



AGRICULTURAL ADVISORY COMMITTEE (AAC)

Regular Meeting Agenda March 18, 2025

1. Introductions
2. Approval of the February 18, 2025, AAC minutes
3. Office of Legislative Oversight (OLO) Report on the Status of 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



AGRICULTURAL ADVISORY COMMITTEE (AAC)

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. A settlement evidentiary hearing will be held on April 22 and post-hearing briefs are due on May 13.

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 March 27 public hearing. Intervenors in this case will have until April 11 to submit testimony. The second evening public hearing for this project was postponed from March 10 to April 14 or 15.

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 been able to negotiate agreement on certain conceptual amendments. It appears that currently there is agreement on:

- i. Prohibiting the use of eminent domain in order to build community solar projects,
- ii. Removing the real and personal tax exemption for these projects,



AGRICULTURAL ADVISORY COMMITTEE (AAC)

- iii. Placing stricter livability requirements on community solar projects (including a prohibiting the removal of topsoil from the site), but preempting county zoning restrictions for projects between 1 and 5 MW, and
- iv. Removing the energy storage section entirely.

Even with these amendments, the bill would not offer protections for farmland or agriculturally-zoned properties. The County is working with the authors of the bill on further amendments to protect the Agricultural Reserve, specifically establishing an acreage cap for community solar projects in this zone.

6. Proposed state budget cut for agricultural preservation programs

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. Montgomery County urban area boundary for firearm discharge

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.

8. The next meeting of the AAC will be held on April 15, 2025 at 7:00 pm via Microsoft Teams.

9. Upcoming meetings and events:

Montgomery County Farm Bureau Board of Directors meeting: April 1, 2025

Agricultural Preservation Advisory Board meeting: April 8, 2025

Montgomery Soil Conservation District Board of Supervisors meeting: April 11, 2025