



To: Members of the Anne Arundel County Council
From: Stephen Marley
Date: June 2, 2017
Re: Comments on Bill 25-17, as amended, from the Advocates for Herring Bay

Dear Councilmen:

As you know, Anne Arundel County has a bounty of natural resources: the Chesapeake Bay, forested greenways, meandering streams, and productive farmland. All are integral to the county's economy and reputation as a desirable place to live and work. All must be managed in sync to ensure the vitality of the county's future.

While we value the contributions of our local farming communities and support creative efforts to help them thrive, Bill 25-17, as amended, fails to provide adequate protection for the county's other natural assets or neighboring communities. Specifically:

- the bill would authorize the construction of new types of processing facilities¹ on ecologically sensitive land in the Critical Area, floodplains, and steep slopes;
- ambiguities in the definition of "agritourism" could be interpreted as authorizing restaurants,² alcohol sales, and other public venues that could change the essential character of R-1, RLD, and RA districts;
- decisions about what qualifies as value-added processing and agritourism would largely be left up to the property owner, with no transparent or enforceable eligibility standards³; and
- the bill exempts agritourism businesses from the basic traffic management standards that apply to produce markets, wineries, and farm breweries⁴.

Given these shortcomings, the Advocates for Herring Bay respectfully request that the Council delay final action on Bill 25-17 until it is amended to include adequate safeguards for the public interest.

¹ Under the bill, "value-added" processing facilities would be permitted as long as a single ingredient used in the process is produced on a farm, which could be a farm of any size anywhere in the county. Processing could be simple or complex, ranging from making strawberry jam in a kitchen to having facilities that use locally grown grains to produce distilled spirits, herbs to spice up canned sauces, or poultry, livestock, or milk to make processed foods. USDA's definition also includes the production of renewable energy for use on a farm. The zoning overlays for RCA and Open-Space Conservation areas usually limit or bar such facility-based uses because, by law, that acreage is supposed to be managed to protect the resiliency of natural resources.

² The term "food services" as used in §11-6-102 includes restaurants. Different phrasing here would clarify intent.

³ "Value added" processing would be a "permitted" use that would not be subject to any conditions or definitional limits on the size, type, or location of those facilities or activities. Similarly, the definition of agritourism includes an open-ended authorization for "other activities or events" without any conditions on size, type, or location.

⁴ See §18-10-132(4), §18-10-149(3), and §18-10-107(7).