



Protecting Our Rural Legacy

Linden Farm, 20900 Martinsburg Rd., PO Box 218, Dickerson, MD 20842 • Tel. 301-349-4889 www.SugarloafCitizens.org

March 12, 2012

Mr. Greg Russ
Maryland-National Capital Park & Planning Commission
Gregory.Russ@mncppc-mc.org

Re: Sugarloaf Citizens' Association Comments on Proposed ZTA 12-13,

Dear Greg:

Sugarloaf Citizens' Association appreciates the opportunity to comment in writing to the Park & Planning Commission concerning the proposed Wineries ZTA, No. 12-03.

INTRODUCTION:

We want to begin by confirming that a significant part of Sugarloaf's mandate is to encourage agricultural activity in the Ag Reserve, and we appreciate wine grape-growing and wineries as appropriate activities for the Ag Reserve. We also appreciate the concept of value added activities to ensure the financial viability of the agricultural activity and understand the need for an agricultural entity to get the word out about their products. None of us wants to discourage honest-to-goodness wine grape growers and makers of wine from doing that in the Ag Reserve.

Having looked into the evolution of outreach events held at wineries in Virginia and California, we would like to suggest that BEFORE the hearings proceed on this ZTA, the County hold a stakeholders meeting—a well advertised one—where effort is made to get all stakeholders to the table: vineyard owners, would-be vineyard owners, non-vineyard farmers, residents who live near any existing vineyards and anybody else who cares to attend, along with County staff and professional facilitators. This is not to suggest that all potential issues would or could be resolved in one marathon meeting, but one meeting could get all the issues on the table—pro and con—and would provide face time for stakeholders to personally hear WHY wineries want these events, and WHY some residents are concerned about the ZTA. We would like to offer SCA's home, Linden Farm, for that stakeholders meeting.

SPECIFIC COMMENTS ON TWO ZTA COMPONENTS:

That being said, we'd like to specifically comment on the two substantive portions of the ZTA, then introduce some possible implications of the ZTA that may or may not have been specifically addressed

Sec. 59-A-2.1. Definitions.

Winery: A facility for processing grapes or other fruit into wine for sale on site or through wholesale or retail outlets. At least 20 percent of the fruit used in the winemaking process must be grown on the site of the winery.

Only a few soils in our county are really good for grape vines. But, appropriate soils won't be an issue if only 20 percent of the grapes used in the winery have to be grown in place. In fact, this percentage could be filled by "vines in a pot" brought in for the purpose of filling that requirement. Since this would be "by right", no governing body would be checking on the percentage anyway; it seems to be a requirement that will not be enforceable. This begs another question: Would a winery event be required to serve only wine made on their premises? Will there be regulation about bottles or casks of wine being shipped in from other wineries? Would that number be 80 percent as well? What are the

regulations for imported grapes and/or wine? From elsewhere in the County? from Maryland? from the United States? from anywhere?

If wineries only have to raise twenty percent of their crops, why wouldn't local farmers have that same ratio? Right now, it is our understanding that it is the exact opposite. If vineyards can bring in 80 percent of their grapes, logically wouldn't farm stands be able to do the same? If so, there will be increased traffic from the numerous deliveries.

If the requirement were for a significantly higher percentage, it wouldn't be so easy to hide the fact that grapes may not be thriving on this particular vineyard

Sec. 59-C-9.3. Land uses.

Permitted by right [provided] if no more than two public events are held per year; however, in the RDT zone, a winery is permitted by right if no more than 6 public events are held per year.

Random House Dictionary: "Event: 1.) something that happens or is regarded as happening; an occurrence; 2) an outcome; 3.) something that occurs in a certain place during a **particular interval of time**; . . .")

Definition of Event: What is the definition of an event within the ZTA? The definition of "event", as intended in the ZTA, will take time and thought. Putting a number (no matter what number) on an undefined concept makes no sense. Without definition, one could envision a "Fall Event" which would run all weekends through September and October. Haunted Forest, e.g., has a special benefit permit which allows for one "event" that stretches for five weekends in a row. Once defined, there need to be clear, ENFORCEABLE, parameters.

Assuming six "events" a year permitted for wineries, we would want one event to equal one day, not a whole weekend. If an activity is held both Saturday and Sunday, that would equal two events.

Hours: What would be the hours of the event? We think from 1 to 8 would be reasonable. That would give other stakeholders time to enjoy the area before the increased traffic, music and noise begin. By ending at 8, the neighborhood would quiet down before the average family calls it a day.

Frequency: We also feel that events should not be held on back-to-back weekends. There should be spacing between events of at least two weeks to balance the needs of various stakeholders. We cite the numerous complaints from neighbors concerning the constant traffic delays, noise and road trash in October during the back-to-back weekends of the Haunted Forest "event".

Noise and Lighting: Music should not be amplified and no outdoor night lighting should be permitted. If all events are concluded by 8 p.m. no outdoor lighting would be needed.

OTHER CONSIDERATIONS/QUESTIONS/POSSIBLE IMPLICATIONS:

Wine Bars/Increased Profitability? Wineries already are allowed to be open 7 days a week. In Loudoun County many residents feel that wineries have essentially become wine bars with festivals. If wineries are allowed to become wine bars with festivals, perhaps that could be so profitable that it becomes far more worthwhile than growing food or corn or hay. Since one of the County's goals is to have local, sustainable agriculture/food security, high profits from wine bars and festivals may supplant the types of agricultural activity that support local and sustainable food production .

Liquor License/Taxes? Are our wineries going to hold a liquor license? Are taxes paid at the winery when a visitor orders a glass of wine? If not, why would they not have to do so?

Impaired drivers? Is wine less likely to impair driving than other alcohol? What are the implications for the safety of our country roads and our residents?

Precedent? If wineries get 6 events by right (unregulated by restrictions of a special exception permit) will this set a precedent for any type of farm to have 6 events? These might include more soccer tournaments or more Haunted Forests.

At the present time, farmers looking for a way to help their bottom line are told that they can't hold weddings in the Ag Reserve. Why would a winery be more worthy of holding special events than a regular farm? Is the County prepared to have this policy challenged if you allow events "by right" for wineries? Can one really defend that a wine festival event is less disruptive and more worthy than a wedding?

Relationship to Proposed new Horticulture ZTA? In light of the proposed ZTA on Horticulture which would allow "by right" the location of many horticultural activities on as little as ten acres, Montgomery County may have quite an expansion of wineries. Grape vines can be brought in portable pots to cover the 20 percent rule. Then "wineries" (basically open air wine bars) can be located throughout the Agriculture Reserve, losing any real tie to a real vineyard. The environmental health of the area would be compromised if there were numerous wineries: noise, traffic, aesthetics, etc.

CONCLUSION:

Sugarloaf Citizens' Association is eager to work with the County to continue to encourage the viability of wineries in Montgomery County while maintaining a balance of interests among ALL stakeholders. We hope you will consider holding a stakeholders' meeting before any recommendations are made or any legislative action is taken on this ZTA. You and your staff have probably already researched other jurisdictions' processes on the winery issue, but if you haven't seen them, the following articles address several points under consideration:

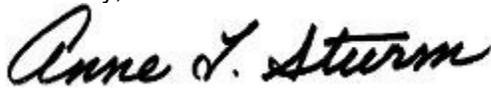
http://www.lodinews.com/news/article_c3ee21b6-5c95-11e1-81b2-001871e3ce6c.html

Napa and Sonoma County

<http://peninsulapress.com/2012/03/02/winery-regulations-a-balancing-act-for-santa-clara-county/>

Santa Clara County

Sincerely,



Anne T. Sturm, President

SUGARLOAF CITIZENS' ASSOCIATION