

Bill No. 5-21
Concerning Agricultural Land
Preservation – Solar Collection System –
Dedication of Business Personal Property
Tax Revenue
Revised: 01/19/2021 Draft No. 3
Introduced: January 19, 2021
Enacted: November 30, 2021
Executive: December 7, 2021
Effective: March 8, 2022
Sunset Date: None
Ch. 33, Laws of Mont. Co. 2021

COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

Lead Sponsor: Councilmember Friedson
Co-Sponsors: Councilmembers Rice and Katz

AN ACT to:

- (1) dedicate business personal property tax revenue received for certain solar collection systems for the Agricultural Land Preservation Fund;
- (2) increase the land in the County preserved for agricultural uses; and
- (3) generally amend the law governing the preservation of land for agricultural uses.

By amending

Montgomery County Code
Chapter 2B, Agricultural Land Preservation
Sections 2B-1 and 2B-9

Boldface	<i>Heading or defined term.</i>
<u>Underlining</u>	<i>Added to existing law by original bill.</i>
[Single boldface brackets]	<i>Deleted from existing law by original bill.</i>
<u>Double underlining</u>	<i>Added by amendment.</i>
[[Double boldface brackets]]	<i>Deleted from existing law or the bill by amendment.</i>
* * *	<i>Existing law unaffected by bill.</i>

The County Council for Montgomery County, Maryland approves the following Act:

1 **Sec. 1. Sections 2B-1 and 2B-9 are amended as follows:**

2 **2B-1. Definitions.**

3 In this Chapter, the following words and phrases have the meanings indicated:

4 * * *

5 *Significant Agricultural Resource or Significant Agricultural Capability* means
 6 land which, if properly agronomically managed and under normal growing
 7 conditions, the Office, after consulting local agricultural support agencies, finds
 8 can sustain a profitable farm enterprise.

9 *Solar Collection System* means an arrangement of panels or other solar energy
 10 devices that provide for the collection, inversion, storage, and distribution of
 11 solar energy for electricity generation, space heating, space cooling, or water
 12 heating. A Solar Collection System includes freestanding or mounted devices.

13 *State Agricultural Easement* means an easement established under Subtitle 5 of
 14 Title 2 of the Agriculture Article.

15 * * *

16 **2B-9. Purchase and value of agricultural easements.**

17 (a) The Fund is a special, non-lapsing revolving fund for agricultural land
 18 preservation purposes. It consists of:

- 19 (1) the County’s share of the State agricultural transfer tax;
- 20 (2) payments received by the County for the repurchase, release,
 21 reimbursement, and termination of an agricultural easement; [and]
- 22 (3) the County’s share of the business personal property tax collected
 23 for a solar collection system located in the Agricultural Reserve
 24 Zone; and
- 25 (4) any other funds available to buy agricultural easements under this
 26 Article.

27 (b) The County must use funds from the County’s share of the State
 28 agricultural transfer tax, business personal property tax collected for a

29 solar collection system located in the Agricultural Reserve Zone, and any
 30 other revolving funds for the purposes of this Article before using any
 31 other County funds for these purposes.

32 (c) The County may buy an agricultural easement to preserve agricultural
 33 land in the County. To buy an easement, the County may use:

- 34 (1) negotiations;
- 35 (2) competitive bidding; or
- 36 (3) any other method that is fair and equitable to the landowner and
 37 the County.

38 (d) The purchase price may be based on an appraisal or any other evidence
 39 of value under criteria in applicable regulations.

40 (e) Priority for buying easements must be given to any applicant who meets
 41 all [of] the following criteria:

- 42 (1) the proposed purchase price for the agricultural easement does not
 43 exceed either the appraised fair market value of the easement or a
 44 commercially reasonable value for the easement;
- 45 (2) the land is designated in the applicable master plan as agricultural;
- 46 (3) the land borders a municipality or other developing area and is
 47 likely to be developed in the foreseeable future; and
- 48 (4) any other factor the Executive finds necessary to preserve
 49 agricultural land.

50 (f) The County Executive or the Executive’s designee may agree in writing
 51 to buy an agricultural easement if the landowner:

- 52 (1) files a good-faith application to the Foundation for the purchase of
 53 an agricultural easement by the State; and
- 54 (2) accepts a Foundation offer if the price offered by the Foundation
 55 is equal to or higher than the price the County offered. If the
 56 Foundation does not agree to buy an easement subject to a

57 conditional agreement under this subsection, the County must buy
58 the easement at the price the County offered under the conditional
59 agreement.

60 (g) In addition to its authority to buy agricultural easements under this
61 Article, the County may accept the donation of an agricultural easement
62 or another interest in property for agricultural land preservation purposes.

63 **Sec. 2. Transition.**

64 The amendments in Section 1 must apply to business personal property tax
65 collected after the date this Act takes effect.

Approved:

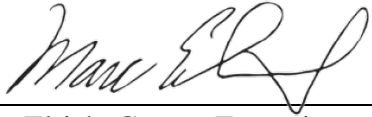


12/2/2021

Tom Hucker, President, County Council

Date

Approved:

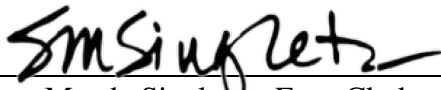


12/7/2021

Marc Elrich, County Executive

Date

This is a correct copy of Council action.



12/7/2021

Selena Mendy Singleton, Esq., Clerk of the Council

Date