



AGRICULTURAL ADVISORY COMMITTEE (AAC)

Regular Meeting Agenda September 17, 2024

1. Introductions
2. Approval of the August 20, 2024 AAC minutes
3. AAC report for the Montgomery County Committee Evaluation and Review Board (CERB)

The CERB makes recommendations to the County Executive and County Council concerning the function, structure, staff impact, and effectiveness of certain county advisory boards, committees, and commissions. The County Code requires that every advisory board, including the AAC, produce a report describing why that board should continue to exist, and the deadline to submit this report is October 30, 2024. CERB members will also ask to meet with each advisory board and its staff in the near future, and will be working towards producing an Interim Report that will go to the County Executive and Council by mid-July 2025.

4. Office of Legislative Oversight (OLO) Report on the status of Transferable Development Rights (TDRs) and Building Lot Termination (BLT) programs – *No update since July 2024*

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.

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, both Chaberton Solar projects need to undergo Mandatory Referral review from the Montgomery County Planning Department. Through this process, the Planning Department verifies whether the projects have met all regulations like the State’s Forest Conservation Law. Chaberton’s Mandatory Referral application for the Sugarloaf project was accepted by the Planning Department on July 1. The Planning Department published a report on this



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project on August 26 for the Planning Board to review at their September 5 public hearing. This report recommended denial of the Mandatory Referral application given that the project:

- i. Does not comply with the Thrive 2050 Comprehensive Plan for Montgomery County,
- ii. Conflicts with the goals of the 1980 Master Plan for the Agricultural Reserve,
- iii. Does not conform to the county's solar zoning ordinance since it does not include a plan for agricultural production under the solar panels and is sited on prime agricultural soils, and
- iv. Has not yet met the requirements of the State's Forest Conservation Law given that Chaberton has not submitted an approved Forest Conservation Plan.

In addition, the report stated the following:

- i. There is more than enough capacity in the AR zone and the rest of the county to meet the State's renewable energy goals without going against the county's solar zoning ordinance.
- ii. The Planning Department received over 140 public comments against this project.

After the Planning Board reviews this report and the public comments submitted for the September 5 hearing (anyone in testifying can sign up [here](#)), the Planning Department will submit this report and the Board's recommendations to the County Council, County Executive, and PSC on September 13. The County Council and Executive will be intervening as parties of record in the PSC process and will submit recommendations to the PSC by September 26. The County Council's draft letter to the PSC can be found [here](#).

The PSC is also holding public hearings on this projects. The first hearing took place on July 10 and a second 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 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 PSC will hold the evidentiary hearing for the Sugarloaf project October 16 at 10 am and will subsequently make an official decision.

5. Application for construction of a data center and battery storage area at the Dickerson Generating Station property

A private company, Terra Energy, has purchased the property containing the decommissioned PEPCO Dickerson Power Plant and has applied for approval to build a data center and battery storage area there. Part of the property is zoned as Heavy Industrial (IH) and the rest as Agricultural Reserve, but all of the proposed construction would occur in the IH-zoned portion. Both the data center, which falls under the Cable Communications System use, and battery storage system, which falls under the Public Utility Structure use, are allowed as conditional uses in the IH zone, which means that they require approval from the Hearing Examiner.



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At the Planning Board's September 5 meeting, the Planning Department recommended that Board recommend approval of the application with conditions to the Hearing Examiner. Planning Department staff stated that the proposed use will not alter the character of the surrounding neighborhood, will not result in the loss of farmland, and will not result in any unacceptable noise, traffic, or environmental impacts on surrounding properties.

6. Rustic Roads Advisory Committee (RRAC) vacancy

The RRAC still has one commodity farmer vacancy. The position has been relisted with an application deadline of October 30, 2024. Anyone interested can apply [here](#).

6. Other business

- Deer management

7. The next meeting of the AAC will be held on October 15, 2024 at 7:00 pm at the Agricultural History Farm Park.

8. Upcoming meetings and events:

Montgomery Soil Conservation District Annual Cooperators' Dinner: September 18, 2024

Poolesville Day: September 21, 2024

Montgomery County Farm Bureau Board of Directors meeting: October 1, 2024

Agricultural Preservation Advisory Board meeting: October 8, 2024

Montgomery Soil Conservation District Board of Supervisors meeting: October 11, 2024