

**Montgomery County Agricultural Advisory Committee (AAC)  
Regular Meeting Minutes  
January 16, 2024**

1. The meeting was called to order at 7:02 pm.
2. Introductions

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

Staff: Mike Scheffel, Natalia Salazar

Guests: Jake Adler, Eleanor Leak, Margaret Chasson, Chuck Schuster

3. Approval of the December 19, 2023 AAC minutes

Jane Evans introduced a motion to approve the minutes, John Brewer 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 bill, which will be scheduled for a second County Council Transportation and Environment 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. Recommendations to revise farm alcohol production Zoning Text Amendments 18-03 and 18-14

The AAC and Agricultural Preservation Advisory Board have both written letters recommending specific increased lot size and crop acreage requirements for farm alcohol production. The County Council is aware of these recommendations and the OAG will remit the letters to them at the appropriate time.

7. [Draft bill MC 9-24](#)

The Montgomery County delegation to the General Assembly has drafted a bill that would allow farm alcohol businesses with a County Class B alcohol license to sell beer and wine produced off-site for off-premises consumption. The bill has not been introduced yet and therefore does not have a bill number assigned.

Mike Scheffel believes that this bill may be a first step in allowing alcohol businesses to sell alcohol from other businesses for on-site consumption. This would allow farm alcohol businesses to sell alcohol from other such businesses, such as a farm brewery selling wine from a vineyard.

Lori Larson asked if the bill would require that the off-site alcohol be from a farm alcohol business. Mike Scheffel responded that he does not believe legislators could prohibit businesses from selling national brands, but he believes the intent behind the bill is to encourage the sourcing of local alcohol products.

Matt Lechlinder asked if the county's farm alcohol businesses have requested the ability to sell off-site alcohol. Mike Scheffel replied that they have, the main reason being the ability to cater to differing tastes among their visitors.

8. Rustic Roads Advisory Committee

The application window ended on January 5, 2024. Tom Linthicum, Mason Hopkins, and John Jamison applied as commodity farmer members. Staff to the RRAC was made aware that the AAC nominated Billy Willard, Sr. as its representative and they accepted the nomination.

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

The AAC's letter to the Council on this ZTA was submitted as testimony for the January 16, 2024 public hearing. The letter stated the AAC's opposition to the ZTA as currently written and recommended that the Council assign the ZTA to a working group that would be tasked with: 1) clearly defining the characteristics of activities that are accessory agricultural uses and 2) determining if/how incidental outdoor stays could be an accessory agricultural use or a different use category completely and defining how the use should occur.

The APAB submitted a similar testimony letter, recommending the creation of a stakeholder working group to review potential impacts this ZTA may have and how to best remediate those impacts. Montgomery Agricultural Producers, Montgomery Countryside Alliance, and the Sugarloaf Citizens' Association submitted letters in complete opposition to the ZTA.

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

The AAC's letter to the Council on this ZTA was submitted as testimony for the January 16, 2024 public hearing. The letter stated the AAC's concern with unintended impacts to the amount of farmland in the county and recommended that the ZTA be amended to explicitly exclude family burial sites from expanding and limiting expansions to one-time, 10-acre expansions into adjoining properties only.

The APAB submitted a similar letter as testimony on this ZTA.

11. The MNCPPC released its impact report on solar in the AR zone, as required by ZTA 20-01:

<https://montgomeryplanning.org/wp-content/uploads/2023/12/Impact-Report-of-Montgomery-County-Solar-Collection-Systems-in-the-AR-Zone-December-2023.pdf>

The report makes the following recommendations:

**IMPROVE COORDINATION WITH UTILITY COMPANIES** Before the state enacts further changes to the review and approval process or to standards for community solar projects (and potentially allow solar projects on prime agricultural soils), Montgomery Planning strongly urges more coordination with and better responsiveness and infrastructure from utility companies to allow additional connections and capacity to the utility grid. Again, Montgomery Planning believes that is the real obstacle to implementing our collective solar goals. That being said, in an attempt to streamline the review process and incentivize the local process, Montgomery Planning recommends the County Council consider the following two additional significant modifications. Impact Report of Montgomery County Solar Collection Systems in the AR Zone.

**INCREASE SOLAR SIZE LIMITATION** Montgomery Planning recommends exploring the removal of the 2-megawatt size limitation for community solar projects. The 2-megawatt size limitation was included due to the state cap for community solar projects at the time. Since creation of these standards, the state has increased the cap for community solar projects to 5 megawatts. If all other standards are met, including maintaining the prohibition of community solar projects on Class I and II soils, Montgomery Planning does not see the need to restrict the size of solar projects to 2 megawatts. This would provide potential applicants the option of going through our local process and standards or the state process and standards for community solar projects of up to 5 megawatts.

**CONVERT SOLAR COLLECTION SYSTEMS TO LIMITED USE** Currently, Solar Collection Systems that are rated at more than 200% of on-site energy use and that generate less than 2 megawatts are a Conditional Use in the AR zone, which is a rather costly and lengthy process, requiring public hearings with both the Planning Board and the Hearing Examiner. Given the limited amount of applicable standards in the Montgomery County Zoning Ordinance for Solar Collection Systems, Montgomery Planning recommends that the County Council explore making this use a Limited Use, with review by the Department of Permitting Services at building permit in coordination with the Office of Agriculture and Montgomery Planning to ensure that the applicable development standards are adhered to and the Forest Conservation Law is followed. An applicant would still be required to obtain approval of a Forest Conservation Plan or Exemption. When all applicable standards are adhered to, these applications have not been contentious or complicated reviews. This change in process would equate to less time, money, and process for these incredibly important solar projects, while still upholding applicable zoning standards and preserving agriculture as the primary use on prime agricultural soils in the Agricultural Reserve. If applicants are permitted to pursue solar projects generating up to 5 megawatts and advance straight to building permit while adhering to all relevant standards, including the prohibition on Class I and II Soils and adhering to the Forest Conservation Law, that may make the local process much more attractive to prospective applicants. Planning staff believes additional exploration

of the options identified in this report is needed before considering allowing solar projects on Class I and II soils. Thus, we do not recommend expansion of the solar program in that respect at this time.

Mike Scheffel commented that the only recommendation of concern is this last one. Applications for solar collection systems are not complicated to review given that the project either meets the zoning standards or not, so in this sense they could be converted to a limited use. However, he believes that this could allow supporters of other non-agricultural uses, such as cellular communication towers, to petition for those uses to also be treated as limited uses.

Jane Evans asked if the AAC should provide recommendations to the Council at this time. Mike Scheffel replied that the committee should wait until the Planning Department's report is assigned to a Council work session during the summer.

12. Agricultural Advisory Committee vacant positions

The AAC needs to recruit three farmer members and one non-farmer member (see vacant positions below). The OAG will be interviewing five candidates on January 22 and 25, 2024.

Expired Appointments

Aliza Silver  
Eleanor Leak  
Patrick Jamison  
Pete Driscoll

13. Vacant Agricultural Preservation Program Administrator position

The OAG and APAB interviewed candidates on January 4, 2024.

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

15. Upcoming meetings and events:

Montgomery County Farm Bureau Board meeting: February 6, 2024  
Montgomery Soil Conservation District Board of Supervisors meeting: February 9, 2024  
Agricultural Preservation Advisory Board meeting: February 13, 2024

16. The meeting was adjourned at 7:21 pm.

Tim Hussman introduced a motion to adjourn the meeting, Michael Protas seconded, and the motion passed unanimously.