

**Montgomery County Agricultural Advisory Committee
September 15, 2020 Minutes**

Attendees: Jane Evans, Debra Tropp, Ben Allnutt, Doug Lechluder, Linda Lewis, Lori Larson, Patrick Jamison, Peter Driscoll, Tim McGrath, Eleanor Leak, Chuck Schuster, Aliza Silver

Staff: Jeremy Criss

Agenda items are in bold and minutes are not bolded.

1. **Call the Meeting to Order-Introductions: 7:02 pm.**
2. **Approval of the August 18, 2020 AAC meeting minutes.**

Approved as corrected (Driscoll/Leak)

3. **Update on Deer Management Summer Committee- Montgomery County Delegation scheduled summer committee meetings on June 10, July 20, and September 14, 2020. The Montgomery County Delegation developed an online Deer Management Survey that was sent to the voting members of the MCFB. Please see the attached findings from the deer management survey. This is a confidential-anonymous survey with no personal information that all farmers should complete.**

The hunting bills in the upcoming session, will clarify liability protections for hunting. Many farmers are concerned about allowing their properties to be hunted due to liability exposure. But a bill that was passed in the last General Assembly provides liability protection to property owners even if they charge a fee for the activity that would cause the incident. There was a back and forth between members of the delegation, and they will revisit the bill to make sure it's clear that hunting is an included activity that would protect property owners from liability.

OAG was encouraged by 105 responses to the deer management survey. Questions were about land use (residential/commercial/farming), ownership status of the property (own/lease), whether the property is located in or adjacent to the Ag Reserve, whether deer management is a problem on the property, the extent of deer damage on the property, the damage trend, methods used to manage deer populations, whether the owner allows hunting, whether the owner has liability insurance, and whether the owner has a state permit to harvest deer to prevent damage.

The survey gathered several recommendations from farmers including:

- Allow more bucks to be harvested
- Multi-yield permit
- More powerful firearms
- Birth control
- Increased hunting
- Online process for permits
- Expand the hunting season

4. **Update on the expanded Farm to Food Bank Program. This program has been working well for the 6 farmers that are participating and over 18,000 pounds of food has been delivered to Manna. The participating farmers are being paid competitive prices above the wholesale prices. We have begun meeting with additional farmers to learn about the program success for 2020 and plan for the Phase II program for 2021.**

Six farmers signed up with Manna Food Center. Eighteen thousand pounds of food have been delivered from July through September. Ben Butler and Linda Lewis are participants and they are happy with how the program is working. Farmers are encouraged by the prices they're getting from Manna. The money is coming from the CARES Act (COVID-19 assistance) from Congress. OAG is looking to expand to more funding partners and recruiting more farmers for phase II of the program for 2021.

5. **Update on the Solar ZTA 20-01. *Attached is the Council Staff amendments to the ZTA and an Op-Ed from Dr. Royce Hanson that MCFB and MAP have agreed to sign on was submitted to the Washington Post.***

There are four council members that have approved amendments to the Solar ZTA 20-01 - Riemer, Hucker, Jawando, Glass. Andrew voted against the amendments. Andrew recommended excluding Class I and II Prime Capability Soils from siting solar fields and his recommendation failed. Randy Stabler, Doug Lechlinder and Jeremy Criss met with Council President Sidney Katz on August 28, 2020 to see if the full County Council vote on the Solar ZTA could be delayed until after the Pandemic when a traditional public process would take place. There is a second meeting scheduled for September 18, 2020. *Please see that attached notes from the August 28, 2020 meeting.*

Royce Hanson, the former chair of the planning board, understands the legalities of the master plan. All changes to County laws and regulations must conform with the master plan terms, conditions and recommendations. The Solar ZTA is a backdoor approach to get around the master plan; the real way to do this would be to file an amendment to the master plan. In 1995 with Clarksburg, there were minor zoning amendments to the master plan, on certain properties that were adjacent to the Ag Reserve. These zoning amendments increasing the number of acres in the Ag Reserve from 89,000 to 93,000 acres. In 2006 with Damascus Master Plan, there were similar changes made on the west side of Damascus

where some acres were zoned for residential development and taken out of the Ag Reserve. When the Master Plan for Olney was amended, there were similar zoning changes to properties adjacent to Olney.

The Op-Ed lays out the challenges and mistakes the County Council is about to make if they do this. There have been some lawsuits years ago against the County Government and P&P, as they were administering the TDR program through the master plan process and not through zoning. This is an example of a lawsuit that could occur due to the Solar ZTA. Lonnie Luther signed on to the Op-Ed as President of the Montgomery County Farm Bureau, Bob Cissel for Montgomery Ag Producers, and Lee Langstaff as current chair of MCA.

Councilman Friedson's recommended amendments failed at the July 22nd joint committee hearing, although Councilman Jawando requested the soils discussion needs to be vetted during the Full Council work session. Doug Lechliger, Randy Stabler and Jeremy met with Sidney Katz to see if they could delay the vote on the ZTA. It was a challenging meeting as Sidney said that he could be overruled by most of the Council members. Jeremy provided detailed notes to the AAC from the meeting. They will have a follow up meeting with Sidney, Hans Riemer, and staff this Friday. The Councilmen are trying to push for a vote on the Solar ZTA on Sept 29.

Additional amendments that are needed to the Solar ZTA are as follows- Exclude Class II prime soils for siting solar fields, allow concrete footers for the support beams to encourage Agri-voltaic farming, clarify if more than one 2MW solar field can be installed on large farm properties, require the solar industry to make payments in lieu of taxes that will fund farmland preservation programs.

The agricultural community will need to make sure we have the amendments to reduce the impact of this Solar policy. In the future if someone wants to install the panels higher up from the ground, they should be able to use concrete footers. Chuck said that when you limit the sunlight that reaches the ground, you limit the crop growth.

In Queen Anne's County they have program for payment in lieu of taxes; all solar companies make payments to their farmland preservation programs for any solar field that they install. We feel this is important and we have learned from Councilman Friedson that he plans to introduce a similar bill to require all funding to be paid to the Ag Preservation Fund.

Tim, Lori, and Doug raised some issues of economic impacts upon the farmer on the value of the property when it is sold, and they raised questions of personal property tax as well. Jane raised that there should be disclosure to landowners that this may change their property tax status before they put solar panels on their property. Jeremy said it is a challenge for obtaining information about existing

properties with solar fields, because they are confidential; they must procure them from the property owners.

Currently, anyone can install accessory solar from 120% of onsite energy consumption. The proposal would increase accessory solar up to 200% of the energy consumption on the property.

The MD climate change task force says that we need 2500 MW of alternative energy to make a dent in our energy use and this would equate to at least 10,000 acres of farmland. This Solar proposal is for 1800 acres, equivalent to 300 MW. Councilmembers Riemer and Hucker are the ones driving this solar ZTA.

The Pepco, Potomac Edison, and BGE are looking at whether to install solar panels under the transmission lines, which would cause disruptions to be farmed on both sides of and underneath the transmission lines. The utility companies have deliberately not taken a position on the Solar ZTA.

- 6. Kelly Nichols has been selected as the new Faculty Tenured Agriculture and Horticulture Extension Educator for the Central MD Cluster and she will be assigned to the Montgomery County UM-Extension office.**

Good news! This was Chuck Schuster's full-time position. She'll be assigned to the Montgomery County office. Chuck is at the OAG office under contract, so Kelly can shadow Chuck.

- 7. The Office of Agriculture has been included in a Commerce Cabinet that has met on July 31 and September 11, 2020. The OAG has reported that in working with MNCPPC on the Thrive 2050 General Plan Update, all vacant commercial and office space buildings should be retrofitted into affordable housing units with the application of using TDRs and BLTs.**

OAG is trying to suggest ways to stimulate the economy. Jeremy recommended that when OAG works with P&P on Thrive 2050 update to the general plan, we need to evaluate all the vacant commercial and office space buildings. Those were built to commercial building standards and could be retrofitted into affordable housing units. The County has projected that we need 40,000 affordable housing units over the next 10 years.

- 8. Adjournment: 8:10 pm (Schuster/Leak)**