



AGRICULTURAL ADVISORY COMMITTEE (AAC)

Regular Meeting Agenda November 19, 2024

1. Introductions
2. Approval of the October 15, 2024, AAC minutes
3. Office of Legislative Oversight (OLO) Report on the Status of Transferable Development Rights (TDRs) and Building Lot Termination (BLT) Programs

Earlier in the year, the Planning Department developed recommendations for updating the public benefits points system through their Incentive Zoning Update (IZU). 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. As part of the IZU, the Planning Department consulted with the Office of Agriculture (OAG) and agricultural groups on ways to incentivize the private purchase of TDRs, for which there is currently little to no market. Currently, developers are required to purchase BLTs in order use the optional method in the Commercial Residential (CR) and Life Sciences Center (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.

In June, the Planning Board reviewed these recommendations and voted in favor of presenting them to the County Council. The Planning Department presented the recommendations to the full Council on November 19 and will participate in work sessions with the Council's Planning, Housing, and Parks (PHP) Committee on December 2 and 9 to determine the necessary steps to implement the recommendations, which would include introducing a Zoning Text Amendment.

4. Proposed solar projects generating over 2 MW in the Agricultural Reserve

Chaberton Solar's [Sugarloaf](#) project (4 MW array proposed for 16 acres on 20507 Darnestown Road, Dickerson) is making progress in meeting the requirements of the Forest Conservation Law. Chaberton has partnered with an agrivoltaics company and met with the OAG on November 8 to present the agrivoltaics plan and receive feedback. At this meeting, the OAG stressed the need for agrivoltaics research/pilot projects in the county/region, the incompatibility of commodity farming with ground-mounted solar arrays, the lack of information on the decommissioning of solar arrays, and the possibility of using land under solar panels for incubator farms.

In January, the Planning Department will submit a new staff report on this project to the Planning Board, which will once again review the project and receive public comment during the January 9 Board meeting. The County (Planning Board, County Executive, and County Council) will have until January 24, 2025 to submit updated comments to the Public Services Commission (PSC). The PSC's second public hearing on this project will be held on February 4, 2025 at the Upper Montgomery County Fire Department.



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The procedural schedule for Chaberton's [Ramiere](#) project (3 MW array proposed for 11 acres on 17600 Whites Ferry Road, Poolesville) has been announced. The County will have until February 21, 2025 to submit comment. An evening public hearing will take place during the week of March 10.

5. Upcoming state solar legislation

The Maryland Association of Counties (MACo) has been in conversations with state agencies and solar industry representatives about a bill that will be introduced this upcoming state legislation aimed at decreasing local zoning restrictions on community solar projects in Maryland. MACo's Montgomery County representative has been tasked with negotiating a bill that gives consideration to the county's zoning ordinance. However, the current consensus is a bill that would preempt all county restrictions, with the exception of those imposed by agricultural easements, on solar projects up to 5 MW in size within two miles from the major transmission lines. Although the negotiating parties were previously discussing requiring that solar developers compensate the counties financially for building projects in priority agricultural preservation areas (e.g. the Agricultural Reserve), this idea has been abandoned.

6. Memorandum of Understanding (MOU) between the Department of Permitting Services (DPS), Montgomery Soil Conservation District (MSCD), and Office of Agriculture (OAG)

One of the roles of the MSCD is to help farmers meet the requirements of the State's Erosion and Sediment Control Law and Stormwater Management Law when undertaking construction/expansion projects. If the MSCD cannot assist with a particular project, the applicant must obtain the necessary permits from the DPS. As agritourism businesses have increased in number and offerings, there has at times been misunderstanding between the DPS and MSCD regarding which types of farm projects the MSCD may assist with.

To clarify the specific roles of each agency, a legal MOU has been developed. The MOU states that the DPS has responsibility for overseeing the construction of agritourism structures (i.e. those accessed by the public, e.g. a tasting room), whereas the MSCD has responsibility for purely agricultural structures (e.g. a wine production facility). The DPS will continue to rely on the OAG to make the determination of whether: 1) farming is taking place or will take place on a property, 2) the proposed agritourism activities are tied to and accessory to the farming activities, and 3) a proposed structure is agricultural or not.

7. OAG fiscal year 2026 budget

Given the County's budget deficit, the OAG must reduce its fiscal year 2026 budget by 5%, which will be achieved by removing all contributions to the Maryland Agricultural Education Foundation's Mobile Science Lab and reducing its contribution to the Deer Donation Program.

8. The next meeting of the AAC will be held on December 17, 2024 at 7:00 pm on Microsoft Teams.



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9. Upcoming meetings and events:

Thanksgiving Day (office closed): November 28, 2024

Montgomery County Farm Bureau Board of Directors meeting: December 3, 2024

Agricultural Preservation Advisory Board meeting: December 10, 2024

Montgomery Soil Conservation District Board of Supervisors meeting: December 13, 2024