



Zoning Text Amendment (ZTA) No. 12-03, Wineries in the Agricultural Zones

- Gregory Russ, Planner Coordinator, gregory.russ@montgomeryplanning.org, 301-495-2174
- Mary Dolan, Acting Chief, mary.dolan@montgomeryplanning.org, 301-495-4552

Completed: 3/15/12

Description

ZTA No. 12-03 revises the definition of a winery and revises the number of public events that a winery can hold annually by right in certain zones. Specifically, the definition of a winery would be amended to require at least 20 percent of the fruit used in the winemaking process to be grown on the site of the winery. Currently, a winery is permitted by right in most agricultural zones (with the exception of the RNC and RNC/TDR zones) if limited to two public events per year. Holding more than two public events per year requires approval of a special exception by the Board of Appeals. ZTA 12-03 would increase the number of public events allowed by right in the RDT zone to six per year.

Summary

- Staff recommends that ZTA 12-03 be deferred. Staff believes that additional research, refinement and community outreach is necessary before this ZTA should go forward. Staff recommends that a working group be established that includes various stakeholders (Winery operators, citizen groups, the Department of Economic Development, Park and Planning staff, etc.) to address the details associated with the ZTA.
- Staff agrees with the sponsors that the definition of a winery should include a percentage requirement for a portion of the fruit to be grown on site; however, the proposed twenty percent may be too low.
- Staff believes that the proposed increase in the number of public events allowed by right in the RDT zone should be further researched and vetted with the appropriate stakeholders; establishing clarifying definitions and providing limitations on hours of operation, noise, lighting, etc.

Vineyards and wineries are not common in Montgomery County because of our soils and climate, but they can be a successful part of our agricultural community. Since Catoctin Vineyards moved from Brookeville some years ago, Sugarloaf Mountain Vineyard is the only winery in the County that staff has identified, though there are recent plantings of grape vines along Sugarland Road. Other parts of the state have more wineries than Montgomery County, including Frederick County.

“Vineyards” are an agricultural use, allowed by right in the agricultural zones. “Agricultural processing” is generally allowed as an accessory use to a farm (i.e., when it is incidental and subordinate to the principal use and on the same property as the principal use)—if processing is not an accessory use, a special exception is usually required.

“Wineries” do not currently include a requirement that they must be accessory to a farm, but they may not hold more than *two public events per year* unless they receive approval as part of a special exception application. “Events” are not defined in the Zoning Ordinance. Many of the “cultural, entertainment and recreational uses” listed in the Zoning ordinance require a special exception application, but many are not allowed in the agricultural zones.

Definition of Winery

ZTA No. 12-03 revises the definition of a winery to require at least 20 percent of the fruit used in the winemaking process to be grown on the site of the winery. The proposed language will assure that the processing of grapes is directly connected to the growing of grapes. Staff believes that the overall intent of the definition modification is consistent with the purpose and intent provisions of the Agricultural zones and consistent with the Preservation of Agriculture and Rural Open Space (AROS) Master Plan.

Staff agrees that providing a minimum percentage of the fruit to be grown on-site helps to preserve farmland and promote farming. However, a 20 percent minimum would suggest that winemaking is the primary use, and the growing of grapes is incidental. For a by right use in an agricultural zone, the primary use should be farming. Without the primary use, processing should require a special exception.

Staff recommends that a working group be established that includes various stakeholders (Winery operators, citizen groups, the Department of Economic Development, Park and Planning staff, etc.) to determine a minimum percentage that is practical and feasible.

Public Events

Currently, in the Rural, RC, LDRC, RDT and RS zones, a winery is permitted by right if limited to two public events per year. A special exception is required if a winery wishes to host more than two events per year. In the RNC and RNC/TDR zones, a special exception is required for all wineries.

ZTA 12-03 proposes to increase the number of public events allowed by right to six per year in the RDT zone. The ultimate question is “What constitutes a public event?”

Many different types of events occur in the Agricultural Reserve: harvest festivals, farm tours, school trips to farms, historic tours, art tours, fundraising events, group bike rides, equestrian competitions, canoe/kayak whitewater training classes, polo matches, strawberry festivals, pumpkin festivals, ethnic festivals, mazes and haunted houses, many kinds of classes, group picnics, group hikes, and the Christmas bird count. Events range in the number of spectators.

Some of these events are permitted without restrictions while others are restricted by property size, number of participants, location or require a special exception or other permits. Some of these requirements are found in our Zoning Ordinance while others are difficult to find.

Three of our local community groups have been working with DPS over the past two years to establish consistent rules for the wide range of events located in the Agricultural Reserve. To date, there has been no resolution. The Planning Department’s Area 3 staff has also received queries from a number of farm owners interested in hosting festivals and weddings.

In reviewing this ZTA, staff found that Frederick County had an experience where 8,000 people attending an event at a winery overwhelmed their two lane roads. The majority of our roads in the RDT zone are also two lanes, with many being narrow, rustic roads. Howard County also hosts an annual event, Wine in the Woods, which attracts 30,000 attendees.

Staff does not recommend expanding the number of events allowed by right at a winery until such time that the following issues have been addressed by a County Council–appointed working group:

- “Event” or “public event” should be defined; including the longevity and frequency of an event
- Determine whether the size of an event should be a limiting factor
- Determine whether and how private events should be permitted
- Determine whether agricultural and non-agricultural events are to be treated equally (should a harvest festival receive more favorable treatment than a rock concert or a large wedding reception in an agricultural zone, since it directly supports agriculture?)
- Create consistent, transparent rules
- Establish standards (hours, lights, noise, setbacks) to protect neighbors and others
- Clarify permitting requirements and create a central location for event permitting information

The Zoning Ordinance provisions on equestrian events were adopted in 2004 to address similar issues related to equestrian activities including a standard set of requirements for events based on the number of attendees. Staff recommends that any stakeholders working group examine these provisions as a possible starting point.

Citizen Comments

A summary of comments from Sugarloaf Citizens’ Association and Montgomery Countryside Alliance is as follows:

- Sugarloaf Citizens’ Association has an appreciation for wine grape-growing and wineries as appropriate activities for the Ag Reserve. Also they 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.
- Recommends that BEFORE the hearings proceed on this ZTA, the County hold a well-advertised stakeholders meeting where a substantial 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 other interested parties, along with County staff and professional facilitators
- The requirement for 20% fruit grown on site would be difficult to enforce. If wineries only have to raise twenty percent of their crops, why wouldn’t local farmers have that same ratio? Right now, it is their understanding that farmers are allowed to sell only their own produce.
- A clearly established definition of “events” is necessary that includes enforceable parameters (hours of operation, frequency of events, noise and lighting requirements)
- While Montgomery Countryside Alliance concurs with Sugarloaf Citizens Association with regard to the need for additional discussion about this initiative, at this stage, they offer a request that the number of events not exceed four per calendar year, that there be no outside amplification

for music, and that the events be related to the wineries business specifically and not simply hired space for events such as parties and weddings.

ATTACHMENTS

1. ZTA 12-03 as introduced
2. Area 3 Comments on ZTA 12-03 including preliminary background info
3. Comments from Sugarloaf Citizens' Association and Montgomery Countryside Alliance

ATTACHMENT 1

Zoning Text Amendment No.: 12-03
Concerning: Agricultural Zones -
Wineries

Draft No. & Date: 2 – 2/14/12

Introduced: February 14, 2012

Public Hearing:

Adopted:

Effective:

Ordinance No.:

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

By: Councilmembers Rice, Floreen, and Elrich

AN AMENDMENT to the Montgomery County Zoning Ordinance to:

- revise the definition of a winery;
- revise the number of public events that a winery can hold annually as of right in certain zones; and
- generally amend the provision for wineries.

By amending the following sections of the Montgomery County Zoning Ordinance, Chapter 59 of the Montgomery County Code:

DIVISION 59-A-2 “DEFINITIONS AND INTERPRETATIONS”

Section 59-A-2.1 “Definitions”

DIVISION 59-C-9 “AGRICULTURAL ZONES”

Section 59-C-9.3 “Land Uses”

EXPLANATION: ***Boldface*** indicates a Heading or a defined term.

Underlining indicates text that is added to existing law by the original text amendment.

[Single boldface brackets] indicate that text is deleted from existing law by original text amendment.

Double underlining indicates text that is added to the text amendment by amendment.

[[Double boldface brackets]] indicate text that is deleted from the text amendment by amendment.

** * ** indicates existing law unaffected by the text amendment.

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:

Sec. 1. DIVISION 59-A-2 is amended as follows:

DIVISION 59-A-2. DEFINITIONS AND INTERPRETATION.

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.

* * *

Sec. 2. DIVISION 59-C-9 is amended as follows:

DIVISION 59-C-9. AGRICULTURAL ZONES.

* * *

Sec. 59-C-9.3. Land uses.

No use is allowed except as indicated in the following table:

— **Permitted uses.** Uses designated by the letter “P” are permitted on any lot in the zones indicated, subject to all applicable regulations.

— **Special exception uses.** Uses designated by the letters “SE” may be authorized as special exceptions under Article 59-G.

	Rural	RC	LDRC	RDT	RS	RNC	RNC/TDR
* * *							
(b) Agricultural-Industrial:							
* * *							
Winery. ³⁸	SE/P	SE/P	SE/P	SE/P	SE/P	SE ²	SE ²
* * *							

³⁸ 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.

22 **Sec. 3. Effective date.** This ordinance becomes effective 20 days after the
23 date of Council adoption.

24

25 This is a correct copy of Council action.

26

27 _____

28 Linda M. Lauer, Clerk of the Council



MONTGOMERY COUNTY PLANNING DEPARTMENT
THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

ATTACHMENT 2

March 12, 2012

MEMORANDUM

TO: Greg Russ, Planner Coordinator, FP&P

FROM: Leslie Saville, Senior Planner, Area 3, 301-495-2194
Katherine Holt, Senior Planner, Area 3, 301-495-4549
Callum Murray, Master Plan Supervisor, Area 3, 301-495-4733

SUBJECT: ZTA 12-03 concerning Agricultural Zones – Wineries

The proposed Zoning Text Amendment 12-03 would make two changes to wineries in the Agricultural zones:

- first, it would revise the definition of a winery for the Rural, RC, LDRC, RDT, RS, RNC, AND RNC/TDR zones; and
- second, it would revise the number of public events that a winery can hold annually by right in the RDT zone.

Area 3 staff has reviewed the proposed changes and offers the comments below.

RECOMMENDATION

Overall, Area 3 staff recommends additional research, refinement and community outreach before this ZTA goes forward.

- On the definition of a winery, staff recommends the proposed requirement for a portion of the grapes to be grown on site; the proposed twenty percent may be too low.
- On the proposed revision in the number of public events allowed by right in the RDT zone, staff recommends further research, outreach, clarifications and limitations.

In addition, staff notes that we are currently working on a comprehensive zoning code revision. This ZTA should either be incorporated into that project, or it should be submitted to the Zoning Advisory Panel and drafted so that it can be incorporated without change into the revised zoning code.

DISCUSSION

Vineyards and wineries are not common in Montgomery County because of our soils and climate, but they can be a successful part of our agricultural community. Since Catoctin Vineyards moved from Brookeville some years ago, Sugarloaf Mountain Vineyard is the only winery in the County that staff has identified, though there are recent plantings of grape vines along Sugarland Road. Other parts of the state have more wineries than Montgomery County has, including Frederick County.

“Vineyards” are an agricultural use, allowed by right in the agricultural zones. “Agricultural processing” is generally allowed as an accessory use to a farm (i.e., when it is incidental and subordinate to the principal use and on the same property as the principal use)—if processing is not an accessory use, a special exception is usually required. “Wineries” do not currently include the requirement that they be an accessory use to the farm, but they may not hold more than two public events per year unless they receive approval as part of a special exception application. “Events” are not defined by the zoning ordinance. Many of the “cultural, entertainment and recreational uses” listed in the zoning ordinance require a special exception application, but many are not allowed in these zones at all.

Definition Revision

The change to the definition of winery is an addition that states: “At least 20 percent of the fruit used in the winemaking process must be grown on the site of the winery.”

This addition will assure that the grape processing is directly connected to the growing of grapes; staff finds this addition to be consistent with the purpose and intent provisions of the Agricultural zones. A complete survey of the twelve master plans that include these zones was not done, but staff confirms that the revised definition would be consistent with the Preservation of Agriculture and Rural Open Space (AROS) Master Plan, which covers the majority of acreage in the agricultural zones.

A minimum percentage is recommended, as this helps to preserve farmland and promote farming. However, a 20 percent minimum would suggest that winemaking is the primary use, and the growing of grapes is incidental. For a by right use in an agricultural zone, the primary use should be farming; without the primary use, processing should require a special exception.

Further study is recommended to determine what minimum percentage is practical and feasible.

Events Revision

Currently, in the Rural, RC, LDRC, RDT and RS zones, a winery is permitted by right to hold two public events per year; a special exception is required if a winery wishes to host more than two events. In the RNC and RNC/TDR zones, a special exception is required for all wineries.

The ZTA proposes to increase the number of public events allowed by right to six per year in the RDT zone; no changes are proposed in any other zone.

Many different types of events occur in the Ag Reserve: harvest festivals, farm tours, school trips to farms, historic tours, art tours, fundraising events, group bike rides, equestrian competitions, canoe/kayak whitewater training classes, polo matches, strawberry festivals, pumpkin festivals, ethnic festivals, mazes and haunted houses, many kinds of classes, group picnics, group hikes, and the Christmas bird count. Some events involve a dozen people while others involve thousands.

Some of these events are permitted without restrictions, some are restricted by property size, number of participants or location, some require a special exception, some require permits of various kinds. Some of these requirements are found in our zoning ordinance, some are online, some take numerous calls to find knowledgeable people who can provide guidance.

Three of our local community groups began working with DPS over two years ago to establish consistent rules for this wide variety of events in the Ag Reserve; the matter is still not resolved. Staff has received queries from other farm owners who are interested in hosting festivals and weddings.

In reviewing this ZTA, staff found that Frederick County had an experience where 8,000 people attending an event at a winery overwhelmed their two lane roads; the majority of our roads are also two lanes, and many are narrow, rustic roads. (Sanitation facilities and large parking lots are also lacking.) Howard County hosts an annual event, Wine in the Woods, which attracts 30,000 attendees.

Staff does not recommend expanding the number of events allowed by right at a winery at this time. Before going forward, staff recommends addressing the following items:

- “Event” or “public event” should be defined; an event should not last more than a day and a limit on frequency may be needed
- Determine whether the size of an event should be a limiting factor
- Determine whether and how private events should be permitted
- Determine whether agricultural and non-agricultural events are to be treated equally (should a harvest festival receive more favorable treatment than a rock concert or a large wedding reception in an agricultural zone, since it directly supports agriculture?)
- Create consistent, transparent rules
- Establish standards (hours, lights, noise, setbacks) to protect neighbors and others
- Clarify permitting requirements and create a central location for event permitting information

The zoning ordinance section on equestrian events was written a few years ago to address some of these items; among other things, it creates a standard set of requirements for events based up the number of attendees. It may be a useful model to consider, going forward.

Attached is a brief summary of some of the research done in reviewing the proposed ZTA.

BACKGROUND INFORMATION

Types of Events

Montgomery County has limited experience with vineyards, so staff reviewed the types of events that are happening at vineyards in other jurisdictions.

- Wine sales
- Wine tastings
- Tours of production facilities
- Tours of grounds and buildings (historic buildings, “green” buildings, eco tours)
- Farm markets, food sales
- Brunches, lunches, snacks, happy hours, dinners, desserts
- Live music inside
- Poetry or book readings inside
- Wine festivals
- Food festivals
- Music festivals
- Cigar and wine tastings
- Art festivals
- Holiday festivals
- B&Bs, get away weekends
- Singles events, gay events, hike with your dog events
- Kayaking
- Art and photography workshops
- Auctions/sales of non-wine items
- Buses, trains and limousines taking groups to visit multiple vineyards
- Private wine club events
- Private catered lunches, dinners, parties, receptions
- Weddings, wedding receptions
- Corporate meetings and retreats

Large Wine Events in Maryland

- A music festival with wine (Frederick County has had 8,000 people attend such events)
- Wine in the Woods (Howard County—wine, food, crafts and entertainment over a weekend—30,000 attendees)
- The Maryland Wine Festival (Carroll County—also a weekend event—no current attendance figures were found, but over 25,000 attended in 2007)

Permits Needed for Some Events

- To serve food at an event, a temporary food license must be obtained from HHS.
- Wineries are generally licensed by the State. Some events may require additional licensing from the County Liquor Control Board.

- If well or septic capacity is insufficient, portable toilets are needed; the State of Maryland provides guidance.
- Some large events will require a Special Event Permit from the Fire Marshall.
- MCDOT, SHA and sometimes police personnel must get involved if events are within the right of way, or the expected crowds will require special controls.

Definitions from the Montgomery County Zoning Ordinance

Equestrian activity: The care, breeding, boarding, rental, riding or training of horses or the teaching of equestrian skills.

Equestrian event: A competition, exhibition, or other display of equestrian skills.

Equestrian event, informal: A competitive or non-competitive event that involves between 26 and 50 participants and spectators, per day.

Equestrian event, major: A competitive or non-competitive event that involves between 151 and 300 participants and spectators, per day.

Equestrian event, minor: A competitive or non-competitive event that involves between 51 and 150 participants or spectators, per day.

Farm market: The display and retail sale from a farm of: (1) agricultural products produced on the farm where the farm market is located, or (2) agricultural products produced on another farm under the control of the owner or operator of that farm market. A farm market includes the display and sale of farm food products certified as non-potentially hazardous by the Department of Health and Human Services. Up to 25 percent of the farm market display and sales area may be used for display and sale of agricultural products not produced on a farm under the control of the owner or operator of the farm market. In the event of crop failure due to drought, insect damage, disease, or other cause beyond the control of the owner or operator of the farm market, the Department of Permitting Services upon the recommendation of the Department of Economic Development and the Montgomery County Agricultural Advisory Committee may allow for a limited period of time more than 25 percent of the farm market display and sales area to be used for agricultural products from off the farm where the farm market is located.

Country market: The display and retail sale of agricultural products and farm food products certified as non-potentially hazardous by the Department of Health and Human Services. A country market does not include the sale or storage of bread, cheese, or other foodstuffs produced in a commercial kitchen, or the establishment of an eating and drinking establishment, including a drive-in restaurant. A country market includes the display and sale of non-edible farm products only if the products are grown and processed on farms in the State of Maryland.

Celey, Tiffany

From: Caroline Taylor <caroline@mocoalliance.org>
Sent: Monday, March 12, 2012 9:37 AM
To: annets1@aol.com
Cc: Russ, Gregory; dmilmoe@audubonnaturalist.org
Subject: Re: Letter from Anne Sturm, Sugarloaf Citizens Association ZTA 12-03

I have not completed formal comments on this is ZTA. However, given the short time frame on the need for you to hear from us, I offer the following:

1) is the 20% of use of local grapes requirement more or less then the current requirement for a winery In the RDT? If it is less than the current standard, how does this encourage more farming in the RDT? Is this a standard percentage for wineries?

2) review of other jurisdictions yields struggle with winery events regulations. There is a balance that needs to be struck between winery's ability to bring the public on site and the surrounding rural area's ability to conduct other agricultural activities and historic communities' quality of life. I would suggest that we look carefully at other jurisdictions, Such as Oregon, to see how they sought to achieve that balance.

3) while we concur with our partners at Sugarloaf citizens Association, with regard to the need for additional discussion about this initiative, we at this stage, offer a request that the number of events not exceed four per calendar year, that there be no outside amplification for music, and that the events be related to the wineries business specifically and not simply hired space for events such as parties and weddings. Again we may find reasonable guidelines elsewhere in the country that can serve as appropriate model.

Let me know if there're any additional questions. Thank you so much for preparing comments on this.

Warm regards,
 Caroline

Caroline Taylor, Executive Director
 Montgomery Countryside Alliance
 P.O. Box 24, Poolesville, Maryland 20837
 301-461-9831
<http://mocoalliance.org/>

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"Whether we and our politicians know it or not, Nature is party to all our deals and designs, and she has more votes, a larger memory, and a sterner sense of justice than we do." ~ Wendell Berry

Sent from my iPhone.

On Mar 11, 2012, at 6:40 PM, annets1@aol.com wrote:

Dear Greg,

Attached please find our working comments on the ZTA-12-03 concerning wineries. After Board review, I will send you a final copy.

Thank you, as always, for your professional help.

Sincerely,

Anne Sturm

<Sugarloaf_comments_to_Greg_Russ,_P&P,_re_Wineries_ZTA_12-03_DRAFT_March_122012.doc>



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:

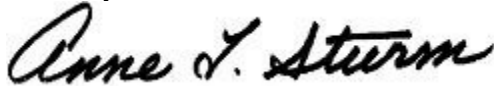
http://www.lodinews.com/news/article_c3ee21b6-5c95-11e1-81b2-001871e3ce6c.html

Napa and Sonoma County

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Sincerely,



Anne T. Sturm, President

SUGARLOAF CITIZENS' ASSOCIATION