

**Montgomery County Agricultural Advisory Committee
Meeting Minutes
May 16, 2023**

Attendees:

Committee: Doug Lechliden, Pete Driscoll, Lori Larson, Jane Evans, Debra Tropp, Patrick Jamison, John Brewer, Greg Whims, Eleanor Leak, Amanda Cather

Staff: Jeremy Criss, Natalia Salazar, Greg Wims, Chuck Schuster

Guests: Tim McGrath, Ellen Gordon, Marcia Kingman, Margaret Chasson

1. **Meeting called to order:** 7:02 pm
2. **Approval of the April 11, 2023 AAC meeting minutes**

Jane Evans moved to approve the minutes, Debra Tropp seconded, and the motion passed.

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

During the October 24, 2022, Transportation and Environment Committee work session, several questions were raised that DEP staff did not have all the information. On March 7, 2023, the County Council passed a Resolution to extend the effective date of Bill 40-21. We will continue monitoring this Bill 40-21 that will be scheduled for a second T&E Committee work session.

4. **Bill 18-22 Noise Control – Leaf Removal Equipment – Amendments-**

Bill 18-22 Noise Control-Leaf Removal Equipment was discussed during the T&E Committee work session on February 13, 2023. Councilmember Marilyn Balcombe presented an amendment to permit the use of gasoline blowers for farming uses and agricultural producers. On March 7, 2023, the Full Council voted unanimously to support the amendment to exempt agricultural producers from this Bill 18-22. Bill 18-22 was scheduled for final reading for a second time on March 21, 2023, and the County Council tabled the bill for now.

5. **FY 24 Operating Budget for the Office of Agriculture**

The full Council recommended approval of the FY24 Operating Budget for the OAG, MSCD and UME on May 10, 2023. All agricultural agencies are fully staffed, except the Nutrient Management Advisor position, which should be filled this summer. *Please note that MDA terminated the contract with UME to provide Nutrient Management Advisors and the incumbents will be released on August 31, 2023.* All funding requests have been approved.

6. **Office of Legislative Oversight Report on the Status of Transferable Development Rights and Building Lot Termination Easements**

Once the County Council has approved all of the FY24 Operating and Capital Budgets, the OLO report on the status of TDRs and BLTs will be scheduled before the Planning Housing and Parks Committee. Please stay tuned for the date and time.

7. Update on the October 2023 Retirement of Jeremy Criss, Director of the Office of Agriculture

The Montgomery County Food Growers Association, Agricultural Advisory Committee, Montgomery Soil Conservation District, and the Agricultural Preservation Advisory Board remitted letters to the County Executive, CE staff and County Council recommending the process to replace Jeremy Criss. The County Executive has verbally agreed to replace Jeremy in a Merit Position and the CE said he welcomes the participation of the agricultural groups as part of the interview committee. The CE said that he will support moving forward now to find a replacement for Jeremy so the new candidate can shadow Jeremy for 1 to 2 months before Jeremy retires on October 1, 2023. Response letters from the CE to the agricultural groups have been remitted for approval and will be sent back to the agricultural groups soon.

8. Update on the Maryland definition of Community Solar and impact on Montgomery County

The State of Maryland revised the definition of community solar to make it a permanent program and allow up to a maximum of 5 MW as compared to the current threshold of 2MW and here are the specific bills SB0613/HB0908 and the links:

<https://mgaleg.maryland.gov/mgaweb/Legislation/Details/sb0613?ys=2023RS>

<https://mgaleg.maryland.gov/mgaweb/Legislation/Details/hb0908?ys=2023RS>

The OAG is hearing from different sources that our farm solar ZTA 20-01 may be revisited since the State definition of community solar has been expanded. **There is a community solar webinar sponsored by MCA, MC Green Bank and OAG on June 22, 2023, at 7:00pm.**

The OAG learned today that Artie Harris will be the new Director of the Planning Board.

The County owns a 400-acre property in Dickerson known as Site 2, which was purchased as a possible future landfill site in case the incinerator wasn't built. It is currently being farmed by David Scott Jr. under a lease that expires in 2025. The CE is very interested in using the land for a utility-scale solar energy facility.

The OAG met today with the CE, his staff, and others to discuss this project. The CE stated that Mr. Scott will be allowed to continue farming the land, including in between the rows of solar panels, and that whoever farms the land between the panels will be able to do so for free. The intention is to test agrivoltaics on this site.

The property has approximately 69% Class I and II soils. The size of the solar facility will be limited by the transmission line between the Dickerson incinerator power plant and the PEPCO sub-station. It will take time to build a facility of the size the CE wants. The possibility of such a facility is highly dependent on the ability to obtain federal funding.

A committee will be formed to advise the CE as the project continues, and we believe the OAG will be included in this committee.

Amanda Cather added that she was present at today's meeting, where she advocated for carefully siting solar installations in such a way as to preserve as much prime farmland as possible. She thinks that solar facilities on farmland can help preserve farmland and help make farming viable.

9. The Office of Agriculture recommends that the County Government revisit the Farm Alcohol Production Zoning Text Amendment 18-03 with the following amendments.

Jeremy Criss is recommending that the minimum lot size for all types of FAP should be amended to require 25 acres. Please note that farm breweries and farm distilleries currently require a 25-acre minimum lot size.

Jeremy Criss is also recommending the minimum on-site production requirements for farm breweries and farm distilleries should be amended to require five (5) acres which is consistent with farm wineries and farm cideries.

Please note farm breweries and farm distilleries currently require only one acre of on-site production. The OAG will recommend that FAP owners be allowed to provide evidence of contract growing of specialty crops as a substitute for growing five acres of crops.

The recommendations above will create a level playing field that treats all FAP the same in terms of minimum lot size and on-site production. The OAG has several FAP applications in the queue and we believe that Royce Hanson was correct in saying this FAP policy will turn the Agricultural Reserve into a bunch of beer halls.

There are eleven farm alcohol businesses in the county. Many of them obtained their alcohol sale license from the Comptroller prior to the enactment of ZTA 18-03, making them non-conforming uses. Some of them have very little acreage in production.

10. The Planning Board reviewed the Rustic Roads Functional Master Plan Update – Public Hearing comments from the April 18, 2023, Public Hearing.

Outlined below, you will see the recommendations from the Planning Board on the future membership requirements of the Rustic Roads Advisory Committee-RRAC. The packet below has a draft Bill to amend Chapter 49 Transportation-Article 8 Rustic Roads Advisory Committee.

PROPOSED REVISIONS TO RRAC MEMBERSHIP CRITERIA

The proposed text for Section 49-80 (a) to implement the recommended changes is as follows:

Membership. The County Executive must appoint, subject to confirmation by the County Council, a Rustic Roads Advisory Committee. In making appointments, the Executive should strive to achieve diversity on the Committee in support of racial equity and social justice.

The Committee Bill to Update RRAC Membership Criteria and Duties 6 has nine voting members. Each member must be a resident of the County. The Executive should appoint:

(1) three members who operate commercial farmland earning 50 percent or more of their income from farming;

(2) one member who is a representative of the Agricultural Advisory Committee and has

been recommended to the Executive by the AAC;

(3) one member who knows rural preservation techniques through practical experience and training;

(4) one member who knows roadway engineering through practical experience and training; and

(5) three at-large members to be drawn from other users of rustic roads. Examples of the at-large members include, but are not limited to: a table crop farmer who does not earn more than 50 percent of their income from farming; an expert in tourism or historic sites along the roads; a member of a religious institution on a rustic road; an operator of an agritourism business, such as a winery, brewery, farm stand, or recreation or entertainment venue on a rustic road; or a person who regularly uses the roads to engage in or reach places for outdoor recreation, such as to bike, boat, kayak, hike, fish, ride horses, or go birding.

Richard Dorsey has told Jeremy Criss that the MCDOT highway maintenance budget is primarily driven by complaints, not preventative maintenance. Jeremy asked the farmers present to let the OAG know whenever a road needs maintenance so we can relay that information to MCDOT (without relying on the County's 311 system) and raise the standard for road maintenance.

Michael Jamison alerted the OAG of the road improvement work MCDOT carried out on West Willard Road on the portion leading to the Poolesville Golf Course, home of the new Crossvines facility.

11. Agricultural Representatives are needed on the following Boards and Committees

Rustic Roads Advisory Committee-DOT Staff ????

Water Quality Advisory Work Group-DEP Staff Amy.Stevens@montgomerycountymd.gov
Travis Gorleski requested to serve as the agricultural representative of the WQAWG.

Agricultural Preservation Advisory Board-OAG Staff

Mike.Scheffel@montgomerycountymd.gov

Non-Farmer Member-Nick Deluca

Farmer Member-John Fendrick-Replace with Randy Stabler

Farmer Member-Michael Jamison

The Administration is three years behind schedule on APAB appointments.

Agricultural Advisory Committee-OAG Staff Jeremy.Criss@montgomerycountymd.gov

The deadline to apply for appointments to the AAC was April 26, 2023. Action is needed on all 15 members of the AAC because the Administration is three years behind schedule.

Jordan Cissel, Aliza Silver, and Angie McNally did not reapply. One non-farmer, Mr. Thompson, has applied. Doug Lechlinder will help us interview the candidates and make recommendations to the County Executive. Jeremy has submitted a memorandum to the Executive requesting that he grant waivers for third and fourth terms for some members.

12. Next Meeting of the AAC is June 20, 2023, at 7:00 pm

13. Upcoming Meetings and Events:

Montgomery Soil Conservation District Board of Supervisors-May 12, 2023
Agricultural Advisory Committee-May 16, 2023
Agricultural Reserve Tour-Council Member Dawn Luedtke-June 2, 2023
Montgomery County Farm Bureau Board of Directors-June 6, 2023
Agricultural Reserve Tour-Leadership Montgomery-June 9, 2023
Montgomery County Farm Bureau Picnic-June 11, 2023
Agricultural Preservation Advisory Board-June 13, 2023
Agricultural Reserve Tour-Moco Food Council-June 14, 2023-Two Council Members attending.
Agricultural Advisory Committee-June 20, 2023
Community Solar Webinar-MCA, MC Green Bank, OAG-June 22, 2023
Annual Farm Tour Weekend-July 22 and 23, 2023
Montgomery County Agricultural Fair-August 11-19, 2023
Agricultural Leaders Luncheon-August 14, 2023

14. Meeting was adjourned: 8:02 pm

Patrick moved to adjourn, Pete and Eleanor seconded, and the motion carried.