

MEMORANDUM

January 20, 2021

TO: Planning, Housing, and Economic Development Committee

FROM: Jeff Zyontz, Senior Legislative Analyst

SUBJECT: Zoning Text Amendment 20-04, Farming Defined – Accessory Mulching and Composting

PURPOSE: Worksession – ZTA 20-04

Zoning Text Amendment (ZTA) 20-04, Lead Sponsors Councilmembers Glass, Friedson, Navarro, and Rice, Co-Sponsors Councilmember Riemer, Council Vice President Alborno, Councilmembers Jawando and Katz, and Council President Hucker, was introduced on October 27, 2020. ZTA 20-04 would allow an increase in the percentage of off-site material that can be used in accessory composting and mulching uses from 20% to 50%.¹

The County generates a tremendous amount of yard and food waste. Recycling that material is preferred over having that material go to the incinerator. This amendment would give more flexibility to the agricultural industry to use more yard and food waste.

Background

In 1998, the County first created opportunities for the production of compost and mulch as an accessory use to farming. In 2014, the Council's approval of the Zoning Ordinance Re-write, expanded these opportunities by permitting up to 20% of materials used in production of compost and mulch to be sourced from off-site.²

In 2016, the County Government mandated the creation of a strategic plan to advance composting, compost use and food waste diversion.³ The County Council found that after waste reduction,

¹ Accessory Use means a use that is incidental and subordinate to the principal use of a lot or site or the principal building, and located on the same lot or site as the principal use or building. Any permitted or limited use in a zone may be an accessory use to any other use in the same zone; any applicable use standards must be satisfied. ZTA 20-04 would not change activity beyond this limitation. Mulching would fall under the category of Agricultural Processing if it were a primary use. Any Agricultural Processing use requires approval of a conditional use application in more limited locations.

² ZTA 13-04.

³ https://www.montgomerycountymd.gov/COUNCIL/Resources/Files/bill/2016/Packets/20160628_4B.pdf.

composting was a preferred management technique. It also found that food waste represents a significant percentage of the County's solid waste stream.

Public Hearing and Testimony

The Council held a public hearing concerning ZTA 20-04 on December 1, 2020. There were 6 speakers, including the Planning Board Chair. All speakers supported ZTA 20-04 as a way to meet the County's sustainability goal and a way to improve soil quality without chemical fertilizers.

The Agricultural Preservation Advisory Board thinks that ZTA 20-04 would encourage the creation of more small scale operations.

The Agricultural Advisory Committee cautioned about creating an environment where the County Government relies solely on the Agricultural Reserve as the only area for processing all waste generated by County residents.

The Montgomery Soil Conservation District believes ZTA 20-04 represents a step in the right direction for smaller scale, farm based, local composting as a better alternative to large scale composting facilities.

Issue

How fast can the Committee approve a non-controversial ZTA?

This is a question the Committee must answer itself.

This packet contains

ZTA 20-04

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Zoning Text Amendment No.: 20-04
Concerning: Farming Defined –
Accessory Mulching and
Composting
Draft No. & Date: 2 – 10/27/2020
Introduced: October 27, 2020
Public Hearing:
Adopted:
Effective:
Ordinance No.:

**COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND
SITTING AS THE DISTRICT COUNCIL FOR THAT PORTION OF
THE MARYLAND-WASHINGTON REGIONAL DISTRICT WITHIN
MONTGOMERY COUNTY, MARYLAND**

Lead Sponsors: Councilmembers Glass, Friedson, Navarro, and Rice
Co-Sponsors: Councilmembers Riemer, Albornoz, and Jawando, Council President Katz, and
Councilmember Hacker

AN AMENDMENT to the Montgomery County Zoning Ordinance to:

- Allow mulching and composting with more off-site material as an accessory farming use; and
- Generally amend the definition of Farming

By amending the following sections of the Montgomery County Zoning Ordinance,
Chapter 59 of the Montgomery County Code:

Division 3.2. “Agricultural Uses”
Section 3.2.6. “Farming”

EXPLANATION: ***Boldface** indicates a Heading or a defined term.*
Underlining indicates text that is added to existing law by the original text amendment.
[Single boldface brackets] indicate text that is deleted from existing law by original text amendment.
Double underlining indicates text that is added to the text amendment by amendment.
[[Double boldface brackets]] indicate text that is deleted from the text amendment by amendment.
** * * indicates existing law unaffected by the text amendment.*

ORDINANCE

The County Council for Montgomery County, Maryland, sitting as the District Council for that portion of the Maryland-Washington Regional District in Montgomery County, Maryland, approves the following ordinance:

1 **Sec. 1. Division 3.2. Agricultural Uses**

2 * * *

3 **Section 3.2.6. Farming**

4 Defined

5 Farming means the practice of agriculture on a property, and any associated
6 buildings. Agriculture means the business, science, and art of cultivating and
7 managing the soil; composting, growing, harvesting, and selling crops, and the
8 products of forestry, horticulture, and hydroponics; breeding, raising, managing, or
9 selling livestock, including horses, poultry, fish, game, and fur-bearing animals;
10 dairying, beekeeping, and similar activities; and equestrian events and activities.
11 Agriculture includes processing on the farm of an agricultural product to prepare
12 the product for market and may cause a change in the natural form or state of the
13 product. Farming includes the following accessory uses:

14 * * *

15 E. The production and manufacturing of mulch or compost where [up to
16 20%] a maximum of 50% of the materials used in accessory
17 processing can come from off-site sources.

18 * * *

19 **Sec. 2. Effective date.** This ordinance becomes effective immediately upon
20 the Council's adoption.

21
22 This is a correct copy of Council action.

23
24 _____
25
26 Selena Mendy Singleton, Esq.
27 Clerk of the Council