



AGRICULTURAL ADVISORY COMMITTEE

April 20, 2024

The Honorable Andrew Friendson, President
The Honorable Natali Fani-Gonzalez, Chair ECON Committee
Montgomery County Council
100 Maryland Avenue
Rockville, MD 20850

Re: Accessory Uses to Farming and ZTA 23-09

Dear Council Members Friedson and Fani-Gonzalez:

Various stakeholders of the Montgomery County Agricultural Reserve and the farming community continue to have serious objections to ZTA 23-09: Farming – Incidental Outdoor Stays. While accessible and equitable opportunities for overnight stays in the agricultural reserve should exist, the current ZTA would lead to commercial lodging that is outside of the intent and character of the area. Moreover, any ZTA which expands overnight opportunities in the Agricultural Zone (“AR Zone”) should be done in the context of a Use or Use Group from Section 3.1.6 of the Code. To add lodging as part of the definition of Farming in Section 3.2.6 is inconsistent with the present structure of the Code, serves to expand an already unclear and increasingly contentious concept of what is “accessory to agriculture” and could lead to unintended consequences detrimental to a commitment to protect our agricultural land. Consequently, we respectfully request that this ZTA be withdrawn.

In the interest of being proactive, the Agricultural Advisory Committee worked together with the Agricultural Preservation Board, the Montgomery County Farm Bureau, Montgomery Agricultural Producers, Sugarloaf Citizens Association and Montgomery Countryside Alliance to outline our concerns along with recommendations of what would be an appropriate expansion of overnight options in the AR Zone. Together, these groups provide a broad representation of people living, working and benefiting from this important resource. We are all in agreement; our consensus recommendations and detailed concerns follows.



Current ZTA is misplaced in Chapter 59: Zoning Code

The Montgomery County zoning code is structured around zones (e.g. Agricultural, Residential Detached, Commercial, etc) as well as a “Use or Use Group”. The Use Group establishes what is allowed in each zone either as a “permitted”, “limited” or “conditional” use.

Lodging exists in the code as a Use under the Commercial Use Group (which includes Bed and Breakfasts and Hotel/Motels). Bed and Breakfasts are already allowed in the Agricultural Zone as a Limited use. Hotel/Motels are not allowed.

Section 3.5.6 defines lodging as “a building, dwelling unit ... used for the short-term overnight accommodation of paying guests”. Overnight stays are clearly “lodging” and if “lodging” was to be allowed in the Ag Zone, like Bed and Breakfasts, it should be done within the context of this section of the Code, NOT by adding to Section 3.2.6 and the definition of farming. Lodging, unlike a hay ride or corn maze, is in no way part of a farm’s **regular** operations and should not be included in the definition of farming.

The Code Already Provides for Lodging Opportunities in the Agricultural Reserve

The code already provides for overnight lodging by offering Bed and Breakfasts in the AR Zone as a limited use. Based on anecdotal evidence, neither the Department of Permitting Services (“DPS”) nor those that might want to open a Bed and Breakfast clearly understand the current rules of engagement. This can be rectified by a thoughtfully written “recipe for success” document from DPS on both the process and use standards required to open a Bed and Breakfast.

Accessible and Equitable Lodging Can Be Provided by Expanding the Campground use group to include the AR Zone as a Conditional Use

Access to the Agricultural Reserve should be equitable and inclusive. Overnights there are intended to be principally as part of an experience involving agriculture rather than a destination trip to an expensive hotel (which is in no way “accessory to agriculture”). A trip could include a bike trip to travel our rustic roads visiting farm stands and learning more about farming; sitting around a campfire with friends enjoying food purchased from the farmer whose land you are camping on; or an opportunity for kids to learn what farming is all about by working side-by-side with a farmer over a weekend. Accommodations for and consistent with visits like this can be provided by a ZTA which allows Campground in the AR Zone as a **conditional** use. This group supports such a change.

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Use standards for a conditional use for Campgrounds are recommended as follows:

In the AR zone, a Campground may be permitted by the Hearing Examiner under Section 7.3.1, Conditional Use, and the following standards:

- a. The maximum density is 5 campsites (ties to Bed & Breakfast standards)*
- b. The site is a minimum of 25 acres*
- c. Guests may overnight for a maximum of 2 nights in any one visit*
- d. The use must have a clear educational or agricultural component associated with the stay (needs better definition)*
- e. Shower facilities are not permitted*
- f. Sanitary services must be provided without the use of a septic system*
- g. No permanent structures can be used.*
- h. No amplified sound is allowed.*

The six groups working together on this response welcome the opportunity for further discussion on not only our specific and significant concerns regarding this ZTA but future opportunities for the good of our agricultural heritage and our farming economy in the AR Zone.

Sincerely,

A handwritten signature in black ink that reads "Lori Larson". The signature is written in a cursive, slightly slanted style.

Lori Larson, Chair

Cc: Marc Elrich, County Executive