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From: Criss, Jeremy
Sent: Tuesday, April 21, 2015 4:34 PM
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Subject: Request for your assistance on a Subcommittee of the Agricultural Advisory Committee-AAC to propose new uses for brewery, cider, and distillery, etc. in the AR zone
Attachments: AAC-Zoningamendments.docx

Hello everyone,

I am contacting you as staff to the Montgomery County Agricultural Advisory Committee-AAC.

I am following up on a request from the Agricultural Advisory Committee to study and research some new land uses in the Agricultural Reserve AR zone of the County.

You have been identified as someone that is interested in these uses and I hope you will be interested in becoming a member of the AAC sub-committee.

There are several land uses that we will discuss that are described in more detail below.

The Zoning Code has a defined winery within the zoning code as outlined below that allows a winery as both a Limited=L use and Conditional=C use in the AR zone.

Section 3.2.10. Winery

A. Defined

Winery means any structure and land for processing grapes or other fruit into wine for sale on-site or through wholesale or retail outlets where a minimum of 5 acres of grapes or other fruit must be grown on the same parcel or lot as the processing facility.

B. Use Standards

1. Where a Winery is allowed as a limited use, it must satisfy the following standards:

a. In the AR zone:

i. A maximum of 9 days of events that require an entrance ticket or a cover charge is allowed each calendar year.

Additional events require conditional use approval by the Hearing Examiner under Section 7.3.1.

ii. The maximum lighting level at any lot line is 0.1 footcandle.

b. In the R and RC zone, a maximum of 2 special events such as a wedding, festival, or other similar event are allowed each calendar year. Additional events require conditional use approval by the Hearing Examiner under Section 7.3.1.

2. Where a Winery is allowed as a conditional use, it may be permitted by the Hearing Examiner under Section 7.3.1, Conditional Use, and the following standards:

a. The minimum lot area is 10 acres.

b. The minimum setback for any structure from any lot line is 75 feet, except that the minimum front setback may be reduced to 50 feet if the Hearing Examiner finds the reduced setback is compatible with abutting and confronting agricultural uses.

c. The lot must front on and have access to a road built to primary residential or higher standards.

It is my understanding that your proposed operations are not clearly defined in the code with respect to the production of beer, hard cider, and distillery spirits including the associated tasting rooms and private events you want to hold at your farm.

The definition of agricultural processing as outlined below includes the production of these products but it does not include standards for the tasting room like the winery has above.

Section 3.2.2. Agricultural Processing

A. Defined

Agricultural Processing means any operation that transforms, packages, sorts, or grades farm products into goods that are used for intermediate or final consumption, including goods for non-food use, such as the products of forestry. Agricultural Processing includes milk plant, grain elevator, and mulch or compost production and manufacturing, but does not include Slaughterhouse (see Section 3.2.8, Slaughterhouse).

B. Use Standards

Where Agricultural Processing is allowed as a conditional use, it may be permitted by the Hearing Examiner under Section 7.3.1, Conditional Use, and the following standards:

1. The minimum lot area is 10 acres.
2. The minimum setback for an Agricultural Processing structure from any lot line is 75 feet.
3. The lot must front on and have access to a road built to primary residential road or higher standards unless processing materials are produced on-site.
4. If the subject lot abuts property in the AR zone, screening under Division 6.5 is not required

Under the definition of Farming Agriculture includes processing on the farm of an agricultural product to prepare the product for market and may cause a change in the natural form or state of the product. Farming includes the following accessory uses:

- A. Accessory agricultural processing and storage of products grown or raised on-site or on property owned, rented, or controlled by the farmer. Accessory agricultural processing includes a milk plant, grain elevator, on-farm animal slaughtering, and mulch or compost production and manufacturing.

The purpose of the AAC sub-committee is to study the appropriate definitions for these uses and propose language that can be reported back to the full AAC.

We will also be discussing the use of private events on farms in the AR zone since the requests for these types of events are increasing as people visit farms and experience the Ag Reserve.

Attached you will find a draft of the uses we will be discussing.

Please let me know if you are willing to participate in the AAC sub-committee and I will follow up with some dates times and place to meet.

Thanks J

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Agricultural Advisory Committee Recommended Amendments to the County Zoning Code to expand farm businesses in the Agricultural Reserve-AR Zone-April 2015

Creation of a Sub-committee of industry representatives and community stakeholders to draft suggested amendments and report back to the AAC at the earliest opportunity.

The following uses should be permitted as limited=L uses in the AR zone

Brewery-Micro Brewery A facility for manufacturing of malt liquors, such as beer and ale, etc, using grains such as barley, hops, wheat, and oats and produced on the farm where the brewery is located and including 1 accessory structure for the purpose of sampling alcoholic beverages produced at the farm. A brewery must have a valid license from the Maryland Comptroller's Office for retail sales of alcoholic beverages produced at the farm.

Cider Facility- A facility for the manufacture of cider using apples and products produced on the farm where the cider facility is located and including 1 accessory structure for the purpose of sampling alcoholic beverages produced at the farm. A cider facility must have a valid license from the Maryland Comptroller's Office for retail sales of alcoholic beverages produced at the farm.

Distillery- A facility for the manufacture of distilled spirits using grain and products produced on the farm where the distillery is located and including 1 accessory structure for the purpose of sampling alcoholic beverages produced at the farm. A distillery must have a valid license from the Maryland Comptroller's Office for retail sales of alcoholic beverages produced at the farm.

Private Events Weddings, Birthday Parties, Bar mitzvahs, Corporate Retreats, etc.

- 1) Consumption of products produced at the farm in connection with the private event
- 2) Must be engaged in farming as the principal use of the farm
- 3) Ensuring that activity-event is subordinate to permitted use of farming in the agricultural environment --
 - a) Must be catered by an off-site licensed caterer
 - b) Must use portable toilet facilities that cannot remain on-site more than 96 hours
 - c) Must not be a public event
 - d) Must impose requirements to minimize the number of vehicles attending the private event and provide department with a plan that reflects how vehicles are to be limited on rustic roads (such as encouraging use of buses and multiple passengers/vehicle) and how parking is to be handled
 - e) If indoors, must not exceed occupancy load of building
 - f) Cannot occur on area that is actively farmed and
 - g) Must incorporate agricultural promotion at the event such as education on agriculture; and
 - h) Must be clearly subordinate as evidenced by limited number of events 20 per year –
 - i) Light and noise must not exceed allowable limits at the property boundary.

Promoting the Agricultural Reserve:

We will identify ways to partner with Visit Montgomery to take advantage of the national demand for agri-tourism and authentic farm-to-fork experiences.

We will propose language to the Council and the State delegation to help change some well-meaning but antiquated laws that are preventing our famers from realizing the full economic potential of their properties – this includes repurposing historic barns and reexamining food safety laws and licenses.

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