



Montgomery County, MD
Agricultural Advisory Committee (AAC)
Regular Meeting Minutes
April 15, 2025

1. Call to order

The meeting was called to order at 7:19 pm.

2. Introductions

Committee: Ben Butler, Fred Lechliden, Tim Hussman, Mike Protas, Amanda Cather, Jeff Dowling, Matt Lechliden, Ellen Gordon, Debra Tropp

Office of Agriculture (OAG) staff: Mike Scheffel, Mike Weyand, Natalia Salazar

Guests: Doug Wallick, Marcia Kingman, Maribeth Guarino, Kim Westervelt, Minhthu Le, Jamie Lai, Jacob Gabriel Hernandez, Judith Korang, Kaitlyn Gonzales, Fernand Vasquez, Margaret Chasson, Eleanor Leak, Craig Wilson, Doug Lechliden

3. Approval of the March 18, 2025, AAC minutes

Ellen Gordon introduced a motion to approve the minutes, Matt Lechliden seconded the motion, and the motion carried.

4. Transferable Development Rights (TDRs) and Building Lot Termination (BLT) Programs
No update since January 2025

On December 9, the County Council's Planning, Housing, and Parks (PHP) Committee held a work session to discuss the Planning Department's recommendations on how to increase the market for TDR purchases through the Incentive Zoning Update, i.e. requiring developers to purchase either TDRs or BLTs when using the optional method of development in the CR and LSC zones (currently only BLT purchases are required) and incentivizing the purchase of TDRs over BLTs by offering developers additional density when purchasing TDRs.

The PHP committee did not agree with the recommendation of incentivizing TDRs over BLTs but rather determined that developers should simply be required to deposit a certain amount of funds into the Agricultural Land Preservation Fund, which is managed by the OAG. Based on ongoing direction from the Agricultural Preservation Advisory Board, the OAG will then use those funds to purchase either TDRs (on a first-come, first-serve basis) or BLTs (during announced open application periods).



The amount the County will pay landowners for a BLT will continue to be the amount determined through the most recent County-commissioned appraisal study. The amount the County will pay for a TDR is still to be determined by the County Council.

These changes to the TDR program would require the County Council to introduce a Zoning Text Amendment and the County Executive to introduce an Executive Regulation to amend Chapter 2B (Agricultural Land Preservation) of the County Code. This means that this new program will likely not be in operation until the summer of 2025 or later.

5. Proposed solar projects generating over 2 MW in the Agricultural Reserve

At the January 9 Planning Board public hearing on the Chaberton Solar [Sugarloaf](#) project (4 MW array proposed for 16 acres on 20507 Darnestown Road, Dickerson), the Board followed the recommendations of the Planning Department's [staff report](#) and voted in favor of denying the Mandatory Referral application based on non-conformance with the county's zoning ordinance and the master plan for the Agricultural Reserve. The Planning Board also voted in favor of sending a letter to the County Council recommending that the zoning ordinance be amended to encourage more community solar energy projects in the county, particularly in the Agricultural Reserve.

On January 24, the County Executive and Council formally submitted a [joint letter](#) to the Public Services Commission (PSC) requesting that the PSC respect the county's zoning ordinance when reviewing the Sugarloaf project application. Montgomery County Farm Bureau, Montgomery Agricultural Producers, Montgomery Countryside Alliance, and Sugarloaf Citizens Association are joint intervenors in the process and have filed testimony in opposition. The PSC's deadline to render a decision on this project is August 15, 2025.

The Planning Board will review the Mandatory Referral application for Chaberton's [Ramiere](#) project (3 MW array proposed for 11 acres on 17600 Whites Ferry Road, Poolesville) during their April 24 public hearing (postponed from March 27). The second evening public hearing for this project was postponed from March 10 to April 14. The PSC's deadline to render a decision for this project is December 31, 2025.

6. [SB0931/HB1036](#), Public Utilities – Generating Stations – Generation and Siting

The General Assembly passed this bill with amendments. Starting on July 1, 2025, local jurisdictions in MD will be prevented by State law from adopting regulations that prohibit new community solar energy projects that generate 1–5 MW or place more restrictive requirements than those specified in the bill. The State's new siting standards do not include an agrivoltaics requirement or prohibitions for development on prime agricultural soils.



The Maryland Association of Counties (MACo) was able to achieve an amendment capping the preemption of local zoning ordinance in priority preservation areas (PPAs)—in Montgomery County, the Agricultural Reserve (AR) zone—at 5% of the PPA’s land area. After this cap has been reached, the counties will be able to enforce their zoning ordinances for new projects. Farms with agricultural preservation easements (other than a TDR easement) are still protected from community solar development.

New projects 1–2 MW in size will only require review by the County, whereas projects 2–5 MW in size will continue to apply to the MD Public Services Commission (PSC) for a Certificate of Public Convenience and Necessity (CPCN).

MACo was also able to obtain the removal of the original language that would have exempted solar projects from real and personal property taxes. Thanks to an earlier bill (SB0860—effective June 1, 2022), areas dedicated to agrivoltaics are eligible for the State’s agricultural property tax rate. However, SB0931 modified the definition of agrivoltaics to exclude apiaries and pollinator habitats.

This bill also preempts local zoning standards for utility-scale energy (battery) storage facilities and requires county governments to approve and expedite applications that conform to the bill’s siting standards.

7. Proposed state budget cut for agricultural preservation programs

On February 24, the MD Department of Legislative Services (DLS) released a budget proposal that would eliminate 100% of the funding for all state-funded agricultural preservation programs (MD Agricultural Land Preservation Fund, Rural Legacy Program, etc.) until the end of fiscal year 2029. Legislators do not always accept the DLS suggestions and it appears that the political will is not to cut funding completely. However, the OAG expects some level of funding reduction.

8. [MC 15-25](#), Department of Commerce – Montgomery County Agricultural Reserve Study

Introduced by the Montgomery County Delegation to the General Assembly, this bill would require the MD Department of Commerce to produce a study of the tourism economy of the Agricultural Reserve and provide policy recommendations to increase agritourism and rural tourism. The study would report on metrics such as visitor volumes, patterns, behaviors, attitudes, the economic benefits of tourism in the Ag Reserve, and barriers to increased tourism.

Since it was introduced, the bill has been amended to require the Department of Commerce to partner with the Montgomery County Planning Board, Office of Agriculture (OAG), University of MD Extension office, and Visit Montgomery to carry out the data collection



and policy recommendation work required. The OAG is not aware yet of how specifically it will be asked to contribute to these efforts.

9. Highly pathogenic avian influenza

Since January 2025, there have been two cases of flocks infected with HPAI in Montgomery County. Both were backyard flocks, one in Gaithersburg and one in the Brookeville area. The HPAI virus, which is carried by wild waterfowl, can infect chickens, turkeys, geese, ducks, and other domestic poultry. The virus can be transmitted to cattle and humans but is not considered a threat to the general public, only to poultry or dairy farm workers. MDA is urging commercial poultry farmers and backyard owners to be on heightened alert for HPAI and to follow the procedures listed on the [MDA website on HPAI](#).

10. [Maryland Heat Stress Worker Law](#)

Maryland's new occupational safety heat stress regulations apply to employers with workers exposed to a heat index of 80°F for 15 minutes or more per hour. It requires employers to have a prevention and management plan, monitor the heat index, provide acclimatization, rest periods, shade/ventilation, drinking water, and training for supervisors and employees, and submit training records and the prevention and management plan to the MD Department of Labor upon request. For more information, visit the [MD Occupational Safety and Health Heat Stress website](#).

11. Agritourism discussion

The AAC members resumed the agritourism discussion initiated during the February 18 meeting. There was agreement that the AAC should resubmit to the County Council its 2023 recommendations regarding the Farm Alcohol Production (FAP) use standards. These recommendations were to require all types of FAP businesses (wineries, cideries, breweries, and distilleries) to have a minimum lot size of 25 acres and to devote at least 5 acres on-site to growing ingredients used in producing the alcoholic beverages. Mike Scheffel advised the members to wait until the County budget season is over. Therefore, Ben Butler suggested that this matter be tabled until then and asked Mike S. to include it in a future meeting agenda.

The AAC members also agreed that an agritourism work group should be formed, in conjunction with members from other organizations, to define "accessory to farming" and establish recommendations for agritourism.

12. The next meeting of the AAC will be held on May 20, 2025, at 7:00 pm via Microsoft Teams.



13. Upcoming meetings and events:

Montgomery County Farm Bureau Board of Directors meeting: May 6, 2025

Montgomery Soil Conservation District Board of Supervisors meeting: May 9, 2025

Agricultural Preservation Advisory Board meeting: May 13, 2025

14. Adjourn

Mike Protas introduced a motion to adjourn the meeting, Ellen Gordon seconded the motion, and the motion carried, adjourning the meeting at 8:03 pm.