

**Montgomery County Agricultural Advisory Committee (AAC)
Regular Meeting Minutes
February 20, 2024**

1. The meeting was called to order at 7:00 pm.
2. Introductions

Committee: Lori Larson, Matt Lechliden, Jane Evans, Debra Tropp, Tim Hussman, Russ Allnutt, Michael Protas, Amanda Cather

Staff: Mike Scheffel, Mike Weyand, Natalia Salazar

Guests: Jake Adler, Chuck Schuster, Ellen Gordon, Fred Lechliden, Marcia Kingman, Paula Linthicum, Aaron Kraut, Margaret Chasson, Dale Tibbitts, John Brewer, Jeff Dowling

3. Approval of the January 16, 2024 AAC minutes

Jane Evans introduced a motion to approve the minutes, as revised on February 20, 2024, Tim Hussman seconded, and the motion passed unanimously.

4. [Bill 40-21](#), Individual Water Supply and Sewage Disposal Systems – Amendments

The OAG will continue to monitor this county bill, which will be scheduled for a second T&E Committee Work Session.

5. Office of Legislative Oversight (OLO) Report on the status of Transferable Development Rights (TDRs) and Building Lot Termination (BLT) programs

The OAG will continue to monitor the process of the Planning Department providing recommendations to the County Council on these programs.

6. [SB1082/HB1328](#), Solar Energy and Energy Storage - Development and State Procurement

This state bill would create the Utility-Scale Solar Design and Siting Commission, which would provide recommendations related to solar energy development and land conservation and preservation, including an approach for solar development on prime and productive soils that does not include soil classification prohibitions.

It would also require the MD Energy Administration Solar Technical Assistance Program to develop a database identifying and recommending State land suitable for solar development, including land held under easement by the MD Agricultural Land Preservation Foundation (MALPF) and Dept. of Natural Resources (DNR). By December 1, 2025, MALPF would be required to submit to the Solar Technical Assistance Program: "(1) A list of real property owned and conservation easements held by the foundation; (2) The funds required to renew each conservation easement; and (3) Recommendations concerning requirements for the

State to return land held by the foundation under a conservation easement to its original condition."

Mike Scheffel indicated that since this bill would not affect County-owned property, the County will not submit testimony for it. Therefore, if AAC members would like to provide comment, it would be better for individual members to submit testimony for the state bill hearing instead of submitting a letter to the County Council as the AAC.

Fred Lechluder asked about how this bill would affect properties with MALPF easements. Mike Scheffel responded that the impact on these is unknown at this time. OAG staff will monitor this bill closely going forward.

7. [HB0762](#), Montgomery County - Alcoholic Beverages - Class B Beer, Wine, and Liquor License - Off-Premises Consumption

The MC 9-24 draft bill that the Montgomery County delegation submitted to the General Assembly was introduced as HB0762. This bill would allow businesses with a County Class B alcohol license to sell beer and wine produced off-site for off-premises consumption. Although farm alcohol businesses could take advantage of this bill, it would be difficult for them to meet the requirement that 40% of gross profits come from food sales. It is still in the House, which will hold a hearing on February 19, 2024.

Another state bill introduced by the Montgomery County delegation, [HB0798](#), would allow holders of a State Class 4 (winery) and Class 8 (farm brewery) license to apply for a County Class D alcohol license so they can sell alcohol produced by other Class 4 and 8 license holders for both on- and off-premises consumption. Some of the county breweries and wineries have indicated they would like to offer other farm-produced alcohol besides their own during tastings.

Paula Linthicum stated that the production and sale of alcohol on farms is allowed as an accessory use to farming and allowing a brewery or winery to sell alcohol produced off-site, not as an accessory use to the farm, could open the way for these businesses to operate a retail alcohol business, which would be a negative unintended consequence of allowing farm alcohol production in the county. Mike Scheffel indicated that on-site farm markets are currently allowed to stock 25% of the shelf space with products produced at other county farms, so this bill could be seen as creating consistency among different farming sectors.

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

Based on the testimony provided by several agricultural and community groups and individuals for the January 16, 2024 public hearing, Councilmember Natali Fani-Gonzalez (lead sponsor) requested that the Planning, Housing, and Parks Committee work session for this ZTA be scheduled during the summer and stated that in the meantime she will continue to engage with stakeholders. Councilmembers Marilyn Balcombe and Dawn Luedtke have also indicated they will be reaching out to the agricultural community for input.

Aaron Kraut, staff to Councilmember Dawn Luedtke, shared that his office had no news to share at the moment.

Dale Tibbitts stated that the County Attorney indicated that the language in the ZTA cannot be moved to the Lodging section of the County Code, as recommended by some county residents.

The group discussed the fact that state bill [HB0558](#), which expanded the definition of agritourism to include incidental outdoor stays and camping, did not define these stays, which has created uncertainty as to the intention behind the bill and whether or not ZTA 23-09, as currently written, meets this intention.

Fred Lechluder stated that current County regulations do not prevent a large alcohol producer from establishing a production facility in the Ag Reserve. Mike Scheffel indicated that although that is the case, there are other important limitations to a large production facility in the Ag Reserve, including septic and well capacity.

9. [ZTA 23-08](#), TDRs and Cemeteries

In response to the testimony submitted by the AAC and APAB for the January 16, 2024 public hearing, Councilmember Marilyn Balcombe (lead sponsor) introduced an amendment to limit the right to a one-time expansion of 10 acres onto an abutting property. The ZTA was assigned to the Planning, Housing, and Parks Committee, which during its January 29, 2024 work session voted unanimously to support these amendments. The ZTA was adopted by the County Council on February 6, 2024.

10. Visit Montgomery Rural Branding Initiative

Visit Montgomery received a grant from the Economic Development Administration for branding and marketing agritourism businesses in Montgomery County. On January 30, 2024, Visit Montgomery and the OAG hosted a listening session to receive feedback from the agritourism businesses in the county, including operations offering pick-your-own, farm markets, tasting rooms, workshops, ag education, events, and other activities. On February 28, 2024, a listening session will be held to receive feedback from other stakeholder groups (MC Dept. of Planning, MC Dept. of Parks, Montgomery Countryside Alliance, Sugarloaf Citizens Association, Heritage Montgomery, Rustic Roads Advisory Committee, and many others).

11. Vacancies in the APAB, AAC, and RRAC

The OAG and Lori Larson interviewed five candidates for the five AAC vacancies and made the following nominations to the County Executive: four farmer members (Paula Linthicum, Fred Lechluder, Jeff Dowling, and Tom Precht) and one non-farmer member (Ellen Gordon).

The OAG and the Chair of the APAB, Michael Jamison, interviewed three candidates for the four APAB vacancies and made the following nominations to the County Executive: two

farmer members (Sarah Daken and Randy Stabler) and one non-farmer member (Nick Magliato).

The County Executive recommended all five AAC and three APAB nominees on February 7, 2024 and they will be confirmed by the County Council on February 27, 2024.

The application period for the RRAC ended on January 5, 2024. Tom Linthicum, Mason Hopkins, and John Jamison applied as farmer members and have been contacted for interviews. On January 17, 2024, the County Executive's office indicated that the applicants would be contacted for interviews and that Billy Willard's nomination as the AAC representative to the RRAC would be made at the same time as that of the three farmer members.

12. Vacant Agricultural Preservation Program Administrator position

The interview committee selected Dr. Mike Weyand, who officially started on February 12, 2024. Dr. Weyand previously worked in the Montgomery Soil Conservation District and is therefore familiar with the county.

13. The next meeting of the AAC will be held on March 19, 2024 at 7:00 pm via Microsoft Teams.

14. Upcoming meetings and events:

UME Central MD Agronomy Update: February 21, 2024
Montgomery County Farm Bureau Board meeting: March 5, 2024
Montgomery Soil Conservation District Board of Supervisors meeting: March 8, 2024
Agricultural Preservation Advisory Board meeting: March 12, 2024
National Agriculture Day County Council Luncheon and Proclamation: March 19, 2024

15. The meeting was adjourned at 7:33 pm.

Jane Evans introduced a motion to adjourn the meeting, John Brewer seconded, and the motion passed unanimously.