

Montgomery County Agricultural Advisory Committee (AAC)  
**Regular Meeting Minutes**  
**November 19, 2024**

1. The meeting was called to order at 7:00 pm.
2. Introductions

Committee: Lori Larson, Ben Butler, Jane Evans, Matt Lechliden, Ellen Gordon, Tim Hussman, Michael Protas, Fred Lechliden, Tom Precht, Russ Allnutt, Jeff Dowling, Amanda Cather, Debbie Tropp, John Brewer

Staff: Mike Scheffel, Mike Weyand, Natalia Salazar

Guests: Margaret Chasson, Marcia Kingman, Jake Adler, Craig Wilson, Dale Tibbitts

3. Approval of the October 15, 2024, AAC minutes

Jane Evans introduced a motion to approve the minutes, Ellen Gordon seconded, and the motion passed unanimously.

Lori Larson thanked everyone for attending the in-person October meeting and suggested that the group meet again in person in the coming months, for example in February.

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

Earlier in the year, the Planning Department developed recommendations for updating the public benefits points system through their Incentive Zoning Update (IZU). This points system allows developers to build at a higher density than the baseline level (i.e. using the optional method of development) if they provide certain public benefits. As part of the IZU, the Planning Department consulted with the Office of Agriculture (OAG) and agricultural groups on ways to incentivize the private purchase of TDRs, for which there is currently little to no market. Currently, developers are required to purchase BLTs in order use the optional method in the Commercial Residential (CR) and Life Sciences Center (LSC) zones. The Planning Department's 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.

In June, the Planning Board reviewed these recommendations and voted in favor of presenting them to the County Council. The Planning Department presented the recommendations to the full Council on November 19 and will participate in work sessions with the Council's Planning, Housing, and Parks (PHP) Committee on December 2 and 9 to determine the necessary steps to implement the recommendations, which would include introducing a Zoning Text Amendment.

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

Chaberton Solar's [Sugarloaf](#) project (4 MW array proposed for 16 acres on 20507 Darnestown Road, Dickerson) is making progress in meeting the requirements of the Forest Conservation Law. Chaberton has partnered with an agrivoltaics company called Okovate and met with the OAG on November 8 to present the results of the agrivoltaics assessment produced by Okovate. This assessment concluded that the only feasible agricultural activities compatible with the two solar arrays are sheep grazing and apiaries. At this meeting, the OAG stressed the need for agrivoltaics research/pilot projects in the county/region, the incompatibility of commodity farming with ground-mounted solar arrays, the lack of information on the decommissioning of solar arrays, and the possibility of using land under solar panels for incubator farms.

In January, the Planning Department will submit a new staff report on this project to the Planning Board, which will once again review the project and receive public comment during the January 9 Board meeting. The County (Planning Board, County Executive, and County Council) will have until January 24, 2025 to submit updated comments to the Public Services Commission (PSC). The PSC's second public hearing on this project will be held on February 4, 2025 at the Upper Montgomery County Fire Department.

The procedural schedule for Chaberton's [Ramiere](#) project (3 MW array proposed for 11 acres on 17600 Whites Ferry Road, Poolesville) has been announced. The County will have until February 21, 2025 to submit comment. An evening public hearing will take place during the week of March 10.

Mike Scheffel added that Chaberton expressed a desire to provide an attractive agreement for a farmer to farm the land under the solar arrays. Amanda Cather commented that when solar companies lease land under arrays for grazing, vegetation management on the property suffers and the initiative often fails. Scheffel replied that he believes the agreement Chaberton will offer will require the farmer to manage the vegetation and will perhaps make the land available to the farmer for free.

Ellen Gordon asked whether the University of Maryland had embarked on an agrivoltaics research study, as intended. Scheffel replied that they have not begun such a project yet. He added that Chaberton pointed to the University of the District of Columbia agrivoltaics research site but admitted that it was not designed in a realistic, economically viable manner.

AAC members shared about two solar arrays in the county where sheep grazing is taking place, one at the Adventure Park in Sandy Spring and one in the town of Poolesville.

6. Upcoming state solar legislation

The Maryland Association of Counties (MACo) has been in conversations with state agencies and solar industry representatives about a bill that will be introduced this upcoming state legislation aimed at decreasing local zoning restrictions on community solar projects in Maryland. MACo's Montgomery County representative has been tasked with negotiating a

bill that gives consideration to the county's zoning ordinance. However, the current consensus is a bill that would preempt all county restrictions, with the exception of those imposed by agricultural easements, on solar projects up to 5 MW in size within two miles from the major transmission lines. Although the negotiating parties were previously discussing requiring that solar developers compensate the counties financially for building projects in priority agricultural preservation areas (e.g. the Agricultural Reserve), this idea has been abandoned.

7. Memorandum of Understanding (MOU) between the Department of Permitting Services (DPS), Montgomery Soil Conservation District (MSCD), and Office of Agriculture (OAG)

One of the roles of the MSCD is to help farmers meet the requirements of the State's Erosion and Sediment Control Law and Stormwater Management Law when undertaking construction/expansion projects. If the MSCD cannot assist with a particular project, the applicant must obtain the necessary permits from the DPS. As agritourism businesses have increased in number and offerings, there has at times been misunderstanding between the DPS and MSCD regarding which types of farm projects the MSCD may assist with.

To clarify the specific roles of each agency, a legal MOU has been developed. The MOU states that the DPS has responsibility for overseeing the construction of agritourism structures (i.e. those accessed by the public, e.g. a tasting room), whereas the MSCD has responsibility for purely agricultural structures (e.g. a wine production facility). The DPS will continue to rely on the OAG to make the determination of whether: 1) farming is taking place or will take place on a property, 2) the proposed agritourism activities are tied to and accessory to the farming activities, and 3) a proposed structure is agricultural or not.

8. OAG fiscal year 2026 budget

Given the County's budget deficit, the OAG must reduce its fiscal year 2026 budget by 5%, which it proposed to achieve by removing all contributions to the Maryland Agricultural Education Foundation (MAEF)'s Mobile Science Lab and reducing its contribution to the Deer Donation Program. However, the Office of Management and Budget has yet to agree with this proposal.

Fred Lechluder asked how much funding the OAG would cease to provide for the MAEF mobile lab. Scheffel replied that it would be just under \$70,000. Paula Linthicum suggested that Montgomery County Farm Bureau and other agricultural organizations be alerted that the mobile lab may lose its OAG contribution in case they are able to provide funding.

Scheffel added that in fiscal year 2025 the OAG received higher-than-expected funds from the agricultural transfer tax, which can now be used to purchase an agricultural preservation easement.

9. Rustic Roads Advisory Committee (RRAC) vacancy

Aren Johnson was selected by the County Executive to fill the third commodity farmer position in the RRAC. Mr. Johnson will be appointed to that position by the County Council on December 3. With that, four of the nine RRAC voting positions will be occupied by farmers: Tom Linthicum (Chair), Billy Willard, Sr. (representative of the AAC), Mason Hopkins, and Aren Johnson.

#### 10. Other discussion

Ellen Gordon asked whether the group would like to discuss the agritourism matters that have been raised in previous meetings, such as defining “accessory to farming”. Lori Larson asked the group if they would like to discuss this at a future meeting, to which multiple members responded they would. She suggested meeting in person for this conversation, and the group agreed to have the February meeting in-person and to make agritourism the primary topic of discussion at that meeting.

#### 11. Next meeting

The group decided to not meet in December. Therefore, the next meeting of the AAC will be held on January 21, 2025 at 7:00 pm on Microsoft Teams.

#### 12. Upcoming meetings and events:

Thanksgiving Day (office closed): November 28, 2024

Montgomery County Farm Bureau Board of Directors meeting: December 3, 2024

Agricultural Preservation Advisory Board meeting: December 10, 2024

Montgomery Soil Conservation District Board of Supervisors meeting: December 13, 2024

#### 13. The meeting was adjourned at 7:55 pm.

Ben Butler introduced a motion to adjourn the meeting, Tom Precht seconded, and the motion passed unanimously.