

Agricultural Preservation Advisory Board

Meeting Minutes

January 14, 2024

7:00 p.m.

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

1. Introductions

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

Staff: Mike Weyand, Mike Scheffel

Guests: Jake Adler, Don Burrows, Dale Tibbitts.

2. Approval of Minutes

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

3. Board Requests

- a. None

4. AEP/BLT/TDR Easements

- a. Presentation – Overview of TDR & BLT Program

Mike Scheffel, Director of the Montgomery County Office of Agriculture, provided an overview of the county's Transferable Development Rights (TDR) and Building Lot Termination (BLT) programs, which were established to preserve farmland and open space in the County's Agricultural Reserve.

TDR Program:

- Established: 1980
- Purpose: To compensate landowners for the loss of equity due to downzoning, which reduced the density from one dwelling unit per five acres to one dwelling unit per 25 acres.
- Mechanism: Property owners in the Agricultural Reserve receive one TDR for every five acres of land. These TDRs can be sold to developers who use them to increase residential density in designated areas outside the Agricultural Reserve.
- Current Status: TDR prices peaked between 2006, with a significant decrease after. As of 2025, there are approximately 1,349 created but unused TDRs, with a estimated potential total supply of around 4,500 TDRs.

BLT Program:

- Established: 2008
- Purpose: To further limit non-agricultural residential development in the Agricultural Reserve by offering compensation to property owners in exchange for foregoing development of buildable TDRs.
- Mechanism: Property owners can create BLTs by placing permanent land easements that prohibit residential construction and restrict the land to

agricultural uses. These BLTs can be sold to developers to increase density in designated areas outside the Agricultural Reserve.

- Current Status: Since 2018, the BLT program has seen limited activity, with no new BLTs created and only six private BLTs sold and used. The County has not purchased any BLTs since Fiscal Year 2016 due to a lack of ongoing funding sources.

Overall, both programs aim to preserve agricultural land and manage development in Montgomery County, but they face challenges related to market demand and funding.

5. Maryland Agricultural Land Preservation Foundation (MALPF) Easements

a. FY24 Applicants

Maryland Department of General Services sent the closing package for the Kilmain Farm on December 6th. The Office of Agriculture anticipates the easement will be settled and finalized in late January.

b. FY25/FY26 Applicants

An FY25/26 MALPF application was submitted for Marchant Farm. The Office of Agriculture anticipates MALPF will issue offer letters this summer.

6. Rural Legacy Program (RLP) Easements

a. FY23 Applicants

The Office of Agriculture is working with DNR and the Nicholson Living Trust to finalize a Mount Carmel Cemetery Road farm conservation easement.

b. FY26 Applicants – Cancelled

The FY26 Rural Legacy Grant cycle applicant has chosen not to proceed. Weyand will seek another suitable applicant for the program, but time is limited. Rural Legacy applications are due on the second Tuesday of February. Weyand remarked that it will be challenging to find a replacement in such a short timeframe, and it is likely that an application for the county will not be submitted this year.

c. Update – 17215 Elmer School RD

Weyand updated the board about a farm owned by Bobby Johnson on Elmer School Rd that is encumbered by a Rural Legacy Easement. Bobby is moving forward with preparations for building a house on the property. They have applied for a well and septic installation. They have been preparing plans for installing internet and telephone lines with Verizon and electrical lines with Allegheny Power. They will proceed with the subdivision at Park and Planning. Weyand noted that no action from the board is required since the board previously reviewed and approved this item.

7. Easement Monitoring & Inspections

8. Legislative activities

a. [MC 15-25 – Montgomery County Agricultural Reserve Study](#)

Delegates Qi, Foley, Fraser, Kaiser, Wu, Ziegler, and Senator Feldman proposed the economic study, which aims to develop data and information about the tourists who visit the Agricultural Reserve's economy.

b. [HB0081 - Compensation for Farm and Agricultural Property](#)

Requiring the fair market value of certain agricultural property taken in a condemnation proceeding to be valued at 350% of the highest appraisal value of the property; and applying the Act retroactively to condemnation proceedings initiated on or after January 1, 2024.

c. [SB0176 - Agriculture - Soil Conservation and Water Quality Plan - Uses of Information](#)

Authorizing the Department of Agriculture to use information from a soil conservation and water quality plan for certain enforcement actions and statistical purposes.

9. Solar/Energy

a. [Chaberton Solar Update](#)

The Planning Board Public Hearing took place on January 9, 2025, regarding the Mandatory Referral (MR2024016) for the Chaberton Solar Sugarloaf project and the Forest Conservation Plan. The Planning Board voted to deny the Mandatory Referral application while approving the Forest Conservation Plan for the project. However, the Maryland Public Services Commission (PSC) can still approve the project with only “due consideration” given to the local zoning ordinance. Additionally, the Planning Board voted to send a letter to the County Council recommending an amendment to the zoning ordinance to encourage more community solar energy projects in the county, especially in the Agricultural Reserve.

The County (Planning Board, County Executive, and County Council) has until January 24 to submit updated comments to the PSC. The PSC’s second public hearing on this project is scheduled for February 4 at 6:30 pm at the Upper Montgomery County Fire Department in Beallsville.

Members of the Agricultural Preservation Advisory Board discussed the implications of the PSC overruling the local zoning ordinance concerning farmland. They expressed strong concerns that this could set a precedent leading to significant loss of prime farmland. In response, Stabler moved for the board to write a letter to the County Council and County Executive that emphasizes the importance of upholding ZTA 20-01 for farmland preservation and requests a joint letter to the PSC urging it to maintain the local zoning ordinance and protect the Agricultural Reserve. Hoffman seconded the motion, and it carried.

10. Other Business

a. Support Letter for Curriculum for Agriculture Science Education (CASE) Program

- Weyand informed the board that a letter endorsing the Curriculum for Agricultural Science Education (CASE) program at Sherwood High School was sent to the County Executive. This letter was a response to recent contact from Glenn Miller, a teacher at Sherwood High School who instructs two courses under the Curriculum for Agricultural Science Education (CASE). Our office has supported this program by organizing annual farm visits for the students. Mr. Miller believes the program is at risk of being cut and requested help supporting the program.

b. Upcoming Meetings and Events

- January 27 - Farm Alcohol Producers Meeting (10:30 – Noon)

The meeting was adjourned at 9:33 pm.