



## AGRICULTURAL ADVISORY COMMITTEE

### Regular Meeting Agenda May 21, 2024

1. Introductions
2. Approval of the April 16, 2024 AAC minutes
3. [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.

4. 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.

5. [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of the Agricultural Advisory Committee (AAC) to Councilmembers Friedson and Fani-Gonzalez requesting that ZTA 23-09 be withdrawn and including the following recommendations agreed upon by the AAC, APAB, Montgomery County Farm Bureau, Montgomery Agricultural Producers, Montgomery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.



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- 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.

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

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 RVs).
- v. The lot size must be 3 acres or greater.
- vi. The site area used for overnight stays must be 10% of 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 May 29, 2024 at 6 pm, Councilmembers Balcombe and Luedtke will hold a “town hall” meeting at the Agricultural History Farm Park Multi-Purpose Room to discuss the ZTA she and Councilmember Luedtke will introduce. Before this meeting, the Office of Agriculture expects to receive a draft ZTA from the two Councilmembers to share with the agricultural groups.



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### 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, 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.

### 7. Junior Achievement Program of Greater Washington

On April 22, 2024, members of the OAG, Office of Food Systems Resilience, Maryland Agricultural Education Foundation, and Extension visited Finance Park at Thomas Edison High School to learn more about this youth financial literacy and work readiness program. Junior Achievement would like one of the “storefronts” that students visit at Finance Park to be an agricultural station where the students can learn about local food options, careers in agriculture, and creating a sound food budget. They are asking for a three-year sponsorship of \$25,000 per year in exchange for “storefront” space. The OAG is considering providing partial funding for this.

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

In order 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 properly compost food scraps.

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

The Office of Agriculture is working on an agreement with the Department of the Environment (DEP) whereby farmers make take junk that has been dumped on their property without their 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.



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### 10. 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.

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.

11. The OAG's FY25 operating and FY25-30 CIP were approved by the Council on 5/9/2024

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