

Zawitoski, John

From: Clara Martone-Boyce [abcmindy@gmail.com]
Sent: Tuesday, September 11, 2012 3:32 PM
To: Pamela.Dunn@montgomeryplanning.org
Cc: Criss, Jeremy
Subject: Comments on Zoning Plan

Dear Ms. Dunn,

I write to provide my comments on the new zoning rewrite process. In summary, I believe the new draft should be further examined and would request the following changes, for the reasons explained below:

- 1) Consideration of a larger variety/type/sex/species of animals permissible in animal husbandry in residential zones, provided setback and land square footage requirements are met;
- 2) allowing agricultural educational activities in all zones, provided the underlying agricultural uses are permissible;
- 3) allowing on-site uses critical to animal husbandry in areas allowing animal husbandry, provided no nuisance is created and such use is limited to uses attendant to the animal husbandry permitted; and
- 3) if the current animal husbandry limitations are kept, changing "pygmy goats" to include all goats of similar size and nature (pygmy goat is a specific species)

My family and I are relatively recent transplants to Montgomery County. We used to live in a vibrant community in Prince George's County, close to friends and good neighbors, with a small mortgage, small backyard, and within walking distance of all the amenities our four children needed or wanted, including ball fields, youth center, grocery store, playground, etc. We decided to give up those perks and move somewhere where we could start what we refer to as a "farm" but what many would call a homestead or backyard hobby. We did hours of research on zoning laws, regulations, animal control requirements, state law on animal health, etc, to find a place where we could continue at our current jobs and teach our children where their food comes from, be more self-sufficient, teach others about local food, and raise animals for our own use. That led us to move to Montgomery County, to an area zoned RE-1, but with almost 2 acres of space. We took on a bigger mortgage and tax payment and a longer commute. We gave up our established community to fulfill our dream. We couldn't afford a larger property that was zoned for primary agricultural use, but because we had done our homework, we knew that we would be able to take on our small scale projects and be fully in compliance with local laws and regulations. Our children love being outside. They love their farm overalls and being "farmers." We have shared our "farm" with each of their schools, for free, and taught many other kids about where food comes from and how animals and food crops are grown. This is amazing in an era of supermarkets and fast food and convenience stores filled to the brim with food from far away, and where everything is in season all the time, and meat comes in a plastic wrapper. Now, we are worried that all we sacrificed and worked for is in jeopardy because of the zoning changes that are proposed.

First, we live on almost 2 acres. Our house was built in 1948 and was the only house for miles, being the farmhouse for a working farm of several acres. Up the street from us is a horse farm, and three houses down is a vegetable farm with farmers market. We have chickens (including a rooster), rabbits, three nigerian dwarf goats, and a american guinea hog. Our chickens are mostly heritage breeds, some very endangered due to lack of interest in their breeds by larger farmers, including some of America's first breeds of chicken. We keep their areas clean and sanitary, provide them with space and clean

water, and are pursuing NPIP (national poultry improvement plan) certification from the state, even though the state agencies themselves admit they are too underfunded to enforce NPIP regulations. We have 4 adjacent neighbors, and we have not received a single complaint about noise, smell, etc. The only comments we have gotten from them have been positive and welcoming. From the street, our home looks like a large, well kept, beautifully landscaped home.

We have a rooster because he protects our small flock of chickens during the day when we are not home- helping give warnings of predators and even fighting off small ones (like neighbor's cats). You also probably know this, but laying hens only produce eggs consistently for about 2 years. Like so many families out there, money is tight, and our options to replace our laying flock each year is to buy new chickens or hatching eggs and incubate them, or have our own chickens make baby chickens. The former is expensive, the later is free. If we are successful in complying with NPIP requirements, we would also be able to sell fertilized eggs or our baby chicks, perhaps helping to pay for chicken feed, coop updates, or additional testing. None of that is possible without a rooster. I know that a rooster would not be appropriate in some of the more densely populated down-county areas, or in a backyard in a city. But we are lucky enough to have chosen a house and a property where our rooster isn't bothering anyone. Under the new zoning regulations, we would not be able to have a rooster.

We also have an american guinea hog. This is a small "homesteading" hog, that weighs less than 200lbs (a male mastiff dog can weigh more than this) that was brought to the US around Thomas Jefferson's time. Despite its delicious flavor, it is almost extinct because farmers with larger acreage would prefer a larger pig. Our guinea hog can till up the garden for us, provide us with meat, and provide a litter of piglets each year that, because of the rarity of these animals, provide additional needed income for us in addition to meat. These hogs are small, docile, and friendly, and smaller than some dogs. Under the proposed zoning, although we could have several more goats or several large dogs (with a hobby permit) we cannot have this one small pig.

Nor could we have small sheep, an alpaca, or several other animals that are no more or less noxious or offensive than the goats that would be permitted. I would suggest that more flexibility be given on the animal husbandry standards to allow for, for example, roosters on lots over 1 acre, or one pig or alpaca or miniature donkey for every 1/2 acre of land over 1 acre, provided nuisance, sanitation, setbacks, etc.

I also believe the agricultural educational activities standards should be relaxed as well. It does not make sense why a school group should not be able to come and learn about where their food comes from, or to milk a goat, or similar. I could have a party at my home, and invite as many people as I wanted, as long as we didn't create a nuisance. I could do it every week if I wanted. Specifically carving out agricultural educational activities does not make sense.

I wanted to address the pygmy goat classification. I assume the zoning intends to allow goats of small size and statute. Pygmy goats are one specific type of goat, that are bred primarily for meat although they can be used for dairy as well. There is another breed of small goat, the nigerian dwarf, which is the kind of goats we have, that are not larger than the pygmy goats. Nigerian dwarfs, however, are primarily dairy goats, and unlike pygmy goats, because they are a recognized dairy breed, they can be used for 4-H projects, shown in dairy goat shows, like their full-size brethren, etc. These are the two naturally small goat breeds, and I am not sure why only pygmy goats are included in the animals permissible in animal husbandry. There are also miniaturized versions of typically-full size breeds (nubians, la manchas) that would be similarly well-suited to smaller spaces. Perhaps you could consider changing the wording to address the size of the goat as opposed to the breed? As written, it is like saying "only cocker spaniels" instead of "only dogs smaller than 40lbs."

Lastly, I wanted to address the lack of clarity about what activities are permissible as part of animal

husbandry. For example, if I raise rabbits, and some kits (baby rabbits) in the litter are born ill, do I have to pay a vet bill to have a \$20 rabbit euthanized rather than culling at home? Are those engaged in animal husbandry permitted to eat their laying chickens when they are past prime egg laying? If so, could that slaughter be performed at the location of the animal husbandry? If these types of things, which are part of the reality of animal husbandry, are not permitted, it makes carrying on even permitted activities difficult. All animal husbandry involves dealing with animals that need to be culled, and often, animals raised specifically for food. Could that please be addressed as well?

Thank you for your time
Clara Martone-Boyce