

Agricultural Preservation Advisory Board

Meeting Minutes

December 10, 2024

7:00 p.m.

The meeting was called to order at 7:04 pm.

1. Introductions

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

Staff: Mike Weyand

Guests: Jake Adler

2. Approval of Minutes

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

3. Board Requests

a. Trippy Goat Farm – Farm Distillery (update)

Weyand updated the board on the new building plans for Marc Potash Trippy Goat Farm (20311 Beallsville Rd), encumbered by a County AEP Agricultural Easement. The Agricultural Preservation Advisory Board has reviewed several requests from Marc Potash, including widening his farm access lane and constructing a tasting room and farm tenant house. Marc notified the Office of Agriculture that he is no longer pursuing those projects and will focus solely on building the farm distillery, which will not include any public components. Marc will work with the Soil Conservation District (SCD) to meet the new building's erosion and sediment control requirements. No board action was required for this item.

4. AEP/BLT/TDR Easements

a. TDR Incentive Zoning Update

The Planning, Housing & Parks (PHP) Committee reviewed the TDR incentive recommendations on December 9th in high-level working sessions with the Office of Agriculture (OAG) and MNCPPC staff. The recommendations would allow a new pathway for the OAG to sell and fund the purchase of TDRs. The council supported this effort and acknowledged a more extensive conversation beyond the incentive zoning update is necessary to revitalize the TDR and BLT market. The PHP council directed the MNCPPC staff to draft a Zoning Text Amendment (ZTA) for review in March 2025.

Weyand noted that the Office of Agriculture will seek recommendations during the development of the ZTA. The board requested a presentation that provides a historical overview of the BLT and TDR programs at the January meeting to help prepare for offering future guidance.

b. BLT Open Purchasing Period

The Office of Agriculture is preparing to open a new Building Lot Termination (BLT) purchase period, the first since 2014. A BLT Easement permanently eliminates an approved on-site waste disposal system for a lot designated for termination under the easement. Since the landowner has already demonstrated that the lot can support a residence, the cost of removing the potential lot through a BLT easement is higher than that of a Transfer of Development Rights (TDR).

According to the County Code, the County can purchase agricultural easements, including BLTs. An Executive Order determines the payment amount for a BLT. The last time the County Executive set BLT easement values was in Fiscal Year 2014, with the minimum purchase price established at \$222,390 (equivalent to \$257,407 in 2022 dollars). Currently, staff are drafting a Request for Proposal (RFP) for a reappraisal study to update the BLT easement value from 2014.

5. Maryland Agricultural Land Preservation Foundation (MALPF) Easements

a. FY24 Applicants

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

b. FY25/FY26 Applicants

6. Rural Legacy Program (RLP) Easements

a. FY26 Grants

Weyand notified the board of one application for the FY26 Rural Legacy program. The board will review the application at the January meeting and vote on whether to recommend its approval.

b. FY23 Grants

7. Easement Monitoring & Inspections

Weyand met with the new owner of 24711 Burnt Hill Road, a farm encumbered by a County AEP Agricultural Easement. The farm has one (1) remaining development right associated with the three parcels, which is currently tied to an old farmhouse. The easement had one (1) additional personal development right strictly as for the original grantor, but that did not run with the land and was extinguished when sold. Repurposing the old farmhouse into an agriculturally related structure serving the farm property is allowed. This would free up the one (1) remaining development right to build a one-family dwelling elsewhere on the farm. The exact location of the new dwelling depends on perc testing and would require APAB board approval. These projects must adhere to county code requirements and trade permits.

8. Legislative activities

a. [MC 2-25 – Prohibited Restrictions on Use – Accessory Dwelling Units](#)

The Office of Agriculture has become aware of MC Bill 2-25, which could remove restrictions on accessory apartments. In Agricultural Reserve (AR) zones, properties that have agricultural preservation easements, such as Transfer of Development Rights (TDR) and Purchase of Development Rights (PDR) easements, currently prohibit accessory apartments. The Office of Agriculture was informed that the bill was not intended to include any property under agricultural preservation. Staff will continue monitoring the progress of this bill and provide updates to the board.

b. [Bill 5-21 – Agricultural Land Preservation – Solar Collection System – Dedication of Business Personal Property Tax Revenue](#)

Bill 5-21 directs business personal property taxes collected on solar collection systems built in the AR zone to the Office of Agriculture's Agricultural Land Preservation fund.

9. Solar/Energy

a. [Chaberton Solar Update](#)

Weyand updated the board that the mandatory referral was resubmitted to Park & Planning for review.

10. Other Business

a. [New County Council Officers](#)

The Montgomery County Council elected Kate Stewart as president, and Councilmember Will Jawando was elected vice president.

b. [Upcoming Meetings and Events](#)

- MSCD Board of Supervisors meeting: December 13, 2024
- Biennial Farm Alcohol Meeting – TBD

The meeting was adjourned at 8:18 pm.