

Agricultural Advisory Committee (AAC)

Minutes of June 19, 2012

Attendance: David Weitzer, Linda Lewis, Tim McGrath, Jane Evans, Drew Stabler, Eddie Kuhlman, Patrick Brown, Debbie Benson, Charlotte Ruppert, Paula Linthicum, Woody Woodroof

Guests: None

Staff: Jeremy Criss, Katherine Holt

The meeting was called to order at 7:02 pm.

Introductions: Everyone introduced themselves. Criss said the new appointments of AAC members was approved by the County Council.

Approval of Minutes May 15, 2012:

The Committee was asked if any changes or corrections were needed to the AAC minutes from May 15, 2012. Jane Evans questioned whether Chuck Schuster attended the meeting. Criss acknowledged that Chuck did not attend; therefore, the sentence that referred his name needs to be deleted. Hearing no additional changes Jane Evans motioned to approve the minutes as corrected, and Linda Lewis seconded the motion and it passed.

Update on the UME-Agronomy Educator Position:

The Committee was asked to turn to attachment B in the packet which contained a message from the Dean Wei supporting the approach to fund the Agronomy Educator Position for the UME-Central MD Cluster-Frederick, Howard, and Montgomery counties. The proposal would fill the position in FY13. The committee learned that Rick Water-the new UME Area Extension Director was taking the lead on the position and that the Dean requested Criss to work closely with Rick. Criss said that Rick Water intends to meet with local officials in Howard and Frederick counties to gain their support for the position. David Weitzer asked what type of position is the UME recommending. Criss said that the position would be a full time Faculty Extension Assistant-FEA the same position as David Gordon. The committee discussed which of the three counties would provide the office space for the Agronomy Educator position. Woody suggested that since Montgomery County was funding 50 percent of the position for the first year we should house the position in Montgomery County. Drew Stabler said we should suggest this point to the UME but maybe not hang our hat on it. David Weitzer said that if Frederick County was going to fund the position they may want to house it. Jane Evans asked if any Farm Bureau funding will be used and Criss responded no. After additional discussion Eddie Kuhlman motioned to approve as corrected the AAC letter back to the Dean regarding the Agronomy Educator position thanking the UME for their

commitment of state funding and to suggest the location for the position. Woody Woodroof seconded the motion and it passed.

AAC recommendation- LMA G-909 For R-10/TDR Receiving Area in Bethesda:

The Committee was asked to turn in the packet regarding the AAC recommendation surrounding the Local Map Amendment G-909- R-10/TDR receiving area in Bethesda that is being considered for either Planned Development PD-88 Zone or PD-100 Zone both of which do not require the purchase of TDRs. The AAC recommends the property should remain in the R-10/TDR receiving zone and not changed to the Planned Development zone. The County Hearing Examiner will now need to recommend to the County Council which of the zoning designations should apply to the site.

Outstanding Agricultural issues - Zoning Rewrite Process :

The Committee learned that Jane Seigler would be forwarding a list of outstanding agricultural issues to the MNCPPC and the Zoning Advisory Panel. Jane Seigler worked with Criss to review the Draft Zoning Rewrite report and outline the agricultural issues that need to be addressed. The Committee discussed the new farm terms Crop Farm, Livestock Farm, and Urban Farm, Accessory Agricultural uses-Animal Husbandry. Many of these new farm types are not allowed in specific zones. The residential zones will not permit Crop Farm or Livestock Farm. Linda Lewis asked how orchards will be permitted? Paula Linthicum asked several questions surrounding how the new farm terms will be interpreted. Jane asked Katherine Holt she if understood the reasoning behind these new farm terms. Katherine said that Callum Murray and Leslie Saville were providing comments to the Zoning Advisory Panel. Katherine said the TDR chapter was not available yet however the TDR receiving zones were recommended to become overlay zones. Linda Lewis asked why are we doing a zoning rewrite. Woody suggested-If the zoning rewrite process limits places where agricultural uses are allowed this outcome will not help to address or meet the growing consumer demand for local food production. Linda Lewis explained her frustration surrounding how on-farm markets are not authorized to accept Women with infant children-WIC checks or Senior FMNP checks and she asked if the zoning regulations need to be changed to address this. Criss said that he would need to talk with her about the process and that he did not believe the zoning regulations would be the right approach.

Agricultural Reserve Conference-Farming at Metros' Edge-Sustaining Agriculture in Frederick and Montgomery Counties-Friday and Saturday November 9 and 10, 2012 <http://mocoalliance.org/2012/03/farming-at-metros-edge-conference-full-brochure/>

The Committee was updated on the proposed conference in November 2012 that will promote Agriculture in Frederick and Montgomery Counties. There have been two subcommittees created-one for administrative issues and one for conference agenda and program issues. The purpose of the conference is to discuss what is needed for agriculture to remain viable in these counties. Paula Linthicum asked if Frederick

County was going to help fund the conference. David Weitzer asked if any of the AAC members would be interested in attending a conference like this. The Committee discussed the proposed registration fee of \$75.00 as being too steep. Woody Woodroof said a registration fee of \$100.00 would not fly. Criss said he would keep the committee informed regarding the progress on planning the conference.

AAC recommendation on the FY 2013 Fuel/Energy Tax Rates:

The Committee was informed regarding the final action of the County Council that resulted in the Fuel/Energy Tax rates for FY 013 increasing by 10 percent over the FY 2011 rates. The Council had previously approved higher rates for FY 2012 and the FY 2013 rates were supposed to be return to the FY 2011 lower rates. The County Executive recommended the FY 2013 rates should not sunset and he recommended maintaining the higher FY 2012 rates. Drew said that he purchases the liquid Petroleum Gas-LP gas by the gallon not the pound as outlined in the table. Criss said that he would need to look in to this issue.

Public Hearing Bill 16-12 Trees Vegetative Management :

The Committee was asked to turn in the packet for the AAC recommendation on Bill 16-12 that will create a new process for all utility providers to submit a plan, and obtain prior approval from the DOT Chief of Tree Maintenance, before any vegetative management or tree trimming is done in Montgomery County. There was a public hearing on June 12, 2012 at 7:30 pm and David Weitzer-AAC, Eric Spates-MCFB, Bob Cissel-APAB, and Wade Butler-MSCD all testified in opposition to the Bill 16-12. Eddie Kuhlman said the Town of Poolesville sent a letter to the County Council in opposition to the Bill. David Weitzer said about 20 people from the Down-County area testified in support of the Bill. Council Member Nancy Floreen suggested that different tree trimming standards should be considered for road in the Agricultural Reserve verses roads in the Down-County areas. Paula Linthicum said it was a good idea of separate standards for the roads as there are different needs. Drew Stable explained how some recent tree trimming on Hipsley Mill Road looks good. David Weitzer said the tree trimming on roads in the Poolesville area also looks very good. Jane Evans said that if the Bill is going to pass how can the AAC participate in less restrictive regulation in the rural areas and what would the criteria be. Paula Linthicum suggested the criteria should be broad. Linda Lewis said the trees on Peach Tree road north of Kingsbury and south of the Power lines really need to be trimmed. Woody Woodroof suggested that we work the safety issue over the fiscal or economic issues. Drew Stabler said the Bill 16-12 will not address all of the farmers concerns because the bill has direct bearing on the utilities.

Discussion on Chapter 50 of the Montgomery County Code-Subdivisions:

The Committee discussed the outcome of House Bill 722 and Senate Bill 1100 which did not pass the 2012 MD Legislative Session. The legislation prohibited private covenants from recorded against properties in the RDT zone that are encumbered by Transferable Developments Rights Easements. There are cases where private covenants have been

recorded prohibiting agricultural uses and activities even though the RDT zones states that agriculture is the preferred use. An amendment to the Subdivision regulations has been suggested as a way to address future cases of private covenants being recorded. The amendment would create a new condition of approving a record plat by the Montgomery County Planning Board. The condition would state that once the Planning Board approves the final record plat, any future property owner, developer, or Home Owners Association would be prohibited from recording private covenants that are in conflict with the legislative intent of the RDT zone. After additional discussion the following people said they would work on this issue further: Eddie Kuhlman, Jane Evans, and Paula Linthicum.

Farmland Preservation Update:

The Committee learned that the DED made easement offers to the applicants that applied to the County Agricultural Easement program and the Building Lot Termination Program. These easement offers were as follows:

AEP-Offer made to 4 landowners covering 287 acres totaling \$2.0 million in GO Bonds
BLT-Offer made to 5 landowners covering 466 acres acquiring 9 BLTs totaling \$2,491,875

ZTA 12-03 Agricultural Zones-Wineries:

The Committee learned the PHED committee would be discussing ZTA 12-03 during the June 25, 2012 work session. The DPS has proposed language to define and enforce public shows and events. The number of public shows has been increased from 6 to 9 annually and the zoning regulations currently permit only 2 public shows annually.

PHED Committee Worksession on July 30, 2012 Land use and economic trends in the Agricultural Reserve:

The Committee learned that the PHED committee will be conducting a work session on July 30, 2012 to discuss land use and economic trends in the Agricultural Reserve. The DED is working on a request from the Council staff to evaluate the status of the agriculture in the County since the Agricultural Reserve was created- 1981. An article from the June 6, 2012 Gazette was discussed surrounding healthy food in schools. There was extensive discussion surrounding the statement made by Council member Valerie Ervin-She would explore legislation to restrict genetically modified food-also know as GMO's from being grown in certain areas of the county's 93,000 acre Agricultural Reserve. The committee discussed how education and outreach would be helpful to further discuss this issue.

The next meeting of the AAC is July 17, 2012@ 7:00 pm in Germantown.

The meeting was adjourned at 9:12 pm.

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