



OFFICE OF THE COUNTY EXECUTIVE

Marc Elrich
County Executive

M E M O R A N D U M

November 18, 2021

TO: Tom Hucker, President
Montgomery County Council

FROM: Marc Elrich, County Executive 

SUBJECT: ZTA 21 – 08, Landscape Contractors

When I was told a few months ago about the problems landscape contractors run into trying to find land where they can locate in the county, my office contacted DPS to determine whether it might be possible to find a way to address the problems. I knew it was necessary to take a close look at the situation because previous councils enacted the current conditional use standards after years of dealing with adverse impacts and enforcement problems involving landscape contractor operations in proximity to residential properties. We had barely begun to discuss possible solutions when your ZTA was introduced.

While I remain willing to explore options, your ZTA opens the door to a return of the problems I mention above. The change from conditional use requirements to limited use standards is huge. As I understand it, your ZTA wasn't vetted by the screening committee nor with DPS or the communities likely to feel the impacts of its proposed limited-use standards. As just one example, you might want to consider the case in your district on Holly Grove Road, a 14-foot-wide road in the RE-2C zone (Case #CU19-04). The close-knit Holly Grove freeman community fought for years to stop a landscape contracting operation that defiantly operated its business without the required conditional use, severely impacting their neighborhood. After DPS enforcement actions, the business owner went through the conditional use process, which allowed consideration of the "noninherent adverse impacts" resulting from its location in the Holly Grove neighborhood. The conditional use was denied just this past summer because of those adverse impacts. Even if it had been approved, requirements could have been set for hours of operation, numbers of vehicles and employees, and other parameters based on the conditions surrounding the site. The one-size-fits-all standards in your ZTA would allow this operation to resume.

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I'm asking you to table your ZTA to allow an in-depth discussion of the problem and possible solutions. This would include a review of the conditional use process, the costs associated with it, possible need for regulatory changes, and most importantly the full involvement of the agricultural and residential communities.

ME:ci

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