

**Agricultural Advisory Committee Meeting Agenda  
April 17, 2018**

**Attendees:** Pete Driscoll, Doug Lechluder, Ben Allnut, Lori Larson, Eleanor Leak, Linda Lewis, Aliza Fishbein, Jane Evans, Patrick Jamison, Chuck Schuster

**Guests:** Stephanie Riddick, MC Sierra Club. Steve Robinson, Madison Fields farm in Dickerson – individual's w disabilities. Angie McNally, farmer. Neil Greenberger, works for County Council and now running for at-large seat on county council, lives in Damascus.

**Staff:** Jeremy Criss

- 1. Meeting Called to Order and Introductions.**
- 2. Approval of the February 20, 2018 AAC Meeting Minutes. The March 20, 2018 meeting was cancelled due to a snow storm.**

Jane Hunter provided Jeremy with wording in bold #15– additional item #3 to the minutes. We have new and corrected information to add. Passed minutes as amended (Evans/Larson).

Status of new appointments to the AAC

Aliza applied for renewed term

Pete and Patrick both applied for second term

Steve Feyes said he was interested in applying for term as non-farmer

Following farmers have applied for membership – Susan and Ben Butler (aunt and nephew, but two different farms) and Angie McNally.

Zach Ferguson and Leonard Yourman have applied as non-farmers.

We will need to replace Dennis Kamber as non-farmer.

- 3. The County Council conducted a public hearing on ZTA 18-01 Solar Collection System that impacts all zones in the County. It proposes 2-megawatt community solar in almost all zones with exception to Agricultural Zone. Accessory Solar (120% of onsite energy consumption) will continue to be allowed in the Agricultural Reserve-AR zone. The AAC submitted a letter in support of the ZTA 18-01 and recommended that ground mounted solar installations should NOT be located on prime and productive soils. During the public hearing the County Council discussed added the Agricultural Reserve-AR zone for community solar.**  
[http://montgomerycountymd.granicus.com/MetaViewer.php?view\\_id=169&clip\\_id=14797&meta\\_id=151720](http://montgomerycountymd.granicus.com/MetaViewer.php?view_id=169&clip_id=14797&meta_id=151720)

ZTA 18-01 was introduced. Doug and J made sure AAC wrote a letter to the Council for their meeting (we couldn't discuss in March because we cancelled that meeting for the snowstorm). In the letter we said we want to make sure that ground-mounted solar panels are not located on prime and productive soils. The ZTA as written now doesn't have any impact on ag areas. Solar is Now allowed as an accessory use you can install them as long as they don't exceed 120% of

on-site energy consumption. But this ZTA will allow additional amounts on areas outside the ag zone. The Council was discussing whether they wanted to add the AR zone to this ZTA. J will attend the upcoming meeting to see if that materializes. But at least we are now on record, that if we have them on farms then we don't want them on soil that is prime and productive because these areas are for future food and fiber production.

Stephanie Riddick explained that this is aimed at community solar. This is based on the state bill passed in 2015. So you no longer have to have a home to go solar anymore. 30% of the projects have to go low income people under the state law. You can only buy into a community solar array that is in your power area. They are in favor of pollinator preferred arrays for planting and grazing around the solar arrays. 2 megawatts is about 12 acres. One house with two people is considered a community array. The Poolesville array at the sewage treatment plant is 1 megawatt. Federal grants and the MoCo Greenbank can provide funding for your own projects if you're interested.

**4. The County Council has introduced ZTA 18-03 Farm Alcohol Production-Standards. The public hearing is scheduled for May 15, 2018.**

[http://montgomerycountymd.granicus.com/Viewer.php?view\\_id=169&clip\\_id=14831&meta\\_id=152429](http://montgomerycountymd.granicus.com/Viewer.php?view_id=169&clip_id=14831&meta_id=152429)

AAC subcommittee that looked at ways to promote ag tourism as well as wineries and cideries and farm breweries met 5 times in 2015. They agreed on the micro-alcohol production facilities term that was developed by the American Planning Association. This is the same as what Hans Riemer is calling Farm Alcohol Production. This will replace what's currently in the code as "winery." This definition will encompass winery, cidery, brewery, and distilleries. It will encompass other facilities and events that are part of the operation.

J recommends that AAC support the ZTA as it helps address what we've been working on. The public hearing is scheduled for May 15 (same day as our next meeting). J would like a letter of support from AAC on the ZTA. There will be some amendments to it. Council President Riemer didn't want to put production requirements on these operations; he wanted to make it easier, so that they don't require that you have 5 acres of fruit on the farm. We want this to be an accessory use to farming. Example: Waredaca is equestrian since the 1930s. They took an old dining hall and commercial kitchen and now they make and sell beer on site and that fits well with the equestrian facility. The property is 125 acres total, ag assessed and zoned, and the brewery is not the principal use of the farm, which is farming. We want to replicate that kind of condition. J is optimistic that Riemer will be comfortable adding some type of production requirements. Perhaps something about having at least one of the ingredients produced on site. Recommend supporting the ZTA, that we'll be participating with the PHED committee on this, that we understand production limits will need to be discussed further.

Motion to write a letter to support the ZTA. Motion passes (Allnutt/Lewis).

5. **The County Council Introduced ZTA 18-04 proposed by the County Executive-Non-Conforming uses in place prior to October 2014 can be expanded. The public hearing is scheduled for May 15, 2018.**

[http://montgomerycountymd.granicus.com/MetaViewer.php?view\\_id=169&clip\\_id=14831&meta\\_id=152431](http://montgomerycountymd.granicus.com/MetaViewer.php?view_id=169&clip_id=14831&meta_id=152431)

This ZTA touches on one of the issues that we dealt with on ZTA 17-06, that you don't need a TDR to retain a structure that remains accessory to farming. We asked to expand the size of a pre-1958 dwelling that would need to be replaced if it burned down. If that house would no longer exist we needed the right to rebuild it and whoever owns it doesn't need to be involved in farming, and the size of the rebuilt structure could be the same size or 1500 sq. ft. home, whichever is greater. The Planning staff asked us to back off on expanding the non-conforming use so that it could be expanded (up to 1500 sq. ft. – which was against restrictions on non-conforming use).

This new ZTA says that any non-conforming use prior to 2014 (the date we revised our zoning code) can hereby be expanded. ANY! The property in mind is the Davis Airport. Doug said that his company has been working in there, they're already expanding it. J's recommendation on this ZTA is that this goes way too far. This is not specific enough. ZTAs could be drafted to apply to specific properties. There are so many non-conforming uses in place that this would allow to expand. This could create many challenges for up-county residents.

Lori suggested we express our concern for the broad nature of the ZTA. We should reserve the right to support or oppose. We have an expectation that we will comment on this. We are curious about what this ZTA is really about.

The public hearing on May 15 may lead to a lot of changes to the ZTA.

The Executive submitted this to the president of the County Council. Riemer, as the president, scheduled it for introduction.

Aliza proposed that we oppose it in its current form because of its broad nature.

Jane made a motion that restates that we have concerns about this legislation. It is overbroad. Interested in clarification of what the purpose is. Motion passes (Evans/Larson).

6. **Follow up on the DNR proposed changes to the 2018-2019 hunting regulations. The County Council, AAC, MAP, and the MSCD forwarded letters to the DNR recommending that Montgomery County be designated as a Suburban Deer Archery Zone and exempt from the proposed reductions in bag limits for both antlered and antlerless deer.**

There is currently no limit on the archery deer harvest. If this is changed, then it will limit archery as well as the total bag limit. For antlered deer, there would be a bag limit of 6 and 10 for antlerless. Currently there are no bag limits on either. Having no bag limits for deer is viewed as inhumane by animal rights groups. They think that no limit classifies them as vermin. J has not

heard from DNR what the hunting regulations will be for this upcoming Fall. This would apply to the 2018-2019 hunting season. Getting us designated as suburban deer archery zone would make us exempt to these limits.

- 7. There have been four Agritourism Study Advisory Committee meetings (November 29, 2017, January 17, 2018, February 21, 2018 and April 2, 2018). The ZTA 18-03 Farm Alcohol Production-Standards will be discussed at the April 18, 2018 meeting. This ZTA 18-03 will replace a winery and insert a new use that encompasses all types of farm alcohol production. The Agritourism Advisory Committee has discussed many ideas related to events and activities on farms, but they have no agreements on specific recommendations. The proposed ZTA 18-03 may represent one area where the Committee can agree on specific standards and events conducted as part of farm alcohol production.**

MCA had specific questions about what DPS staff was reviewing and approving, and to give clarity to people who want to do this on their farms. The County DPS proposed to make a Recipes for Success for how to do an agritourism venue.

There is \$50,000 appropriated for a study on ag tourism. Councilmember Riemer conducted two Made in Montgomery county round-table discussions on alcohol production-August 2, 2017 and December 14, 2017. Councilmember Riemer has also lead the County to change the liquor laws in the County and the State.

Council President Riemer introduced 18-03. The plan is for this committee to meet a few times, write a report and issue it before summer recess, with the Council to take it up after Labor Day. There are 18 members of this Agritourism committee.

P&P's staff position is that they recommend conditional use approvals by the board of appeals, which would require a \$1,500 application, hiring a lawyer and engineer and then going up against the community so that it will be a case-by-case permit for ag tourism. P&P staff selected the members of this committee with some input from the OAG.

- 8. State Bills Update: The HB 1141 (Statewide Bill) passed and it allows agricultural buildings to be used for agritourism for occupancies of less than 50 people. The legislation becomes effective on October 1, 2018. The law will require the DPS to amend Chapter 8 of the building code. The HB 252 also passed and it defines Agritourism at the state level. The HB 396 Agricultural Land Preservation fee did not receive a favorable vote. Delegate Luedtke may decide to introduce the bill next year a local bill specific to Montgomery County. The HB 620 County Agricultural Land Preservation Programs Recertification and Remittance of Unexpended Funds-Extensions, passed the 2018 Maryland Legislative session.**

HB 1141 passed. Any county in the State will now be allowed (a farmer in any county) can use an ag building for ag tourism providing the occupancy doesn't exceed 50, and that it's a one story building. This is enabling legislation. DPS has agreed to change chapter 8 of the building code to be consistent with this state law. The state law becomes effective on October 1, 2018 and

requires the county to approve local provisions to implement the law. Typically, counties are stricter than the state, and it's possible that DPS may oppose it. We will be able to participate in the legislative process. Currently Cecil, Garret, Carroll, and Howard counties have an occupancy limit of 200. Linda asked if ZTA 18-04 could come into play with this issue. Yes, it could.

HB 252 passed. Definition of agritourism at the state level. It's very broad and not harmful. It's similar to our county code definition, where it's allowed as an accessory use to farming. It is helpful having a consistent definition at county and state level.

HB 396 did not pass. Ag land preservation. This bill provided a mechanism for any county in the state to create a fee on the property tax bill to be used for land preservation. Didn't have the full Maryland Farm Bureau's support on it, partially because of timing. They may decide to raise this again next year. OAG got mixed recommendations from the county attorney's office.

HB 620 did pass. Currently when you have shares of agricultural transfers taxes to buy easements – local shares, the Counties have only 3 years to use or lose by remitting them to the state, but now it's 6 years. Instead of submitting a Certification report every 3 years to be recertified it is now 5 years. This is very good.

- 9. Promotion of Gleaning food to be donated to people in need with the benefits of the Tax Credit for donating food. The following farmers have indicated they will work with Community Food Rescue to donate food this season. Lewis Orchard and Red Wiggler Community Farm. <http://news.maryland.gov/mda/press-release/2017/09/11/food-donation-tax-credit-pilot-program-now-in-effect-southern-maryland-farmers-eligible-for-up-to-5000-state-tax-credit/>**

J sent out a letter to a number of farmers making sure they knew about Community Food Rescue and Manna. These two farms have volunteered to be pilot. Linda pointed out that as one of those farms, the paper work was very slow and couldn't get it back from the county in time for tax filing this year. (please note that Butler's Orchard and Waters Orchard are now signed up for gleaning food.)

- 10. We are working to schedule an event in mid July 2018 for celebrate the 50<sup>th</sup> Anniversary and Recognition of Conservation Tillage including no till farming in the County. The event will consist of a tour of farms in the morning with a luncheon and short program at the County Agricultural Fair. The OAG is looking for funding sponsors for the luncheon.**

Recognition event of conservation farming and no-tillage farming. It started in 1962 in Kentucky. Bob Raver went to Kentucky and convinced a Montgomery County farmer to buy a no-till machine. Started using it in 1967/8. So we're working to have an event to recognize 50 years of conservation tillage. Will be probably July 20<sup>th</sup>. It will consist of a tour of a few farms in the morning – demonstrating farms planted in double crop soybeans. We hope to show planting of the soybeans on top of the cover crop. Then at the ag fairgrounds will have a luncheon and presentation and recognize a few farmers. This will be a free event and invitation only. Capped at 250 and first come first served.

- 11. We received good news from the Director of the Montgomery County Department of Transportation regarding the replacement of the Zion Road bridge. The DOT recommends that a new two-lane bridge will replace the existing one lane bridge. Richard Dorsey, Chief of DOT Highway Services called Jeremy Criss to specifically request that when this issue is scheduled for discussion before the County Council the DOT respectfully requests that farmers and leaders of agricultural organizations need to attend to support County DOT.**

DOT is recommending that a two lane bridge be built instead of a one lane bridge. This recommendation will now go to County Council. The DOT requests our farmer support at the Council meeting. Because that road goes through the Maryland National Capital Park and Planning Commission, they're going to say that they don't care what DOT says. So we need to show them that many farmers in the room care. We need to express to them that it's not safe as a single lane bridge. It will be cheaper for the county because we could petition for federal cost share assistance if we get a two lane bridge. So the farmers need to back up the DOT in Rockville. We can try to reach out to MCPS, but since they're an administrative body they are pushing back because it's not "directly" related to the school – though it's safety! Why not PTA? Stephanie from Sierra Club is interested in getting involved – she said they do work on transportation related matters.

- 12. The next meeting of the Agricultural Advisory Committee is May 15, 2018 at 7:00 pm. The meeting location is still pending.**

**13. Additional item 1**

Program called Conservation Women Circles for land ownership that Jackie Arnold was leading was canceled because there were not enough people signed up. Jane, Eleanor, and Linda said that they considered signing up but it was closed too early. **Jane asks J to bring this up with Jackie that there are people interested.**

**14. Additional Item 2**

Aliza raised that the strategic plan to advance composting in the county was released, and it echoed our concerns. No commitments have been made by the County. The plan was highly predictable. J raised that the info we learned TODAY about SCA working on a pilot food waste composting at Dickerson is news! So J and Aliza will huddle up and discuss what our next moves are.

**15. Motion to Adjourn**

(Fishbein/Larson). Meeting adjourned.