

From: Jane Seigler [mailto:seigler.jane@gmail.com]
Sent: Wednesday, June 20, 2012 3:43 PM
To: Criss, Jeremy
Subject: Fwd: Outstanding agriculture issues for the zoning re-write

Hi Jeremy,

I got back a quick response from Pam; see below. She is agreeable to setting up a meeting in July. Can you think on who should come from the ag community, and get some info on their availability? I am around in July except for 7/3 - 7/8.

Jane

Jane Seigler
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Begin forwarded message:

From: "Dunn, Pamela" <Pamela.Dunn@montgomeryplanning.org>
Subject: RE: Outstanding agriculture issues for the zoning re-write

Date: June 20, 2012 3:28:12 PM EDT

To: Jane Seigler <seigler.jane@gmail.com>

Cc: "Murray, Callum" <Callum.Murray@montgomeryplanning.org>, "Holt, Katherine" <Katherine.Holt@montgomeryplanning.org>, "Saville, Leslie" <Leslie.Saville@montgomeryplanning.org>

Dear Jane,

Thank you for your thoughtful note. We do have several of these comments already, and I believe we've made changes in the consolidate draft to reflect this. With more time, I will compare the list below with the changes already incorporated and let you know where things stand. Certainly, for some of the concerns listed below – a meeting with the ag community would be beneficial. Let's try to schedule a meeting in July so we have as much time as possible to work on potential revisions.

The consolidated draft I mention above is due to be released within the next couple of weeks (we are in the final formatting phase) therefore we would not be in a position to provide a definitive answer regarding all of the concerns listed below, nor would there be time to meet. However, we would like to resolve these concerns prior to the staff draft scheduled for release in September.

How does this sound to you? Please let me know some dates that may work for a meeting with members of the agricultural community and staff here.

Thank you, Jane. I look forward to seeing you this evening.

Kind Regards, Pam

From: Jane Seigler [mailto:seigler.jane@gmail.com]

Sent: Wednesday, June 20, 2012 3:00 PM

To: Dunn, Pamela

Cc: Murray, Callum; Holt, Katherine; Saville, Leslie

Subject: Outstanding agriculture issues for the zoning re-write

Hi Pam,

I have consulted with representatives of the ag community, and have put together what I believe is a comprehensive list of the remaining issues of concern in the ZAP process, which I have set forth below. Please let me know if you have any questions. Especially with regard to point number 6, I think it would be useful to set up a meeting with staff and some members of the ag community, to try to iron out solutions to remaining questions. Please let me know when that would be possible. Thank you so much for your receptiveness to our input!

1. "Agricultural Processing," in addition to being listed as a separate use in the use table (as it is in the current draft), should also be listed under Accessory Agricultural Uses, as

an L use in the AC zone. See FN 36 in the current code. However, when an accessory use to a farm, Use Standard 1.c: "The property must front on and have access to a road built to primary residential road or higher standards unless processing materials are produced on-site" should be deleted, as most Rural and Rustic roads serving farms would not qualify under this standard.

Similarly, Nursery - Wholesale should also be listed again under Accessory Agricultural Uses as an L use in the AC zone, in addition to being listed as a separate use. See FNs 1 and 3 in the current code.

We would also suggest that the definition of ag processing be amended to: "mulch or compost production and manufacturing," to eliminate some confusion that exists regarding interpretation of the terms "manufacture" and "production" in the definition in the current code: "Mulch manufacturing and composting: The manufacture of horticultural mulch from wood, wood products, compost, or similar materials. The production of mulch and compost as part of a farm operation is an accessory use to the farm." (Mulch and the Products of Forestry are included in the definition of Agriculture.)

2. With respect to the Nursery and Landscape Contractor issues, the draft ZTA is still being modified based on community comments. We'll send the final version when we have it. The thinking is that the allowability of the use should be based on the scale of the operation, rather than the physical size of the site.

This may be a use when an "L/C" designation would be appropriate (similar to some uses that are "P/SE" in the current code). Equestrian Facility is also currently "P/SE," and could be considered for a "L/C" designation. I recall that at the March ZAP meeting, there was some discussion about whether, if someone can't meet the "Limited" use standards, could they go to the "Conditional" use process (i.e., ask for a special exception). There is nothing like that in the current draft, but the staff seemed sympathetic.

3. We are hopeful that a new use can be defined, recognizing Ag Education and Agri-Tourism. This use definition and some suggested Use Standards were sent to you in a previous email:

Agricultural Education and Ag Tourism

1. Definition:

Agricultural and ancillary activities conducted as part of a farm's regular operations with emphasis on: outdoor instruction, outdoor experiential training, and other fun events which provide opportunities for Agricultural Education and promotes the importance of agriculture to the general public.

2. Use Standards:

- a. The minimum size of the property must be at least 50 acres.
- b. Not less than 60% of the property must be maintained in agricultural cultivation, pastureland, woodland, or natural features.
- c. Agriculture Education and Ag Tourism activities should include hands-on experiences that foster increased knowledge of farming 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 fun experiences and events on farms.

4. Regarding the proposed changes to the name of the AC Zone and its intent statement, the Agricultural Advisory Committee discussed the recently revised proposal for changes to the Intent Statement at its May meeting, and decided to stand by their position as stated in their March 21, 2012 letter to Francoise Carrier, attached, as well as to continue to support the recommendation of the APAB, also attached, with the exception that the AAC believes the RDT zone should be renamed the Agricultural Reserve Zone.

5. There are certain uses listed in Section 3.1.6 of the current draft (the equivalent of Footnote 48 in the current code) and therefore prohibited on lots in the AC Zone on which a TDR easement has been recorded, which we believe should be allowed. Specifically, Bed and Breakfasts, which were grandfathered in FN 48. This makes sense as these uses will not negatively impact farm operations, as they are contained within the existing farmhouse. Also, Farm Supply, Machinery, Sales and Service, which is a use that definitely "complements" agriculture. It is a mistake to discourage necessary infrastructure supporting agriculture operations in areas where farmers can access them easily. These uses will be C in any event, so necessary protections are already in place.

6. We appreciate the efforts of staff to come up with workable definitions of the various types of farms, but there is concern that the breakdown into Crop, Livestock and Urban Farms and Animal Husbandry has inconsistencies with the current legal definition of Agriculture (which has been incorporated, unchanged, into the current draft). The breakdown into Crop, Livestock and Urban Farms, in particular, seems to be unnecessarily complicated and duplicative, and produces a result in which agricultural uses that are currently permitted in residential zones will now no longer be permitted. We believe that this is one area in which a meeting between staff and representatives of the agricultural community might be particularly useful in working out a system that makes sense, accommodates zoning land use concerns, and preserves the availability of ag uses in zones where they are currently permitted.

Also, restrictions on the number of animals kept (Sec. 3.2.10 A. Animal Husbandry 2. Use Standards b) should be deleted from the Zoning Re-write and remain in the province of the nutrient management regulations and soils conservation district/extension specialists.

7. We recommend that the definition of Farm Tenant Dwelling in the staff draft be modified to include:

A dwelling unit occupied by an agricultural worker actively engaged in farming on a full-time or part-time basis under the control of the owner or operator of the farm on which the farm tenant dwelling is located. Includes a mobile home. A farm tenant dwelling is not restricted by the definition of household, and may share a well and/or septic system.

This language should ensure that dwellings under the oversight and inspection of the US Department of Labor and the MD Department of Health and Mental Hygiene for seasonal agricultural workers that have a work visa, are included.

8. Re: the definition of agricultural processing, I understand that MNCPPC staff believes that the term "including goods for non-food use" includes the products of forestry. Nevertheless, we would like to request that the term "products of forestry" be specifically listed in the definition of agricultural processing, to ensure clarity and prevent any future confusion or misinterpretation.

9. The definition of Farm Market should be changed to include: Firewood sold at a farm market must be cut and split on the farm. A farm market may also bring in firewood to sell so long as that wood has been cut and split where it was harvested.

10. A couple of comments on the equestrian facility section (which I have already brought to your attention):

First, Sec. B. 1. a. iv seems to be new: "In the RNC zone, an equestrian facility for three or more horses is not allowed in the designated rural open space."

It's my impression that this is currently ok with a special exception.

Also, in the Use Standards, section C: " * Each building, show ring, paddock, outdoor area, and manure storage area must be located at least 100 feet from any existing dwelling on an adjacent property." I believe this should say "outdoor arena," not "outdoor area."

Thanks again. See you tonight!

Jane Seigler
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