

Racial Equity and Social Justice Impact Statement for Zoning Text Amendment

Office of Legislative Oversight

ZTA 24-02: AGRICULTURAL AND RURAL ZONES – CAMPGROUND

SUMMARY

The Office of Legislative Oversight anticipates Zoning Text Amendment (ZTA) 24-02: Agricultural and Rural Zones - Campground, will have little to no impact on racial equity and social justice (RESJ) in the County.

PURPOSE OF RESJ STATEMENTS

The purpose of RESJ impact statements for zoning text amendments (ZTAs) is to evaluate the anticipated impact of ZTAs on racial equity and social justice in the County. Racial equity and social justice refer to a **process** that focuses on centering the needs, power, and leadership of communities of color and low-income communities with a **goal** of eliminating racial and social inequities.¹ Achieving racial equity and social justice usually requires seeing, thinking, and working differently to address the racial and social harms that have caused racial and social inequities.²

PURPOSE OF ZTA 24-02

The purpose of ZTA 24-02 is to amend the Zoning Ordinance to allow a “campground”³ as a conditional use in the Agriculture Reserve (AR) and Rural Cluster (RC) zones.⁴ Currently a campground use is a conditional use only in the Rural (R) and Residential Estate-2 (RE-2C) zones. ZTA 24-02, however, applies more restrictive standards for campground use in the AR and RC zones than currently in use in the R and RE-2C zones as observed in Appendix A. For example:

- A maximum density of 15 campsites per acre are allowed in the R-and RE-2C zones. ZTA 24-02 would limit the maximum number of tents, recreational vehicles (RVs), or removable structures to five for properties between 25 and 100 acres and to 10 for properties of more than 100 acres in the AR and RC zones.
- Whereas the minimum size of a campsite is 900 square feet in R and RE-2C zones, ZTA 24-02 restricts the maximize size of each campsite to 400 square feet in the AR and RC zones.

ZTA 24-02 also proposes the following additional use standards to further restrict the extent of campground conditional use in the AR and RC zones:

- Campgrounds must be located on a property used for farming with a minimum of 25 acres.
- No heating, ventilation, air conditioning systems, kitchen, or sanitation facilities are permitted within the same structure as the sleeping quarters unless inside an RV.
- Sanitation facilities are permitted only in a structure separate from the sleeping quarters, unless inside an RV.
- A guest may stay a maximum of two nights.

ZTA 24-02 mirrors the recently adopted state legislation⁵ that added “camping” and “incidental outdoor stays” to the state’s definition of agritourism.

RESJ Impact Statement

Zoning Text Amendment 24-02

This RESJ impact statement (RESJIS) builds on the RESJIS for ZTA 23-08, Transferable Development Rights (TDR) – Cemetery, published on December 27, 2023, and ZTA 23-09 Farming - Incidental Outdoor Stays, published on January 3, 2024. For background on racial inequities in property ownership, in the Agriculture Reserve, and among agriculture businesses, refer to the RESJISs for ZTA 23-08 and ZTA 23-09. ZTA 24-02 was introduced on June 11, 2024.

ANTICIPATED RESJ IMPACTS

To consider the anticipated impact of ZTA 24-02 on racial equity and social justice, OLO considers two related questions:

- Who are the primary beneficiaries of this bill?
- What racial and social inequities could passage of this bill weaken or strengthen?

As observed in the RESJIS for ZTA 23-09, available data suggests that primary beneficiaries of ZTA 24-02 would be White property owners. Approximately 70 percent of the 93,000-acre Agriculture Reserve is used for farm operations.⁶ In 2017, there were 558 farms in the County with a total of 1,026 farm producers.⁷ White people accounting for 93 percent of farm producers in the County compared to accounting for 42 percent of the County's population.^{8 9}

The number of local agriculture businesses in the AR and RC zones offering agritourism activities, however, remains unknown as does the number of businesses that would offer campsite services because of this ZTA. Given the limited number of farms operating in the County, OLO anticipates the number of farms impacted by ZTA 24-02 would be insufficient to significantly impact racial and social inequities. In addition, compared to ZTA 23-09 that offered more significant benefits to farmers seeking to offer incidental overnight stays, OLO anticipates ZTA 24-02 will have even less of an impact on RESJ in the County than ZTA 23-09.

RECOMMENDED AMENDMENTS

Bill 44-20 amending the County's Racial Equity and Social Justice Act requires OLO to consider whether recommended amendments aimed at narrowing racial and social inequities are warranted in developing RESJ impact statements for zoning text amendments.¹⁰ OLO anticipates that ZTA 24-02 will have little to no impact on existing disparities in property ownership by race and ethnicity in the County. As such, OLO does not offer recommended amendments.

CAVEATS

Two caveats to this racial equity and social justice impact statement should be noted. First, predicting the impact of zoning text amendments on racial equity and social justice is a challenging, analytical endeavor due to data limitations, uncertainty, and other factors. Second, this RESJ impact statement on the proposed zoning text amendment is intended to inform the Council's decision-making process rather than determine it. Thus, any conclusion made in this statement does not represent OLO's endorsement of, or objection to, the ZTA under consideration.

RESJ Impact Statement

Zoning Text Amendment 24-02

¹ Definition of racial equity and social justice adopted from “Applying a Racial Equity Lens into Federal Nutrition Programs” by Marlysa Gamblin, et.al. Bread for the World, and from Racial Equity Tools

<https://www.racialequitytools.org/glossary>

² Ibid.

³ The Montgomery County Zoning Ordinance (Chapter 59) defines campground as a parcel, lot, or tract of land used for 2 or more tent or recreational vehicle campsites. Campground does not include sites for manufactured homes.³

⁴Montgomery County Council Proposed ZTA 24-02, Agricultural and Rural Zones- Campground. Introduced June 11, 2024.

https://montgomerycountymd.granicus.com/MetaViewer.php?view_id=169&event_id=16178&meta_id=180645

⁵ Chapter 430. Maryland House Bill 558. 2022.

https://mgaleg.maryland.gov/2022RS/Chapters_noln/CH_430_hb0558t.pdf

⁶ Montgomery County 2017 Ag Census Fact Sheet. Montgomery County Maryland Government (Cited in RESJIS ZTA 23-09).

<https://montgomerycountymd.gov/agservices/Resources/Files/2017AGCensusMCFactSheetFINAL.pdf>

⁷ Montgomery County Office of Agriculture Website. Ag Facts. (Cited in RESJIS for ZTA 23-09)

<https://www.montgomerycountymd.gov/agservices/ag-facts.html>

⁸ 2017 Census of Agriculture. County Profile. Montgomery County, Maryland. (Cited in RESJIS for ZTA 23-09)

https://www.nass.usda.gov/Publications/AgCensus/2017/Online_Resources/County_Profiles/Maryland/cp24031.pdf

⁹ Demographic and Housing Estimates, Table DP05, American Community Survey, 2022 – 1 year estimates for Montgomery County, Maryland. <https://data.census.gov/table/ACSDP1Y2022.DP05?q=DP05&g=050XX00US24031>

¹⁰ Bill 44-20, Racial Equity and Social Justice – Impact Statements – Advisory Committee – Amendments, Montgomery County, Maryland, December 1, 2020.

https://apps.montgomerycountymd.gov/ccllms/DownloadFilePage?FileName=2682_1_12149_Bill_44-20_Signed_20201211.pdf

RESJ Impact Statement

Zoning Text Amendment 24-02

Appendix A

Current and Proposed Use Standards for Campgrounds

Current campgrounds use standards for R and RE-2C zones (3.5.10.B.1), existing and retained.	Proposed campgrounds use standards with ZTA 24-02 for AR and RC zones (3.5.10.B.2.c).
<ul style="list-style-type: none"> • The maximum density of 15 campsites per acre of the developed portion of the campground, inclusive of service roads, toilet facilities and service building. • Each campsite, excluding parking space, is a minimum of 900 square feet. • The site is a minimum of 10 acres and has a minimum frontage of 150 feet abutting a public right-of-way; unless the Hearing Examiner waives the requirement for a minimum frontage where it finds that access for vehicular traffic is adequate. • Campsites are located a minimum of 100 feet from any property line, and a minimum of 125 feet from the centerline of any public right-of-way. • Screening under Division 6.5 is not required. 	<ul style="list-style-type: none"> • Campground must be located on a property used for farming with a minimum of 25 acres. • No more than 10 percent of the property or five acres, whichever is smaller, may be used for the campground. • Minimum of 100 feet from any property line, and a minimum of 125 feet from the centerline of any public right-of-way. • Maximum of five tents, recreational vehicles (RVs), or removable structures used for a property between 25 and 100 acres; and 10 tents, RVs, or removable structures for a property of more than 100 acres. • A maximum size of 400 square feet for each tent or removable structure. • No heating, ventilation, air conditioning systems, kitchen, or sanitation facilities are permitted within the same structure as the sleeping quarters unless inside an RV. • Department of Permitting Services approved sanitation facilities permitted only in a structure separate from the sleeping quarters, unless inside an RV. • A guest may stay a maximum of two nights.

Source: Chapter 59 Montgomery County Zoning Ordinance. 2014. Section 3.5.10: Recreation and Entertainment. B. Campground.
https://codelibrary.amlegal.com/codes/montgomerycounty/latest/montgomeryco_md_zone2014/0-0-0-1831

* ZTA 24-02 proposes, in the R zone, applicants may choose to apply the standards under either *Section 3.5.10.B.2.b.* or *Section 3.5.10.B.2.c.*