



AGRICULTURAL ADVISORY COMMITTEE (AAC)

Regular Meeting Agenda February 18, 2025

1. The meeting called to order at 7:04 pm.
2. Introductions

Committee: Lori Larson, Ben Butler, Fred Lechliden, Matt Lechliden, Jeff Dowling, Paula Linthicum, Tim Hussman, Debbie Tropp, Ellen Gordon, Jane Evans, Tom Precht (online), Russ Allnutt (online), Mike Protas (online)

Office of Agriculture (OAG) staff: Mike Weyand, Natalia Salazar

Guests: Doug Lechliden, Wade Butler, Angela Butler, Marcia Kingman, Maribeth Guarino, Doug Wallick, Jake Adler, Dale Tibbitts (online), Craig Wilson (online), Linda Bergofsky (online), Nkosi Yearwood (online)

3. Approval of the January 21, 2025, AAC minutes

Jane Evans introduced a motion to approve the minutes, Debbie Tropp seconded it, and the motion passed.

4. Office of Legislative Oversight (OLO) Report on the Status of Transferable Development Rights (TDRs) and Building Lot Termination (BLT) Programs

On December 9, the County Council's Planning, Housing, and Parks (PHP) Committee held a work session to discuss the Planning Department's recommendations on how to increase the market for TDR purchases through the Incentive Zoning Update: requiring developers to purchase either TDRs or BLTs when using the optional method of development in the CR and LSC zones (currently only BLT purchases are required) and incentivizing the purchase of TDRs over BLTs by offering developers additional density when purchasing TDRs.

The PHP committee did not agree with the recommendation of incentivizing TDRs over BLTs but rather determined that developers should simply be required to deposit a certain amount of funds into the Agricultural Land Preservation Fund, which is managed by the OAG. Based on ongoing direction from the Agricultural Preservation Advisory Board, the OAG will then use those funds to purchase either TDRs (on a first-come, first-serve basis) or BLTs (during announced open application periods).



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The amount the County will pay landowners for a BLT will continue to be the amount determined through the most recent County-commissioned appraisal study. The amount the County will pay for a TDR is still to be determined by the County Council.

These changes to the TDR program would require the County Council to introduce a Zoning Text Amendment (ZTA) and the County Executive to introduce an Executive Regulation to amend Chapter 2B (Agricultural Land Preservation) of the County Code. This means that this new program will likely not be in operation until the summer of 2025 or later. The Council staff has drafted a ZTA, which was sent to the AAC members prior to the meeting.

5. Proposed solar projects generating over 2 MW in the Agricultural Reserve

At the January 9 Planning Board public hearing on the Chaberton Solar [Sugarloaf](#) project (4 MW array proposed for 16 acres on 20507 Darnestown Road, Dickerson), the Board followed the recommendations of the Planning Department's [staff report](#) and voted in favor of denying the Mandatory Referral application based on non-conformance with the county's zoning ordinance and the master plan for the Agricultural Reserve. The Planning Board also voted in favor of sending a letter to the County Council recommending that the zoning ordinance be amended to encourage more community solar energy projects in the county, particularly in the Agricultural Reserve.

On January 24, the County Executive and Council formally submitted a [joint letter](#) to the Public Services Commission (PSC) requesting that the PSC respect the county's zoning ordinance when reviewing the Sugarloaf project application. The PSC's second public hearing on this project was held on February 4 at the Upper Montgomery County Fire Department in Beallsville.

On March 10 at 6:30 pm, there will be another public hearing at the Beallsville Fire Department, this time for Chaberton's [Ramiere](#) project (3 MW array proposed for 11 acres on 17600 Whites Ferry Road, Poolesville). The County will have until February 21 to submit comments for this project.

Chaberton has expressed a desire to lease the land under and around the solar panels for free to one or more farmers interested in testing agrivoltaics. The company drafted a request for proposals (RFP) from farmers (see [Attachment D](#) on p. 22 in the Planning Department's report). The OAG shared this RFP with Montgomery County Farm Bureau and the county's food producing farmers, who have expressed skepticism and concern.



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Debbie Tropp suggested that the OAG talk with a University of MD research team that is will be conducting a field study on agrivoltaics, which she is in contact with.

6. [SB0931/HB1036](#), Public Utilities – Generating Stations – Generation and Siting

Introduced by State Senator Brian Feldman and State Delegates Wilson and Crosby, this bill would prevent local jurisdictions from adopting laws that prohibit solar energy projects generating over 2 MW anywhere in the county or place more restrictive requirements than those specified in the bill. It would also prevent local jurisdictions from denying site development applications that meet these requirements and to expedite these applications. The requirements listed in the bill do not include agrivoltaics or prohibitions for development on prime agricultural soils. Farms with agricultural preservation easements (other than a TDR easement) would still be protected from solar development.

This bill would also create the same protections for the construction of energy (battery) storage facilities. Senator Feldman's office and District 15 Delegates stated that the intention behind this bill is to encourage solar development on farmland since it is a cost-effective way to meet the expected future demands on the electrical grid. Solar energy is seen as a much faster way to produce the electricity needed to avoid future brownouts than nuclear energy.

On February 13, the Agricultural Preservation Advisory Board submitted a letter to the County Council expressing opposition to this bill, which was sent to the AAC members prior to the meeting. This letter highlighted several problems with the bill, including the fact that it:

- a) overrides the county's solar ordinance, which was carefully crafted with extensive input from all stakeholders,
- b) offers no protections for prime agricultural soils
- c) exempts community solar projects from personal and real property taxes, and
- d) offers no compensation to counties for solar development on priority agricultural preservation areas.

The Council voted against supporting this bill, as did the Maryland Association of Counties (MACo).

After some discussion on this bill where multiple AAC members expressed opposition, Ms. Larson asked the members whether they would like to submit a letter to the County Council in opposition, which the group agreed to. This was followed by discussion about what, if any, bill amendments the AAC should recommend. The group agreed to send an opposition letter that does not recommend amendments. There was consensus among the AAC members on communicating the following:



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- a) The agricultural community is not opposed to accessory-scale solar arrays on farms, as evidenced by the fact that many farmers were early adopters of this use, only to community-scale arrays that take land out of agricultural production or are located on prime agricultural soils. Solar projects require extensive grading, which removes topsoil; therefore, the land will not revert to productive agriculture once the array is decommissioned.
- b) The burden of meeting the state's renewable energy goals should not fall disproportionately on the agricultural sector or lead to the loss of farmland. Areas that should be targeted first are publicly-owned lands that lay idle and unused urban/suburban surfaces that are already impervious.
- c) Agrivoltaics has not been scientifically demonstrated in the region; therefore, these projects should be taxed as a commercial, not agricultural, use.

It was also pointed out that the bill was written without considering input from stakeholders, including that relayed by MACo representatives when the bill was being discussed prior to the legislative session, and that it could be beneficial if it was amended to exempt counties that have zoning ordinance standards for solar projects, as Montgomery County does.

Ben Butler introduced a motion to send an opposition letter to the Council that includes the points the group agreed on, Paula Linthicum seconded the motion, and the motion carried. Ms. Larson volunteered to draft a letter and send it to the group for approval.

7. [MC 15-25](#), Department of Commerce – Montgomery County Agricultural Reserve Study

Introduced by the Montgomery County Delegation to the General Assembly, this bill would require the MD Department of Commerce to produce a study of the tourism economy of the Agricultural Reserve and provide policy recommendations to increase agritourism and rural tourism. The study would report on metrics such as visitor volumes, patterns, behaviors, and attitudes, the economic benefits of tourism in the Ag Reserve, and barriers to increased tourism.

Some AAC members expressed opposition to this bill, pointing out that the state should be interested in studying the entire agricultural sector and its economic benefits and challenges, not just the agritourism sector, and that the reason the bill focuses only on agritourism is that this sector brings in tax revenue.

8. [Visit Montgomery Rural Branding Initiative](#)

In 2023, Visit Montgomery obtained a grant from the Economic Development Administration to brand and market agritourism and rural tourism in Montgomery County. In



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2024, they held listening sessions with agritourism business owners and other stakeholders. They then hired a consulting company called Civic Brand to develop branding materials and a marketing strategy. This company has been meeting with several agritourism business owners and other stakeholders to determine what they think is special about rural Montgomery, what kind of tourism is most appropriate for the area, and what message they would like to communicate to visitors. They are also collecting [survey](#) responses from the general public, both stakeholders and visitors. The OAG is encouraging farmers to complete the survey, whether to express support for increased agritourism, only certain kinds of tourism, or no increase.

Some AAC members expressed opposition to the survey, stating that more agritourism in the county would threaten the viability of production agriculture and that people who do not live in the Agricultural Reserve should not dictate what happens in that region.

9. Maryland Department of Agriculture (MDA) value-added agriculture initiative

Martin Proulx, MDA's Value-Added Agricultural Specialist, will be compiling a statewide guidance and analysis document for state and county agencies to better understand the regulations affecting agricultural processing and agritourism in Maryland. The goals are to educate agencies so that regulations are enforced the same way across the state, as well as to shed light on regulatory and policy challenges to value-added agriculture and inform future legislation and policy-based decisions. Mr. Proulx will be meeting with the agricultural development offices in each county, including the OAG, to learn about county-specific planning, zoning, and permitting requirements.

10. Highly pathogenic avian influenza (HPAI)

Since January 2025, there have been at least eleven poultry flocks in MD with confirmed HPAI, including a [backyard flock in Gaithersburg](#). The HPAI virus, which is carried by wild waterfowl, can infect chickens, turkeys, geese, ducks, and other domestic poultry. The virus can be transmitted to cattle and humans but is not considered a threat to the general public, only to poultry or dairy farm workers. MDA is urging commercial poultry farmers and backyard owners to be on heightened alert for HPAI and to follow the procedures listed in the [MDA website on HPAI](#).

11. Agritourism discussion

Ms. Larson informed the AAC members that the goal of this discussion is to openly share any concerns that group members may have concerning land uses in the agricultural reserve, including what the definition of "accessory to farming" should be. To open the discussion,



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the group heard about several agritourism operations operating successfully and in a manner that is truly accessory to farming. Natalia Salazar shared that, from the OAG's observations and conversations with these agritourism businesses, what they have done right is: 1) devoted a large portion of the property to production agriculture, 2) been considerate of their neighbors and responsive to constructive requests, and 3) understood what uses in the County Code they fall under and met the required standards.

Each member of the AAC had the opportunity to share their views and a thoughtful and robust conversation ensued.

Ms. Larson reminded the AAC members of the recommendations they submitted to the County Council in November of 2023 on amending the zoning code requirements for FAP. The recommendations were to require all new FAP businesses to be located on lots with a minimum area of 25 acres and to require all of them to grow at least 5 acres of ingredients used in the alcohol. Ms. Larson asked the members whether they would like to reiterate these recommendations or recommend more stringent growing requirements. Although the group agreed that more stringent growing requirements are necessary, a consensus was not reached on the specific requirement.

Lori Larson proposed continuing the discussion at the March meeting and the group agreed. She added that she and others spent a considerable amount of time researching whether other jurisdictions in the U.S. have defined "accessory to agriculture" and did not find any definitions. Debbie Tropp volunteered to search for a definition in the National Agricultural Law Center at the University of Arkansas.

12. The next meeting of the AAC will be held on March 18, 2025 at 7:00 pm, format and location to be decided.

13. Upcoming meetings and events:

Montgomery County Farm Bureau Board of Directors meeting: March 4, 2025

Agricultural Preservation Advisory Board meeting: March 11, 2025

Montgomery Soil Conservation District Board of Supervisors meeting: March 14, 2025

14. The meeting was adjourned at 9:15 pm.

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