

Agricultural Preservation Advisory Board

Meeting Minutes
September 10, 2024
7:00 p.m.

The meeting was called to order at 7:03 pm.

1. Introductions

Board Members: Randy Stabler, Nick Magliato, Wade Butler

Staff: Mike Weyand

Guests: Don Burrows, Jake Adler

2. Approval of Minutes

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

3. AEP/BLT/TDR Easements

a. Planning Board TDR Incentive Update

During three work sessions in June, the Planning Board reviewed the Planning Department's recommendations on increasing the market for TDR (Transfer of Development Rights) purchases through the Incentive Zoning Update. The proposed changes include allowing developers to purchase either TDRs or BLTs (Building Lot Termination rights) when using the optional method of development in the CR (Commercial Residential) and LSC (Local Shopping Center) zones. Currently, only BLT purchases are required. Additionally, the update aims to incentivize the purchase of TDRs over BLTs. Following the work sessions, the Planning Board voted to present these recommendations to the County Council in the fall. If approved, the recommended changes to the TDR program would require the County Council to introduce a Zoning Text Amendment.

b. BLT Open Purchase 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.

4. Maryland Agricultural Land Preservation Foundation (MALPF) Easements

a. FY24 Applicants

No update.

b. FY25/FY26 Applicants

No update.

5. Rural Legacy Program (RLP) Easements

a. FY23 Grants

The Department of Natural Resources (DNR) is currently transferring funds to Montgomery County to finalize the FY23 Rural Legacy easement.

b. Rural Legacy Area Expansion

The Office of Agriculture has been working with a potential FY25 RLP grant applicant. If the application moves forward, a request to expand the Rural Legacy area will be made. The expansion request is made simultaneously with submitting the Rural Legacy application, due annually on the second Tuesday in February.

c. Dickerson Power Plant

Terra Energy, a private company, has bought the property where the decommissioned PEPCO Dickerson Power Plant is located. They want to build a data center and battery storage area there and have applied for approval to do so. The property is partly zoned as Heavy Industrial (IH) and partly as Agricultural Reserve, but the proposed construction would take place in the IH-zoned portion. Both the data center, categorized as Cable Communications System use, and the battery storage system, categorized as Public Utility Structure use, are allowed as conditional uses in the IH zone, which means they need approval from the Hearing Examiner.

During the September 5 Planning Board meeting, the Planning Department recommended that the Board approve the application with conditions to the Hearing Examiner. Planning Department staff stated that the proposed use will not change the character of the surrounding neighborhood, lead to the loss of farmland, or cause unacceptable noise, traffic, or environmental impacts on surrounding properties.

6. Easement Monitoring & Inspections

a. Water & Sewer Category Change Request (WSSCR)

County regulations on eligibility requirements mandate that agricultural easements are outside water and sewer categories 1, 2, and 3 ([Chapter 2B](#)). Changing the property water and sewer category to 1, 2, or 3 is prohibited.

b. Inspections

The Soil Conservation District and Office of Agriculture staff are investigating a complaint about stockpiling sand and soil stripping. A site visit to meet with the property owners is planned for next week.

7. Legislative activities

8. Solar/Energy

a. Mandatory Referral - Chaberton Solar Sugarloaf

Proposal to construct a Solar Collection System over 2 MW located at 20507 Darnestown Road, Dickerson, MD, on 53 acres in the AR zone. During the September 5 Planning Board meeting, the Planning Staff Recommended the denial of the Mandatory Referral and the transmittal of the comments to the State of Maryland Public Service Commission. Siting the applicant had not filled a Forest Conservation Plan pursuant to Chapter 22A of the Forest Conservation Law. The project is awaiting an administrative hearing with the Public Service Commission (PSC) for the Certificates of Public Convenience and Necessity (CPCN). The Planning Board and Chaberton agreed to request a 3-month extension with PSC to provide additional time to meet the County Forest Conservation Law.

b. Solar Siting Standards

The State is establishing a Solar Development Corridor (SDC), which encompasses two miles in either direction from transmission lines of 69KV or greater. New standards for siting solar are being discussed for the SDC. The Office of Agriculture will inform the Board as more information about the standards becomes known.

c. University of Maryland (UMD) Assessment of Agrivoltaics

Two researchers from the UMD Department of Environmental Science and Technology are conducting a study of stakeholder viewpoints on agrivoltaics to find ways agrivoltaics could be implemented successfully in Maryland. They are organizing focus group discussions with four stakeholder groups: 1) county government employees, 2) farmers and landowners, 3) advocacy groups, and 4) energy sector representatives. The government focus group discussion, which took place on August 2, included representatives from the County Executive's office, the Department of Environmental Protection, the Department of General Services, and the Planning Department. The farmer and landowner focus group discussion took place on August 21. The invitees included representatives from several agricultural groups, including the Montgomery County Farm Bureau Board of Directors and diverse agricultural industries.

9. Other Business

a. Committee Evaluation and Review Board Questionnaire

The CERB makes recommendations to the County Executive and County Council concerning the function, structure, staff impact, and effectiveness of specific county advisory boards, committees, and commissions. The County Code requires that every advisory board, including the APAB, 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 be asked to meet with each advisory board and will be working towards producing an Interim Report that will go to the County Executive and Council by mid-July 2025. Board members Stabler and Magliato will work with staff member Weyand to develop a draft report for the October board meeting.

b. Forestry Board Meeting Recap

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](#)). The Montgomery County Forestry Board will meet at the Lathrop E. Smith Environmental Education Center (5110 Meadowside Ln, Rockville) on Tuesday, September 10, 2024, from 1:30 PM to 3:30 PM. Weyand met with Jim Harris (Chair) and the Forestry Board to fulfill this requirement on September 10th. Landowners are required to have a Forest Stewardship Plan as part of the easement terms. Landowners seeking a Forest Stewardship Plan can contact DNR to have one written.

c. Rustic Roads Advisory Committee (RRAC) vacancy

The RRAC still has one commodity farmer vacancy. The position has been relisted, and the application deadline is October 30, 2024.

d. Maryland Department of Agriculture (MDA) Pesticide Recycling

MDA has announced the return of the Pesticide Disposal Program. Open to growers in Maryland, the program allows farmers and agricultural partners to dispose of unusable or unwanted agricultural pesticides safely. The Pesticide Disposal Program has been available to Maryland farmers and agricultural commodity producers since 1995. Eleven programs have been conducted, with more than 230,000 pounds of unusable or unwanted pesticides collected from 423 farm sites throughout Maryland. The program is funded through a federal grant, licensing, certification, and registration fees collected from pesticide businesses, certified applicators, and registered employees, and/or pesticide registration fees paid for by pesticide manufacturers and registrants. The program is available free of charge to all farmers, nurserymen, greenhouse operators, and Christmas tree growers. Registration forms to participate in the program are available [here](#). You can also contact MDA or your local UMD Extension office. The deadline for registration forms to be submitted to MDA is January 15, 2025.

e. Upcoming Meetings and Events

Montgomery Soil Conservation District Board meeting: September 13
Agricultural Advisory Committee meeting: September 17
MSCD Annual Cooperator's Dinner: September 18
Poolesville Day: September 21
Agricultural Preservation Advisory Board meeting: October 8

The meeting was adjourned at 8:06 pm.