



## OFFICE OF AGRICULTURE

Isiah Leggett  
*County Executive*

Jeremy V. Criss  
*Director*

### Agricultural Advisory Committee Meeting Minutes December 19, 2017

(Bolded language is the meeting agenda followed by minutes and discussion that is un-bolded)

**Attendance:** Doug Lechliden, Paula Linthicum, Pete Driscoll, Chuck Schuster, Michele Cropp, Jane Evans, Lori Larson, Ben Allnutt

**Staff:** Jeremy Criss

**Guests:** Steve Sordo, Steve Robinson both from Madison Fields

1. Meeting Called to Order at 7:00 and Introductions were done with new members and guests.
2. Moment of Silence for David Weitzer who passed away this morning. Everyone signed the sympathy card for the Weitzer Family. Jeremy discussed the pending funeral arrangements and flowers sent from the AAC.
3. Approval of the November 21, 2017 AAC meeting minutes.

(Cropp/Larson): Approved as corrected-page 3

4. **The OAG is continuing to work with Office of Human Resources to complete the reclassifications of all OAG staff- The following reclassifications are complete-John Zawitoski, District Manager MIII, Karen Walker-OSC, Melissa Steed-PAA, Cathy Yingling-AA-II, Jackie Arnold, AA-II. The following reclassifications are still pending-Vacant Farmland Preservation Program Manager-Please note the County has now implemented a Hiring Freeze, James Harne and Shelly Ingram Resource Conservationist I, II, III, and Jeremy Criss, Director MII.**

Jeremy informed the committee on the progress the OAG has made with the OHR for outstanding reclassifications. The OHR has proposed to modify the existing Business Development Specialist-BDS job class to make it specific to the Office of Agriculture. Jeremy said this development was good news because the BDS series position ranges from Grade 18 to 27 with upward mobility for both job and career advancement. The OAG was originally told that the BDS job class was going to be phased out since the Department of Economic Development was terminated and replaced by the Montgomery County Economic Development Corporation-MCEDC. The modified BDS job class will also incorporate the

Two Resource Conservation Planning positions in the Soil Conservation District-James Harne and Shelly Ingram.

5. **The ZTA 17-06 Agricultural Zone-TDR Requirements was heard by the Planning Housing and Economic Development-PHED Committee on November 27, 2017. The PHED rejected Council staff recommendations in favor of recommendations from the agricultural community. The only remaining issue is non-conforming use of a pre-1958 dwelling. The PHED committee supported the reconstruction of the dwelling where the tenant does not need to be engaged in the agricultural operation and the size of reconstructed dwelling size can exceed the size of what it is replacing. The OAG was told by the Planning Director that a non-conforming use cannot be expanded and if the agricultural community moves forward the ZTA will be remanded back to the Planning Board again. The OAG responded that the reconstructed dwelling cannot be expanded and it can only be built the same size as what it is replacing. The private covenant can be recorded prior to issuing the building permit and the Farm Labor Housing Units includes [up to 3] mobile homes. The Full Council work session on ZTA 17-06 is tentatively scheduled for January 23, 2018.**

Doug Lechliden updated everyone on the discussion from the PHED Committee work session. Doug said it was very interesting how the Council members did not support their staff representative's position and recommendations. Doug reviewed the three amendments surrounding the pre-1958 dwellings that can be rebuilt but the new structure cannot be expanded in size from size of the existing dwelling. The number of Farm Labor Housing Units will be determined based on the farm operation and need of full time tenant farmers and this included mobile units. The private covenant will be recorded prior to issuance of the building permit. The ZTA also reinstated the traditional policy where TDRs do not need to be retained for dwellings that remain accessory to the farm.

6. **The OAG has responded to requests from the Administration to address the revenue short fall of the County. The Office of Agriculture must identify the following:**

|                                                     |                                  |
|-----------------------------------------------------|----------------------------------|
| <b>2% Budget Reduction current fiscal year FY18</b> | <b>\$20,190 + \$7,059=27,249</b> |
| <b>Motor Pool line item at -\$1,281)</b>            |                                  |
| <b>2% savings in the current fiscal year FY18</b>   | <b>\$19,784</b>                  |
| <b>4% Budget Reduction for FY19</b>                 | <b><u>\$39,665</u></b>           |
| <b>Total Reductions to OAG-FY18 &amp; FY19</b>      | <b>\$86,698</b>                  |

Jeremy reviewed the budget reduction mandates for the current FY18 and the FY19 in addition to the FY18 saving plan. The total reductions to the Office of Agriculture (That is only a year and half old) totals \$86,698 and counting. Jane Evans asked for the total budget for the OAG. Jeremy provided the estimates of three sources of funds-General Funding that is subject to reductions, and two additional sources of funds that are not subject to reductions-Water Quality Protection Charge-WQPC and Capital Improvement Program-CIP.

| General Funding | WQPC    | CIP     | Totals      |
|-----------------|---------|---------|-------------|
| FY18 969,411    | 320,000 | 477,000 | \$1,766,411 |
| FY19 961,870    | 320,000 | 368,000 | \$1,649,870 |

- 7. County Council Bill 23-17 Animal Control-Performance Animal-Violations.** The Public Safety Committee scheduled a second Work Session on November 9, 2017. Following the Work Session Council member Marc Elrich scheduled a meeting on December 7, 2017 to discuss the concerns of the agricultural community. The Full Council approved the Final Reading of the Bill 23-17 and the link below will take you to the Council staff packet. Please note the email from Marty Svrcek that contains the Addendum packet with additional amendments to Bill 23-17.

[http://montgomerycountymd.granicus.com/MetaViewer.php?view\\_id=169&clip\\_id=14187&meta\\_id=147401](http://montgomerycountymd.granicus.com/MetaViewer.php?view_id=169&clip_id=14187&meta_id=147401)

**County Council members approved the following agricultural exemption: *Any activity, including agriculture and farming uses defined by Chapter 59 (Zoning), that uses animal's other than those identified as wild under Subsection 5-204 (b) (Traveling Animal Act-Prohibited) is exempt from the prohibition in Subsection 5-204 (b).***

The Committee reviewed the most recent draft #11 of the Bill 23-17 to better understand the exemption for the County Agricultural Center Fair Grounds on lines 111-112 and the Agriculture/Farming exemption on lines 113-115. Paula asked if representatives from the Humane Society of the United States opposed the exemption for agriculture and farming and Jeremy said that the language [Explicitly recognized as humane] was deleted from the exemption. Doug Lechlinder said he would have preferred if the deleted language had been incorporated into the final version of the bill.

- 8. The Agricultural Advisory Committee submitted a letter dated November 29, 2017 to the County DOT on the Zion Road bridge replacement. (See Attached) Please note that the Montgomery County Farm Bureau and the Montgomery County Agricultural Producers are also providing letters to the County DOT with recommendations on the replacement of the Zion Road bridge.**

The Committee reviewed the letter from the AAC to the County DOT regarding the Zion Road bridge replacement. The DOT will be investigating the potential for federal cost share funding if the new bridge is two lanes wide. The AAC letter points out that the current single lane bridge is simply not wide enough to accommodate most modern farm equipment. The OAG has offered to schedule a public meeting to gain more input from residents, bus drivers, and farmers that use this bridge daily. The Montgomery Agricultural Producers have provided a letter in support of the AAC recommendations and the Montgomery County Farm Bureau is currently working on a letter of their own. The Committee asked for the farmer members of the Rustic Roads Advisory Committee-RRAC. Todd Greenstone serves as the AAC representative on the RRAC, Tom Hartsock-he resigned recently, and Laura Van Etten. Michele asked how these farmer members are appointed to the RRAC. Jeremy said the members of the RRAC are appointed in the same way as the members of the AAC. Each year the staff of the RRAC request suggestions for new

farmer members appointed to the RRAC. Over the years many farmers have been appointed to the RRAC-Todd, Butler, Lonnie Luther, Gene Walker, Bob Raver, Fred Lechlinder, Eric Spates, Keith Patton, Audrey Patton. Michele said she would discuss this at the next County Farm Bureau Board of Directors meeting for farmers interested in serving on the RRAC.

- 9. The MNCPPC conducted the first Agritourism Study Advisory Committee meeting on November 29, 2017. The second meeting is tentatively scheduled for January 17, 2018. Michele Cropp, Paula Linthicum are members of the Advisory Committee. The study will evaluate the current zoning-land use, building, health codes of the County to see if changes are needed to promote more opportunities of agritourism. Some of the members of the Advisory Committee will probably push back on the types of events and venues that DPS is currently approving. (Please see attached the notes from the November 29, 2017 meeting of the Agritourism Advisory Committee meeting)**

The Committee reviewed the notes from the Agritourism Advisory Committee meeting. The group is studying agritourism and is supposed to identify ways to further promote and provide greater clarity on agritourism opportunities. A real challenge was identified as follows-How can the committee propose ways to increase agritourism and address the concerns of residents? Paula said that people visiting the farms will need a drink, some food, and access to bathrooms and there are many regulations that govern these necessities for food facilities and bathrooms. The Sugarloaf Citizens Association was added to the group of Advisory Committee members since they were established in 1973 and prior to the creation of the Agricultural Reserve in 1980. Paula said Seneca Ayr farm has no intention of conducting agritourism and she asked how the DPS is approving farms with agritourism venues. Jeremy said the DPS makes land use decisions based on the characteristics of subject property and not based on who owns the property. To make land use decisions the DPS determines the zoning of the property, the property tax designation and what the primary use of the property is. These factors are taken into consideration to review and recommend land use decisions. Paula said she is concerned about property owners that lease their property to a farmer, but they are not directly involved with the agricultural and farming operation. Jeremy acknowledged that some folks are concerned about specific properties where the DPS has approved agritourism venues. He said these specific properties will be discussed and it will become clearer how the properties and the owners are engaged in agriculture and farming as the primary use and approvals for agricultural education or agritourism are accessory uses to farming. Michele said the Advisory Committee is too large and she is concerned if a consensus can be reached. Jeremy reviewed the list of members appointed to the Agritourism Advisory Committee which now totals 19 members.

- 10. Follow up from the Office of Agriculture tour of three agritourism farms in Loudoun County, VA. The DPS has responded back to the OAG they are reinstating the policies for approving agricultural buildings for storing, sorting, processing, and aggregating agricultural products and NOT require commercial building permits. The DPS is now referring all agricultural building requests to the OAG for review and agricultural certification.**

The Director of DPS announced on December 14, 2017 that DPS staff were misinterpreting the County Code and requiring property owners to obtain commercial building permits for activities involving accessory agricultural processing. Jeremy said this was good news and he is hoping to

assist some farmers to move forward with their agricultural buildings in light of this announcement. Jeremy said this development and announcement was one of the outcomes from the tour of agritourism farms in Loudoun County, VA last month.

**11. The Office of Agriculture has partnered with the Maryland Agricultural Resource Based Industry Development Corporation-MARBIDCO to create a matching grant program for farmers installing deer fencing. One contract has been approved and three more contracts are pending.**

The OAG has approved one matching grant for deer fencing where the total costs of the project were \$45,000 and the MARBIDCO contributed \$3,000 and the OAG contributed \$4,000. There are three more matching grants pending and anyone interested should contact the OAG.

**12. The next meeting of the Agricultural Advisory Committee is January 16, 2018 at 7:00 pm. We will be meeting at the Germantown Library 19840 Century Blvd. Room A Germantown, MD. 20874.**

The Committee reviewed the schedule of future AAC meeting and the locations due to the on-going renovations to the Up-County Regional Services Center. There were concerns expressed surrounding the Gaithersburg Library. There were suggestions to schedule future AAC meetings at the Holy Cross Hospital, Damascus Library, or Montgomery College Germantown campus.

Meeting adjourned at 8:26 pm

**Upcoming Meetings and Events:**

Montgomery Soil Conservation Bd of Supervisors-December 8, 2017 @ 9:00am  
Agricultural Preservation Advisory Board-December 11, 2017 @ 6:00pm  
Montgomery County Farm Bureau Board of Supervisors-December 12, 2017@7:00pm  
Montgomery Co AG RESERVE Alcohol Production Roundtable-Dec 14, 2017@2:00pm  
Montgomery County Agricultural Advisory Committee- December 19, 2017 at 7:00 pm.