



To: County Executive Schuh and Members of the Anne Arundel County Council
From: Peter Legg, on behalf of the Advocates for Herring Bay
Date: August 31, 2017
Re: The “single-ingredient” rule for agricultural processing in Bill 67-17

By enacting the “single-ingredient” rule in Bill 67-17, food processing facilities operated by third parties will be allowed in every residential district in the county. This will give Anne Arundel County the distinction of having one of the weakest zoning standards in the State of Maryland for agricultural processing facilities. In our view, Anne Arundel’s standards should at least be on par with other counties.

Today, the zoning code allows products grown on a farm to be processed on the property as a “farming” use. Bill 67-17 will break the connection between processing and true farming. Under the bill, a processor would no longer be required to grow the products being processed; instead, third parties could buy feedstocks from multiple farms, truck them to a facility, transform them into finished products, and transport those goods to markets. The only stipulation would be that the processor grows a single ingredient on the property. That could be as simple as growing an herb in a window box.

Why should Anne Arundel allow such complex facilities in every residential district when at least 11 other counties—Calvert, Caroline, Charles, Frederick, Harford, Howard, Montgomery, St. Mary’s, Talbot, Wicomico, and Worcester—restrict them to large rural lots and commercial areas?¹ Other counties also set conditions on lot size, setbacks, and feedstocks, similar to those that apply to Anne Arundel’s wineries and breweries. Why would you give all other facilities a free pass?

The stakes are too high to simply wing it and hope nothing goes wrong. Complex processing facilities pose special waste management challenges. Their effluent usually contains a mix of residual solids, added chemicals, and cleaning fluids that may not be amenable to treatment by septic systems. Other disposal methods may be a nuisance to neighbors and harm the environment.

We urge you to strike the single-ingredient rule from Bill 67-17 and update the processing rules after there has been an informed and open debate about what zoning is appropriate. Waiting to update the law will do no harm. Farmers can continue to process their products, as permitted under existing law. If there are constituents with special needs—such as those wanting to manufacture cheese in a county with few dairy cows or goats—we suggest that you craft language tailored to that specific set of facts instead of enacting sweeping changes that could trigger unintended consequences for citizens throughout the county.

Thank you for considering our views. We have attached extracts from the zoning codes of other counties so you can see how their treatment differs from what you are proposing for Anne Arundel County. Please do not hesitate to contact us if you have any questions.

¹ Under the Anne Arundel zoning code, “farming” uses are allowed in every residential, commercial, and industrial district as well as in open-space and open-space conservation areas.