

**Joint Meeting of the Agricultural Advisory Committee and the Agricultural Preservation
Advisory Board
Agenda for September 20, 2011**

1. Introductions:
2. Discussion with Dean Cheng-I Wei of the College of Agriculture and Natural Resources for the University of Maryland

If Time Permits we will consider the items listed below

3. Approval of the Agricultural Advisory Committee meeting minutes from July 19, 2011. (Attachment A. to be handed out at the meeting)
4. Farmland Preservation Update: BLT Easement Program- Three BLT easement offers were made to three property owners involving 308 acres, 7 BLTs to be terminated at an estimated cost of \$1.7 million. All three property owners accepted the offers and the title reports were ordered. We are working with several attorneys and developers regarding opportunities for the private BLT program in the White Flint and Twin Brook areas.
5. Follow up on the Application of Footnote 48 for certain non-agricultural uses in the RDT zone. Examples: Bed and Breakfast, Transitory use, Fire station, (publicly supported), Home occupation, (registered), Swimming pool, (private), and the proposed Renewable Energy Distribution Systems-Solar panels. (See Attachment B. to be handed out at the meeting.)
6. Status of the Horticultural Green Industry Work Group and ZTA meeting July 20, 2011.
7. Follow up from the August 30, 2011 Agricultural Producers Summit sponsored by MCA.
8. Next scheduled meeting of the AAC is October 18, 2011 @ 7:30 pm in Room B at the UpCounty Regional Services Center in Germantown.
9. **Please note that the November 15, 2011 AAC Meeting will be cancelled because it is on the same night of the Montgomery County Farm Bureau Annual Meeting and Dinner that starts at 6:30 pm –Agricultural Center Fair Grounds.**

Agricultural Advisory Committee (AAC)

Minutes of July 18, 2011

Attendance: David Weitzer, Patrick Brown, Jane Evans, Linda Lewis, Woody Woodroof, Gene Walker, Robert Beall, Chuck Schuster, Tim McGrath, Kelly Lewis, David Heisler

Guests: Lois Stoner, Ann Sturm, Vince Berg

Staff: Jeremy Criss, Callum Murray

Introductions: The meeting was called to order at 7:45 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 June 21, 2011. Hearing none Kelly Lewis motioned to approve the minutes as written, Tim McGrath seconded the motion and the motion passed.

Farmland Preservation Update: Criss said that DED has made three Building Lot Termination (BLT) easement offers to three property owners which involve a total of 308 acres and 7 BLTs to be terminated at an estimated cost of \$1.7 million. All three property owners have accepted the offers and the title reports have been ordered. The private BLT program is still evolving and some attorneys representing developers in White Flint and Twin Brook have begun to contact the DED for details on how the BLT will work. The DED has prepared fact sheets which walk the developers through the calculations for determining the amount of BLT incentive density and then the price for the BLTs. Gene Walker asked if the sale of BLT easement will work the same way for the purposes of reporting to the IRS Capital Gains. Criss said he thought the income tax and Capital Gains implications of BLT easements should work the same way as our traditional agricultural preservation programs and Criss reviewed some examples of how this has been done in the past. David Weitzer asked if landowners could donate the value of the BLT easement as charitable contributions. Criss said that he thinks the charitable donation of BLT easements would work very similar to the existing process and that he would recommend that anyone that is interested in the should contact Jim McConnell. Callum said the remaining applicants that did not receive easement offers are still eligible for the other agricultural preservation programs AEP and MALPF. Criss agreed as long as the property meets the USDA soils criteria. David Weitzer asked if the other applicants are eligible for the private BLT program. Criss said the private BLT program does not have the soils requirements that our public BLT has and therefore they are eligible for the private BLT program because they have an approved septic absorption (perc) field. Criss reminded everyone that property owners that sell TDRs do not need to meet soils criteria and the private BLT program will work the same way.

Discussion surrounding the application of Footnote 48 in the County Zoning

Regulations: Criss reviewed the discussion from the June 21, 2011 AAC meeting on this issue. Jane Evans met with Jeremy to draft the attachment B in the packet to the County Council staff request for assistance. Callum said that we should be careful regarding permitted uses by right as the focus because churches-places of worship and memorial gardens are also permitted by right. Callum suggested that the focus should be on uses that are complementary to agriculture and this should be included on the first page of the request. Tim asked if a Vet clinic was prohibited by footnote 48. Criss said that a Veterinary Hospital is prohibited by footnote 48. Tim McGrath said that he is concerned that footnote 48 is in the current law and that there is not disclosure for people that buy properties encumbered by TDR easements. Callum said the purpose of footnote 48 is to promote the uses that support agriculture and the TDR easements represent a contract with residents that live down county that certain expectations are associated with the agricultural reserve. Jane said that while we have a problem with the application of footnote 48 she is concerned regarding the intent the footnote and the TDR easements. Callum said that if the use is complimentary to agriculture than footnote 48 should not apply. Woody asked if the Farm Machinery Sales, Storage and Service is complementary to agriculture. Most everyone agree however the footnote 48 prohibits this use. Lois said the spelling of complementarily was incorrect and should be complementary. Callum said he does not believe the application of footnote 48 would apply to all RDT zoned property as part of the Zoning Rewrite process. Lois Stoner said she now understands why Criss raised the question of all RDT zoned properties impacted by the footnote.

Follow up discussion surrounding on Forest Conservation Chapter 22A-5**Exemptions:**

Criss said representatives from the MNCPPC and the Montgomery Soil Conservation (MSCD) met again on July 13, 2011 to discuss ways to improve the procedures that farmers must go through to seek an exemption from Forest Conservation on agricultural practices. The meeting discussed the need to develop an education flyer that explains how the current procedures work that will walk the farmer through the process. Callum suggested that the flyer should be distributed to all the agricultural groups including the APAB, AAC, MSCD, and the MCFB. Criss said that Rollin Stanley suggested that the authority of the MNCPPC to approve an agricultural practice could be delegated to the MSCD. This suggestion would need to be approved by the legal staff and it could reduce the time it takes for the farmer to receive permission to begin an agricultural practice. Kelly Lewis asked if this suggestion would apply to timber harvest and Criss said the process for timber harvest would still go through a different process involving the County Department of Environmental Protection and the County Arborist.

Information from Chuck Schuster on Emerald Ashe Borer Beetle and the Announced Quarantine:

Chuck Schuster said the MDA has announced a quarantine to restrict the moving of firewood as outlined in his handout. The quarantine will allow the movement of firewood within counties but not outside of county or into Washington DC. Chuck also referenced his second handout regarding the recommended controls for stink bugs. Robert Beall said that South Mt Creamery cut some corn for silage and it smelled like stink bugs. Chuck asked if any farmers are seeing stink bugs. Robert Beall said he has only seen a few so far. David Weitzer said he has not seen any yet. David Heisler said he has seen some but he has also seen many praying mantises that eat the stink bugs. Chuck said that some farmers are planting buck wheat around the field edges for deer control that is also helping with stink bugs. It was suggested that farmers plant varieties of buck wheat in each field to help reduce stink bug damage on the crops.

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. Criss said that Maryland is ranked in the 11th or 12th place with 31,888 deer vehicle collision and just under \$99 million in property damage. Criss said that he plans to use this data to explore whether the State Farm Insurance Company would help fund our Deer Donation Program. Kelly Lewis asked how much is costs to process one deer through the program. Criss said it costs \$33.00 per deer for the meat processor and when you consider the transportation and staff costs it goes up to about \$45.00 per deer. Woody Woodroof asked how much the annual budget for the program costs and Criss said we spend \$30,000 annually on the Deer Donation Program. Woody asked what was done differently to harvest 403 deer over previous years. Criss said that a deer harvest contest was promoted and funded by the Montgomery County Farm Bureau to offer 1st, 2nd, and 3rd place prizes to the hunters that harvested the most deer. Woody said this is an example of some good news the County DED should promote to the general public and should be discussed at the Agricultural Leaders Luncheon. Robert Beall said that many years ago you never saw a deer and would stop and look at them in the field and today deer are everywhere. Kelly said they have more deer damage this year than ever.

Follow up from the MDA Workshop on TMDL and WIP:

Tim McGrath said he attend the workshop as a member of the MSCD Board of Supervisors. Tim said that MDA presented the nutrient load reduction goals for the County that could be challenging to meet. Criss said the MDA did a good job of delivering the message and goals for the County. Another workshop will be scheduled and Criss let everyone know this date. *Please note the next MDA Workshop is now scheduled for Thursday October 13, 2011 from 9:00 to 12:00 at the AHFP.*

Outcome from the Transportation and Environment Worksession surrounding Pepco tree trimming:

There was a discussion with the County Council and Pepco representatives surrounding there tree trimming program in the County. Unfortunately the challenges that farmers experience with lack of tree trimming was only a very small part of this discussion. David Weitzer said that Pepco has a public relations problem as most residents have no confidence in what they do to maintain their utility lines. Gene Walker suggested that everyone should be invited to the Montgomery County Fair Grounds to see the amazing operation where the fair grounds are used for staging areas for tree trimming crews to get organized and get going. Lonnie Luther, President of the MCFB did a good job of explaining the impact that trees have on farmers. There was a Washington Post article today but none of the comments included impacts to agriculture and farmers. Council member Marc Elrich's office may be proposing legislation that will create new standards for trimming trees along 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 Leaders Luncheon:

The Agricultural Leaders Luncheon will be conducted on Monday August 15, 2011 at 12:00 noon and everyone was reminded to RSVP as to whether they would be attending.

The meeting was adjourned at 9:20 pm.

The August AAC meeting will be cancelled due to County Ag Fair Week.

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