

# Agricultural Preservation Advisory Board

Meeting Minutes

August 13, 2024

7:00 p.m.

The meeting was called to order at 7:04 pm.

## 1. Introductions

Board Members: Randy Stabler, Sarah Daken, Nick Magliato, Wade Butler, Tom Hoffmann.

Staff: Mike Weyand

Guests: Don Burrows, Billy Willard, Dale Tibbitts, Ruben Rosario.

## 2. Approval of Minutes

Butler motioned to accept the minutes; Hoffmann seconded, and the motion carried.

## 3. AEP/BLT/TDR Easements

### a. Forest Mitigation Bank (15500 Hughes RD)

Mr. Willard is pursuing a **57.67 ac Forest Mitigation Bank** on a farm located at 1550 Hughes Road. The Farm was encumbered by a County AEP easement in 2001. If approved, the Forest Bank would create sellable credits based on the amount of existing forest permanently protected.

Every forest mitigation bank must have a Category I Forest Conservation Easement recorded in land records. This easement permanently protects the forest and is subject to periodic inspection for compliance with its terms. Signage must also be posted indicating that the area is a permanently protected forest conservation area.

Forest mitigation banks may be accepted on any undeveloped land in Montgomery County with no existing easements. Land that contains agricultural easements may be acceptable if the agricultural easement is subordinated to the Category I Forest Conservation Easement protecting the forest mitigation bank.

Magliato motioned to subordinate the portion of the AEP easement located within the 57-acre tract to the Category I Forest Conservation Easement protecting the forest mitigation bank. Hoffmann seconded, and the motion carried.

### b. Agricultural Transfer Tax – Supplemental Appropriation

Agricultural Transfer Tax (ATT) is a tax that may be imposed when agricultural land is converted to another use. The tax is part of a system that encourages the preservation of farmland and woodland in Maryland. The ATT is calculated by multiplying the tax rate by the value of the land, minus the value of the improvements. It is collected at settlement and paid before a deed is recorded. The county receives 75% of the collected ATT, which it uses partly to provide matching funds for State easements.

The County received the FY24 State Ag Transfer Tax amount of \$939,758.45, which was \$739,758.45 higher than the projected and appropriated amount of \$200,000. The Office of Agriculture is working on a supplemental appropriation to allocate the surplus funds for FY25 preservation programming.

c. BLT Open Purchasing Period

The Office of Agriculture is considering a new BLT Open Purchase Period. 2014 was the last BLT Open Purchase Period. A BLT Easement permanently retires an approved on-site waste disposal system associated with the lot to be terminated under the easement. Since the landowner has already proven that the lot can support a residence, the price for eliminating the potential lot through a BLT easement is higher than that of a TDR.

“Partial BLT” refers to a developer contribution to the County’s Agricultural Land Preservation Fund (ALPF). A developer may purchase a partial BLT when the requested additional density is less than the density achieved by purchasing a whole BLT. Since 2012, the County has received payments for partial BLTs for 35 different development projects. The rate of partial BLT purchases has increased in recent years. From 2016 to now, the approval of 30 development projects included a requirement to purchase a partial BLT. The partial BLTs for those 30 projects summed to a total of 13.12 BLTs.

The County Code authorizes the County to purchase agricultural easements, including BLTs. The amount the County pays for a BLT is established by Executive Order. The County Executive last established BLT easement values in Fiscal Year 2014, with the minimum purchase value set at \$222,390.

The dollar amount a developer must contribute to the ALPF for a partial BLT is determined by multiplying the portion of a BLT required by the Planning Board by the value of a whole BLT as established by the Executive Order. For all partial BLTs required since 2013, the value of a whole BLT has been \$222,390, as determined by an Executive Order in July 2013. For example, the last partial BLT payment was received in April for 0.1637 partial BLT ( $0.1637 \times \$222,390 = \$36,405.25$ ).

#### **4. Maryland Agricultural Land Preservation Foundation (MALPF) Easements**

- a. FY24 Applicants
- b. FY25/FY26 Applicants

#### **5. Rural Legacy Program (RLP) Easements**

- a. FY23 Grants  
Grant funding was approved at the August 7 Board of Public Works.

## 6. Easement Monitoring & Inspections

### a. New Owner - Weitzer Farm (Bluffing Goat Farm)

Mikey Stotz and business partner Aren Johnson purchased the Weitzer Farm (14705 Sugarland Rd), now called Bluffing Goat Farm. In 1992, a County AEP easement was placed on the 200-acre dairy operation. The new owners intend to revive it using dairy goats and replicate the Cherry Glen business model, a former goat cheese producer located off Barnesville Rd. Future renovations would include a new milking parlor and the fixing up of existing ag structures. Mike Weyand (Office of Ag) and J. Harne (Soil Conservation) met onsite with Mikey to provide guidance on the AEP Easement and Soil Conservation Plan.

## 7. Legislative activities

### a. ZTA 24-02 – Campground (Agricultural & Rural Zones)

The Montgomery County Council approved ZTA 24-02, allowing overnight stays in the county's agricultural reserve and other rural areas. The decision aims to provide property owners with an additional opportunity for agritourism. The ZTA was spearheaded by council members Marilyn Balcombe, Dawn Luedtke, Sidney Katz, and Natali Fani-González. This initiative followed feedback from residents, agricultural operators, and advocates for the agricultural reserve. The County Council held a public hearing on July 16. The Planning, Housing, and Parks (PHP) committee met on Monday, July 22<sup>nd</sup> work session. The zoning text amendment was passed unanimously by the County Council on July 30. The new ZTA will go into effect on August 19.

## 8. Other Business

### a. Rustic Roads Functional Master Plan – Letter of Support Request

The Rustic Roads Functional Master Plan is being nominated for the American Planning Association National Capital Area chapter awards. Hoffman motioned to provide the Montgomery County Planning Department with a letter of support for the award. Butler seconded, Daken abstained, and the motion carried.

### b. Forestry Board Meeting

State law mandates that the Montgomery County Forestry and Ag Preservation boards meet annually to promote and retain farmland and woodland in their respective areas (Section 2-504.1). Weyand is meeting with Jim Harris (Chair) and the Forestry Board to fulfill this requirement. The Montgomery County Forestry Board meets at the Lathrop E. Smith Environmental Education Center (5110 Meadows Ln, Rockville) on Tuesday, Sep 10, 2024, from 1:30 PM to 3:30 PM.

c. Farm Tour

The Office of Agriculture's Farm Tour and Harvest Sale was held on July 27th and July 28th, with 24 farms participating this year. We helped promote the tour in our June Newsletter and social media outlets.

d. Solar Projects

Solar projects are progressing through the County Mandatory Referral Process.  
9/5/2024 – Planning Board Public Hearing on the Mandatory Referral

e. Upcoming Meetings and Events

- August 9 to 17 – Montgomery County Agricultural Fair
- September 10 – Forestry Board Meeting
- September 10 – APAB Meeting
- September 18 – SCD Cooperators Dinner (Montgomery County Fair)

The meeting was adjourned at 8:24 pm.