



## AGRICULTURAL ADVISORY COMMITTEE (AAC)

### Regular Meeting Agenda June 18, 2024

1. Introductions
2. Approval of the May 21, 2024 AAC minutes
3. 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 Board on how to revise the public benefits points system through their 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 comments by signing up to testify at a work session or by emailing written testimony to the Planning Board Chair ([mcp-chair@mncppc-mc.org](mailto: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.

4. [ZTA 23-09, Farming – Incidental Outdoor Stays](#)

As shared during the May AAC meeting, 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.



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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 sets the following standards for the campground conditional use in the AR, RC, and R zones (if the applicant decides to follow the new standards for the R zone instead of the original ones):

- i. Farming must be taking place on the property (the accessory agricultural tourism or education requirement was removed).
- ii. The lot size must be 25 acres or greater.
- iii. The maximum area taken up by the campground must be 10% of the lot area or 5 acres, whichever is smaller.
- iv. All campsites must be located a minimum of 100 feet from any property line and a minimum of 125 feet from the centerline of any public right-of-way.
- v. The maximum number of tents, RVs, and removeable structures is 5 for properties with 25–100 acres and 10 (with a maximum of 5 RVs) for properties with over 100 acres.
- vi. The maximum gross floor area of each structure is 200 ft<sup>2</sup> (reduced from 400 ft<sup>2</sup>).
- vii. No heating, cooling, or ventilation systems, kitchens, or sanitation facilities are allowed inside the structures (except in RVs).
- viii. Toilet and shower facilities are allowed only outside of the sleeping structures with DPS approval.
- ix. Each guest may a maximum of two nights per visit.

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.

### 5. 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



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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](mailto: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.

#### 6. Vacancy in the 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.

#### 7. Discussion on how to increase support for agriculture in the county

- Succession in family land transfers
- Expanding the OAG's Agricultural Cost-Share Reimbursement (ACRE) program
- Having a grant writer in the OAG

#### 8. The next meeting of the AAC will be held on July 16, 2024 at 7:00 pm via Microsoft Teams.

#### 9. Upcoming meetings and events:

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

Montgomery Soil Conservation District Board of Supervisors meeting: July 12, 2024