

## **Subject: Zoning Text Amendment 23-09 – Farming Incidental Outdoor Stays**

I'm writing to express serious concerns that Zoning Text Amendment (ZTA) 23-09 – Farming to allow "Incidental Outdoor Stays" would fundamentally change the nature of the uses permitted in the Agricultural Reserve Zone (AR) and ask for you to vote against that amendment. The proposed ZTA is inconsistent with the purpose of the AR and would if enacted authorize the additional construction of up to 10 luxury resort or motel type lodging structures on farm properties in the AR. These structures would not be subject to accessory structure size limits, would misleadingly be called incidental outdoor stays, and would be exempt from limitations on short term rentals.

The ZTA does not meet any of the fundamental purposes of the AR to preserve working farms, open space and water resources and it should be rejected.

### **Background**

The purpose of the AR is to protect farmland, agriculture, open space, and water resources. Properties in the AR can only be used for Farming and "Accessory Uses" that are specifically authorized in Montgomery County Zoning Ordinance Section 3.2.6. Residential development is limited to no more than one dwelling unit per 25 acres. The AR Zoning currently restricts the maximum footprint for any structure and the total footprint of all structures primarily used for education or tourism to 10% of the total footprint square footage of all structures on the site used for agriculture.

One of the proponents of ZTA 23-09, Mark Potash, who is establishing a distillery of a property in the AR that he calls Sugarloaf Farm and wants to build units for overnight stays was interviewed by WTOP News. In that interview Mr. Potash told WTOP that the units would not be rustic and said, "Imagine going to the Ritz-Carlton or the Four Seasons" where each unit would be "like a small cabin," but cushier. "Like any high- end hotel" but "not over the top." This highlights why the ZTA is not consistent with any reasonable meaning of an incidental outdoor stay.

### **Why ZTA 23-09 should be rejected.**

The ZTA would eliminate the current AR Zoning limits on the maximum footprint for any structure and the total footprint of all structures primarily used for education or tourism to 10% of the total footprint square footage of all structures on the site used for agriculture a result these structures could be any size. Eliminating this restriction and allowing 10 luxury resort or motel lodging structures of any size to be constructed on one property is not consistent with the purpose of the AR.

The ZTA would allow occupancy of the 10 structures by no more than 2 persons 18 or older but has no limit on the number of persons under 18 who can accompany them. While the ZTA would limit the length of individual stays to 4 days, it does not prevent each unit from being occupied 365 days per year by different persons for stays of 4 days or less. Authorizing 20 or more additional persons to reside on a single farm property on a year-round basis would create a significant burden on the well aquifer and waste disposal in the AR.

The ZTA would authorize the addition of the 10 lodging structures to a property that may have other authorized but restricted uses under other provisions of the zoning code such as Farm Distilleries. Distilleries are recognized to use substantial amounts of water and create up to 15 gallons of waste per gallon of product. Authorizing 20 or more additional persons to reside on such a property year-round would place an unprecedented burden on the well water aquifer and waste disposal in the AR.

The ZTA misleadingly adds and applies the term "outdoor stays" to the uses that are accessory to farming in the AR while in fact creating authorization for the construction of up to 10 luxury resort or

motel type structures, with no size limits, in which people can stay for up to 4 days at a time. Applying the term outdoor stays to accommodations in these types of structures is completely inconsistent with the other types of outdoor activities that are authorized in the AR. Finally, adopting the ZTA would create confusion and conflicts with more limited authorized uses and restrictions under Agricultural Preservation Easements that have been purchased by Montgomery County using millions of dollars in taxpayer funds. Keeping and enforcing these restrictions is critical for the preservation of the AR.

Please vote to reject ZTA 23-09. As an alternative, please table any consideration of the ZTA and form a committee to fully assess and understand ALL the impacts it would have on the AR so that they are addressed. The County Council should not make the significant changes or eliminate the important use restrictions proposed in ZTA 23-09 without critical study and consideration.

I truly appreciate your time and attention to this matter. It is of great importance to me, my family, and my neighbors in the Agricultural Reserve.

Sincerely,

Stanley R. Soya