

Agricultural Advisory Committee (AAC)

Minutes of April 19, 2011

Attendance: David Weitzer, Chuck Schuster, Robert Beall, Drew Stabler, Patrick Brown, Jane Evans, Tim McGrath, Eddie Kuhlman, David Heisler, Ben Allnut, Linda Lewis

Guests: Lois Stoner, Randy Stabler, Vince Berg

Staff: Jeremy Criss

Introductions: The meeting was called to order at 7:40 pm introductions were made for the new AAC members.

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. Jane Evans said the minutes needed to be corrected to show the next AAC meeting should be April 19, 2011 not May 17, 2011. Jane motioned to approve the minutes as corrected, Drew Stabler seconded the motion and the motion passed.

Farmland Preservation Update: Criss said that Executive Order 030-11 was published in the County Register for the month of April. The first Building Lot Termination (BLT) purchase period started on April 1, 2011 and it will end on May 31, 2011. Criss said that anyone interested should review the information and application requirements for the BLT program that is posted on the Agricultural Services website. John Z will be organizing all of the applications and any questions on the program should be directed to John Z. Criss referenced Attachment C that showed the DED-eBiz newsletter that is distributed primarily down county. The DED needs to reach out to developers in the LSC, TMX, and CR zones to educate them on how the BLT program will work. John Z. prepared separate work sheets for each BLT receiving area zone that calculates the amount of FAR incentive density for using BLTs under the optional method of development and also shows how much the developer will pay for the BLT program requirements.

Update FY 2011-2012 Budget: The County Council PHED committee met on April 13, 2011 and they recommended approval of the DED-Agricultural Services Operating and Capital budgets for fiscal year 2012. Criss referenced Attachment D which showed the Council Staff packet to the PHED Committee regarding the DED proposed budget for 2012. The budget includes private contributions totaling \$51,000 that will be used for Agricultural Services staff. The MCFB will contribute \$21,000 for the PPA assigned to UME. The MSCD will contribute \$20,000 for the Resource Conservationist and the District Program Manager. The UME will contribute \$10,000 for the PAA assigned to UME. Jane Evans asked about the funding from the MSCD and how much funding would be applied to the 2 MSCD staff. The funding from MSCD will be equally divided between the 2 MSCD staff @ \$10,000 each. Tim McGrath asked if other County

agencies were receiving private contributions. Criss said that he is not aware of any County agencies that are funded by private contributions in the same way that DED is proposing. Criss explained that the Department of Permitting Services is funded by fees they collect from permits and violations through the Enterprise Fund. The Department of Environmental Protection is funded partially through the Water Quality Charge that all home owners pay-\$50.00 per residence. Robert Beall asked a question surrounding the rent or lease agreement with MNCPPC. Criss explained the County Government pays the MNCPPC for the space that UME, MSCD, and Agricultural Services uses and the FSA pays the MNCPPC monthly for the space they use.

Commercial Residential-CR Zone: The MNCPPC is proposing changes to the Commercial Residential CR zone that will create new variations CRT-Town and CRM-Metro. Criss said the BLT requirement may be reduced or eliminated altogether in these CR zone variations. Margaret Chasson representing the League of Women Voters is working with MNCPPC to show how reasonable the cost of using BLT incentive density can be in the CR zone. Tim McGrath asked if there will be transactions involving partial BLT sales. Criss said the few projects that he is aware of in White Flint may involve both partial and full BLT acquisitions. Robert Beall asked if the CR zone will apply to areas where old buildings are torn down for redevelopment. Criss said that redevelopment is the major land use in the CR zones and other BLT receiving zones. Randy Stabler said he is concerned that the proposed changes to the CR zone will chip away at the BLT private market before the program gets out of the gate. Drew Stabler said that farmers that sold TDRs did not care where they went or how they were used they just needed to know that a private market existed and that it worked for them. After additional discussion, Jane Evans motioned for the AAC to write a letter to the County Council regarding the proposed changes to the CR zone and Tim McGrath seconded the motion. The motion passed. It was suggested that we need to work closely with Margaret Chasson and the League of Women Voters on the letter. Randy Stabler asked for examples of public benefits or amenities. Criss said that a LEED Certified building that incorporates Green Technology for energy efficiency is an example and affordable housing and workforce housing are also examples of public benefits.

Discussion Surrounding Nick's Organic Seed Production-Brick Yard Road:

The Montgomery County Public Schools has leased 25 acres to Nick Maravell for the past 31 years on a property located on Brick Yard Road. Nick runs an organic seed production business from this property and Nick supplies organic seed to many organic growers in the region. The MCPS has authorized Nick to remain on the property until the end of this 2011 growing season and then he must vacate the site. The property is proposed for athletic-ball fields for the Potomac-community area. The DED has been asked to help Nick find an alternative site for his organic seed business. Criss said that he offered assistance to Nick for finding an alternative site. To date Nick has not responded. Drew Stabler asked why the MCPS made the decision on this property so quickly. Drew said it normally takes the MCPS a long period of time to plan and implement capital projects. The group discussed the organic certification requirements that no chemicals or commercial fertilizers can be applied for at least 3 years before the MDA can approve the certification for any new site. Randy Stabler explained a similar situation he is having

with the County-MCPS on property he leases from them. Randy said the County tends to talk out of both sides-Do they want agriculture in the County or not?

Update on House Bill 536 MC17-11: Criss informed everyone that a local Montgomery County HB 536 Septic Easements did not pass the 2011 session. The bill passed the full House and it received a favorable recommendation from the Senate Education, Health, and Environmental Affairs Committee on the last day of the session. The bill sat on the Senate Floor for the final seven hours of the 2011 session and it was never brought to a vote and it died. Criss expressed his frustration surrounding how he and Gene Von Gunten from DPS made themselves available every time they were asked to travel to Annapolis to represent the County Government on this Bill. This outcome of this failed bill will negatively impact the agricultural community since the MDE is proposing changes to COMAR that will prohibit septic easements in the State of Maryland. Criss said it is his understanding the County DPS will continue to approve septic easements until the COMAR regulations are changed to prohibit them.\

Update on House Bill 209: Criss reviewed the intent of HB 209 which was sponsored by the MDA at the request of the MALPF Board of Trustees. The Bill would eliminate child lots on all MALPF easement properties. Both Montgomery and Baltimore Counties were opposed to the bill and they worked together to make sure it did not pass the 2011 session. The MDA was asked to work with the Counties during the summer to seek a resolution. Criss explained how several County MALPF program administrators will meet to see if they can address the differences of opinion. The MALPF wants to replace three child lots with three unrestricted lot rights that would run with the land for use by future landowners but the valuation of these unrestricted lot rights would be deducted from the appraised easement proceeds. The impact of the bill be will negative to those counties that have implemented agricultural zoning and reduces the permissible density. This outcome will mean landowners in counties with agricultural zoning will have disincentives to participate in the MALPF program.

Additional Discussion:

Tim McGrath said that when we had 2 inches of rain there were reports of sewage overflow into streams and this must have an impact on nutrients in the tributaries and Chesapeake Bay. Chuck Schuster said the manure from wildlife animals also represents a nutrient load just like the sewage overflows. Robert Beall said the agricultural community traditionally is represented by a small number of voters and a large land mass which means the farmers continue to be an easy target for policy makers. Jane Evans said that Eric Spates was honored in the My Maryland Farm Bureau magazine that was passed around. Criss read a letter from the Rustic Roads Advisory Committee to the County Executive regarding the need for trimming trees.

The meeting was adjourned at 9:05 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.



(Attachment A.)

OFFICE OF THE COUNTY EXECUTIVE
ROCKVILLE, MARYLAND 20850

Isiah Leggett
County Executive

April 20, 2011

Mr. Lonnie Luther
Montgomery County Farm Bureau
24110 Laytonsville Road
Gaithersburg, Maryland 20882

Dear Mr. Luther:

Thank you for your letter dated March 10, 2011, regarding tree trimming concerns of the Montgomery County Farm Bureau. I acknowledge your concerns regarding trees impeding travel, trees interfering with power lines, and sight distance issues regarding trees along our roads.

First, please allow me to address the power line issues. Government agencies have no purview in regard to achieving proper clearance from utility lines. This is the sole responsibility of the utility that owns the utility lines. If there are specific areas needing clearance from utility lines, please feel free to call the County and we will report it to the proper utility. In regard to planting trees under power lines, the County's tree planting program, which is operated by the Montgomery County Department of Transportation (MCDOT), is very careful not to plant trees that grow tall enough to reach the power lines. There are many trees of large species that are under lines currently, but they were planted many years prior to the start of the current program. If the members of the Farm Bureau know of any specific areas where large species trees were planted under utility lines in the County right-of-way, please contact MCDOT so the County can investigate these locations.

MCDOT also administers the program that prunes and removes trees that affect road clearance and sight distance issues. Again, if you could provide specific areas where the trees are affecting the safe flow of traffic, you could contact MCDOT's Chief of Tree Maintenance, Brett Linkletter, at 240-777-7651 or brett.linkletter@montgomerycountymd.gov, to address your specific concerns.

Thank you for taking the time to write. I appreciate you sharing your concerns with me.

Sincerely,

Original signed by
Isiah Leggett
Isiah Leggett
County Executive

IL:bl

cc: Brett Linkletter, Chief of Tree Maintenance
Jeremy Criss, Economic Development