

**Department of Economic Development Presentation to the
Sugarloaf Citizens Association-March 12, 2012**

**Proposed Zoning Text Amendment on Agricultural and Horticultural Issues in the
Agricultural zones**

Introductions of the DED staff

What is the Purpose of the Proposed ZTA?

Please refer to page 2 of the handout

What will the Proposed ZTA do for agricultural and horticultural businesses?

Please refer to page 3 and 4 of the handout

What are the concerns or comments from the SCA?

Please refer page 5 through 7 of the handout

Summary of the DED Horticultural and Agricultural Zoning Text Amendment

In March of 2011, the Department of Economic Development-DED requested the assistance and input from representatives of the horticultural industry including landscape contractors. A Work Group only met twice during the year and discussed how to improve horticultural and agricultural uses in the Zoning Regulations that could be permitted in the Rural Density Transfer RDT zone. The Work Group members represented different sectors from production to installation of horticultural products in the County including representatives from the University of Maryland Extension, the Montgomery Countryside Alliance and the Maryland National Capital Park and Planning Commission.

John Hughes, Diane Patton, Todd Greenstone, Craig Ruppert, Bruce Allentuck, Vince Berg, Keith Patton, Jr., James Martin, Charlie Bower, John Shorb, Mike Mason, Chuck Schuster, Caroline Taylor, and Callum Murray

The horticultural industry represents the largest component of agriculture in the County in terms of economic contribution and potential for job creation. Unfortunately, the County's land use and permitting regulations creates difficulty for many horticultural businesses from locating and growing in Montgomery County. The proposed Zoning Text Amendment drafted by the DED attempts to create new opportunities for horticultural and agricultural businesses to find locations in the agricultural zone for these needed businesses in the County. The DED-ZTA creates new standards for these businesses to be permitted by right in the Rural Density Transfer (RDT) zone as long as they meet and do not exceed the proposed standards. The special exception process will continue to be available for those business owners that have a business plan that grows beyond the proposed standards.

The DED proposed ZTA will also help to foster an environment to permit agricultural processing operations in the agricultural zone where agriculture is the preferred use. The DED-ZTA identifies land uses that are needed to achieve the goals of a Local Green and Local Food Economy which are promoted as County priorities. County residents are always asking why we don't have more agricultural processing operations and farms like other jurisdictions where residents can purchase locally grown and processed foods. The environment surrounding our zoning regulations demonstrates a reason why the County does not have many opportunities to meet the growing demand of residents wanting to purchase more locally grown and processed foods. Agriculture is both commercial and industrial in nature and agriculture needs to adapt to both internal and external forces in order to be sustainable. The RDT zone is now over 30 years old and we have preserved over 71,000 acres of farmland for future food and fiber production, but we need to do more to allow processing and marketing of agricultural products with reasonable standards so that farmers can make business decisions. In 1980 Montgomery County had 670 farms covering over 128,000 acres of farmland and today Montgomery County has 561 farms totaling 67,613 acres of farmland.

The DED proposed ZTA will help to promote more horticultural and agricultural operations in the County at a time when we need more jobs and business opportunities in Montgomery County.

(E.)



DEPARTMENT OF ECONOMIC DEVELOPMENT

Isiah Leggett
County Executive

Steven A. Silverman
Director

Summary of the DED Proposed Zoning Text Amendment for Horticultural and Agricultural Uses in the Rural Density Transfer-RDT Zone

Definitions 59-A-2.1

Farm, Agricultural Processing, Landscape Contractor, Nursery, horticultural-wholesale or retail:

The definitions listed are amended for the following reasons: to include the intent of Footnotes, to clarify an accessory use to the farm, to expand the meaning and intent with new terminology, and to acknowledge proposed definitions as part of the Zoning Rewrite Process.

Land Uses 59-C-9

Agricultural Processing Primary, Farm, Abattoir, Agricultural Processing, Grain elevator, Manufacture of mulch and composting, Milk plant, Christmas tree, Landscape contractor, Nursery, horticultural retail and wholesale

The land uses listed above are amended for the following reasons: to reflect deleted terms- Primary, to delete footnotes, to be permitted by right and special exception depending on the size and scale of the operation and in accordance with proposed standards, to acknowledge that some uses are customary to most farm operations and they should be permitted by right, to acknowledge that some uses are too restrictive and the general public desires these uses, to reflect current terminology

Proposed Standards for Permitting Uses as a Matter of Right in the agricultural zones

59-C9.32 Agricultural Processing standards

Agricultural processing uses are now intended to be permitted by right when the operation meets the standards listed below:

Agricultural processing operations must meet Nutrient Management requirements and Soil Conservation and Water Quality requirements

The site must be at least 10 acres

The DED will explore options for septic disposal approved by the County DPS

The set back from the property line is 75 feet

The set back from a existing dwelling on an adjacent tract of land is 100 feet

(E.)

November 8, 2011

Page 2

The site must front on or have access to a public road
Agricultural processing operations may be approved by a special exception when the operations deviate from any permitted standard of size and setbacks

59-C9.33 Landscape Contractors and Nursery, horticultural standards

Landscape contractor and horticultural nursery uses are now intended to be permitted by right when the operation meets the standards listed below:

Landscape contractors and horticultural nurseries must meet Nutrient Management requirements and Soil Conservation and Water Quality Requirements

The site must be at least 10 acres

The DED will explore options for septic disposal approved by the County DPS

The site must meet a growing standard of 2 acres or 20 % percent of the site.

Landscape contractors and horticultural nurseries must not exceed a 10 % maximum building coverage

Landscape contractors and horticultural nurseries must not exceed a 30 % impervious cover (This item will need to be discussed in context of footnote 2 in section 59-C9.47)

Each building, storage area, or parking area must be at least 100 feet away from any existing dwelling on an adjacent tract of land

Amplified sound must meet requirements of Chapter 31B

Landscape contractors and horticultural nurseries include the delivery and installation service of horticultural products grown on the farm

Hours of operation will be from 7:00am to 5:00pm Monday through Saturday except for emergency events including storms, snow and ice events

Landscape contractors and horticultural nurseries will not exceed 35 Round Truck traffic trips per day except for emergency events including storms, snow, and ice events.

The number of traffic trips pertains to trucks and the DED will explore a condition regarding the number of parking spaces for employees

Landscape contractors and horticultural nurseries may be approved by a special exception when the operations deviate from any permitted standard of size, setbacks and operations standards

Comments from the Sugarloaf Citizens Association Taken from the March 7, 2012 letter addressed to Steve Silverman to prepare for the March 12, 2012 discussion.

Well and septic are not mentioned in the ZTA.

The DED will explore options for septic disposal approved by the County DPS

What will be the provisions for water and sewer in the minimum-10-acre parcels that we assume can either be operated by the landowner or rented to a small operator of one of the proposed businesses?

The ZTA would permit the landowner or a tenant to operate the proposed business-use.

We have been aware of illegal operations where the workers had no bathroom facilities available and simply used the land.

Set-backs: In reference to set backs, Section 59-C9.32. Agricultural Processing standards as a permitted use in the agricultural zones, states, “(2) Any agricultural processing operation must be located at least 75 feet from any adjacent property line and at least 100 feet away from any existing dwelling on an adjacent tract of land.” We are very concerned that 100’ is not nearly enough set-back from existing dwellings for the types of activities envisioned in this ZTA, i.e., “59-A-2.1 Definitions. Agricultural Processing: . . . slaughterhouse-abattoir, milk plant, grain elevator, mulch or compost production.” Please refer to the attached chart for setback standards

Aquifer protection: Herbicides, pesticides, machinery residues: Is there a provision for regulating the use of herbicides and pesticides by landscapers in this “by right” ZTA? *Herbicides and pesticides cannot be used or applied anywhere in the State unless the operator completes the Applicators Training Course and successfully passes a comprehensive written exam. The Training and Certification Exam is governed by the Maryland Department of Agriculture.*

If trucks and cars of employees will be parked and trucks will be going back and forth, what environmental regulations or protections will be in place to protect the aquifer?

The DED will explore a condition regarding the number of parking spaces for employees. The Montgomery Soil Conservation District MSCD promotes a cost-share assistance program to construct a chemical containment facility that prevents spillage of all types of chemicals.

Truck traffic: Also, Section 59-C-9.33 Landscape Contractors and Nursery, horticultural standards as a permitted use in the agricultural zones allows a maximum of 35 “traffic” trips per day precluding emergencies. Is that one-way or round trips? Does this include workers driving to and from work at the site or just business-related shipping and receiving?

The number of traffic trips are total round trips for the Truck traffic for business related shipping and receiving. The DED did not include the number of employees as part of this total number.

Noise levels: We are concerned about Section 59-C-9.33. (c) Noise level standards. “Amplified sound must meet all of the requirements of Chapter 31B. What is the working

definition of “**amplified sound**”? Does the noise that a large delivery truck makes come under “amplified sound” or is amplified sound restricted to electronically amplified sound through a speaker?

The Department of Environmental Protection enforces Noise Control-Chapter 31-B.
The dBA means decibels of sound as determined by the A-weighting network of a sound level meter or by calculation from octave band or one-third octave band data.

Decibel means a unit of measure equal to 10 times the logarithm to the base 10 of the ratio of a particular sound pressure squared to the standard reference pressure squared.
For this Chapter the standard reference pressure is 20 micropascals.

Summary of conditional requirements for Special Exceptions Chapter 59-G

Setback requirements and public road standards

<u>Land Use</u>	<u>To Property line</u>	<u>To dwellings</u>	<u>To street</u>
Abattoir	75 feet	--	Front on Primary Road
Farm Machinery	75 feet	--	50 feet-Primary Road
Farm Supply	50 feet	--	25 feet-Primary Road
Grain Elevator	75 feet	--	Front on Primary Road
Nursery, Horticultural	50 feet	--	--
Landscape contractor	50 feet	Adequate screening	--
Manufacture Mulch & Compost	50 feet	Adequate screening	--
Milk Plant	75 feet	Adequate screening	Front on Primary Road
Equestrian Facility			
Residential zone	--	100 feet	--
Agricultural zone	--	--	--
Agricultural Processing (secondary)	50 feet	Adequate screening	Front on Primary Road