

Approved
7-19-24

MONTGOMERY SOIL CONSERVATION DISTRICT
BOARD OF SUPERVISORS MEETING
June 14, 2024

The regular monthly meeting of the Board of Supervisors, Montgomery Soil Conservation District (MSCD) was held virtually on the Zoom platform and in person on Friday, June 14, 2024.

People Present:

- Doug Tregoning, Chairman
- Tim McGrath, Treasurer (Virtual)
- Linda Lewis, Supervisor (Virtual)
- Tom Linthicum, Supervisor
- Joe Lehman, Associate Supervisor (Virtual)
- Mike Scheffel (OAG) (Virtual)
- Natalia Salazar (OAG)
- Sam Engler, District Conservationist (NRCS)
- John Zawitoski, District Manager (MSCD)
- Kathleen Sigwart, Resource Conservation Planner (MDA) (Virtual)
- Julianna Burns, Resource Conservation Planner (MDA) (Virtual)
- Karen Walker, Office Service Coordinator (MSCD)

After welcoming and acknowledging all in attendance, the Chairman, Doug Tregoning called the meeting to order at 9:00 a.m. While waiting for Karen to join the meeting, the Chairman noted Kelly Nichols from Extension provided a written report, both Mike and Natalia are available for OAG and Adam Lyon messaged the District Manager expressing regrets in not being able to attend but provided the manager with a few items to report. Natalia Salazar was invited to present the report for OAG.

Agency Reports:

OFFICE OF AGRICULTURE (OAG)—Although Mike Scheffel was available virtually, Natalia presented the report for OAG. Listed below are the items that were presented.

- **Office of Legislative Oversight (OLO) Report on the Status of Transferable Development Rights (TDRs) and Building Lot Termination (BLT) Programs** - On June 6, the Montgomery Planning Department presented its recommendations to the Planning Board on how to revise the public benefits points system through the Incentive Zoning Update. This points system allows developers to build at a higher density than the baseline level (i.e. using the optional method of development) if they provide certain public benefits. Currently, developers are required to purchase BLTs in order use the optional method in the CR and LSC zones. The Planning Department’s recommendation is to require that developers purchase either BLTs or an equivalent number of TDRs and to provide an incentive for purchasing TDRs instead of BLTs. This plan would involve changes in executive regulations to allow the OAG to buy TDRs from landowners at a set price and sell the TDRs to the developers for the same price. Only whole TDRs may be purchased and sold under this proposal.

On May 28, members of three agricultural groups (Agricultural Preservation Advisory Board, Montgomery County Farm Bureau, and Montgomery Agricultural Producers), the League of Women Voters, and the OAG met with the Planning Department. The group discussed other possible ways to incentivize the purchase of TDRs besides those in the Planning Department’s current proposal, such as providing additional development density for low-income housing.

The June 6 Planning Board work session included a listening session for the public to testify on the Planning Department's recommendations. The Board held a second work session on the Incentive Zoning Update on June 13 and will have another one on June 20 and possibly one on June 25. The public may submit testimony by signing up to testify at a work session or by emailing written testimony to the Planning Board Chair (mcp-chair@mncppc-mc.org). The recordings of these work sessions can be found by visiting the [Planning Board's Agendas page](#) and clicking on the session date.

- **ZTA 23-09, Farming – Incidental Outdoor Stays** - On May 16, Councilmembers Balcombe and Luedtke sent a memo to the representatives of the six agricultural groups they had been receiving feedback from announcing that they drafted a ZTA for farm overnight stays. This draft ZTA does not create a new overnight farm stay use, but rather modifies the existing Campground use (which allows only tents and RVs). This is currently a conditional use allowed only in the R and RE-2C zones. The draft ZTA expands this use to the AR and RC zones and creates a new set of standards for these two zones.

On June 6, Councilmember Luedtke's office announced that Councilmember Fani-Gonzalez agreed to retract ZTA 23-09 and join as a sponsor of Councilmember Luedtke and Balcombe's ZTA, which was introduced to the County Council on June 11 as [ZTA 24-02](#) (also sponsored by Councilmember Katz and co-sponsored by Councilmember Friedson). Based on the feedback the two councilmembers received via a May 24 email from the six agricultural groups and during the May 29 community listening session, this ZTA now includes changes to the standards for the campground as a conditional use in the AR, RC, and R zones. The details of these changes are provided in the OAG's written report to the Board.

This ZTA would also require that the Planning Department submit an impact report on this use by December 31, 2026. The Council's attorney will consult with the Department of Permitting Services (DPS) on the restrictions for RVs in the AR, R, and RC zones. There is no definition of "removeable structures" in the County Code, but the intent of this ZTA is to allow only structures that are not permanently fixed to the ground. Conditional uses are currently required by the Code to undergo regular inspections by DPS and the Board of Appeals, but the ZTA sponsors are considering adding language that would add the number and results of all inspections to the reporting requirements. The public hearing for this ZTA will take place on July 16, 2024 at 1:30 pm.

Natalia indicated that she believes this ZTA has a high chance of passing. The Chairman asked whether cooking and sanitation facilities would be allowed inside RVs and Natalia responded that, as currently written, this ZTA would allow these facilities inside RVs. She noted that the ZTA sponsors are looking into whether this ZTA conflicts with the County Code's restrictions for RVs. Given that a landowner would have to apply for conditional use approval in order to have overnight farm stays, Natalia doesn't believe many landowners will take advantage of this ZTA. Mike shared that the Council's Planning, Housing, and Parks committee has work sessions scheduled for this ZTA on July 22nd and July 29th.

- **Solar projects generating over 2 MW in the Agricultural Reserve** - A solar developer, Chaberton Solar, has applied to the MD Public Service Commission (PSC) to build two solar projects that will generate over 2 MW, both in the Agricultural Reserve. The first one, [Chaberton Sugarloaf](#) (Case No. 9726), is a 4 MW project proposed for approximately 16 acres of the 53 acres on 20507 Darnestown Road, Dickerson. The second, [Chaberton Ramiere](#) (Case No. 9733), is a 3 MW project proposed for approximately 11 acres of the 118 acres on 17600 Whites Ferry Road, Poolesville. These properties have Class 1 or 2 soils on 77.1% and 99.9% of their areas, respectively. The County Code, which allows for solar installations of up to 2 MW, does not allow them on Class 1 or 2 soils. However, because these two projects will generate over 4 MW, they are under the jurisdiction of the PSC, which only needs to give "due consideration" to local ordinance.

Chaberton Solar is required to submit Mandatory Referral applications for both projects to the Montgomery County Planning Department. The Planning Department will have 60 days to review both applications, hold public hearings, and at the end remit recommendations and considerations to the PSC.

The PSC will also hold public hearings on these two projects. A virtual public hearing for the Sugarloaf project is scheduled for July 10, 2024 at 7 pm. The public may sign up to speak at the hearing by sending an email to psc.pulj@gmail.com by July 9 at 12:00 pm. The live stream of the hearing will be available on the [Public Utility Law Judge Division's YouTube Channel](#). Written comments on the proposed project may be submitted electronically through the [Commission's Public Comment Dropbox](#), which can be accessed through the Commission's website. All comments must include reference to Case No. 9726.

In addition to the PSC-run public hearings, Chaberton Solar is holding voluntary community meetings. They held the first such meeting on May 29 and will hold another one on June 19 at 6 pm at the Upper Montgomery County Volunteer Fire Department, 19801 Beallsville Rd, Beallsville, MD 20839.

Mike explained that the County Council and the County Executive, as the county's governing bodies, are trying to figure out how their comments on solar project applications are to be remitted to the Public Service Commission. The chairman inquired about the definition of "due consideration of local ordinance", and said it appears that due consideration is not used. Mike responded that Doug is correct and said it appears that the PSC has full discretion to approve or deny an application for any solar project over 2 MW in output. Mike noted that former State Delegate, Kumar Barve, who is now a commissioner in the PSC, is in favor of expanding solar energy production as much as possible.

- **Vacancy in the Agricultural Preservation Advisory Board (APAB)** - The interviews for the APAB non-farmer member position were conducted on May 30 and 31. The OAG expects to fill this position in the near future. The selected candidate was R. Thomas Hoffman and Mike said he lives on Peach Tree Road and has a good agricultural preservation background. Mike said he is connected with the rural open space community groups. Natalia shared that the County Council will appoint him on June 25th and noted that at that point the Agricultural Advisory Committee and the Agricultural Preservation Board will be fully staffed.
- After the OAG report was presented, Tom asked about the status on the listing for the commodity farmer vacancy in the Rustic Roads Advisory Committee and both Natalia and Mike said they haven't heard anything. Tom shared that he is the temporary chair for the committee and some farmers have expressed interest in filling the vacancy. All congratulated Tom on his temporary appointment. Following the discussion on rustic roads, Natalia noted that State Delegate Pam Queen had received complaints about excessive roadside vegetation on Rt. 108 and New Hampshire Ave. The delegate was in contact with Gregory Edwards of the State Highway Administration, who assured her that trimming will take place on these two roads in the near future.

Upcoming Meetings and Events: Agricultural Advisory Committee meeting: June 18, 2024; Juneteenth (office closed): June 19, 2024; Montgomery County Farm Bureau Board of Directors meeting: July 2, 2024; Independence Day (office closed): July 4, 2024; Agricultural Preservation Advisory Board meeting: July 9, 2024.

EXTENSION - Kelly Nichols - U of MD Extension was not available to attend the meeting but provided an email with updates. The Chairman shared highlights and below is the email that was provided.

Nutrient Management Advisor - Abby Selnick, our new advisor, starts on Monday. Please help me in welcoming her to Montgomery County! She can be reached at 301-590-2840 or aselnick@umd.edu.

June Agronomy News - This month's [newsletter](#) includes information on tar spot, agronomic drone school, paraquat training, new forage budgets, and fungicide efficacy tables for corn and soybeans.

Slugs – It was noted that many fields have been replanted already due to slug damage. If you're on the fence about whether or not to replant an area or field, here are some things to consider:

- 1) Do a stand count to determine the current population. Don't forget to dig for those young seedlings which haven't quite fully emerged yet.
- 2) Time and cost. Plantings in June can start to see yield potential reduced to below 90% (compared to on-time plantings), and it's not cheap to replant. (This, along with more information about replanting decisions, can be found in this [Penn State article](#).)
- 3) Dig for slugs. David Owens, Entomology Specialist with University of Delaware, suggests that fields with 1-2 slugs per square foot may have an elevated risk of slug injury. If slugs are still present in high numbers, they may go after the replanted beans, too.
- 4) The hot weather over the next week will dry things out, which should make a less favorable habitat for the slugs.

MDA REPORT -Adam sent notice that he was unable to attend the meeting and the only update is he hopes to announce the Central Region Coordinator position in July. John said currently, we are in the Patuxent region and the state has decided to realign areas to match MASCD. With the new hire, we would lose Adam as a representative, but Adam has agreed to help with the transition. The new hire will be responsible for Montgomery, Howard, Baltimore Hartford and Cecil SCD's. Adam also noted that he will be providing Performance Evaluations for MDA employees in July.

After the MDA updates, Tom asked if anyone knew anything about the new regulations on nutrient management changes that becomes effective July 1st. The Chairman reached out and asked if anyone had any knowledge of the new regulations. John shared from the legislative session, he learned about food recycling and possibly the new regulations was for composting food waste.

SECRETARY/ TREASURER'S REPORT – The Chairman addressed the approval of the board minutes and noted all have received a copy of the minutes and asked if there were any changes or corrections. Having no changes or corrections, the Chairman requested a motion to approve the minutes. A motion was made by Linda Lewis and seconded by Tom Linthicum and passed approving the May 10, 2024, Board of Supervisors Minutes.

The Chairman then invited Karen to present the financial report. Before presenting the report, Karen acknowledged and welcomed Doug as the new chairman. She noted the checkbook and bank statement have been reconciled for this past month. She has been trying to expense FY24 funds before July 1st and provided supervisors a payment. She has addressed the remaining WQPC Operating funds, and she is resubmitting a revised April MDA report to include the cost for Kathleen Sigwart's attendance to nutrient management training. The only other MDA expense for both April and May were for attendance to the Summer MASCD Meeting. The Chairman asked if everything has been prepaid for the Summer Meeting and Karen responded yes. Karen said there were no donation request and John was going to address the budget for the Annual Cooperators Dinner. Karen noted she was very focused on expensing the WQPC Operating funds and her goal for next year is to be more focused on committing our remaining MDA fund balance. She shared WQPC Operating funds do not carryover. Any County funds that have not been expensed would no longer be available, so we make every attempt to commit resources potentially lost. In reference to MDA funding, she would not be penalized if all the MDA FY24 funding was not expensed. The remaining funds would carry over to FY25 and the carryover would be deducted from the agreed FY25 amount. The Chairman requested a

motion to file the MDA financial reports. A motion was made by Tom Linthicum and seconded by Linda Lewis and passed approving to file the revised April Report and submit the May report to MDA.

After the finances were addressed, the District Manager shared the Board of Supervisors generally do not hold a board meeting the month of the MASCD meeting. This year the MASCD Meeting changed from August to July and noted the Chairman has a conflict for the August Meeting. John proposed the Supervisors hold a July Board Meeting and not meet in August and that July 19th could be the proposed date for the July Board of Supervisors Meeting. The Chairman asked if everyone was okay with the new date. Everyone said their schedule looks good except Tom was not sure. A motion was made by Linda Lewis and seconded by Tom Linthicum and passed approving to hold a Board of Supervisor Meeting on July 19th in person and virtually. Since there will be a July Board meeting, the budget for the Cooperators Dinner will be tabled until the next meeting. Because we are still in the financial section of the meeting, Karen provided information to add and remove a person for the checking account. She noted that Docusign was not an option the bank would allow and explained that immediate action isn't necessary as she and Tim have a good working system. Again, she noted that Robert Butz, Tim McGrath and whomever else they wanted on the account must go to the bank in person to make the change.

DISTRICT ACTIVITIES REPORT AND PROGRAM UPDATE – The District Conservationist, Sam Engler, presented the Activities Report and noted Charley is working on 4 small ponds and there is one more in the works. There is 1 Request for Assistance, 13 Conservation Plans in progress and 12 Conservation Plans ready for Board approval. John shared Ruppert's Nursery has submitted a request for assistance for a small pond. John shared details on the project and noted the project will likely be finalized late summer. Tim asked if the pond was going to be used for irrigation and that led to a lengthy discussion. John shared for right now it's being viewed as a recreation pond, but it will eventually be used for irrigation. Once it is being used for irrigation, the landowner would need to apply for a water appropriations permit if they exceed the non-permit usage threshold.

After sharing details on the Activities Report, Sam noted the area engineering technician has been coming to MSCD and working with Paul and Udeni. There are a couple of big projects coming up and he has been surveying, providing project consultations and it's working out great. John shared the engineering tech will be here once a week and noted he has been here twice, and it has been very productive.

DISTRICT MANAGERS REPORT: NEW BUSINESS

Summary of the NSADA Tour (6-10) –The District helped MDA in putting together tour stops for the National State Department of Agriculture tour of select agricultural operations in Montgomery County. As a technical resources for the tour, John, Travis and J. were on hand to provide information about Montgomery County Ag and property specific information. Tour stops included: Ruppert Nurseries, Wyndham Oaks I & II, Windridge Wineries, Willard Farms, and One Acre Farm. About 50 individuals attended the tour.

Cover Crop Program Sign up 6-21 through 7-17 - MDA has announced the sign-up dates for this year's cover crop program. The time to enrolled has been extended allowing farmers more time to apply. Sign-up begins on June 21st and will run by COB on July 17th. MDA would like farmers to come and to apply in person. We have put the sign-up dates in our District Newsletter, and we will be reaching out to those who have previously participated. Farmers must have their Nutrient Management certification form at the time of application and provide a copy to the District. There was some discussion on current nutrient management plans. Doug asked how many participate in the Cover Crop Program and John responded about 40 people. There was additional discussion on the funding changes and John shared this is WIP driven.

Cover Crop and CC+ Program Changes - We are not recommending any changes to the District's local commodity cover crop program. Participants will receive \$15.00 per acres which the maximum enrolled acreage can't exceed 3-year average of previous certified acreage.

Changes to MDA's Traditional Cover Crop Program: The base rate for cover crops planted dropped from \$55 per acre to \$50 per acre; Aerial base rate is also \$50; Planting by October 10th pays a \$25 bonus which is an increase of \$5; Planting rye is a \$20 bonus; Late kill down (after May 1st) bonus is reduced to \$10; Fall application of non-poultry manure is allowed AFTER cover crop seeding if these measures are met: Must plant cover crop by October 1st, may not apply manure until after November 1st, no manure application after December 15th; Planting green is allowed prior to May 1st without penalty.

Changes to MDA's Cover Crop Plus Program - Cover Crop Plus+ Planting Date Deadline is now October 15th; Change rate from \$15/ac to \$25/acre when planting cover crops following wheat or barley starting with the 2025 planting season.

District Cooperator's Dinner Awards - Each year at our dinner, we have an awards program as a part of the evening's festivities. This year will be special because in addition to the Cooperator of the Year, we have two individuals whom by the time we have our dinner, would have received the MASCD State Awards. Kathleen Sigwart, will be receiving the MASCD Outstanding Employee Award and Wyndham Oaks II will be receiving the MASCD Outstanding Cooperator Award. John is recommending that as part of our evenings program, to take the opportunity to have these individuals be recognized among their peers for this incredible achievement. A video was done for MASCD to highlight Wyndham Oaks II and it will be shown during the cooperator's dinner.

As far as candidates for this year's Cooperator of the year, we have two candidates that have a sustained commitment to conservation and are active cooperators. In polling our staff, they have recommended Jamison Ag and Turf and Izzak Walton League (Bethesda Chevy Chase Chapter) for this award. Both are worthy of this recognition and either would make an excellent choice. The Chairman noted the Board is very familiar with the Jamison operation and asked John to share information about Izzak Walton League. After John shared information on Izzak Walton. John indicated that while both are great candidates, he would recommend Jamison Ag and Turf due to their long-term conservation commitment associated with their farming operation. Linda, Tom and Tim all agreed. A motion was made by Linda Lewis and seconded by Tom Linthicum and passed approving Jamison Ag and Turf for the 2024 Cooperator of the Year.

MOU DPS/SCD/OAG Concerning SWM Ag - The County DPS is desirous of formulating a MOU that details when the District will be the lead on Stormwater Management and those circumstances whereby DPS will be the lead. The MOU is also intended to serve as a vehicle for flexibility that will enable consultation between the two entities when jurisdictional responsibilities are not entirely clear. We have begun working on the MOU language and have had a few meetings to hammer out some of the finer points. In short, bona fide nonpublic use of agricultural structures would fall under the District's purview and public access structures would fall under the purview of DPS.

MSCD Shift to new Central Area (7-1-24) - John had addressed the new changes after the Extension Report was presented.

NRCS Engineering Assignment to SCD (Tuesdays) – This was addressed under the District Conservationist Report, and it was noted as working well. Last week, Eric and Sam met with the technical staff to discuss JAA as well as detailing that one of the NRCS engineers would be assigned once a week (Tuesdays) to our District to assist with the engineering workload. Udeni now has new JAA authority assigned.

PAX Regional Review/23 Progress/ Planning 6/17 - During our individual WIP meetings with MDA, they discussed holding regional meetings with Districts to discuss overall 2023 progress and where we are moving forward with planning priorities. District supervisors are welcomed to attend but it is not mandatory that you do. This meeting is virtual and is schedule for June 17th from 9 to 10:30 am. If supervisors are interested in attending, I can send you a link to this meeting. The chairman requested to receive the meeting link.

Discussion concerning July Board meeting - This item was addressed under the secretary's report.

OLD BUSINESS

Publication of May/June Newsletter (Ann. Report) -The June Newsletter has been published and it includes our annual report and other conservation news. A copy was provided in your supervisor's packets.

Meeting with Mont Fair concerning Coop Dinner - Karen had a meeting with Marty at the fairgrounds to discuss the details for the annual cooperators' dinner. The Fairgrounds is providing the District use of the facilities for this Dinner at no charge. We will need to secure linens and obviously a catering service. Marty recommends Dickerson Market and Karen is working with Dickerson Market to determine the costs.

MASCD Video for Outstanding Cooperator Completed - MASCD requested MASCD assistance in developing a video presentation that could be played highlighting Wyndham Oaks II prior to receiving their award for outstanding cooperator. Both Travis and John worked on this project and an electronic link has been provided in the DM report, if you are interested in viewing the video. Moving forward, MASCD would like this to be a standard component of the awards presentation. John indicated that video turned out very nicely and MASCD is very proud of the content and quality of the video. Link is included below:

<https://drive.google.com/drive/u/3/folders/1Zy3BSf9r5Qxwy4Qrz8fOfRpj8ig0Sdii>

MD State Envirothon – 6-12 and 6-13 - The Maryland State Envirothon Competition was held on 6-12 and 6-13 at Mount Saint Mary's College in Frederick. Our team from Richard Montgomery Participated in the event but we don't have the results yet. John shared he is disappointed that over the past two years, support from the State Envirothon involving the 5th issue has been a challenge. John attended a DM meeting and discussed his concerns about this with Jen Nelson and she questioned if the traditional role of MASCD was to provide support with the 5th Issue. Bruce Young responded to Jen's inquiry that this has been the role of MASCD. John shared for the past 2 years we have gotten very little support, and John sought the assistance of another District to provide a sample test for this year's local competition. After further discussion, the Chairman noted the matter should be addressed at the MASCD Summer Meeting.

Farm Tour and Harvest Sale 7-27 & 7-28 - Office of Agriculture's Farm Tour and Harvest Sale will be on July 27th and July 28th with 24 farms participating in this year's tour. We have aided in promoting the tour in our June Newsletter and social media outlets.

Montgomery County Fair & Ag Leaders Luncheon - The Montgomery County Fair will be held August 9th through August 17th. We will be staffing our exhibit the entire week of the fair. Also, mark your calendars for August 12th. This will be the date for the Ag Leaders Luncheon at the fair. You will be receiving invitations to this luncheon within the next few weeks.

Board Executive Session Summary from the May 10th Closed Session

In accordance with (§ 3-306) (c) (2) or § 3-104, the Montgomery Soil Conservation District Board of Supervisors held a closed session for the purpose "To protect the privacy or reputation of individuals concerning a matter not related to public business."

Time of closed session: 10:08 a.m. **Place:** Small Conference Room – Agricultural History Farm Park.

Members who voted to meet in closed session: Butz, Tregoning, McGrath,

Persons attending closed session: Zawitoski, Walker, Butz, Butts, McGrath, Lewis, Tregoning

Authority under § 3-305 for the closed session (see statement above): § 3-305(b)(2)

Topics discussed: Soil Conservation and Water Quality Plans completed and ready for Board Approval

Each action Taken: Approval of 14 Conservation Plans

Statement concerning entering into an Executive Session following the June 14th Open Board Meeting Session:

Board Chairman Statement about entering into a closed Session following the June 14th MSCD Open Meeting. MSCD Chairman Doug Tregoning made the following statement: In accordance with (§ 3-306)(c)(2) or § 3-104: “Immediately following the Open Session Meeting, The Montgomery Soil Conservation District Board of Supervisors intends to enter a closed session. In accordance with (§ 3-306) (c)(2) of the Open Meetings Law, and for the purpose to protect the privacy or reputation of individuals concerning a matter not related to public business”; the Board by majority vote shall enter into the closed session to discuss and approve Soil Conservation and Water Quality Plans and to discuss landowner-specific -details involving a request for assistance from a county landowner.

Motion to Enter Closed Session made by: Linda Lewis,

Motion seconded by: Tom Linthicum,

Members in favor: Tim McGrath, Doug Tregoning,

Opposed: None

Abstaining: None

Absent: Robert Butz

ADJOURNMENT AND NEXT MEETING The open meeting was adjourned at 10:39 a.m. The next scheduled Board of Supervisors meeting will be in person with the option to attend virtually on July 19, 2024, at 9:00 am.

Regards,



Karen Walker, Administrative Assistant

<u>MEETINGS HELD</u>	<u>PERCENT OF MEETINGS ATTENDED (ROLLING 12 MONTH)</u>
Doug Tregoning	83%
Butz	83%
Linthicum	67%
McGrath	100%
Linda Lewis	75%
*Robert Butts	75%
*Joe Lehman	50%
*Chris Miller	67%

*Associate Members