

Agricultural Preservation Advisory Board

Meeting Minutes

July 8, 2025

7:00 p.m.

The meeting was called to order at 7:06 pm.

1. Introduction

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

Staff: Mike Weyand

Guests: Jake Adler, Dale Tibbitts.

2. Approval of Minutes

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

3. Board Requests

None

4. AEP/BLT/TDR Easements

a. Policy Discussion - Community Solar on County Agricultural Preservation Easements

The Office of Agriculture does not permit community solar projects on properties with County AEP easements. Instead, it allows only accessory solar projects, provided they receive approval from the Agricultural Preservation Board. This policy aligns with the existing terms of County AEP easements, and the Office of Agriculture's attorney supports this legal interpretation.

Over the past year, there has been increasing pressure to convert farmland into commercial-scale solar facilities. In response, the board has been asked to formally express its stance on this policy to determine whether it aligns with the views of the Agricultural Preservation Board and the broader agricultural community.

During recent meetings, board members have discussed this issue extensively. As a result of those discussions, a formal policy was developed and presented to the board for consideration at this meeting. Hoffman motioned to support the policy as the board's official opinion on community solar projects regarding AEP easements. Magliato seconded the motion, which was then passed unanimously. Weyand will draft a cover letter and submit the policy to Mike Sheffel, the Director of the Office of Agriculture.

b. Updating Chapter 2B. Agricultural Land Preservation – Regulations

The county is currently progressing through the public process for ZTA 25-05. While this zoning text amendment does not directly impact other Chapter 2B regulations, it will enable the Office of Agriculture to propose additional updates to the Chapter 2B agricultural land preservation code, which governs county agricultural preservation easements.

In terms of its status, ZTA 25-05 was recently endorsed by the County's PHP Committee during a work session on June 16. Once the ZTA receives approval from the County Council, the County Executive will need to adopt an Executive Regulation to amend Chapter 2B of the County's Agricultural Code. The board discussed two potential changes.

The first change would allow existing County Agricultural Easement Program (AEP) easements with child lot provisions to be extended to grandchildren. The second revision would reduce the 100-acre size requirement for Farm Labor Housing Units (FLHU).

At this stage, the Office of Agriculture is still in the early phases of compiling potential changes to propose for updating Chapter 2B of the county code. The Office of Agriculture will seek the board's opinions on these changes in upcoming meetings.

5. Maryland Agricultural Land Preservation Foundation (MALPF) Easements

a. FY25/FY26 Applicants

The Marchant Farm is the only MALPF easement for fiscal years 2025 and 2026. It is owned by the Jamison family and is located on Darnestown Road. The application is currently awaiting an offer letter from the MALPF program, which is expected to be issued this summer.

6. Rural Legacy Program (RLP) Easements

a. Rolling Acres Farm

Rolling Acres Farm, situated on Mount Carmel Cemetery Road, is owned by Kevin Foster and the Nicholson Living Trust. It's a 201-acre equitation operation. This easement was funded through the Maryland Department of Natural Resources (DNR) Rural Legacy Grant Program. Initiated in January 2023, the County received \$1,305,703 from the DNR last October and was able to settle it on June 25.

7. Easement Monitoring & Inspections

a. Inspection Report

No update.

8. Legislative activities

a. ZTA 25-05 Development Standards - Optional Method Public Benefits

The County's PHP Committee recently endorsed ZTA 25-05 during a work session on June 16. Once the ZTA receives approval from the County Council, the County Executive will need to adopt an Executive Regulation to amend Chapter 2B of the County's Agricultural Code.

b. Bill 18-25, Forest Conservation - Trees

Introduced on June 17, this bill mainly aims to align Chapter 22A (Forest Conservation) of the County Code with changes in the state regulations that resulted from State Senate Bill 526. However, the bill would also expand the definition of "tree" to: "a large, woody plant having one or several self-supporting stems or trunks measuring at least one inch caliper and numerous branches that reach a height of at least 20 feet at maturity" (underlined text denotes an addition to the Code).

This coincides with the State's definition except for the one-inch caliper threshold. This County Bill would also exempt photovoltaic arrays from the afforestation requirements specified in this chapter, per State Senate Bill 526. The OAG remitted the APAB's written testimony to the County Council on July 2.

9. Solar/Energy

a. Mountain Vale Community Solar Project

On June 26, the Planning Board voted in favor of the conditional use application for the [Mountain Vale solar project](#) (1.8 MW array proposed for 11 acres on 17700 Barnesville Rd). Because the facility will generate under 2 MW, the project is still required to obtain approval from the Montgomery County Hearing Examiner. Given that the proposed project conforms to the county's zoning standards for community solar projects in the AR zone, the OAG submitted a letter of support to the Planning Department, as required for the application to be approved.

The Public Services Commission (PSC)'s deadlines to render decisions on the Chaberton Solar [Sugarloaf](#) project (4 MW array proposed for 16 acres on 20507 Darnestown Road, Dickerson) and Chaberton [Ramiere](#) project (3 MW array proposed for 11 acres on 17600 Whites Ferry Road, Poolesville) are August 15 and December 31, 2025, respectively.

10. Other Business

a. Firearms Discharge: Urban Area Boundary Map

Chapter 57 of the Montgomery County Code prohibits the discharge of firearms within the area of the county designated as urban in [Section 57-1](#), with some exceptions. The boundaries of the urban area are decided by the County Council based on recommendations from the County Executive. The Executive relies on input from the Firearm Safety Committee but would also like input from the AAC.

No formal letter is required at this time from the AAC, only guiding principles to assist with drafting a map with the new urban area boundaries. The urban area map under the Firearms Discharge section on this page:
<https://www.montgomerycountymd.gov/pol/crime-data.html>

b. Upcoming Meetings and Events

- July 11 – MSCD Board of Supervisors Meeting
- July 26 & 27 – [Annual Farm Tour & Harvest Sale](#)
- July 28 – 9:30 am Agrotourism Briefing
- August 11 – Ag Leaders Lunch @ Montgomery Fair Grounds

The meeting went into closed session at 8:55

DRAFT