

Montgomery County Agricultural Advisory Committee (AAC)  
**Regular Meeting Minutes**  
**January 21, 2025**

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

Committee: Lori Larson, Ben Butler, Matt Lechlides, Jane Evans, Mike Protas, Russ Allnutt, Tom Precht, Fred Lechlides, Amanda Cather, Ellen Gordon, John Brewer

Staff: Mike Scheffel, Mike Weyand, Natalia Salazar

Guests: Marcia Kingman, Eleanor Leak, Aaron Kraut, Jake Adler, Dale Tibbitts, Maribeth Guarino, Craig Wilson, Nkosi Yearwood

3. Approval of the November 19, 2024, AAC minutes

Jane Evans introduced a motion to approve the minutes, Tom Precht seconded, and the motion passed unanimously.

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, i.e. 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).

These changes to the TDR program would require the County Council to introduce a Zoning Text Amendment 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.

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

On December 30, 2024, the Planning Department produced a new [staff report](#) on the Chaberton Solar [Sugarloaf](#) project, again recommending denial of 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 reviewed this report and received public comment during their January 9 meeting. The Board voted in favor of denying the Mandatory Referral application but approved the Forest Conservation Plan for the project. However, it is important to note that the MD Public Services Commission (PSC) has the ultimate authority to approve the project and only needs to give "due consideration" to the local zoning ordinance.

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.

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

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. An evening public hearing will take place during the week of March 10.

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.

Ellen Gordon shared that multiple sources, including the American Grazing Association, indicate that grazing under solar panels is not profitable unless the farmer is paid for vegetation management, a service that the landowner or solar company would have to pay for anyway. Fred Lechliden commented that accessory solar energy on farms, whether ground- or roof-mounted, are compatible with agriculture, but community solar on farmland removes land out of production. He added that many solar projects are removing topsoil prior to construction; therefore the land will not revert to agriculture when the panels reach their end of life.

## 6. Maryland General Assembly 2025 legislation updates

Mike Scheffel shared information on [SB0345/HB0386](#) – Pesticides-PFAS Chemicals-Prohibitions, a bill that, starting on June 1, 2028, would prohibit the use of pesticides that have per- and polyfluoroalkyl substances (PFAS) listed as active ingredients. This bill was introduced last year without success. Many farmers argue that it is misguided given that

PFAS are found everywhere in the environment and pesticides are not an important source of these substances.

Scheffel added that he would send a legislative matrix with information on several other bills this session that would affect agriculture in the county.

#### 7. MoCo Microhub cold storage for food producers

Thanks to a Washington Gas grant obtained by the Montgomery County Food Council, the OAG installed an outdoor refrigerated unit next to the office building for county food producers to use as a shared-use cold storage space. The 20' by 10' unit is now open for farmers to temporarily store produce, eggs, dairy, and meat for free through an online reservation system. Farmers can pick up their products or arrange for them to be picked up for delivery to food assistance providers, retailers, restaurants, etc. If you have questions or would like to reserve space, please contact Natalia Salazar or Jackie Arnold.

In conjunction with the cold storage unit, the OAG would like to in the future make the commercial kitchen in the lower level of the building available as a licensed, shared-use kitchen for county farmers to process their products. Because the building is managed by the Parks Department, the OAG needs to come to an agreement with this department on the use of the kitchen. The two agencies are working on a new building-wide memorandum of understanding (MOU) for the OAG and other agencies to continue using the building, and the shared-use kitchen agreement will need to be a component of that MOU.

#### 8. Food Producing Farmers' Forum

The OAG will hold its annual meeting with the county food producers on February 21. The purpose of this meeting is for farmers to hear updates from the OAG, Office of Food Systems Resilience, Montgomery County Food Council, and Manna Food Center, as well as to provide feedback to these groups and County Councilmembers in attendance.

#### 9. Farm Alcohol Producers' meeting

The OAG will meet with the county winery, brewery, cidery, and distillery owners on January 27 at Windridge Vineyards. The purpose of this meeting is to discuss items pertinent to these farm businesses, mainly including the report the OAG is required to submit to the County Council every two years on the status of farm alcohol production in the county.

#### 10. 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.

11. Highly pathogenic avian influenza

On January 10, the MD Department of Agriculture (MDA) reported that broilers at a commercial farm in Caroline County recently tested positive for H5N1 Highly Pathogenic Avian Influenza (HPAI), the first case on a MD commercial poultry farm since 2023. The farm has been quarantined and MDA is monitoring the testing of nearby flocks. The virus, which is carried by wild waterfowl, has also been detected in snow geese in Dorchester and Worcester Counties and commercial poultry in Kent County, DE.

HPAI can infect chickens, turkeys, geese, ducks, and other domestic poultry, both in commercial farms and backyard flocks. 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 this [news release](#).

12. Other items

John Brewer shared that he has completed his three-year term and will serve until a replacement is appointed.

13. The next meeting of the AAC will be held in person on February 18, 2025 at 7:00 pm at the Upcounty Regional Services Center.

14. Upcoming meetings and events:

Montgomery County Farm Bureau Board of Directors meeting: February 4, 2025  
Agricultural Preservation Advisory Board meeting: February 11, 2025  
Montgomery Soil Conservation District Board of Supervisors meeting: February 14, 2025  
Presidents' Day (office closed): February 17, 2025

15. The meeting was adjourned at 7:49 pm.

Ben Butler introduced a motion to adjourn the meeting, Fred Lechliden seconded, and the motion passed unanimously.