

Agricultural Advisory Committee (AAC)

Minutes of March 15, 2011

Attendance: David Weitzer, Chuck Schuster, Robert Beall, Drew Stabler, Lois Stoner, Patrick Brown, Jane Evans, Tim McGrath, Eddie Kuhlman, David Heisler

Guests: Wade Butler

Staff: Callum Murray, Jeremy Criss

Introductions: The meeting was called to order at 7:45 pm introductions were made.

Approval of the AAC minutes from March 15, 2011:

Criss asked if there were any corrections or additions needed to the AAC meeting minutes from March 15, 2011. Hearing none, Lois Stoner motioned to approve the minutes as written, Tim McGrath seconded the motion and the motion passed.

Update FY 2011-2012 Budget: The County Executive submitted the DED-Ag Services operating and capital budgets to the Council and it contains the private contributions from the Montgomery County Farm Bureau (MCFB) \$21,000 and the Montgomery Soil Conservation District (MSCD) \$20,000 for specific staff representatives working in the Ag Services Division. The Principle Administrative Aide (PAA) position assigned to UME was posted and closed on March 4, 2011. Four candidates are being rated for consideration and interviews are pending. The PAA position is advertised as a part-time .8 work year employee and the University of Maryland as offered to provide State funding \$10,000 to migrate this position to a full-time 1.0 work year. Wade Butler asked a question surrounding the funding provided by the MSCD and when the funding will be needed. Criss said the MSCD and the MCFB will be executing Memorandum of Understandings with the County-DED to provide the private contributions prior to the beginning of the fiscal year 2012. Chuck stated that the MCFB contributions will help to provide important administrative support to Extension since Extension lost the Office Services Coordinator position and funding last year.

Farmland Preservation Update: The County Executive approved Executive Order 030-11 and Criss asked everyone to look at Attachment B in the packet. The Executive Order 030-11 will be published in the County Register in April. The first Building Lot Termination (BLT) purchase period will be announced and it will start on April 1, 2011 and it will end on May 31, 2011. All of the information that property owners need to apply for the BLT program and understand the BLT program are posted on the Agricultural Services website.

Commercial Residential-CR Zone: This Commercial Residential CR zone is one of the BLT receiving zones for increasing Floor Area Ratio (FAR) of square fee of space measured for both residential and non-residential-mixed use areas. The Planning Board

is proposing different variations of the Commercial Residential Neighborhood-CRN zone and Commercial Residential Town-CRT zone, and Commercial Residential Metro-CRM zone. Criss asked everyone to turn to the Attachment C in the packet. Criss said that he needs to have better understanding of these new zones and how the BLT program requirements will be impacted. Lois Stoner said the League of Women Voters-Margaret Chasson is concerned because the BLT program requirements under the optional method of development may be eliminated from the new CR zones.

Callum said the 300 foot height limit needs to be discussed further because the Health and Human Services FDA building on Park Lawn Drive is 240 feet high. Callum said the height limit may need to be between 20-65 feet high in certain neighborhoods. Criss asked Callum for his advice on what the AAC should do surrounding the proposed changes to the Commercial Residential zones. Callum said that we need a significant boost in BLT receiving zones. Callum said that he will talk to Josh Sloan of MNCPPC to understand the proposed figures. Callum said that he would share with Josh Sloan the spread sheets that John Z prepared for each of the BLT receiving zones that help to understand what one BLT equivalent is in terms of FAR-square feet of space and then to determine how much the developer would need to pay for the increased FAR.

Jane Evans asked if someone is looking out for new BLT receiving areas. Callum said this is not listed as a job description for anyone. The Ad Hoc-Agricultural Policy Work Group directed the staff to find opportunities for using BLTs and this should be included as the central theme in a letter from the AAC to the Planning Board on the proposed changes to the CR zone. Robert Beall said that relaxing the BLT program requirements in the Kensington area will set precedent for all other areas. Tim McGrath asked if there was enough sweetness in the pot to make BLTs work for developers. Callum said there are three applications in the White Flint Master Plan involving BLTs in the CR –metro zone. David Weitzer asked about the BLT program requirements in the Life Sciences Center zone. Callum said that Biomedical and Lab-science uses do not require the BLTs but the office space still requires BLTs.

Eddie Kuhlman said the private side of the BLT program will not work when there is \$5 million of public seed money for the BLT purchases and the Base BLT price of \$225,000 will set the floor price for any developer willing to pay for BLTs in the private market. Robert Beall said that Bill Anderson raised a similar question in terms of why would any developer buy a private market BLT if they can make a payment to DED at the Base Value in lieu of purchasing a BLT. Callum said that he thinks the private BLT market will work as some developers are approaching RDT zone property owners inquiring about BLT purchases. Criss reminded everyone of how the private TDR market from 1982-1988 negatively impacted the agricultural community with exception to the closed TDR market within the Olney Master Plan. Criss reviewed the history of TDR prices in the private market and explained how in 1989 the County Agricultural Easement Program drove TDR prices from \$4,000 to \$8,000 in the first months the AEP was implemented. The AEP program set a floor price for TDRs and this outcome did more to help farmers sell TDRs at competitive prices than any other public or private act. Criss said that when the demand for TDRs was great, developers raised the price they were willing to pay to

attract sellers. Criss proposed the function of demand will also impact the BLT program and the prices of private BLTs. The public seed money will not last for long and developers have not inquired about making a payment to DED in lieu of purchasing BLTs from property owners.

Update on ZTA 10-15: The County Council approved ZTA 10-15 Airstrips-Agricultural Zones with amendments recommended by the PHED Committee. Criss asked everyone to turn to Attachment D in the packet to better understand these amendments.

Update on Tree Trimming: Criss asked everyone to turn to Attachment E which was a letter from the Montgomery County Farm Bureau to the County Executive and the County Council expressing concerns surrounding the need for a comprehensive tree trimming program in the County. The letter was sent in light of the extensive power outages in February caused by heavy snow on tree limbs hanging over power lines. The letter was also sent to the Deputy General Counsel of Pepco.

New Appointments to AAC – The County Executive finalized the new appointments to the AAC and these appointments should be confirmed by the County Council shortly.

Update from the March 7, 2011 meeting on the Zoning Rewrite Process: Group of agricultural representatives met with MNCPPC to review the December 2010 draft recommendations on the agricultural zones. Wade said that he would prefer if Jane Seigler is considered as the agricultural representative to the Zoning Advisory Panel. *Please note the Planning Board recommended this appointment for Jane Seigler on April 14, 2011.* Tim McGrath and Jane Evans said they received invitations to attend the ZAP meeting tomorrow night. Callum said the process involves changes to the zoning regulations more than clarification of the regulations. Callum said that Pam Dunn is very flexible with receiving comments from the agricultural community because she is not familiar with all of the components for zoning and agriculture. Jane Evans was thankful for the preservation of footnote 48 which prohibits non-agricultural uses on properties encumbered by Transferable Development Rights Easements. Callum said that the MNCPPC is trying to reduce the number of footnotes and capture the intent of them in conditional use standards. This will help to reduce the overall size of the zoning regulations.

Follow up from the Horticultural Green Industry Work Group: Steve Silverman requested a Horticulture Green Industry Work Group to meet on March 9, 2011. The work group is recommending changes to the Zoning Regulations for agricultural processing, Nursery and Green house operations and landscape contractors in attempt to help the horticultural green industry.

Update on MC17-11: This local Montgomery County Bill is also cross filed as HB 536 Septic Easements in Montgomery County. On March 11, 2011, Criss attended the public hearing with House Environmental Matters Committee. The hearing was delayed due to the full House debating on the same sex marriage bill and then the Governor presented

(Attachment B.)

HB 1107 regarding the septic system ban bill for large subdivisions in rural areas. Criss asked everyone to turn to Attachment F to review the latest version of the bill.

2010 Annual Report of the Agricultural Advisory Committee: The annual report was submitted to the County Executive and the County Council. The annual report can be accessed from the Agricultural Services website and link below.

http://www.montgomerycountymd.gov/content/ded/agservices/pdffiles/publications/Annual_Reports/AAC/2010/aac_2010_annual_report.pdf

The meeting was adjourned at 9:15 pm.

Next scheduled meeting of the AAC is May 17, 2011 @ 7:30 pm in Room B at the Upcounty Regional Services Center in Germantown.

e:aacmarchmtgminutes2011(aac2011)