



## AGRICULTURAL ADVISORY COMMITTEE (AAC)

### Regular Meeting Agenda July 16, 2024

1. Introductions
2. Approval of the June 18, 2024 AAC minutes
3. Office of Legislative Oversight (OLO) Report on the status of Transferable Development Rights (TDRs) and Building Lot Termination (BLT) programs

Throughout the course of three work sessions in June, the Planning Department presented to the Planning Board the same recommendations the department had presented to the OAG and agricultural community on how to increase the market for TDRs and BLTs through the Incentive Zoning Update. At the conclusion, the Planning Board voted in favor of presenting these recommendations to the County Council. The Planning Department stated that the recommended changes to the TDR program would require the County Council to introduce a Zoning Text Amendment.

4. [ZTA 24-02, Agricultural and Rural Zones – Campground](#)

The public hearing for this ZTA took place today at 1:30 pm online and in person. The County's Planning, Housing, and Parks Committee will discuss this ZTA during their July 22 work session at 1:30 pm, which is open to the public. A second potential work session is scheduled for July 29.

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 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 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.

In addition to approval from the PSC, Chaberton Solar needs to receive Mandatory Referral approval for both projects from the Montgomery County Planning Department. However, this review process cannot deny the application based on non-conformance with the County Zoning Code, but rather other regulations like the Forest Conservation Law. Chaberton's Mandatory Referral application for the Sugarloaf project was accepted by the Planning Department on July 1. The Planning Department will publish a report on this project on August 26, hold a public hearing on September 5, and submit a letter to the County Council, County Executive, and PSC on September 13. A Mandatory Referral application for the Ramiere project has not yet been received.



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The PSC is also holding public hearings on these two projects. A virtual public hearing for the Sugarloaf project took place on July 10, 2024 at 7 pm. A second public hearing will take place on October 8 at 6:30 pm at the Upper Montgomery County Volunteer Fire Department, 19801 Beallsville Road, Beallsville. 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 October 7 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](#) by October 9. All comments must include reference to Case No. 9726.

The Montgomery County Farm Bureau will submit written comment to the PSC. The Agricultural Advisory Committee (AAC) and Agricultural Preservation Advisory Board (APAB) are not allowed to submit comments to the PSC without permission from the County Executive, only to the County Council and County Executive. However, individual members of the AAC and APAB may submit comments to the PSC.

6. The next meeting of the AAC will be held on August 20, 2024 at 7:00 pm via Microsoft Teams.

7. Upcoming meetings and events:

Montgomery Soil Conservation District Board of Supervisors meeting: July 19, 2024

Agricultural Leaders' Luncheon: August 12, 2024

Montgomery County Farm Bureau Board of Directors meeting: August 12, 2024 (at the fairgrounds after the Agricultural Leaders' Luncheon)

Agricultural Preservation Advisory Board meeting: August 13, 2024