

Dear PHED Committee and Council Members:

As a farmer I appeal to you to carefully consider appropriate amendments to the proposed Zoning Text Amendment 18-03.

We all know that zoning regulations need to be very carefully thought out and worded lest they produce unanticipated consequences or invite abuse. Zoning Text Amendment 18-03 holds the potential to have major positive impact for the nationally recognized County Ag Reserve. However, as in many zoning changes, the devil is in the details. Preserving farmland and providing economically viable opportunities for Montgomery's farmers are key priorities of the Ag Reserve. The proposed zoning text amendment can and should honor these priorities. But ZTA18-03 should not be so broad or vague as to permit significant deviation from the preservation and economic viability priorities.

Having been a "value added" farmer in Montgomery County for over 30 years, I can attest to the need to allow farmers some zoning flexibility to serve their customers, to responsibly shepherd their land, and to meet their economic needs. However, there is always the temptation to use farmland as an inexpensive alternative to commercially or industrially zoned land. Safeguards should be built into this amendment to ensure that it will benefit farmers who actually are actually cultivating the soil and are adding value to their own products on their own land.

Specifically, for the production of alcoholic beverages, it should be required that the basic raw alcohol producing feedstock for the beverage, such as grapes, apples, or grain (barley, rye, wheat, corn, etc.) must be produced on the farm(s) under the direct management control of the facility operator, and at least 50% of the feedstock must be harvested from farms in Montgomery County, if the operator has farms in other jurisdictions. Specialized flavors or other minor ingredients would not be covered by this requirement. In addition, the farmland in the Ag Reserve must be at least 25 acres, of which 80% is deemed tillable, i.e., suitable for agricultural production and not covered by mature trees, roads, buildings and surrounding lawns, and not in wetlands or on excessive slopes of more than 8% unless appropriately terraced.

For example in the case of beer production, barley is the basic feedstock. Barley must be malted to be used in beer production. The malting process could take place anywhere, but the barley must be harvested from the farm in the Ag Reserve or no more than 50% from other farms under the direct management control of the facility operator. Management control would imply ownership or leasehold rights to farm land in other jurisdictions. Contracting with other farmers to grow barley would not qualify as direct management control, since the operator would not be conducting the production.

Hops is considered a "minor," yet all important, ingredient in beer production. A facility operator would be permitted to buy hops anywhere. However, if a farmer only produced hops and no barley, the farmer would not qualify for a brewing facility in the Ag Reserve. Of course such a hops farmer could produce beer in any appropriately zoned commercial or industrial area in the County.

Regarding other requirements of the text amendment, such as set-backs, conservation plans to preserve soil, forest land and wetlands, size of tasting rooms, maximum size of attendance at events, etc., I would urge you to contact the Montgomery Countryside Alliance and benefit from their accumulated wisdom on the best requirements to preserve the rural and agricultural nature of the Reserve.

Respectfully,

Nick Maravell

Nick's Organic Farm, LLC