

(Attachment A.)

Agricultural Advisory Committee (AAC)

Minutes of June 21, 2011

Attendance: David Weitzer, Patrick Brown, Jane Evans, Eddie Kuhlman, Ben Allnutt, Linda Lewis, Woody Woodroof, Gene Walker, Robert Beall, Chuck Schuster, Tim McGrath, Drew Stabler

Guests: Lois Stoner, Ann Sturm, Nancy Aldous

Staff: Jeremy Criss, Katherine Holt

Introductions: The meeting was called to order at 7:30 pm. Introductions were conducted.

Approval of the AAC minutes from May 17, 2011: Criss asked if there were any corrections or additions needed to the AAC meeting minutes from May 17, 2011. Woody Woodroof suggested the section surrounding the new MCA Agricultural Advisory Committee should be condensed down and he suggested language to amend this section in the minutes. Jane Evans said that Ann Sturm's last name is misspelled. Jane also asked how we can acknowledge our concern surrounding the potential confusion between the County Government Appointed-AAC and the new MCA-AAC. Criss said that he would differentiate between these two committees. Hearing no additional comments, Drew Stabler motioned to approve the minutes as corrected, Eddie Kuhlman seconded the motion and the motion passed.

Farmland Preservation Update: Criss said that the first Building Lot Termination (BLT) easement purchase period ran April 1st - May 31, 2011 and there were 7 applicants that applied. One of the applicants did not meet the USDA Prime and Productive soils requirement but this applicant is still eligible for the private BLT program. The DED will be ranking the applicants and will then submit a recommendation to the APAB on which BLT easement offers should be made. Gene Walker asked if he will have to compete with the County BLT program to sell BLT easements. Criss said this is good question and it is not easy to answer. The public side of the BLT requires the DED to conduct an appraisal study to establish the BLT Base and Maximum values and these values will have an impact on the private BLT program at least at the beginning of the program. Criss said the public funding for purchasing BLT easements is limited and he questions how the public BLT program with limited funding can drive the private BLT market. Criss reminded everyone how in 1989 the County AEP program helped to increase the TDR prices from \$4,000 to \$8,000 per TDR in the first year the AEP program was implemented. The private BLT program will be driven by developers that need to purchase BLTs as required by their development plans. These developers will be told by the MNCPPC how many BLTs they need to purchase. Developers will be instructed that they should go out into the private market to purchase whole BLTs. Developers will make payments to the County DED when their projects involve partial BLTs. As long as the County DED does not accept whole BLT payments from developers the County-

public BLT program should not be in competition with RDT landowners that want to sell BLTs through the private BLT program.

Discussion- Application of Footnote 48 in the County Zoning Regulations: The County Council approved in 2007 ZTA 07-07 which prohibits non-agricultural uses on RDT zoned properties encumbered by Transferable Development Rights. This ZTA was one of the subjects that the Ad-Hoc Agricultural Policy Work Group discussed and recommended to the County Council. Criss said that he is concerned that some of the non-agricultural uses (Bed and Breakfast and proposed Renewable Energy Distribution Systems-Solar Panels) that are permitted by right in the RDT zone will be prohibited if the property is encumbered by the TDR Easement and he questioned if this makes sense. *Please note that solar panels are currently permitted only as an accessory structure to the farm.* Jane Evans reminded everyone that footnote applies only when a property is encumbered by a TDR easement and she is supportive of agriculture but concerned about the unintended consequences of recommending changes to the footnote. Tim McGrath asked what if a landowner only sold a portion of their TDRs and some of their TDRs are still retained; does footnote 48 still apply? Criss responded footnote 48 still applies because the property is encumbered by the TDR easement. Tim McGrath asked if an Animal-Veterinary Hospital is prohibited on TDR easement land and Criss responded yes. Tim said that RDT landowners will be angry when they understand that selling TDRs will limit their use options. A question was raised surrounding whether a continued non-conforming use would be allowed on TDR easement ground? Lois Stoner read the wording under footnote 48 and said she thinks it covers existing buildings and uses. Criss said that in reading the footnote 48 he does not know when the clock starts on the use. Does the clock start at the time the TDR easement was recorded or at the time the ZTA 07-07 was adopted. Eddie Kuhlman said there are 92 separate land use items listed and that footnote 48 pertains to 42 of these land use items. The zoning rewrite process is going to evaluate the footnote 48 and the land use items it applies to. There was discussion surrounding the intent of footnote 48 impacting the entire RDT Zone (not just TDR easement properties) which is proposed to be called the Agricultural Conservation zone. After additional discussion the AAC asked staff to work with Jane Evans to draft a letter to the County Council regarding the questions we have surrounding footnote 48.

Proposed Changes to the Nutrient Management Regulations: Chuck Schuster handed out an explanation of the proposed changes to the State NM regulations. Chuck reviewed the proposed changes and pointed out the areas that farmers will need to focus on. The proposed regulations were drafted by MDA staff with input from the NMP Task Force. One of the items discussed surrounded the requirement of incorporation of all animal manures. This requirement will be difficult for pasture raised livestock including beef cows, goats, sheep, and horses. Chuck said these draft regulations have not yet been published in the State of Maryland register and the public process will begin once the primary comments are received from all stakeholders. Chuck said the proposed regulations will have a large impact on equine operations and turf grass operations. Robert Beall said that the use of sludge needs to be included in these regulations and he also suggested that if homeowners were also required to manage fertilizers that this

outcome could help to reduce the impact of these proposed regulations. The Maryland Farm Bureau is aware of the proposed regulations and they are working on their comments. Chuck asked for anyone with specific comments to get them to him and he will forward them to the State.

Chuck also reported on the Emerald Ash Borer beetle that was found in Howard County. They are considering a moratorium on hauling firewood and quarantine will be implemented for any trees that are cut down.

Follow up discussion surrounding the June 8, 2011 meeting with Council member Nancy Floreen on Forest Conservation Chapter 22A-5 Exemptions:

David Weitzer said he attended a meeting that Council member Nancy Floreen scheduled to discuss the Forest Conservation regulations and the current process surrounding the exemption for agricultural practices. David reviewed the folks that attended the meeting involving representatives from the MNCPPC and the Montgomery Soil Conservation (MSCD). The regulations require that forest conservation practices apply when over 5,000 square feet of forest is removed. Farmers that remove trees to conduct an agricultural operation can be exempt from forest conservation when they are a cooperator with the MSCD. The MSCD has been helpful to farmers by submitting a letter to the MNCPPC explaining what the agricultural practice involves and how the MSCD is working with the farmer as a Cooperator. David said the MNCPPC was interesting in working closely with the MSCD to inform the agricultural community of the existing process and to suggest ways to improve it. David said that many farmers are not aware of this exemption process and the MNCPPC will help us to get the word out on how it works. Gene Walker asked where does the line stop, and soon we will need permission from government to walk across our farm. The question of timber harvest was raised and David said this process involves working with the County DEP Arborist.

Information on Deer Vehicle Collisions:

Criss referenced Attachment D in the packet which was prepared by the State Farm Insurance Company listing a total of 10 states with the total number of deer vehicle collisions and the estimated costs for total damage. Gene Walker said this environment helps the auto body shops economically. Criss said that he is trying to obtain this same information for the State of Maryland.

Notice Surrounding Allen Family Foods going out of Business:

The Allen Family Foods business is claiming bankruptcy caused partly by the increasing price of corn used for animal feed and other factors. Chuck Schuster said the business was struggling economically for the past few years.

Notice surrounding the MDA Workshop on TMDL and WIP:

Criss said the MDA will host a workshop on Thursday July 7, 2011 at the AHFP to present the plan to restore the health of the Chesapeake Bay. The workshop will include a presentation on the Watershed Implementation Program WIP and how the Total Maximum Daily Load TMDL initiative will work. Criss encouraged everyone to attend.

Notice from the Maryland State Highway Administration:

Attachment F represented a notice the State Highway Administration has given to some farmers and Criss was interested in know if anyone has received it. The SHA notice requested permission to enter the property to perform specific activities, field surveys, wetland delineations, and archeological studies, soil testing, subsurface investigations which include soil and groundwater evaluations. Robert Beall said that has not received the notice although he thought the SHA effort was positive because the SHA wants to reduce erosion and road salt runoff going into streams and then the Bay.

Complaints surrounding Pepco tree trimming along Rural and Rustic Roads:

There was a discussion surrounding an article in the Gazette where the Montgomery Countryside Alliance complained about trees trimmed and removed by Pepco in the Poolesville area. Linda Lewis explained how some trees were trimmed on her mother's property. Her mother removed from her door knob a request for permission to trim the trees that she had to sign and then post it back on the door. Pepco returned and removed the written permission and then trimmed the trees. Criss said that he spoke with Dale Tibbitts in Council member Marc Elrich's office about the work that Pepco did and how it impacted the tree canopy over these rural and rustic roads.

22nd Annual Farm Tour:

Brochures for the 22nd Annual Farm Tour were handed out for Saturday and Sunday July 23 and 24, 2011.

Agricultural Reserve Resource Guide:

The new print of the Agricultural Reserve Resource Guide was handed out. The total cost to update and print this guide was \$6,300 and the County DED provided \$3,000.

The meeting was adjourned at 9:15 pm.

Next scheduled meeting of the AAC is July 19, 2011 @ 7:30 pm in Room B at the Upcounty Regional Services Center in Germantown.