

Testimony opposing ZTA 281-08
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This ZTA will undermined the 40-year-old master plan for preservation and protection of agriculture and open space that Montgomery County put in place and has honored since 1980. In order for our county and all its residents to have this jewel in our midst, we changed the zoning of the area now known as the Agricultural Reserve so that farming would be protected in a county that was increasingly becoming more and more urban. 40 years later we are now unique in the country, with only a couple of other counties that have managed to keep a farming and urban balance. We have a wealth of high-tech, health and research industries coexisting with a vibrant agricultural sector. This is only due to visionary work of county planners back in 1980 and the continuing commitment of our elected officials to honor that zoning decision.

We are not opposed to landscape contractors siting businesses in rural and agricultural zones but we are entirely opposed to changing the zoning of those areas to make any non-agricultural business a permitted use of the Agricultural Reserve. It might make complete sense to site a landscape contracting business in the midst of rural and agricultural communities but each case must be evaluated for access, land use, historical sites and stormwater runoff questions. A business that uses its site to park cars and trucks, store mulch and tools and maintain an office is not an agricultural business.

The farming community took a big hit on the value of their properties by accepting the new zoning of the Agricultural Reserve. At the county's expense, through the Transferable Development Right mechanism (TDR) they were somewhat compensated for this loss. This has allowed farming to continue and prosper but it would be entirely inappropriate to now allow that land priced for farming to be sold and used as a permitted use to non-agricultural businesses such as landscape contractors. If the business were primarily agricultural, such as a nursery that raised trees and shrubs and also did landscape contracting as a part of their business, we would have no problem with that business being permitted under our current zoning. A nursery is agricultural and therefore should be a permitted use. As currently written, this zoning text amendment requires only a vague stipulation that the contractor is growing a product ("Landscape Contractor *includes* the growing of plant materials for the contracting business").

. That language is entirely inadequate to qualify a business as agricultural. If the language required a majority of the property be devoted to crop production, that would make this ZTA much more acceptable.

We have learned that this ZTA proposal is the result of a landscape contractor complaining that it would be too expensive and too hard to apply for a conditional use permit. As you may remember, last year when the council was debating whether to allow commercial solar to become a permitted use of the Agricultural Reserve, the lead council for evaluating conditional

use proposals presented the County Council with very clear testimony that the conditional use process is not arduous nor particularly expensive and the vast majority of requests are granted, albeit after a thorough review of the applications. Within our current zoning, a reasonable path to application acceptance is already in place. Changing the zoning to allow other industries as a permitted use would entirely undermine the current protections the Master Plan affords and would open the door to other industries claiming they too had the right to buy land for below-market prices for their businesses and industrial operations.

Finally, we end with the request that this ZTA be withdrawn and allowed a full review of stakeholders across the area. A fair and workable compromise could certainly be achieved with input from members of the rural, farming and landscape contracting communities. There has been no process of this sort that we are aware of thus far.