



AGRICULTURAL ADVISORY COMMITTEE

Agenda Item #4

October 18, 2012

Francoise Carrier, Chair
Montgomery County Planning Board
8787 Georgia Avenue
Silver Spring, Maryland
20910

Dear Madam Chair:

RE: Zoning Rewrite Process-Work Session #2

On behalf of the Agricultural Advisory Committee-AAC, please accept this letter endorsing the comments dated October 15, 2012 and submitted by Jane Seigler, Agricultural Representative of Zoning Advisory Panel-ZAP from the agricultural community. The AAC and the agricultural community commend Jane Seigler for the tremendous amount of time she has devoted to the Zoning Rewrite Process in addressing the needs of agriculture in the County.

We want to thank the MNCPPC staff for adopting some of our recommendations surrounding the Rewrite Process to create a friendlier environment for permitting agricultural uses.

The AAC met on October 16, 2012 and we discussed several sections within the current draft report that we still have concerns with that need to be addressed to fulfill the legislative intent of the Agricultural Reserve and to protect the interests of agriculture throughout Montgomery County.

Outlined below you will see a summary of these issues:

Intent Statement for the AR zone:

The AAC supports the MNCPPC staff recommendation on the intent statement that conforms to the existing wording for the RDT zone with the minor edits that replace the special exception with the proposed conditional use wording. The AAC believes the intent statement offered by Diana Conway reverses the emphasis of the 1980 Master Plan as compared to the intent of the RDT zone which states in the first paragraph that agriculture is the primary and preferred use in the zone. We believe that Diana Conway's proposal blurs an important distinction between the agriculture zone on the one hand and the rural zones on the other hand and may potentially open the door to challenges to the right to farm in the AR zone. The Planning Board should know the 2007 final report of the Ad-Hoc Agricultural Policy Working Group recommended the Council enact legislation requiring disclosure for homes being sold in the agricultural zones informing potential homebuyers of the current County and State law that protects farmers from nuisance

claims. This recommendation was adopted by the Council through Bill 12-07 that required all purchasers of RDT zoned properties to sign a real estate disclosure that they read the Intent Statement of the RDT zone and understand that agriculture is the preferred use and that all agricultural operations are permitted at all times. The AAC believes that changing the intent statement as recommended by Diana Conway will negatively impact the existing intent to protect farmers from nuisance claims by placing higher priority on the vast objectives of the 1980 Master Plan.

Agricultural Education/Tourism:

The AAC supports the MNCPPC staff recommendation to propose a new use for Agricultural Education and Tourism with additional amendments as outlined below:

1. Defined

Agricultural Education/Tourism: [is] Agricultural and accessory activities conducted as part of a farm's regular operations with emphasis on hands-on experiences and events that foster increased knowledge of [farming] agriculture, including [low-impact] cultivation methods, [humane] animal care, water conservation, Maryland's farming history, the importance of eating healthy, locally grown foods, [teamwork and personal responsibility,] and [other outdoor experiences and events on farms] includes corn mazes, hay rides, and educational tours, classes, and workshops.

2. Use Standards

Where agricultural education/tourism is allowed as a limited use, it is subject to the following standards:

- a. The property must be farmed and agriculturally assessed.
- b. A minimum of [90%] 80% of the property is maintained in agricultural cultivation, pasture land, woodland, or natural features.
- c. Impervious area is a maximum of [5%] 8% of the portion of the site where the Agricultural Education/Tourism area is located.
- d. The property must have proper sanitation facilities approved by the Department of Permitting Services.

The AAC was asked to comment on the types of recreational uses that should be permitted as part of this Agricultural Education/Tourism use. The AAC recommends that recreational opportunities that are directly related to agriculture should only be allowed. We do not support paintball events or Celtic festivals. The AAC supports wine festivals, pumpkin festivals, and camping events with agricultural emphasis. The AAC supports archery camps if they are training bow hunters to hunt white-tailed deer in reducing the size of deer herds.

Recommended Uses for Removing the Prohibition of Footnote 48:

Bed and Breakfast 1-5 bedrooms:

The AAC supports the MNCPPC staff recommendation to remove the Bed and Breakfast 1-5 bedrooms use from the prohibition of footnote 48 and permit as a Limited use. The AAC believes that Bed and Breakfast uses contained within existing dwellings that predated the RDT zone and the TDR program can actually complement agricultural uses and the farming lifestyle. Also Bed and Breakfast uses can provide opportunities for people to spend the day and night in the Agricultural Reserve helping to educate the importance of agriculture.

Accessory Apartment:

The AAC recommends that an Accessory Apartment should be removed from the prohibition of footnote 48 and permitted as a Conditional use. Accessory apartments can support an agricultural operation by providing opportunities for housing on the farm within structures like the upper level of a garage or storage building. An accessory apartment can also provide additional sources of revenue to supplement the agricultural operation.

Farm Machinery-Supply Sale, Storage, and Service:

The AAC supports the MNCPPC staff recommendation to remove the Farm Machinery-Supply Sale, Storage, and Service from the prohibition of footnote 48 and permitted as Conditional uses. These uses represent support businesses that are directly related to agriculture and the legislative intent of the RDT zone. Farmers today must drive to Frederick and Carroll Counties to obtain parts for farm equipment and other supplies necessary to support an agricultural operation. The AAC would like to explore ways that would permit these types of uses in the proposed AR zone.

Thank you for considering the views of the Montgomery County Agricultural Advisory Committee.

Sincerely,

A handwritten signature in cursive script that reads "David Weitzer". The signature is written in dark ink and is positioned above a solid horizontal line.

David Weitzer, Chairman

Cc: Jane Seigler
Pam Dunn