

Montgomery County Agricultural Advisory Committee (AAC)
Regular Meeting Minutes
July 16, 2024

1. The meeting was called to order at 7:03 pm.
2. Introductions

Committee: Lori Larson, Jane Evans, Fred Lechliden, Ellen Gordon, Matt Lechliden, Jeff Dowling, Tom Precht, John Brewer, Tim Hussman

Staff: Mike Scheffel, Mike Weyand, Natalia Salazar

Guests: Doug Lechliden, Eleanor Leak, Margaret Chasson, Craig Wilson

3. Approval of the June 18, 2024, AAC minutes

Jane Evans introduced a motion to approve the minutes as revised and sent to the group on June 18, Tim Hussman seconded, and the motion passed unanimously.

4. Office of Legislative Oversight (OLO) Report on the status of Transferable Development Rights (TDRs) and Building Lot Termination (BLT) programs

Throughout the course of three work sessions in June, the Planning Department presented to the Planning Board the same recommendations the Department had previously presented to the OAG and agricultural community on how to increase the market for TDRs and BLTs through the Incentive Zoning Update. At the conclusion of these work sessions, the Planning Board voted in favor of presenting these recommendations to the County Council. The Planning Department stated that the recommended changes to the TDR program would require the County Council to introduce a Zoning Text Amendment. The recommendations will be presented to the County Council in the fall.

5. [ZTA 24-02, Agricultural and Rural Zones – Campground](#)

The public hearing for this ZTA took place on July 16 at 1:30 pm online and in person. The County's Planning, Housing, and Parks Committee is slated to discuss this ZTA during their July 22 work session at 1:30 pm, which is open to the public. A second potential work session is scheduled for July 29.

Mike Scheffel added that it appears that there is widespread Council support for this ZTA.

6. Solar projects generating over 2 MW in the Agricultural Reserve

A solar developer, Chaberton Solar, has applied to the MD Public Service Commission (PSC) to build two solar projects that will generate over 2 MW in the Agricultural Reserve. The first one, [Chaberton Sugarloaf](#) (Case No. 9726), is a 4 MW project proposed for

approximately 16 acres of the 53 acres on 20507 Darnestown Road, Dickerson. The second, [Chaberton Ramiere](#) (Case No, 9733), is a 3 MW project proposed for approximately 11 acres of the 118 acres on 17600 Whites Ferry Road, Poolesville. These properties have Class 1 or 2 soils on 77.1% and 99.9% of their areas, respectively. The County Zoning Code, which allows for solar installations of up to 2 MW, does not allow them on Class 1 or 2 soils. However, because these two projects will generate over 4 MW, they are under the jurisdiction of the PSC, which only needs to give “due consideration” to local ordinance.

In addition to approval from the PSC, Chaberton Solar needs to receive Mandatory Referral approval for both projects from the Montgomery County Planning Department. However, this review process cannot deny the application based on non-conformance with the County Zoning Code, but rather other regulations like the Forest Conservation Law. Chaberton’s Mandatory Referral application for the Sugarloaf project was accepted by the Planning Department on July 1. The Planning Department will publish a report on this project on August 26, hold a public hearing on September 5, and submit a letter to the County Council, County Executive, and PSC on September 13. A Mandatory Referral application for the Ramiere project has not yet been received.

The PSC is also holding public hearings on these two projects. A virtual public hearing for the Sugarloaf project took place on July 10, 2024 at 7 pm. A second public hearing will take place on October 8 at 6:30 pm at the Upper Montgomery County Volunteer Fire Department, 19801 Beallsville Road, Beallsville. The public may sign up to speak at the hearing by sending an email to psc.pulj@gmail.com by October 7 at 12:00 pm. The live stream of the hearing will be available on the [Public Utility Law Judge Division’s YouTube Channel](#). Written comments on the proposed project may be submitted electronically through the [Commission’s Public Comment Dropbox](#) by October 9. All comments must include reference to Case No. 9726.

The Montgomery County Farm Bureau will submit written comments to the PSC. The Agricultural Advisory Committee (AAC) and Agricultural Preservation Advisory Board (APAB) are not allowed to submit comments to the PSC without permission from the County Executive, only to the County Council and County Executive. However, individual members of the AAC and APAB may submit comments to the PSC.

Mike Scheffel added that Chaberton has currently not met the requirements of the Forest Conservation Law, and they have limited time to do so in order to receive approval. He stated that the County Executive, County Council, and Planning Department have all filed petitions with the PSC to intervene in the process (i.e. submit comments); however, he did not know yet what the County Executive’s position will be. Of the 60 solar projects received by the PSC so far, 59 have been approved.

7. Other business

Lori Larson shared that she and Ellen Gordon will be meeting to draft AAC positions on agritourism. The 2019 Agritourism Study will be presented to the County Council in the near future and the AAC should take a proactive approach in case another agritourism ZTA is

introduced. AAC members should email Lori their input or request to participate in the meeting with Lori and Ellen.

Tom Precht stated that it might be of interest to compile data on the number of farms in the county that engage in agritourism. Ellen Gordon shared that it is important for the agricultural community to express its needs to the County Council so that the Council does not assume what its needs are. Fred Lechluder stated that he believes that one of the most difficult questions in this discussion is how to define “accessory to agriculture”.

8. The next meeting of the AAC will be held on August 20, 2024 at 7:00 pm via Microsoft Teams.

9. Upcoming meetings and events:

Montgomery Soil Conservation District Board of Supervisors meeting: July 19, 2024

Agricultural Leaders’ Luncheon: August 12, 2024

Montgomery County Farm Bureau Board of Directors meeting: August 12, 2024 (at the fairgrounds after the Agricultural Leaders’ Luncheon)

Agricultural Preservation Advisory Board meeting: August 13, 2024

10. The meeting was adjourned at 7:23 pm.

Ellen Gordon introduced a motion to adjourn the meeting, John Brewer seconded, and the motion passed unanimously.