

**Agricultural Advisory Committee Meeting Minutes
February 18, 2020**

Attendance: Peter Driscoll, Patrick Jamison, Jane Evans, Linda Lewis, Ben Butler, Angie McNally, Lori Larson, Debra Tropp

Please note the agenda items are in bold and the minutes are not bolded.

1. **Call the Meeting to Order and Introductions: 7:05 pm**
2. **Approval of the AAC meeting minutes from January 21, 2020.** Evans/Larson
3. **The Agritourism Study Advisory Committee-ASAC Study and Final report was presented to the Montgomery County Planning Board on December 19, 2019 and the County Council on January 31, 2020. We will see what the County Council wants to do on this report and recommendations.** Jeremy reported that Hans Riemer staff is reviewing the recommendations and they are working with council staff to prepare for an upcoming PHED Committee Work Session. The definition of Agricultural **e**Education and **t**ourism will be revised, and the new definition will be replicated in the definition section of the Zoning Code. The timing of the Work Session will need to be scheduled around the FY21 Capital and Operating Budgets.
4. **The Office of Agriculture has been working on State Legislation including hearings with the Montgomery County Delegation Land Use Transportation and Environment Committee.**
<http://mgaleg.maryland.gov/2020RS/bills/hb/hb0848F.pdf>- **HB 848- proposal to change the County ag transfer tax law, would direct the collections to be used for ag preservation and programs that support agriculture.** The HB 848 is being discussed in both the House and the Senate chambers. The only questions that have been raised deal with the differences between the State Agricultural Transfer Taxes and the County Agricultural Transfer Taxes. The HB 848 deals only with the County Agricultural Transfer Taxes. Jeremy said he has asked whether a Senate **C**ross filed bill is needed for HB 848 and he is waiting for a response.
<http://mgaleg.maryland.gov/2020RS/bills/hb/hb0805F.pdf>- **HB 805- Adding Montgomery County to the 50 and under club for ag tourism venue capacity. The Montgomery County House Delegation approved HB 805 with an amendment that will enable Montgomery County farmers to use agricultural buildings for agritourism for occupancies that do not exceed 100 people.** The HB 805 has been amended to include a new 100-person occupancy for the Public Safety section 12-508. Montgomery County will be included in this new 100 occupancy. Angie McNally asked if the 100 occupancy would apply to Lone Oak Farm Brewery. Jeremy said that since the new building and tasting room was under construction, he would need to check. Jeremy said he has asked whether a Senate **C**ross filed bill is needed for HB 805 and he is waiting for a response.

<http://mgaleg.maryland.gov/2020RS/bills/hb/hb0827F.pdf>- **HB 827 - proposal to add rifles as acceptable firearms in Montgomery County while hunting with a deer management permit. Please note that several farmers have expressed safety concerns surrounding the use of rifles in the County. The HB 827 has been assigned to summer study.** Pete said he received a letter from the Sugarloaf Citizens Association outlining their concerns with rifles used in the agricultural reserve. Ben Butler said that Deer Management Permits are used for female deer although Butlers Orchard has been able to harvest some male bucks. Jeremy said that we will need to include a discussion of the different types of rifle cartridges that are available and permitted by the MD-DNR. There was a discussion surrounding the County Weapons Laws and Jeremy acknowledged that amendments to the County Weapons law would be needed if a future rifle bill passed the MD legislative session. Ben Butler said the County Weapons Law will only permit a maximum of 25 caliber that is not enough for hunting deer.

5. **The County Council introduced ZTA 20-01 to allow Community Solar in the Agricultural Reserve-The ZTA proposes a total of 1,800 acres or just 2% of the Agricultural Reserve-AR zone should be allowed for larger Solar installations. The ZTA 20-01 was introduced on January 21, 2020 and the public hearing has been moved to March 3, 2020. The MCFB, MAP, and APAB are all opposed to the Solar ZTA 20-01.**

<https://www.montgomerycountymd.gov/COUNCIL/Resources/Files/zta/2020/ZTA%2020-01.pdf> The Committee reviewed the draft letter from the AAC including the notes taken from the straw vote discussion in January. Angie McNally said that other options for installing solar in down county areas ~~is~~are needed and she asked if there are stakeholders within the solar industry. Lori Larson responded that most of the solar industry stakeholders are on the other side of the fence from the farmers. Debra Tropp said she was very interested in the climate change Task Force including the data from the Montgomery Soil Conservation District showing total reductions in CO2 as a result of Best Management Practices and conservation measures implemented on farms in the County. Angie McNally suggested that we should advocate the following: Yes, the AAC thinks that solar systems are great, and we need to find a way to make this work by locating solar on non-productive soils. Pete said there will be run off from the solar panels and sediment erosion plans will be needed to address this run off. Jeremy said that he will make the changes to the AAC letter and make sure everyone has a chance to review and comment on it before it is remitted to the County Council along with the notes from the straw vote discussion.

6. **Ag Reserve Postcard Survey: All residents in the Agricultural Reserve have received a postcard survey pertaining to high speed Broadband. We have received very good responses to this postcard. If you still have your postcard, please make sure that you fill it out and send it back in. There was a News 4 episode on Rural Broad Band that the Jamison's were featured.**

<https://www.nbcwashington.com/investigations/digital-divide-nearly-1-million-in-va-md-have-no-high-speed-internet-access/2211920/> Debra Tropp said the FY21 Federal budget includes funding for rural communities in need of broadband. Jeremy said that the County Government-Department of Technology Services has applied to the

Federal Government for broadband funding with the hope the funding would be used in the Agricultural Reserve residents that currently do not have high speed internet.

7. **The County Council introduced ZTA 20-02 Accessory Structures-Agricultural Reserve Standards. The Public Hearing is scheduled for March 3, 2020. The ZTA 20-02 states the footprint of non-agricultural accessory buildings or structures applies to 50% all buildings and structures combined. The ZTA states that buildings for an agricultural use are exempt from the size restriction. However, Section 59.3.2.6.F limits the size of accessory structures used for Agritourism to 10% of the total footprint of all buildings and structures on the farm.** Lori Larson asked for an example of how this ZTA would be applied. Jeremy explained how the ZTA will be used by the DPS for review and approval of accessory structures on properties that have a residential assessment. The ZTA is not intended to be applied to properties that have an agricultural assessment. However, the treatment of agricultural buildings used for agritourism is an issue that Jeremy intends to address. Jeremy said the ZTA 20-02 was removed from the March 3, 2020 public hearing and that he needs to check on the status of it.
8. **The County Office of Agriculture was awarded a Rural Legacy Program-RLP Grant of \$2,704,500 on January 8, 2020. A Supplemental Appropriation has been introduced and the Public Hearing is scheduled for February 25, 2020. The OAG has also received confirmation from the Crown Farm Developers that the final payment totaling \$500,000 to the OAG will be remitted this month for the final plats and units that have been approved by the City of Gaithersburg. The OAG will be submitting another RLP Grant on February 11, 2020. Social Media has resulted in many farmers interested in farmland preservation. There was no discussion on this item.**
9. **Supplemental Appropriation for Davis Mill Road Improvements that will impact Butlers Orchard. This item was scheduled for the February 6, 2020 T&E Committee Work Session. The packet describes Butler’s Orchard and its customers as the people who are directly affected by this. They also expect the work to take 6 months to complete.**

https://www.montgomerycountymd.gov/COUNCIL/Resources/Files/agenda/cm/2020/20200206/20200206_TE_AG.pdf

https://www.montgomerycountymd.gov/council/Resources/Files/agenda/cm/2020/20200206/20200206_TE2.pdf Ben Butler said that his father recently learned about the road closing and hopefully the construction will be completed before fall. The closing of the road will impact both Butlers Orchard and Waters Orchard.

10. **This year marks the 40th Anniversary of the Agricultural Reserve. We need to begin planning for an event to celebrate this milestone with all stakeholders.** There was no discussion on this item.
11. Meeting adjourned Butler/Driscroll

Next meeting of the AAC-March 17, 2020 at 7:00 pm in Room D-Third Floor.

Upcoming Meetings and Events:

Montgomery County Agricultural Advisory Committee-February 18, 2020

MCPS Nutrition Facility tour with farmers-February 19, 2020

Winter Agronomy Update-February 20, 2020

Annual Farmers Market Training-February 24, 2020

Farmer Forum-February 25, 2020

MSCD Pasture Walk Workshop-February 28, 2020

Montgomery County Farm Bureau Board of Directors- March 3, 2020

Annual Montgomery Weed Control Board of Directors Meeting-March 9, 2020

Montgomery County Agricultural Preservation Advisory Board-March 10, 2020

Montgomery Soil Conservation District Board of Supervisors-March 13, 2020

National Agriculture Day with the County Council-March 24, 2020