

Laura Van Etten

January 16, 2024

Montgomery County Council
Stella Werner Council Office Building
100 Maryland Avenue
Rockville, MD 20850

RE: ZTA 23-09 Hearing Testimony

Dear Councilmembers:

As a farmer who has lived in the Ag Reserve since 1999, I wish to express my strong opposition to this zoning text amendment. It was introduced in reaction to one person's suggestion at a meeting held in Poolesville and is not representative of ideas for good uses of agricultural land. Note that the town of Poolesville is not zoned AR and is not even subject to Montgomery County planning, as it has its own planning commission.

Please note that there are the three cornerstones upon which the AR was founded (I call it a three-legged stool):

1. 25-Acre minimum zoning meaning ONE house per 25 acres;
2. TDRs meaning a Transferrable Development Right for each 5 acres was given to landowners and one must be retained in order to build a residence;
3. Septic requirements meaning that building permits are conditioned upon the number of household residents that can be accommodated by a single septic field intended to serve the residence.

Are there exceptions to these rules? Yes, specific exceptions to #1 and #2 – there are grandfathered lots, and tot lots, and tenant houses for farm workers – but not to #3 – septic is always required on AR-zoned land. This proposal ignores every one of these foundational principles upon which the Ag Reserve was established. It is an attack on this major land use planning achievement for which Montgomery County is admired nationwide.

Inspection issues

No agency performs routine inspections on buildings in the Ag Reserve. This means that once any “cabins” for “short-term” overnight stays are constructed, they can and will be used for permanent housing and there is no enforcement against it.

Revenue stream for farmers

A major justification given by the lead sponsor of this ZTA is that it will provide an additional revenue stream for farmers. This is completely backwards. In fact, the only people who will be able to afford

to build these cabins are rich investors intending to use relatively “cheap” farmland to open hotel-like facilities. Not many current farmers in the AR can afford to build and run mini-hotels on their land. Nor do they wish to convert useable farmland to these structures and install over usable farmland the on-site roads and parking lots that will be needed to bring in overnight visitors.

The idea that there are more “jobs” brought to the area was expressed at the Poolesville meeting – what kind of jobs are these? Minimum wage house cleaning jobs. People from counties like Frederick where the \$15 minimum wage is not yet effective can, on the days they are not working at McDonalds and Burger King, drive down to the Ag Reserve and provide housekeeping for the “cabins.”

Office of Legislative Oversight analysis

Whichever Councilmember is responsible for guiding this office and its staff should have a strong discussion with them about not undermining one Master Planned accomplishment with another policy goal. Their statement in the RESJ Impact Statement that the establishment of the Agriculture Reserve in 1980 somehow “cemented racial segregation” is a conclusion based upon a misguided view of what these written assessments should provide. It goes on to state that “many Black rural communities within it had been depopulated and its zoning requirements prohibit the development of new affordable multi-family housing units.” This is in essence heaping backward-looking blame upon a major land preservation accomplishment that serves multiple public policy purposes – providing food, farming, tree canopy and protection for watersheds – and which was in no way discriminatory because it did not allow “multi-family housing.” This type of analysis is completely useless.

Planning Board analysis

The County Council appointed the current Planning Board members and should be saddened if not shocked to find that not one of them knows a single thing about the Ag Reserve. The Planning Department senior staff who decided to assign Planners to review and present this ZTA to the Board either knew very little about the AR or appeared to be opponents of the AR. To bring a ZTA with a potential for such a large effect on agriculturally zoned land to the Board knowing that the Board members are completely ignorant and ill-informed is a major disservice to the County. Councilmembers should demand that the Planning Board arrange for an in-depth briefing on the AR provided by recognized groups supporting the Reserve such as Montgomery Countryside Alliance, Sugarloaf Citizens Association, and the Montgomery County Farm Bureau.

In conclusion, please discard this ill-advised ZTA and allow the Ag Reserve to be used as it presently is, allowing only carefully crafted accessory uses to farming on our precious farmland.

Sincerely,

