



Montgomery County, MD
Agricultural Advisory Committee (AAC)
Regular Meeting Agenda
April 15, 2025

1. Introductions
2. Approval of the March 18, 2025, AAC minutes
3. Transferable Development Rights (TDRs) and Building Lot Termination (BLT) Programs
No update since January 2025

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).

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 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.

4. 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. Montgomery County Farm Bureau, Montgomery Agricultural Producers, Montgomery Countryside Alliance, and Sugarloaf Citizens Association are joint intervenors in the process and have filed testimony in opposition. The PSC's deadline to render a decision on this project is August 15, 2025.

The Planning Board will review the Mandatory Referral application for Chaberton's [Ramiere](#) project (3 MW array proposed for 11 acres on 17600 Whites Ferry Road, Poolesville) during their April 24 public hearing (postponed from March 27). The second evening public hearing for this project was postponed from March 10 to April 14. The PSC's deadline to render a decision for this project is December 31, 2025.

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

This bill, as introduced, would prevent local jurisdictions from adopting laws that prohibit solar energy projects generating over 2 MW 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.

As currently written, this bill would also create the same protections for the construction of energy (battery) storage facilities. The Agricultural Preservation Advisory Board and Agricultural Advisory Committee wrote letters of opposition to this bill to the County Council and County Executive. The County Council and Maryland Association of Counties (MACo) are opposing this bill.

Since the bill was introduced, MACo has tried to negotiate agreement on certain amendments. However, these agreements have fluctuated greatly over time. Currently, the only agreed-upon amendment that the OAG is aware of is one that would cap the percentage of the Agricultural Reserve (AR) devoted to community solar projects at 5%. In other words, the County's zoning ordinance would be preempted only until the cap has been reached, and after that the County would be able to enforce its ordinance.



6. Proposed state budget cut for agricultural preservation programs

No update since March 2025

On February 24, the MD Department of Legislative Services (DLS) released a budget proposal that would eliminate 100% of the funding for all state-funded agricultural preservation programs (MD Agricultural Land Preservation Fund, Rural Legacy Program, etc.) until the end of fiscal year 2029. Legislators do not always accept the DLS suggestions and it appears that the political will is not to cut funding completely. However, the OAG expects some level of funding reduction.

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.

Since it was introduced, the bill has been amended to require the Department of Commerce to partner with the Montgomery County Planning Board, Office of Agriculture (OAG), University of MD Extension office, and Visit Montgomery to carry out the data collection and policy recommendation work required. The OAG is not aware yet of how specifically it will be asked to contribute to these efforts.

8. Highly pathogenic avian influenza

Since January 2025, there have been two cases of flocks infected with HPAI in Montgomery County. Both were backyard flocks, one in Gaithersburg and one in the Brookeville area. 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](#).

9. Agritourism discussion

10. The next meeting of the AAC will be held on May 20, 2025 at 7:00 pm via Microsoft Teams.



11. Upcoming meetings and events:

Montgomery County Farm Bureau Board of Directors meeting: May 6, 2025

Montgomery Soil Conservation District Board of Supervisors meeting: May 9, 2025

Agricultural Preservation Advisory Board meeting: May 13, 2025