

Montgomery County Agricultural Advisory Committee (AAC)
Regular Meeting Minutes
October 15, 2024

1. The meeting was called to order at 7:02 pm.
2. Introductions

Committee: Lori Larson, Jane Evans, Jeff Dowling, Matt Lechliden, Ben Butler, Debbie Tropp, Fred Lechliden, Ellen Gordon, Paula Linthicum, Tom Precht (online), John Brewer (online), Amanda Cather (online)

Staff: Mike Scheffel, Mike Weyand, Natalia Salazar

Guests: Patrick Butler, Mark Beall, Florence Dwyer, Marcia Kingman, Doug Wallick, Jake Adler, Linda Lewis, Linda Bergofsky, Margaret Chasson, Zanethia Eubanks, Abena D., Craig Wilson

3. Approval of the September 17, 2024, AAC minutes

Jane Evans introduced a motion to approve the minutes, Jeff Dowling seconded, and the motion passed unanimously.

4. AAC report for the Montgomery County Committee Evaluation and Review Board (CERB)

The CERB makes recommendations to the County Executive and County Council concerning the function, structure, staff impact, and effectiveness of certain county advisory boards, committees, and commissions. The County Code requires that every advisory board, including the AAC, produce a report describing why that board should continue to exist, and the deadline to submit this report is October 30, 2024. CERB members will also ask to meet with each advisory board and its staff in the near future, and will be working towards producing an Interim Report that will go to the County Executive and Council by mid-July 2025.

The Office of Agriculture (OAG) drafted the required report on behalf of the AAC and sent it to the committee before the meeting for its review.

Ellen Gordon introduced a motion to allow the OAG to submit the report to the CERB, Ben Butler seconded, and the motion passed unanimously.

5. Office of Legislative Oversight (OLO) Report on the status of Transferable Development Rights (TDRs) and Building Lot Termination (BLT) programs – *No update since July 2024*

Throughout the course of three work sessions in June, the Planning Department presented to the Planning Board the same recommendations the department had 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, 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.

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

At the Planning Board's September 5 public hearing on Chaberton Solar's Sugarloaf project, the Planning Department staff presented their [report](#) recommending denial of the Mandatory Referral application. The reasons for this recommendation included non-compliance with the requirements of the Zoning Code (including an approved agricultural activity under the panels) and the State's Forest Conservation Law. Chaberton had not provided evidence of a commitment to agrivoltaics on the site and had not obtained an approved Forest Conservation Plan, Natural Resource Inventory, or Forest Stand Delineation. The Board voted to grant Chaberton a continuance, which together with an extension from the Public Services Commission (PSC), will give them more time to fulfill these requirements.

The County Council and Executive will be intervening as parties of record in the PSC process and have submitted joint comment to the PSC (which can be viewed [here](#)) arguing in favor of the County's approach to solar energy in the Agricultural Reserve and requesting that this zone's ordinance and master plan be given due consideration.

The PSC's second public hearing on this project has been postponed to February 4, 2025 at the Upper Montgomery County Fire Department.

7. Proposed solar project under 2 MW in the AR zone

The owner of 17700 Barnesville Road in Barnesville is working with a solar developer to apply for conditional use approval for a 1.8 MW solar array. The current proposed site occupies approximately 7 acres and has Class 3 or higher soils, except for a small area of Class 2 soils. A pre-submittal community meeting was held online on October 10.

8. Office of Agriculture (OAG) projects at the Agricultural History Farm Park

The OAG recently established two new on-site projects: 1) a three-bin composting demonstration site, which will be used to train farmers and gardeners how to compost food scraps, and 2) an outdoor refrigerated container where farmers will be able to store their products for subsequent delivery to food assistance providers, farmers markets, schools, retail outlets, restaurants, etc.

The OAG will host ribbon-cutting ceremonies for these two projects on October 25 and has invited the County Executive, County Council, farmers who produce table foods (produce, meats, dairy, and eggs), and many other interested organizations. If anyone would like to attend and has not received an invitation, please contact Natalia Salazar (natalia.salazar@montgomerycountymd.gov, 301-590-2816).

9. Rustic Roads Advisory Committee (RRAC) vacancy

The RRAC still has one commodity farmer vacancy. The position has been relisted with an application deadline of October 30, 2024. Anyone interested can apply [here](#).

10. Presentation from the Montgomery County Planning Department on the 2019 Agritourism Study

Patrick Butler, Chief of the Upcounty Planning Division, gave a presentation on the 2019 Agritourism Study. The study arose from increased interest in agritourism in the county, exemplified by the passing of zoning text amendments that allowed farm alcohol production in the county and an increased demand for innovative agritourism activities and events. The main goal of the study was to delineate a strategy for the county government to support and encourage agritourism in a balanced manner that meets the diverse interests of the stakeholders while preserving farming, farmland, and rural open space. The study recognized that farming in the county has evolved over time and will continue to do so, and that agritourism can play an important role in educating the public on the importance of the Agricultural Reserve.

Mike Scheffel described the Subdivision Regulation Amendment (SRA) 21-01, which eliminated the subdivision requirement for new agritourism buildings and led to monthly meetings between the OAG, Department of Permitting Services (DPS), and Planning Department to review requests for new or expanded agricultural and agritourism projects.

Butler shared that Visit Montgomery, the tourism marketing organization for the county, has received a grant to brand the county's rural and agritourism sector by hiring a branding company, who will be holding listening sessions with diverse stakeholders. The Planning Department is happy to provide GIS data to support the creation of an agritourism map of the county and other data to support this branding effort.

Debbie Tropp asked if the OAG has shared any success stories resulting from its increased communication with DPS and the Planning Department. Scheffel replied that the office has not and could do a better job of promoting its services.

Fred Lechlinder and Paula Linthicum both shared the opinion that agritourism is important as an accessory activity to farming but there is a trend towards non-agricultural commercial activities being the primary activity on the property, and that the County should enforce the requirement that agritourism be accessory to farming. Scheffel stated that the metric the OAG and DPS have agreed upon to determine whether a use is accessory to farming on a property is whether or not the use occupies less than 50% of the property area.

Lori Larson shared that it would be beneficial for the OAG to do outreach so that landowners and farmers are aware of how the office can serve them and the regulations they may have to comply with if starting or expanding a farm business.

Linda Lewis asked whether any landowner so far has taken advantage of Zoning Text Amendment (ZTA) 24-02, which recently allowed farm overnight stays in the Agricultural Reserve. Scheffel and Butler replied that so far no application has come to the OAG or Planning Department.

Multiple committee members raised the concern that too many farm alcohol businesses in the county can negatively impact commodity and table food agricultural operations by competing for farmland and attracting traffic on roads used by large farm equipment. Some members asked whether the County is monitoring the impact of farm alcohol production. Scheffel stated that the OAG is required to report to the County Council on the status of the industry every two years. Multiple committee members shared the opinion that the County should set further limits on the industry, such as requiring minimum distances between farm alcohol businesses. Scheffel reminded the group that after the OAG submitted the 2023 Farm Alcohol Production Report to the County Council, the AAC submitted a letter to the Council recommending more restrictive acreage requirements. Lori Larson pointed out that the committee can pursue these recommendations again.

Ben Butler shared that Butler's Orchard exists because of agritourism but he understands the need for the county to reach a balance and minimize the negative impacts of overtourism.

Matt Lechlinder made the comment that the wider agricultural economy benefits from agritourism operations by growing ingredients for them, performing custom farming, etc.

Jeff Dowling stated that Bella Vita Farm benefits from accessory agritourism activities, but agriculture should be prioritized and that new farm alcohol businesses are emerging at a fast pace.

Paula Linthicum shared that the public should be educated on how to respect farmers and their operations by, for example, driving safely behind large farm equipment and not trespassing onto private farm properties.

Jane Evans suggested that, when marketing the Agricultural Reserve, Visit Montgomery could educate or remind the public about driving safely near farm equipment.

Fred Lechlinder commented that there are multiple farm alcohol businesses that do not appear to meet the Zoning Code. Scheffel replied that those businesses were established before the passing of the farm alcohol production ZTAs and were therefore grandfathered in.

11. The next meeting of the AAC will be held on November 19, 2024 at 7:00 pm on Microsoft Teams.

12. Upcoming meetings and events:

Montgomery County Farm Bureau Board of Directors meeting: November 5, 2024
Montgomery Soil Conservation District Board of Supervisors meeting: November 8, 2024
Montgomery County Farm Bureau Banquet: November 12, 2024

Agricultural Preservation Advisory Board meeting: November 12, 2024

13. The meeting was adjourned at 8:38 pm.

Paula Linthicum introduced a motion to adjourn the meeting, Ben Butler seconded, and the motion passed unanimously.