

Agricultural Preservation Advisory Board

Meeting Minutes

July 9, 2024

7:00 p.m.

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

1. Introductions

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

Staff: Mike Weyand

Guests: Don Burrows

2. Approval of Minutes

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

3. AEP/BLT/TDR Easements

a. Easement Overview

Weyand provided an overview of agricultural easements in Montgomery County. Ag easements prioritize farming as the main land use and restrict residential, commercial, and industrial uses. Approximately 66,000 acres are subject to Transfer of Development Rights (TDR) easements, while agricultural Purchase Development Right (PDR) easements cover 23,184 acres. The County has invested over 93 million dollars in agricultural easements to preserve farmland since 1980.

4. Maryland Agricultural Land Preservation Foundation (MALPF) Easements

a. FY23 Applicants

A final settlement has been reached for Sharon E. Burdette (23035 Mt Ephraim Rd, Dickerson, MD 20842). A fully executed and recorded MALPF and TDR easements are expected within the coming weeks.

b. FY24 Applicants

FY24 Applicants were approved at the June 5 Board of Public Works Meeting.

c. FY25/FY26 Applicants

5. Rural Legacy Program (RLP) Easements

a. MDR Full Circle LLC & Wyndham Oaks - 19301 Bucklodge Rd. Boyds

Weyand provided an update to the board regarding Wyndham Oaks' request to build three run-in shelters for the horses at the Wyndham Oaks property, which is leased from MDR Full Circle LLC. The property is subject to a Rural Legacy easement and spans 13 acres with three fenced pastures. The construction of run-in shelters is allowed under the terms

of the rural legacy easement, as they are considered agricultural structures. However, obtaining an electrical permit would be necessary if electricity needs to be installed. Additionally, Wyndham Oaks will work with the district to revise its soil conservation plan.

b. FY23 Grants

Scheduled to go before the Board of Public Works for approval on August 7.

6. Easement Monitoring & Inspections

a. End of Year Report

Weyand reported on inspections completed during the fiscal year 2024. The Office of Agriculture conducts inspections to ensure compliance with the agricultural easement terms. 29 easement inspections (5363 acres) were completed. Around 35% of easement inspections were Purchase Development Right (PDR) easements.

7. Legislative activities

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

ZTA 24-02 will allow campgrounds in certain agricultural and rural zones under specific conditions. The County Council is holding a public hearing on July 16. The Planning, Housing, and Parks (PHP) committee will meet on Monday, July 22nd, for a work session about this ZTA. A second PHP committee session is scheduled for July 29th, if necessary. After the committee work sessions, the zoning text amendment will come to the full Council for a vote.

8. Other Business

a. Chaberton Sugarloaf Solar Project

A solar developer, Chaberton Solar, has applied to the MD Public Service Commission (PSC) to build two solar projects that will generate over 2 MW, both in the Agricultural Reserve. The first one, Chaberton Sugarloaf (Case No. 9726), is a 4 MW project proposed for approximately 16 acres of the 53 acres on 20507 Darnestown Road, Dickerson. The second, Chaberton Ramiere (Case No. 9733), is a 3 MW project proposed for approximately 11 acres of the 118 acres on 17600 Whites Ferry Road, Poolesville. These properties have Class 1 or 2 soils on 77.1% and 99.9% of their areas, respectively. The County Code, which allows for solar installations of up to 2 MW, does not allow them on Class 1 or 2 soils. However, because these two projects will generate over 4 MW, they are under the jurisdiction of the PSC, which only needs to give “due consideration” to local ordinances.

Chaberton Solar is required to submit Mandatory Referral applications for both projects to the Montgomery County Planning Department. The Planning Department will have 60 days to review both applications, hold public hearings, and at the end remit recommendations and considerations to the PSC.

The PSC will also hold public hearings on these two projects. A virtual public hearing for the Sugarloaf project is scheduled for July 10 at 7 pm. The public may sign up to speak at the hearing by emailing psc.pulj@gmail.com by July 9 at 12:00 pm. The live stream of the hearing will be available on the [Public Utility Law Judge Division's YouTube Channel](#). Written comments on the proposed project may be submitted electronically through the [Commission's Public Comment Dropbox](#), which can be accessed through the Commission's website. All comments must include reference to Case No. 9726.

b. [Americans For Family Farmers Testimony](#)

The Maryland Farm Bureau notified the Office of Agriculture about a group called the Americans for Family Farmers. The group used farm names without consent to provide favorable testimony on SB 193 (Agriculture: Confinement of Egg-Laying Hens in Commercial Egg Production – Prohibitions). The Bureau has identified several members whose farm names were used without their knowledge. The Bureau is contacting local farms to ensure the accuracy and integrity of the information used in these testimonies.

c. [Open Meetings Act Training](#)

d. [Upcoming Meetings and Events](#)

- July 27 & 28 – County Farm Tour
- August 9 to 17 – Montgomery County Agricultural Fair
- August 12 – 2024: Agricultural Leaders' Lunch (noon)
- August 13 – APAB Meeting

The meeting was adjourned at 7:56 pm.