

Montgomery County Agricultural Advisory Committee (AAC)  
**Regular Meeting Minutes**  
**May 21, 2024**

1. The meeting was called to order at 7:05 pm.
2. Introductions

Committee: Lori Larson, Jane Evans, Michael Protas, Jeff Dowling, Tom Precht, Ben Butler, Russ Allnutt, Ellen Gordon, Debra Tropp, Fred Lechlides, John Brewer, Margaret Chasson, Tim Hussman

Staff: Mike Weyand, Natalia Salazar

Guests: Dale Tibbitts, Jake Adler, Marcia Kingman, Paula Linthicum, Tommy Heyboer, Ruben Rosario, Russ Allnutt

3. Approval of the April 16, 2024, AAC minutes

Jane Evans introduced a motion to approve the minutes, Tim Hussman seconded, and the motion passed unanimously.

4. [Bill 40-21](#), Individual Water Supply and Sewage Disposal Systems – Amendments

The OAG will continue to monitor this bill, which will be scheduled for a second T&E Committee Work Session.

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

On April 5, 2024, Montgomery Planning staff sent the Office of Agriculture an updated memo on their draft recommendation for how to support the TDR and BLT programs through the Incentive Zoning Update. Currently, developers are required to purchase BLTs in order to develop at a higher density than the baseline level in the CR and LSC zones. The Planning Department's draft recommendation is to require that developers purchase either BLTs or an equivalent number of TDRs and to provide an incentive for purchasing TDRs instead of BLTs. This plan would involve changes in executive regulations to allow the OAG to buy TDRs from landowners at a set price and sell the TDRs to the developers for the same price. Once the developer uses the TDRs, a TDR extinguishing document would be recorded to close the loop on the TDRs assigned to a development project.

On April 17, 2024, the Agricultural Preservation Advisory Board (APAB) sent a letter to the Planning Department expressing support for this idea. The Board stated that although this is a meaningful first step, other measures are necessary to increase demand for TDR and BLT purchases, and expressed interest in providing input to the Planning Department. To this end, representatives of all the agricultural groups will meet with the Planning Department on May

28, 2024 at 6 pm in the Agricultural History Farm Park’s Multi-Purpose Room, with a virtual option for anyone unable to join in person.

Tim Hussman asked if there was an AAC representative who would be at this meeting. Mike Weyand responded that Lori Larson will be attending and added that the meeting will be open to the public and the AAC would be sent the meeting information.

6. [ZTA 23-09, Farming – Incidental Outdoor Stays](#)

On April 22, 2024, the OAG remitted a letter on behalf of the Agricultural Advisory Committee (AAC) to Councilmembers Friedson and Fani-Gonzalez requesting that ZTA 23-09 be withdrawn and including the following recommendations agreed upon by the AAC, APAB, Montgomery County Farm Bureau, Montgomery Agricultural Producers, Montgomery Countryside Alliance, and Sugarloaf Citizens Association:

- A. Overnight farm stays, if allowed, should be included in Section 3.5.6 of the County Code (Lodging), not under the definition of Farming in Section 3.2.6.
- B. Since the regulatory process for opening a bed and breakfast (an allowable use in the AR zone) is complicated and not clearly outlined anywhere, the county government should publish a regulatory guidance document for this use.
- C. Since overnight farm stays should be equitable and inclusive and should connect visitors to agriculture in a meaningful way, a ZTA aiming to allow this use in the AR zone should do so by allowing the existing campground use (Section 3.5.10.B) as a conditional use with the following modifications:
  - i. The maximum density is 5 campsites.
  - ii. The minimum lot size is 25 acres.
  - iii. Guests may stay for a maximum of two nights per visit.
  - iv. There must be a clear educational or agricultural component associated with the stays.
  - v. Shower facilities are not allowed.
  - vi. Guest toilets must be provided without the use of a septic system.
  - vii. No permanent structures are allowed.
  - viii. No amplified sound is allowed.

On May 3, 2024, Councilmember Fani-Gonzalez sent an amended ZTA to the rest of the County Council along with letters of support from farmers and residents. This amended ZTA removes all the changes to the definition of Farming proposed by the original ZTA and creates a new conditional use in the Lodging section of the Code called “Overnight Farm Stays”. Like the original ZTA, the amended ZTA allows these overnight stays not only in the Agricultural Reserve, but also the rural residential and residential detached zones. It includes the following standards:

- i. All overnight structures be moveable (e.g. tents, yurts, RVs).
- ii. The maximum footprint of each structure is 400 ft<sup>2</sup>.
- iii. The structures must be located at least 100 ft from a neighboring property.
- iv. Cooking facilities are not allowed inside the structures (except in RVs).
- v. The lot size must be 3 acres or greater.
- vi. The area used for overnight stays must be 10% or less of the lot area.

- vii. The maximum number of structures is 2 for properties with 3–4.9 acres, 5 for properties with 5–25 acres, and 10 for properties with over 25 acres.
- viii. Toilet and shower facilities are allowed with DPS approval.
- ix. The farm must offer accessory agricultural tourism or education activities.

On April 22, 2024, representatives of Montgomery County Farm Bureau (MCFB), Montgomery Agricultural Producers (MAP), Montgomery Countryside Alliance (MCA), and Sugarloaf Citizens Association (SCA) met with Councilmembers Balcombe and Luedtke. The two councilmembers indicated that they will likely introduce a competing ZTA using the recommendations provided by the agricultural groups.

On May 16, 2024, Councilmembers Balcombe and Luedtke sent a memo to the representatives of the AAC, APAB, MAP, MCFB, MCA, and SCA announcing that they drafted a ZTA based on the feedback they received from these groups and would be reaching out to them to discuss this ZTA. The two Councilmembers sent a draft ZTA to the OAG, which will be shared with the AAC as soon as the OAG receives permission to do so. This draft ZTA does not create a new overnight farm stay use, but rather modifies the existing Campground use (which allows only tents and RVs). This is currently a conditional use allowed only in the R and RE-2C zones. The draft ZTA expands this use to the AR and RC zones and creates a new set of standards for these two zones:

- i. The maximum footprint of each structure is 400 ft<sup>2</sup>.
- ii. Cooking facilities are not allowed inside the structures (except RVs).
- iii. The lot size must be 25 acres or greater.
- iv. The maximum area taken up by the campground must be 10% of the lot area or 5 acres, whichever is smaller.
- v. The maximum number of structures is 5 for properties with 25–100 acres and 10 for properties with over 100 acres.
- vi. Toilet and shower facilities are allowed only outside of the sleeping structures with DPS approval.
- vii. Each guest may a maximum of two nights per visit.
- viii. Sound levels must satisfy Chapter 31B.
- ix. Farming must be taking place on the property and the farm must offer accessory agricultural tourism or education activities.

This draft ZTA does not amend the standards for a campground in the RE-2C zone and allows a campground in the R zone to follow either the current standards or the new set of standards for the AR and RC zones.

On May 29, 2024 at 6 pm, Councilmember Balcombe will hold a “town hall” meeting at the Agricultural History Farm Park Multi-Purpose Room to discuss this draft ZTA. This will be a public meeting and all interested farmers are encouraged to attend. The OAG will share any new information, including the draft ZTA, before the meeting.

## 7. 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, both in the Agricultural Reserve. The first one, [Chaberton Sugarloaf](#) (case 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 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 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.

Chaberton Solar is required to submit Mandatory Referral applications for both projects to the Montgomery County Planning Department. The Planning Department will have 60 days to review both applications, hold public hearings, and at the end remit recommendations and considerations to the PSC. After this, the PSC will also hold public hearings on these two projects. The OAG will update the AAC on the dates for these public hearings when available.

Jeff Dowling commented that 4 MW is twice the amount the current zoning allows. Mr. Dowling cautioned that it would be the beginning of several of these larger projects throughout the Reserve if approved.

#### 8. Junior Achievement Program of Greater Washington

This program teaches 7<sup>th</sup> graders in the county about financial literacy, work readiness, and entrepreneurship. Located in Finance Park at Thomas Edison High School, the program includes a simulated shopping center where the students learn to “shop” for food and other necessities within their budgets. The Director of Development, Devin Donaldson, contacted the OAG to see how they could partner with the OAG, Extension, and agricultural leaders to include more agricultural education in the program. They would like the students to learn about careers in agriculture, local food options, and the Ag Reserve. On April 22, 2024, representatives of different agricultural groups and Extension will visit Finance Park to learn more about the program and explore collaboration.

#### 9. Composting Education Hub at the Agricultural History Farm Park

To help meet the County’s goal of reducing the amount of food scraps in the waste stream, the OAG partnered with the Institute of Local Self-Reliance to establish a food scrap composting demonstration site at Agricultural History Farm Park. The OAG recently completed construction of this site, which consists of a three-bin composting bin system and solar-powered blowers that will force air through the compost. The system is located next to the Master Gardener Demonstration Garden and will be managed by Master Gardener volunteers. The purpose of the system will be to demonstrate to interested farmers, gardeners, and organizations how to compost food scraps properly.

#### 10. OAG-DEP agreement on junk disposal

The Office of Agriculture is working on an agreement with the Department of the Environment (DEP) whereby farmers take junk dumped on their property without permission to either the Jerusalem Road “Beauty Spot” in Poolesville or the Shady Grove Transfer

Station without paying fees. The Office of Agriculture will make payment to DEP for those fees.

Ben Butler commented on the difficulty of disposing of tires in the County.

11. Vacancies in the APAB and RRAC

Wade Butler was officially appointed to the Agricultural Preservation Advisory Board by the County Council on April 16, 2024. He joined the newly appointed Sarah Daken, Randy Stabler, and Nick Magliato. However, since Margaret Giblin stepped down, a new non-farmer member vacancy was announced, and the application deadline was May 8, 2024. The APAB received five applications and will conduct interviews on May 30 and 31, 2024.

Tom Linthicum, Mason Hopkins, and Billy Willard, Sr. were officially appointed to the Rustic Roads Advisory Committee by the County Council on April 23, 2024. As John Jamison was not appointed, there is still one commodity farmer vacancy on this board.

12. The next meeting of the AAC will be held on June 18, 2024, at 7:00 pm via Microsoft Teams.

13. Upcoming meetings and events:

Memorial Day (office closed): May 27, 2024

Meeting between agricultural leaders and Planning Dept. on TDRs & BLTs: May 28, 2024

Councilmember Balcombe's "town hall" meeting on a new overnight farm stays ZTA: May 29, 2024

Montgomery County Farm Bureau Annual Picnic: June 9, 2024

Agricultural Preservation Advisory Board meeting: June 11, 2024

Montgomery Soil Conservation District Board of Supervisors meeting: June 14, 2024

14. Other Business

Tom Precht and Mike Protas asked about the process for raising new topics to discuss during AAC meetings. Lori Larson asked members to send issues they would like to discuss with the committee to the OAG to add to future meeting agendas. Tom Precht suggested three topics the AAC should review: 1) the accessibility and viability of farmland transfer and gaps in existing preservation programs, 2) grant writing for the agricultural community, and 3) enhancing the existing OAG ACRE cost-share program.

15. The meeting was adjourned at 7:53 pm.

Paula Linthicum introduced a motion to adjourn the meeting, Tom Hussman seconded, and the motion passed unanimously.