

**Agricultural Advisory Committee
Minutes from the April 16, 2013 Meeting**

Attendees:

Eddie Kuhlman, Tim McGrath, Jane Evans, Patrick Brown, Debbie Benson, Linda Lewis, Drew Stabler, David Weitzer, Charlotte Ruppert

Staff:

Jeremy Criss, Callum Murray

Guest:

Tina Schneider, Senior Planner-MNCPPC

The Meeting was called to order at 7:00PM.

Introductions:

With guests present, brief introductions were made.

Approval of March 19th AAC Meeting Minutes

The minutes from the March 19 AAC Meeting were presented and approved as corrected. (*Evans, Stabler*). A motion was made to appoint Charlotte Ruppert Secretary of the AAC. She agreed and the motion was carried (*Stabler, Kuhlman*).

Follow up from the Annual Meeting with the County Executive

The Annual Meeting with County Executive Isiah Leggett took place on April 9, 2013. The attendees included:

Agricultural Advisory Committee Representatives: David Weitzer, AAC Chair, Chuck Schuster, UM-Extension, Paula Linthicum, Jane Evans, Jeremy Criss, staff
Agricultural Preservation Advisory Board Representatives: Bob Cissel, Vince Berg, Bruce Connelly, John Zawitoski, staff

David Weitzer and Jane Evans gave a brief update of the meeting. Overall, they reported, it went well. On the agenda was the need to find sustainable funding for Agricultural Services. In December 2010, the farming community found private contributions (from the Farm Bureau) to offset the County's budget cuts. As fiscal year 2014 approaches, private contributions will end. Ag Services will again be in need of sustainable funding. Ms. Evans and Mr. Weitzer presented the case for getting Ag Services back in the County's budget to County Executive Leggett. This would secure funding for programs that are necessary to the farming community and the community at large. The overwhelming support of the recent FAME conference was used as an example of the necessity of Ag Services. Ms. Evans presented County Executive Leggett with tickets to the Farm Bureau's "Farm to Table Dinner" in September. Mr. Criss connected County Executive Leggett with University of Maryland's Extension Educator, Chuck Schuster.

Following the recap of the meeting, a motion was made to write a follow-up letter to County Executive Ike Leggett thanking him for the meeting and reiterating the

importance of finding funding for agriculture services. Steve Silverman, Director of Montgomery County Department of Economic Development will be copied. (*Ruppert, McGrath*)

Tree Bills

Bill 41-12 – Roadside Trees

Once passed this Bill requires the Department of Permitting Services (DPS) to issue permits to anyone cutting trees along county roadways. As written, the Bill still does not address the needs of the Agricultural Community. The Agricultural Community believes that the County could exclude rights-of-way in “prescriptive easements” from the bill. Because most Rustic Roads are “prescriptive easements,” this would exempt them from the requirements for a permit to cut trees. This solution, while not complete, is a step in the right direction.

Bill 35-12

Mr. Criss gave a brief update on Bill 35-12. The AAC has been pushing for more clarity in the text of this bill. The bill is designed to protect tree canopy in down county areas and un-intentionally imposes restrictions on the agricultural community. The bill has not been acted on by the Council and Mr. Criss recommends that a letter be written to the Department of Economic Planning (DEP) asking for a clearer exemption section that does not include the example of a tree nursery. A motion was made and carried to write the letter to the DEP. (*Kuhlman, Lewis*) *Please note that Jeremy Criss spoke with DEP staff regarding clarification that is needed in the Bill for any type of agricultural operation and DEP said they would address this.*

Bill 1-13

Bill 1-13 was approved by the County Council on March 19th. The version that was approved did not include language that the Council heard from DPS staff representative Rick Brush. Mr. Brush has now agreed to make sure the concern of the Ag Advisory Committee would be taken care of at the Executive Regulations Process. Logging and timbering are agricultural practices that were left out but still require a sediment and erosion control plan. Mr. Brush will hopefully help us through the Executive Regulations Process.

Mr. Kuhlman had questions about another Bill, Bill 34-12, the Rain Tax Bill. Mr. Criss explained that the County already collects a Water Quality Protection charge from all residents including farmers. The current fee assessed is \$92.60 per property, annually. Bill 34-12 aims to expand the collection of that tax to all properties (commercial properties, non-profit properties, etc.) while keeping the total amount collected the same. Property owners should see a decrease in their annual tax bill while non-profits and commercial properties will now be required to share in the tax.

Wetlands Mitigation on Farmland

Mr. Murray introduced Tina Schneider, Senior Planner MNCPPC. She presented information about a voluntary program that protects wetlands in Montgomery County.

Her presentation began with a brief overview of the importance of wetlands in our ecosystem. They filter water and sediment, they offer flood protection, they support diverse fish and wildlife habitat and they increase real estate value. Despite efforts to curb development in wetland areas, wetlands across the US are rapidly depleting with negative impacts to the environment. The water table is dropping because rain water doesn't have a chance to soak into the landscape and instead runs directly into local streams. The natural flora and fauna supported by wetlands are disappearing.

There are both Federal, State and local programs that aim to protect wetlands but no land to spend it on. The only land left to protect is either privately owned or owned by the County. The Maryland Department of the Environment has identified land in Maryland that would be able to support a wetland if restored. Some of that land is on private property, owned and cultivated by farmers. By using an aerial map, Ms. Schneider was able to identify farmland in Montgomery County that may support a wetland and that also looks as though it was unused by the farmer. These areas might be good candidates for a MDE wetland restoration program that pays (one time payment) landowners \$8,000 per acre to put their land into an easement to have it restored as a wetland. Anyone interested in the program was encouraged to contact Ms. Schneider.

Email: tina.schneider@montgomeryplanning.org
Phone Number: 301.495.2101

Mr. Stabler asked what restrictions would be imposed after putting the land into the easement. The answer was hunting and fishing would be allowed but logging was not. Passive recreation was OK. Water could be used as irrigation so long as it was not depleted. Ponds would not be considered for the program because they are not considered wetlands. Wetlands must function biologically and ponds generally do not. Mr. McGrath asked if the property owner was responsible for acts of God that might destroy the wetland. Ms. Schneider responded that the property owner would not be responsible for an act of god or a failure of the wetland to be established. Ms. Evans inquired about how big the site needed to be in order to be considered for the restoration program. Ms. Schneider answered that 2 or more acres would be ideal but that the state was desperate for land so they might consider something smaller. Mr. Stabler inquired as to how much it costs to build a wetland and Ms. Schneider answered about 35-40k per acre. Mr. Murray asked how restored wetlands were assessed for tax purposes. While Ms. Schneider did not know the answer, she promised to provide one to Mr. Murray to be presented next meeting. Additional questions from the Committee were as follows:

- How many times do they come out to inspect the restored wetland? *For the first five years, they come out twice a year.*
- How will overlay easements (MET and MALPF) be treated on properties with wetlands restoration easements?

Mr. Criss said a wetlands restoration easement could overlay on top of an existing MET or MALPF easement. He questioned if an MET or MALPF easement could overlay on top of a wetlands restoration easement. The MET and MALPF easements provide tax and financial incentives for eliminating

developing potential of the land and the wetlands restoration easement is a designated conservation easement.

Update on MD Agricultural Commission Tour of Howard and Montgomery County

The MD Agricultural Commission recently toured local Howard and Montgomery County farms. Stops along the tour included Lariland Farm (fruit and vegetable), Porky Pines Farm (beef, hay, pigs), Laytonsville Landscape (turf farm), Howie Feaga (equestrian operation) and TVL Farm (vegetables, chicken meat, eggs). The day concluded with a public meeting that Drew Stabler and Dave Weitzer attended. Mr. Stabler was disappointed they did not get more suggestions for the Department of Agriculture. Complaints were voiced about the Rain Tax and the Pesticide Bill (which did not pass). Many farmers feel as though they are implementing best management practices to protect the environment so others can continue to pollute. There was a general feeling that everyone, not just farming operations, needs to play a larger role in reducing pollution. Finally, the topic of funding for extension services was brought up. With more budget cuts, the Agronomy Educator position is at risk for becoming a part-time position. A letter will be drafted from the AAC to the Dean of The University of Maryland advising against this. *Please note that Jeremy Criss spoke with UME Area Director Rick Walter about the proposed part-time Agronomy Educator and Rick was not aware of this development. The letter to the Dean will be delayed until Rick investigates with UME.*

Update on the Zoning Rewrite Process

The Zoning Rewrite is nearing the end of the drafting process. However, there are still significant issues remaining for the agriculture community that have not been addressed. On April 5th, there was a PHED Committee Meeting to review the purpose of the Zoning Rewrite process. The goal was to simplify, reduce and condense the zoning text – not to make significant changes. There will be one more public hearing on the Zoning Rewrite which will take place on April 23rd. A work session on April 25th will follow and by May 1st, the final text will be submitted. The County would like to get the Rewrite introduced by early June. Remaining concerns of the farming community need to be brought up at the April 23rd meeting.

Closing

Due to scheduling conflicts, the AAC moved to cancel the May meeting (*Stabler, McGrath*). The next meeting will be on June 18th.