

Ordinance No.: 19-18
Subdivision Regulation Amendment No.: 21-01
Concerning: Exemptions – Alcohol Production
and Agritourism
Draft No. & Date: 3 – 7/8/2021
Introduced: January 26, 2021
Public Hearing: March 2, 2021
Adopted: July 27, 2021
Effective: August 6, 2021

**COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND
SITTING AS THE DISTRICT COUNCIL FOR THAT PORTION OF
THE MARYLAND-WASHINGTON REGIONAL DISTRICT WITHIN
MONTGOMERY COUNTY, MARYLAND**

Lead Sponsor: Council President at the request of the County Executive

AN AMENDMENT to:

- Exempt agricultural land used for farm alcohol production or agritourism from the requirement to record a plat before the issuance of a building permit.

By amending

Montgomery County Code
Chapter 50. “Subdivision of Land”
Division 50.3. “General Requirements”
Section 50.3.3 “Exemptions to the Requirements of this Chapter”

Boldface	<i>Heading or defined term.</i>
<u>Underlining</u>	<i>Added to existing law by introduced Subdivision Regulation Amendment.</i>
[Single boldface brackets]	<i>Deleted from existing law by introduced Subdivision Regulation Amendment.</i>
<u>Double underlining</u>	<i>Added to the Subdivision Regulation Amendment by amendment.</i>
[[Double boldface brackets]]	<i>Deleted from existing law or the Subdivision Regulation Amendment by amendment.</i>
* * *	<i>Existing law unaffected by Subdivision Regulation Amendment.</i>

OPINION

Subdivision Regulation Amendment (SRA) 21-01, lead sponsor Council President at the request of the County Executive, was introduced on January 26, 2021.

SRA 21-01 would exempt agricultural land used for farm alcohol production or agritourism from the requirement to record a plat before issuance of a building permit. Currently, when property owners add an agritourism accessory use, they need to obtain a commercial building permit for the building that will house that use. The building must be on a lot shown on a record plat or be on property exempt from the subdivision process before the Department of Permitting Services (DPS) can issue the commercial building permit. The subdivision process is cost-prohibitive for most agritourism businesses that are looking to diversify their operations.

In its report to the Council, the Montgomery County Planning Board and Planning Staff noted that they were in support of providing relief to farmers and farm businesses, but that the exemption as drafted was too broad based on the intensity of the Farm Alcohol Production use. By a unanimous vote, the Board transmitted the following comments:

- general support for streamlining the review process for Agritourism uses;
- a suggestion that a distinction be made between the production of Farm Alcohol and the commercial ancillary uses such as tasting rooms, on-site food production and consumption, special events and weddings;
- a suggestion that the Administrative Subdivision process may be appropriate rather than an exemption; and
- a suggestion that this SRA be delayed to establish a workgroup or committee that would collaboratively and comprehensively review all aspects of County Code for ways to reduce costs and streamline regulations.

The Council's public hearing was conducted on March 2, 2021. There were six speakers. The Planning Board Chair testified that while the Board supported regulatory flexibility for agribusinesses, it questioned whether a full exemption was an appropriate way to achieve that goal. Five owners of farms of various sizes testified in support of SRA 21-01, testifying that the current process required hundreds of thousands of dollars not just in County fees but for legal fees, surveyors, and civil engineers.

The Council referred the text amendment to the Planning, Housing, and Economic Development (PHED) Committee for review and recommendation. The PHED Committee held a worksession on June 23, 2021. After discussion that included Planning Staff, the Office of Agriculture (OAG), and DPS, the Committee requested a joint memorandum from OAG and DPS describing the current process and what the process would look like if this SRA were adopted. Councilmembers Riemer, Rice, and Glass proposed an amendment that would include additional zones where Accessory Agricultural Education and Tourism and Farm Alcohol Production were permitted. The Committee unanimously recommended approval of SRA 21-01 with amendment.

In its joint memorandum to the PHED Committee, OAG and DPS suggested that the Pre-Design Consultation Meeting could serve as the clearinghouse for these applications. Planning Staff expressed willingness to help with this process, including a recommendation that OAG and DPS formalize the meetings by establishing mandated timelines, creating a detailed agenda,

establishing a broader group of participants from across the relevant departments, distributing plans in advance, and clarifying the role of applicants.

The Council agreed with the recommendation of the Committee. For these reasons, and because to approve this amendment will assist in the coordinated, comprehensive, adjusted, and systematic development of the Maryland-Washington Regional District located in Montgomery County, Subdivision Regulation Amendment No. 21-01 will be approved as amended.

ORDINANCE

The County Council for Montgomery County, Maryland, sitting as the District Council for that portion of the Maryland-Washington Regional District in Montgomery County, Maryland, approves the following ordinance:

1 **Sec. 1. Chapter 50 is amended as follows:**

2 * * *
3 **Division 50.3. GENERAL REQUIREMENTS**

4 * * *
5 **Section 3.3. Exemptions to the Requirements of this Chapter**

6 * * *
7 B. Recordation of a plat before issuance of a building permit is not required for:

8 1. *Agricultural land used for residential dwellings.*

9 * * *
10 2. *Public transfer.*

11 * * *
12 3. *Adjoining property.*

13 * * *
14 4. *Property for Single-Unit Living:*

15 * * *
16 5. *Certain residential property in the City of Takoma Park.*

17 * * *
18 6. *Certain commercial properties adjoining State highways.*

19 * * *
20 7. *Certain commercial properties adjoining State highways in Rural*
21 *Village Overlay zones.*

22 * * *
23 8. *Certain non-residential properties.*

24 * * *
25 9. *Agricultural land used for [[farm alcohol production]] Farm Alcohol*
26 *Production or agritourism. An unplatted parcel [[in the Agricultural*
27 *Reserve Zone]] used for [[farm alcohol production]] Farm Alcohol*

28 Production or for [[accessory agricultural tourism]] Accessory
29 Agricultural Education and Tourism [[as defined by Chapter
30 59.3.2.6.F, as amended]].

31 * * *

32 **Sec. 2. Effective Date.** This amendment takes effect when it becomes law.

33

34 *Approved:*

35 

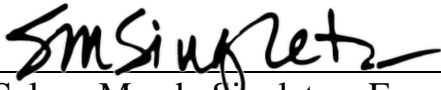
8/6/21

36 _____
36 Marc Elrich, County Executive

Date

37

38 *This is a correct copy of Council action.*

39 

8/10/2021

40 _____
40 Selena Mendy Singleton, Esq.

Date

41 Clerk of the Council