



DEPARTMENT OF ECONOMIC DEVELOPMENT

Isiah Leggett
County Executive

Steven A. Silverman
Director

MEMORANDUM

October 15, 2010

TO: Agricultural Advisory Committee Members (AAC)

FROM: Jeremy V. Criss, Agricultural Services Manager
Department of Economic Development

SUBJECT: Agricultural Advisory Committee Meeting Tuesday, October 19, 2010

Please be advised that the Agricultural Advisory Committee meeting is scheduled for **Tuesday, October 19, 2010 at the Upcounty Regional Services Center, 12900 Middlebrook Road, Germantown, in Room B at 7:30 p.m.**

The attachments for our meeting are outlined in the PDF file attached to my cover e-mail. Due to the County's paper reduction mandate, I will not be providing copies of the packet for our meeting. Please print these attachments out and bring them with you to the meeting.

See you on October 19th.

*Sign language interpreter services will be provided only upon request with notice as far in advance as possible but no less than 72 hours prior to the event. If you need other services or aids to participate in this activity, please call 301-590-2810

e:aacoctmtg(aac10)

**Agricultural Advisory Committee (AAC) Meeting
Agenda
October 19, 2010**

1. Introductions – If necessary
2. Approval of the September 21, 2010 AAC Minutes. (See Attachment A.)
3. Presentation by Joe Brown Patriot Land and Wildlife Management Services, Inc. Doe Contest for 2010-2011 fire arms season
4. Update from the October 11, 2010 PHED work session on ZTA 10-12 Child Lot Standards in RDT zone. (See Attachment B.)
PHED Committee Work Session October 11, 2010 @2:00 pm
<http://www.montgomerycountymd.gov/cs/templ.asp?url=/content/council/packet/index.asp>
Full Council Vote October 19, 2010
Recommended changes to the ZTA are as follows:
The ZTA will not require a retained TDR for Farm Tenant Dwellings,
The size of the child lot will be controlled by the requirements of well and septic regulations, The size of the child lot can exceed 3 acres in size and this will be helpful since septic easements will be prohibited,
The number of child lots will be limited to 3 unless the APAB recommends that special circumstances exist for no more than 5 child lots,
A grandfather clause will protect those folks already in the pipeline for review and approval
When a child is living in a dwelling on a farm with an existing deed of record and no record plat, the child lot can be validated by record plat.
5. The County Government Organizational Reform Commission is discussing the reorganization of the Department of Economic Development. There is a suggestion from the Chambers to take Work Force Services and Agricultural Services out of the DED. I will keep you informed regarding this discussion on the proposed reorganization. (See Attachment C.)
6. New Agricultural Laws that went into Effect October 1, 2010 (See Attachment D.)
7. Final List of Resources Evaluated by the Montgomery County Historic Preservation Commission (HPC) for the Upper Patuxent Amendment, with HPC Recommendations,” and click on it. www.montgomeryplanning.org/historic/upperpatuxent
8. Upcoming events and meetings:

Full Council to vote 10-19-10 on ZTA 10-12
Poolesville Town Hall 10-20-10 at 7:00pm Farmers to meet with Craig Rice
9. Next Agricultural Advisory Committee meeting is scheduled for November 16, 2010 at 7:30 p.m. in **Room B** of the Upcounty Regional Services Center.

**Agricultural Advisory Committee (AAC) Meeting
September 21, 2010
Meeting Minutes**

Attendance:

David Weitzer, Randy Stabler, Eddie Kuhlman, Jane Evans, Tim McGrath, Jim Clifford, Patrick Brown, Chuck Schuster, George Lechluder, Lois Stoner, Drew Stabler

Guests:

Vince Berg, Wade Butler, Mike Knapp

Staff:

Jeremy Criss, Nancy Aldous, Callum Murray

The meeting came to order at 7:31 p.m.

Introductions:

Everyone introduced themselves.

Approval of AAC minutes from July 20, 2010:

Criss asked if there were any corrections or additions needed to the AAC minutes from July 20, 2010. Hearing no changes Drew Stabler motioned to approve the AAC minutes as written, George Lechluder seconded and the motion passed. *The AAC did not meet in August due to the Agricultural Fair Week.*

Discussion surrounding the outcome of the Primary Election:

There was general consensus that the winners of the primary election are willing to listen to farmers and be supporters of farmers. Jim Clifford suggested that we have a lot of education to do to make sure everyone understands the needs of farmers. Chuck Schuster suggested that his agency- University of Maryland Extension can assist in reaching out to the new Council members. Criss said that Eddie Kuhlman introduced Craig Rice to everyone as part of the September 25, 2010 Poolesville Day.

Update on the Proposed ZTA 10-12 for Child Lot Standards:

Criss reviewed the events surrounding the proposed ZTA 10-12 on Child Lot Standards that was introduced on July 27, 2010. Criss referenced the attachment B in the packet which included the testimony of the AAC that David Weitzer presented and the County Executive's testimony that Criss presented. Mike Knapp explained that he pulled the ZTA 10-12 from the September 27, 2010 PHED committee agenda because of the primary election results and he was surprised by the public hearing testimony. Mike acknowledged the mistake that was made surrounding the requirement for building rights retained for farm tenant dwellings. The public hearing announcement did not include any reference to accessory dwellings like farm tenant dwelling. Mike is encouraged by the

corrections that have been proposed as these will help to gain wider support for the ZTA. The issue of developing a grandfather clause that identifies all of the situations where new child lot standards will not be imposed will represent the most challenging issue to resolve. Mike said we should cast a wide net to capture as many folks as we can. Callum said that we need some guidelines on who the grandfather clause should apply to. Jim Clifford said he is aware of situations where bona-fide children are living on farms in the RDT zone with lots recorded by deed that have not been subdivided and we need to address these cases. Drew suggested that we need to make sure the size of the child lot does not impact the base density permitted on the parent parcel-farm. Mike asked everyone to think about what he should do with the ZTA and whether it should be moved forward to the PHED committee. Mike said that we have a couple of weeks left before the general election to act on this ZTA. Callum suggested that the ZTA is really important and that clarity is needed in the regulations.

Update on the future use of Septic Easements and the Comments submitted to the State of Maryland Proposed Changes to COMAR by MDE:

Criss referenced attachment C which was a letter from the County Executive staff to the Maryland Department of the Environment opposing the changes to COMAR regulations prohibiting the future use of septic easements. The letter stated that prohibiting septic easements will lead to larger lot sizes to accommodate the dwelling foot print, the well, the septic absorption field and all of the required set backs and this outcome will not reduce the fragmentation of farmland in our agricultural reserve. A question was raised as to what the process would be and how long would it take. Vince Berg said it would involve a 12 week process with the ALRC committee. A question was raised as to whether there would be a public hearing and Criss said that a public information meeting was offered on August 11, 2010 and there was not enough time to get the attention of county agency DPS folks that would officially comment on behalf of the County Government regarding the proposed changes to COMAR. Jim Clifford said that he received a phone call from the Chairman of the Frederick County Planning Board saying the state was proposing to do away with old septic systems. Vince Berg said he believes this has to do with the new electrical hook up nitrogen reducing septic systems. At this point, Mike Knapp announced that he needed to leave for another commitment. Jim Clifford told Mike that we can't reinvent you and that you have really helped us and the agricultural community a lot. We thank you and everyone applauded Mike.

Farmland Preservation Up-date:

Criss referenced the agenda which listed the recent events surrounding the farmland preservation programs. Jim Clifford said that commercial developers really need help to better understand how the private BLT program will work. He suggested that we need to develop an opportunity for everyone to be educated on the purchase of BLT easements and to demonstrate how the documents will work. Criss agreed with the suggestions that Jim offered and he said that the DED-Agricultural Services Division will be conducting outreach forums to educate everyone on how the BLT process is supposed to work. Criss said that he needs the updated brochure to help with these forums as well as the recording

documents to acquire BLT easements. Jim asked if he would be able to see the BLT documents and Criss said yes and then Callum responded that Jeremy couldn't provide them due to the paper reduction mandate. Criss reminded everyone of the document entitled the Guiding Principles of the BLT Easements that was developed outlining the specific differences between the public BLT easement program and the private BLT easement program. Criss explained that BLT easements are simply a modified Transferable Development Rights Easement that will be used for both private and public BLT easement acquisitions. The BLT easements will be processed similar to how the existing TDR easements are handled with the exception of a new serial number (B-001) and a recordable exhibit that terminates the septic absorption field for the lot being terminated.

Follow up from the Public Hearing on the Public Service Commission for Pepco:

Criss referenced the AAC letter addressed to the Maryland Public Service Commission surrounding the need for better utility maintenance and tree trimming along electric lines and county roads. David Weitzer explained how the 3rd floor hearing room of the COB was packed full and the first speakers at the public hearing were elected officials that took several hours of time to present. As a result, Dave was not able to present the AAC testimony but the AAC letter was entered into the public record of the Public Service Commission. The AAC letter advocated need for a more coordinated effort for trimming trees by utility companies, State and County Government, and property owners before the next big storm comes and creates another massive power outage like the one we experienced this summer. There was a discussion surrounding the level of utility service provided by the Alleghany Power that is superior to the utility service provided by Pepco.

Deer Management Update and Doe Donation Contest for 2010-2011:

Criss referenced the attachment which outlined the Doe Donation Contest for the 2010-2011 fire arms season here in Montgomery County. Last year a similar contest was provided and the response from farmers and hunters resulted in more deer donated to the program since the program began 6 years ago. Criss said that the Montgomery County Farm Bureau Board of Directors is interested in helping to promote the program and contribute funding \$1,000 to expand the number of contests throughout the fire arms season.

Maryland's Statewide Farm Energy Audit Program:

Criss referenced the attachment on the Maryland Farm Energy Audit program that is available to farmers to offer suggestions on how to reduce energy inputs and learn ways for energy efficiency. A question was asked about how much the energy audit would cost and Criss said it was a free service. *Please note the fee for the audit is \$300 and this fee is reimbursed to the agricultural producer if they implement one or more of the recommendations contained in the energy audit.*

(Attachment A)

Doug Tregoning's Retirement Party Friday October 1, 2010

Criss referenced the flyer for Doug's retirement party and he asked if anyone still needed to sign up. Several folks asked to be included to attend and Chuck Schuster said he would provide the names to Susan Morris.

The meeting was adjourned at 8:45 pm. e:aacceptminutes