

With regard to 18-03, I urge caution. The ZTA seems well-intended as one means of providing additional sources of income to farmers, but as drafted, is fraught with, I hope unintended, potentially adverse consequences. Though framed as an accessory use, an enterprises such as a winery, brewery, or distillery could become the primary use, especially if combined with an event venue. This would be contrary to the AROS plan and, indeed, could be detrimental to the character of the Reserve and, thus, no boon to Agrotourism, one of its objectives, as well as harmful to farming adjacent lands. It seems to me the problems can and should be fixed.

First, add provisions that ensure the uses are accessory to the farm rather than making the farm accessory to it. This can be done by requiring two things: (1) a minimum acreage (at least 5) on which crops used in the alcohol must be grown. This would not prohibit importation of some raw material, but it would establish a strong connection that distinguishes these operations from might be done in Rockville or Germantown without even a yard, or by a moonshiner down in the hollow. (2) Different minimum acreages for different types of alcohol—for instance, more land is needed for a profitable winery or cidery than for a microbrewery.

Second, based on size and maximum occupancy, make larger operations conditional uses, while smaller ones are appropriately limited uses requiring less regulation. Those with more than a small tasting room—e.g., seating for 20 with limited parking--should be limited uses (analogous to a farm stand.) Larger facilities easily morph into taverns or beer halls and should be conditional uses. They can have a substantial impact on adjoining property, even making some forms of farming infeasible, and they have greater impacts on traffic, especially on rustic roads, and on the larger community. One of the reasons for limiting residential uses to one unit per 25 acres was to reduce impact on the landscape. Therefore, it seems only appropriate the facility should have a TDR applied to it, substituting a substantial facility that will generate a far greater impact than a residence. For larger facilities, as noted above, it seems reasonable to require a greater acreage for production of on-site consumables. Under State law, conditional uses must be consistent with the master plan. Making them conditional uses is also important to avoid their subsequent use to argue that they have induced a change in the character of the neighborhood as a justification for rezoning.

Third, parking should be permeable and kept off class I and II soils.

Thanks for considering improvements to both retain the qualities that have made the Reserve a national model and providing prudent enhanced opportunities for farm income.

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