.

The Executive said that all farms should have a bio digester installed to generate their own methane for drying grain. He also said he wants to require accessory solar on all farms (generate 200% of what you consumer through accessory solar). Lonnie Luther and Bob Cissel both asked the County Executive how the farmers would be able to pay for these types of improvements on their farms.

**Rustic Roads Master Plan Update-**

*On October 3, 2022, the OAG received the press release for the Rustic Roads Master Plan Working Draft.*

Here's the press release:

[Rustic Roads Functional Master Plan Working Draft to be presented to the Planning Board on October 6 - Montgomery Planning](#)

*The MNCPPC staff will be presenting The Rustic Roads Functional Master Plan Update Working Draft to the Planning Board on Thursday October 6, 2022, and staff is asking the Planning Board to approve it as the Public Hearing Draft. There is a proposed Planning Board Public Hearing on Thursday, November 17, 2022, with more details to follow.*

*The OAG is developing a power point presentation titled **The Rustic Roads Through the Eyes of the Farmer** that will feature pictures of Rustic Roads along with testimonials from farmers regarding their views of the Rustic Roads program and MCDOT maintenance and improvements.*

**County/State Staff updates-**

**The new OAG staff replacing Cathy Yingling will be delayed until November 10, 2022, because the CAO requested a month to help recruit a new Executive Administrative Aide.**

**The new UME staff Arnelle Ngalula Quashine for Alga Piechocinski's Faculty Tenure position started on September 12, 2022.**

**Rick Walter's Area Extension Director position was announced, two candidates were interviewed, and the UME announced there was a failed search for this position that will be announced again.**

**The Master Gardeners administrative position to replace Linda Walters was posted and the UME announced there was a failed search for this position that will be announced again.**

This was a failed search, and her position was announced again and people are applying.

**The 4H Agent Associate that Santana Mays held was finally posted on September 29, 2022.**

**FY 23 Operating Budget for the OAG:**

**The BDS position that Kristin Fisher once held and prior to 2010 was posted and the closing date is October 25, 2022.**

The business development position has been posted. This position will work with Jackie Arnold, Mike Scheffel, Jeremy, the Soil Conservation District, and the University of MD-Extension.

**The MSCD Engineering Position-Technical assistance on small ponds was posted September 29, 2022, by OHR.**

This position closes this week.

**Update on the FY22 Farm to Food Bank-F2FB Program-**

**Please see the attached report outlining the progress of this program for FY22 where a total of 32 farmers are participating by expanding local food production and selling the food to Manna Food Center for people in need at competitive prices. For the past three years, the funding for F2FB program has been divided into two components-Direct Purchases of Food from participating farmers and Capacity Building Grants to help farmers implement new infrastructure to grow more local food. With the number of**

participating farmers increasing each year, the funding for Direct Purchases of Food ran out in June of 2022. A decision was made to temporarily suspend the Capacity Building Grants program and move this funding for Direct Purchases of Food. The program partners worked with the County Government to propose a FY23 Supplemental Appropriation totaling \$150,000 to reinstate the Capacity Building Grants component. This Supplemental Appropriation was introduced on October 11, 2022, and we expect the funds will be available in November. The farmers will remit grant applications in November so the funds can be distributed to the highest ranked farmers prior to March 2023 and prior to the 2023 growing season.

[https://www.montgomerycountymd.gov/council/Resources/Files/agenda/col/2022/20221011/20221011\\_4J.pdf](https://www.montgomerycountymd.gov/council/Resources/Files/agenda/col/2022/20221011/20221011_4J.pdf)

For the past 3 years, there was \$150k for capacity building grants and another \$150K for the direct offers of food. Manna ran out of direct offers so they agreed to take money out of the grants budget temporarily. Now Manna is accepting the invoices from farmers for September 30 to present with the money from the capacity building grants. The OAG asked the administration for a supplemental appropriation of \$150K to reinstate the capacity building grants. The request was remitted to the Council last Tuesday. All indications are that it will be approved. That's why Manna has announced to farmers to get invoices in as they anticipate being able to pay them.

OAG and the program partners are going to prioritize farmers who haven't yet received money for capacity building grants. In the past the program gave up to \$10K per farmer.

### **Full County Council work sessions on the Thrive 2050 Plan**

**There are full County Council work sessions to discuss new chapters on the Environment, Economic Development and Racial Equity and the November 2021 PHED Committee Draft. Please see the attached letter from the Office of Agriculture on the Thrive 2050 PHED Committee draft.**

<https://www.montgomerycountymd.gov/COUNCIL/resources/Thrive2050/index.html>

Jeremy was asked to comment on the PHED committee draft from November 2021.

Casey Anderson, formerly of the Planning Board, was recommending that the AR should be identified for more opportunities for recreation and tourism. However, this could undermine the importance of agriculture and preservation and could exacerbate the challenges farmers have with rustic roads.

We will soon have a new Planning Board.

**Adjournment.** 8:10 (Brewer/Silver)