



MONTGOMERY COUNTY COUNCIL
ROCKVILLE, MARYLAND

EVAN GLASS
COUNCILMEMBER
AT-LARGE

TRANSPORTATION & ENVIRONMENT COMMITTEE
HEALTH AND HUMAN SERVICES COMMITTEE;
LEAD FOR HOMELESSNESS AND VULNERABLE COMMUNITIES

MEMORANDUM

Date: October 27, 2020

To: Christopher Conklin, Director
Montgomery County Department of Transportation (DOT)

Mitra Pedoeem, Director
Montgomery County Department of Permitting Services (DPS)

From: Evan Glass
Councilmember At-Large

Re: Fruit and Vegetable Plantings in areas governed by the “Allowable Greenspace Plantings Guidelines”

As harvest season comes to an end, I have received concerns from residents about their ability to plant vegetables and fruits in their front yard. One particular resident received a visit from a DPS inspector who alerted him that the contents of his garden box, which is in the county’s right-of-way, were not permitted under the [Greenspace Plantings document](#) (“the guideline”).

When the constituent contended that he would like to plant zucchini, which meets the criteria of [County Code Chapter 49-33 \(k\)\(3\)](#), he was informed that zucchinis are in violation of the guideline which stipulates the types of plants that are legally permissible in the public right-of-way. The guideline states that “no vegetable plantings are permitted,” with very little guidance on what constitutes a vegetable. The ambiguity of the guidelines has created confusion for planters and for DPS to claim that planting zucchini is a vegetable and therefore deny the food of its true botanical definition.

As you are aware, the behaviors and actions of our residents are changing dramatically due to the coronavirus. Residents are increasingly opting to have their groceries and meals delivered directly to their homes and some residents are even beginning to grow food themselves.

Montgomery County prides itself in creating and sustaining welcoming communities. Allowing residents to engage in more front-yard farming and planting promotes our county’s agricultural heritage while creating a sense of security for families whose resilience has been impacted by the coronavirus.

Given that residents are already allowed to engage in some forms of planting in the public right of way, I urge you to update the Allowable Green Space Plantings guidelines in such a manner that allows residents to plant both fruits and vegetables in areas governed by the guidelines. This minor change can help encourage more county residents to efficiently and sustainably feed themselves and their families, especially during these trying and uncertain times.

Should enacting this change warrant legislation rather than administrative action, I would be glad to engage with your Departments to ensure a mutually desired path forward.

CC

Adam Ortiz, Director
Department of Environmental Protection

Christina Contreras, Right-of-Way Inspections Manager
Department of Permitting Services