

OCTOBER BUSINESS MEETING MINUTES

October 17, 2018

PLANNING COMMISSION OF ALLEGANY COUNTY

Chairman Steve MacGray called the October Business Meeting for the Allegany County Planning Commission to order at 5:00 p.m. in Room 100 of the County Office Complex. Linda Simpson proceeded with Roll Call. Present were, Chairman MacGray, Jon Loff, Brian Miller, Breann D'Atri, and Bill Chesno. Mrs. Simpson requested that the record reflect five Board members were present and there was a quorum.

Chairman MacGray then directed the members attention to a review of the October 17, 2018 Business Meeting Agenda. Breann D'Atri moved to accept and approve the Agenda as presented. Jon Loff seconded the motion. The motion carried unanimously.

Chairman MacGray then directed the members to review and approve the June 6, 2018 Business Meeting Minutes. Jon Loff moved to accept and approve the June Minutes as presented. Brian Miller seconded the motion. The motion carried unanimously.

New Business

1. Welcome new Planning Commission Member, William M. Chesno, appointed by the Board of County Commissioners on June 21, 2018 – Angela R. Patterson, PE, Director of Planning & Growth.

Angie welcomed our new Planning Commission member, Bill Chesno. Mr. Chesno filled the seat vacated by Pete Davis at the end of his term. Mr. Chesno is a resident of Bel Air and has been on the Bel Air Committee for 35 years. Their Charter says the Committee is in charge of providing public utilities and recreation. They receive taxes from the state and county and use that money for ballfields, swimming pools, etc. He is now retired after spending 33 years in banking and 10 years in real estate.

2. Introduction of Proposed Farm Alcohol Producer Regulations – Angela R. Patterson, PE, Director of Planning & Growth.

Angie told the Board that this meeting was an introduction of proposed farm alcohol producer regulations. The Planning Commission had previously received the information by e-mail along with hard copies in their binders.

At present, there is one farm alcohol producer in Allegany County – 1812 Brewery. There is now interest from another farm alcohol producer in establishing a brewery here in the county. Their consultant inquired as to what would be required, and at this time, we don't have any language in our current zoning regulations that speaks specifically to this use.

After 1812, it was decided to have regulations that were specific to farm alcohol producer breweries so there would be no question of what would be required.

Angie stated that she had done research on how other counties in Maryland compared on how they regulated farm alcohol breweries. She contacted Carroll, Frederick, Anne Arundel, Hartford and Washington counties. Carroll County is where she pulled most of her information from. It was the best fit for Allegany County by definition.

The proposed language is:

Farm Alcohol Producer – a farm that grows and processes, stores, and/or sells agricultural products for the production of wine, beer, brandy, spirits, or other similar beverage on an on-site producing vineyard, orchard, hopyard, or similar growing area. Accessory uses may include farm alcohol tasting rooms, accessory food sales related to the farm alcohol tasting, sales of novelty and gift items related to the farm alcohol processing facility, sales of farm alcohol produced on-site and occasional promotional events and guided tours. Angie then read the Supplementary Use Regulations for this use. The information presented by Angie is set forth on her memo dated October 11, 2018, a copy of which is attached to and made a part of these Minutes.

Staff was proposing that this be permitted in every district except for the R1 district, which is the most restrictive residential district.

Jon Loff asked if this proposed change would have an impact on 1812. Angie stated no, they are grandfathered in and would not be subject to this.

Breann asked if the permissible uses mirrored other counties in Maryland. Angie said yes. Angie expanded on this to state that there are people who say the Farm Alcohol Producer is an agricultural use and an agricultural use is permitted in any district including R1. Then there are those that look at this as a commercial use, which created a gray area which is why extensive research was done.

Wes McKee stated that 1812 is a straight up commercial use. Angie said that state licenses require that the primary use of the property is agricultural and even if it were located in an R2 district, they would most likely have the space that neighbors would not be close by. Also, the supplementary use regulations protect those nearby with the 50' buffer, and you have to have direct access to a publicly maintained road.

Breann asked if this use should require a Special Exception. Steve MacGray expressed his feelings regarding 1812 and the commercial aspect of the use. He feels there could be some opposition with adjoining or confronting property owners whether it is zoned agricultural or not. Angie stated that to her knowledge, there have never been any complaints about activities held at 1812.

Brian Miller asked for clarification again that this use was not permitted in an R1 district. Angie stated that the amendment proposes that it not be permitted in an R1 district.

Jon Loff asked if there were any adjacent properties near 1812 that are zoned R1. It was stated that it is all zoned agricultural at 1812.

Wes stated that what the Board heard is proposed language and a proposed table of permissible uses. Nothing precludes the Board from saying that they don't like the R2 as a permissible use, and that you want it to be a Special Exception use. The Board has the ability to discuss what they want to do. Wes made it clear that they make their own opinion on what districts farm alcohol producers would be allowed in.

With no further questions, Angie stated again that this was just the introduction and the public hearing would be held on November 14th. The Board asked if they could propose changes to the language at the public hearing. Wes stated that any changes should be made prior to the public hearing or there would be the need for a second public hearing. The final language has to be what the public hearing will be about.

Jon Loff and Brian Miller were fine with the proposed language but Bill Chesno questioned about selling alcohol produced on site. Angie said that it would be regulated through their state license. Steve asked again if there was anyone that wanted to make changes to the language. Wes added that there was the option of saying it is a permitted use by Special Exception which the applicant would then have to come before the Board of Zoning Appeals and have them look at it and make sure it is located where it should be and if it meets all the criteria and if there are any site-specific adverse impacts. That then gives the neighboring landowners the opportunity to come and voice their opinion. Wes suggested the Board consider making the R2 district a Special Exception, since that was the district that the members seemed unsure about.

The Board then collectively agreed to change the language to read, permitted use in an R2 district with Special Exception.

3. Presentation of New Rural Legacy Easement for John Stanley, Old MacDonald Road, LaVale – Angela R. Patterson, PE, Director of Planning & Growth.

Siera Wigfield asked Angie to notify the Planning Commission on the Rural Legacy Easement for John Stanley. It is a 92-acre property located behind Braddock Square. The State of Maryland provides the money for the transaction which gives them the development rights. The property owner still owns their land. The County Commissioners agreed to sign the deed at their October 4, 2018 meeting.

Unfinished Business

1. Update on Planning Commission Member Training – Angela R. Patterson, PE, Director of Planning & Growth.

Angie stated that there would be a free Planning Training Course offered on Thursday, October 25, 2018 at the Maryland Planning Commissioners Association Conference in Gaithersburg, Maryland. All members have received their Certificate

of Compliance from Maryland Department of Planning except for Brian Miller. Mr. Miller stated that he will complete the on-line training course.

2. Update on Land Preservation Parks and Recreation Plan (LPPRP) – Angela R. Patterson, PE, Director of Planning & Growth.

Siera asked Angie to give an update on the Land Preservation Parks and Recreation Plan. The Planning Commission approved the Plan last May. It then went onto the Commissioners and they approved it May 24th and then submitted to the State of Maryland. The State said the Plan was approved, however they acknowledged that we had not met our land acquisition goals and therefore, 50% of our Program Open Space funding was going to have to go to land acquisition. With coordination from DNR and MDP to get it straighten out, a proximity analysis was performed and the results were that 96% of Allegany County residents can get to a recreation site within 10 minutes driving time, and 86% can get to a recreation site in 5 minutes driving time. This was satisfactory to the State and they submitted their approval letter to us last week and Allegany County does now meet our land acquisition goals, therefore, all of our Program Open Space funding can go towards development projects.

3. Update on Proposed Zoning Code Amendment - §360-139 Off Street Parking Standards – Angela R. Patterson, PE, Director of Planning & Growth.

The Board of County Commissioners held their public hearing on the proposed Off-Street Parking Standards on Thursday, July 12th. With no objections or public comments, the Commissioners took action and passed Code Home Rule Bill 1-18. The Bill became effective on August 27, 2018.

4. Update on Planning Commission Regular Business Meeting Schedule – Angela R. Patterson, PE, Director of Planning & Growth.

After discussion on the possibility of moving the Planning Commission business meetings up one hour to 4 p.m., it was decided to have them remain at 5 p.m. A schedule of 2019 meetings was provided in the members' binders.

Public Comments in order of sign-up sheet

There was no one signed up to speak.

Adjournment

The meeting was adjourned at 5:40 p.m.



ALLEGANY COUNTY DEPARTMENT OF PLANNING & GROWTH

701 Kelly Road | Cumberland, Maryland 21502
301-777-2199 | www.alleganygov.org

BOARD OF COUNTY COMMISSIONERS

Jacob C. Shade, *President*
Creade V. Brodie, Jr.
William R. Valentine

Brandon S. Butler, Esq.
County Administrator
Angela R. Patterson, P.E.
Director

MEMORANDUM

TO: Planning Commission Members

FROM: Angie Patterson, P.E., Director of Planning and Growth *APP*

RE: **Proposed Zoning Code Amendment – Farm Alcohol Producers**

CC: Brandon Butler, Esq., County Administrator
Bill Rudd, Esq., County Attorney
Jim Squires, Chief, Division of Land Development Services
Jeff Barclay, Director of Economic & Community Development
Paul Kahl, P.E., Director of Public Works

DATE: October 11, 2018

BACKGROUND

Due to recent interest in establishment of Farm Alcohol Producers in Allegany County and the uniqueness of this use, Allegany County staff have identified the need to establish regulations specific to this use in the County zoning code.

GOALS

The goals of establishing regulations specific to Farm Alcohol Producers are as follows:

1. Provide clear direction for applicants to navigate the local permitting process.
2. Recognize the regulations that are in place at the State licensing level that do not need to be further regulated at the local level.
3. Protect public safety.

PROPOSED LANGUAGE

§360-59 Definitions and Word Usage

Add:

FARM ALCOHOL PRODUCER – a farm that grows and processes, stores, and/or sells agricultural products for the production of wine, beer, brandy, spirits, or other similar beverage on an on-site producing vineyard, orchard, hopyard, or similar growing area. Accessory uses may include farm alcohol tasting rooms, accessory food sales related to the farm alcohol tasting, sales of novelty and gift items related to the farm alcohol processing facility, sales of farm alcohol produced on-site, and occasional promotional events and guided tours.

§360 Attachment 2, Table 1, Table of Permissible Uses

Add:

	R-1	R-2	B-1	B-2	I	GU	A	C*
Agricultural Operations								
Farm Alcohol Producer (See §360-X)	x	P	P	P	P	P	P	P

Note: P = Permitted
x = Prohibited

ARTICLE XVI Supplementary Use Regulations

Add:

§360-X Farm alcohol producers shall be permitted in the R-2, B-1, B-2, I, GU, A and C Districts, subject to the following requirements, conditions and limitations:

- A. The primary use of the property shall continue to be agricultural in nature and any commercial aspects of this use shall not be used solely to warrant or justify the assignment of future land use designations or rezoning petitions.
- B. A farm alcohol producer must have a valid Class 4 Limited Winery, Class 8 Farm Brewery, or Class 1 Distillery Maryland alcohol manufacturer license, or as may be amended.
- C. All associated structures shall be subject to a 50-foot vegetative buffer on the side and rear lot lines.
- D. Parking must be consistent with §360-139 Off-street parking standards.
- E. Health Department approval for water supply and wastewater disposal systems is required.
- F. New structures and existing structures being renovated as a part of both the farm alcohol production and the accessory uses thereof, must meet the requirements of Chapter 255, Building Construction.
- G. A farm alcohol producer must have frontage on and direct access to a publicly maintained road.

PROPOSED SCHEDULE

October 17, 2018	Introduction to Planning Commission
November 14, 2018	Planning Commission to hold Public Hearing
December 19, 2018	Planning Commission Recommendation to Board of County Commissioners