



## AGRICULTURAL ADVISORY COMMITTEE

March 8, 2021

The Honorable Tom Hucker, President  
Montgomery County Council  
100 Maryland Avenue  
Rockville, MD 20850

Dear Council President Hucker:

Bill 5-21 Agricultural Land Preservation – Solar  
Collection System – Dedication of Business  
Personal Property Tax Revenue

On behalf of the Montgomery County Agricultural Advisory Committee-AAC, please accept this letter in support of the Bill 5-21 Agricultural Land Preservation – Solar Collection System – Dedication of Business Personal Property Tax Revenue.

The AAC is encouraged by the efforts of Councilmembers Andrew Friedson, Craig Rice and Sidney Katz to finally identify a new source of funding for our Agricultural Land Preservation Programs that desperately need a long-term sustainable source of funding to address the growing demand from our farmers.

The traditional source of funding for our agricultural land preservation programs is the County-share of the State Agricultural Transfer Tax and unfortunately this source of funding has continued to underperform since the great recession. This environment combined with the collapse of the private Transferable Development Rights-TDRs and Building Lot Termination-BLT programs explained further below have resulted in few if any options for our farmers to utilize the equity in their farms to either expand their operations or create estate planning for the next generation of the family farm.

We are hopeful the Bill 5-21 working in conjunction with the Solar ZTA 20-01 will result in solar companies registering their business entities with the Department of Assessments and Taxation and collections of the County-share of Business Personal Property Taxes. While it is too early to project how much revenue the intended result of this Bill 5-21 will generate because of Solar ZTA, the AAC is encouraged by the Council support demonstrated by the bill.

The AAC would like to formerly request that the County Council conduct a comprehensive briefing on our Agricultural Land Preservation programs that is long overdue. This briefing will help to demonstrate the farmer demand for our programs, but more importantly, it will help to educate the County Council on the impact of the Ambiguity Clause within Division 4.9 Overlay Zones as outlined on the top of the next page that has eliminated demand for private TDRs and BLTs. This clause enables the Planning Board and staff to ignore the TDR and BLT



requirements of underlying zones. We strongly believe this single clause represents the primary reason for the current environment where private TDRs and BLTs are not being acquired from our farmers.

## **Division 4.9. Overlay Zones**

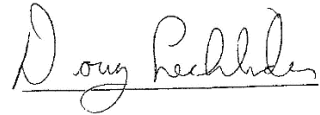
### **Section 4.9.1.C. In General**

#### C. Standards and Requirements

Development in an Overlay zone must satisfy the standards and requirements of the underlying zone, except as modified by Division [4.9](#). If there is an ambiguity as to whether the requirements of the underlying zone or Overlay zone apply, the requirements of the Overlay zone apply. Site plan approval is required under Section [7.3.4](#), except where exempted by the applicable Overlay zone.

We thank the County Council for this opportunity to present our views and we will participate in the Council Committee Work Session when this Bill 5-21 is scheduled.

Sincerely,

A handwritten signature in cursive script that reads "Doug Lechliden". The signature is written in black ink and is positioned above a thin horizontal line.

Doug Lechliden, Chairman

Cc: Marc Elrich, County Executive