

MEMORANDUM

July 17, 2024

TO: Planning, Housing, and Parks (PHP) Committee

FROM: Livhu Ndou, Legislative Attorney

SUBJECT: Zoning Text Amendment (ZTA) 24-02, Agricultural and Rural Zones – Campground

PURPOSE: Worksession

EXPECTED ATTENDEES

- Artie Harris, Chair, Montgomery County Planning Board
- Jason Sartori, Director, Montgomery County Planning Department
- Patrick Butler, Chief – Upcounty Planning Division, Montgomery County Planning Department
- Mark Beall, Planner IV – Upcounty Planning Division, Montgomery County Planning Department
- Lisa Govoni, Supervisor – Housing, Infrastructure, and Zoning Policy, Montgomery County Planning Department
- David Anspacher, Acting Division Chief – Countywide Planning and Policy Division, Montgomery County Planning Department
- Benjamin Berbert, Planner III – Countywide Planning & Policy, Montgomery County Planning Department
- Ehsan Motazedi, Deputy Director, Department of Permitting Services (DPS)
- Victor Salazar, Division Chief – Division of Zoning and Code Compliance, Department of Permitting Services (DPS)
- Jason Flemming, Senior Permitting Specialist – Well and Septic Section, Department of Permitting Services (DPS)
- Natalia Salazar, Business Development Specialist, Office of Agricultural Services (OAG)
- Katy Byrne, Director/Hearing Examiner, Office of Zoning and Administrative Hearings (OZAH)

INTRODUCTION

Zoning Text Amendment (ZTA) 24-02, Agricultural and Rural Zones – Campground, lead sponsors Councilmembers Balcombe, Luedtke, Katz, and Fani-González and co-sponsors Council

President Friedson and Councilmembers Alborno, Glass, and Sayles, was introduced on June 11, 2024. ZTA 24-02 will expand the Campground use to the AR and RC zones on properties that satisfy the requirements for Farming in the Zoning Ordinance. It will also increase the options for the Campground use in the RC zone.

PUBLIC HEARING

A public hearing was held on July 16, 2024. Several speakers testified in both opposition and support. The Council also received written testimony.¹ Testimony was received from individuals as well as several agricultural groups, including: Montgomery Agricultural Producers, Montgomery County Farm Bureau, Friends of Ten Mile Creek and Little Seneca Reservoir, Chicken of the Woods Permaculture Farm, Sugarloaf Citizens Association, Montgomery Countryside Alliance, and Burnt Hill Farm.

Testimony in support noted the amount of collaboration done between stakeholders and Councilmembers. Several who testified in support noted their agreement with the Planning Board's proposed amendments, including the increase in the number of nights permitted.

Testimony in opposition noted the importance of protecting farmland soils, and expressed concerns about the impacts on noise, traffic, trash, light pollution, and groundwater. Testimony in opposition argued that this use would be disruptive to birds and wildlife, and that the economic benefits are not outweighed by either the operating costs or the potential detrimental effects on the Agricultural Reserve.

Testimony requested the 100-foot setback be increased. Other testimony requested the 25-acre minimum should be reduced to be more consistent with State law and allow opportunities for small farmers to take advantage of this use. Testimony requested additional environmental protections, such as prohibiting showers, the use of septic systems, and the cutting down of trees. The testimony requested the ZTA expire after a certain time, that licenses be required, and that farmers who take advantage of this use submit annual reports. Several who testified requested the removal of recreational vehicles from the ZTA, noting the noise that generators would cause. The testimony requested a more comprehensive agritourism plan from the Council.

SUMMARY OF IMPACT STATEMENTS

Planning Board Recommendation

On July 8, 2024, the Planning Board unanimously recommended approval of ZTA 24-02 with amendments. The Board recognized the role this ZTA has in promoting agritourism while also ensuring the protection of farming and the Agricultural Reserve. The Board recommended several amendments, including:

- 1) reducing the maximum amount of the site usable for camping from 10 percent or 5 acres to 5 percent or 5 acres;

¹ Written testimony can be found here:

<https://www.montgomerycountymd.gov/COUNCIL/OnDemand/testimony/20240716/item6.html>.

- 2) defining a “removable structure” and clarifying whether a removable structure would require a building permit;
- 3) providing more flexibility in the duration of consecutive nights that visitors may stay at a Campground;
- 4) prohibiting any kind of structure in stream buffers, floodplains, or forests; and
- 5) allowing more time for the reporting requirements and adjusting the information required for the report.

Climate Assessment

The Planning Board reviewed the Climate Assessment and found mostly minor negative impacts for greenhouse gas emissions and sequestration, and both positive and negative minor impacts on adaptive capacity and resiliency. The Climate Assessment anticipated an increase in vehicle miles traveled needing to drive into the Agricultural Reserve to camp, and that camping will include open wood fires and outdoor roasting or grilling of food. There will also be unquantifiable impacts to pervious land cover and increases in hazard exposure. Benefits included better connectedness and cohesiveness, distribution of financial resources, and educational opportunities on how local agriculture is performed.

RESJ Impact Statement

The Office of Legislative Oversight (OLO) provided a Racial Equity and Social Justice (RESJ) Impact Statement on June 25, 2024. OLO found that ZTA 24-02 would have little to no impact on racial equity and social justice (RESJ) in the County. The impact statement noted that “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. In 2017, there were 558 farms in the County with a total of 1,026 farm producers. White people accounting for 93 percent of farm producers in the County compared to accounting for 42 percent of the County’s population.”² OLO stated that “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.” Therefore, OLO concluded that “[g]iven 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.”

BACKGROUND

History of the Agricultural (AR) Zone

In 1980, the Preservation of Agriculture and Rural Open Space Functional Master Plan was passed by the County Council to preserve agriculture and rural open space in the County. Under [Section 4.2.1.A](#) of the Zoning Ordinance, “[t]he intent of the AR zone is to promote agriculture as the

² In addition, according to the January 2023 OLO Report, Transferable Development Rights and Building Lot Termination Programs in Montgomery County, farms with White principal producers had about five times the average acreage of farms with Black principal producers (125 acres vs. 23 acres) based on 2017 USDA data. That report can be found here:

https://www.montgomerycountymd.gov/OLO/Resources/Files/2023_reports/OLOReport2023-1.pdf.

primary land use in areas of the County designated for agricultural preservation in the general plan, the Functional Master Plan for Preservation of Agriculture and Rural Open Space, and other current or future master plans.”

In 2019, the Planning Department completed an Agritourism Study. The intent of the study was to encourage agricultural education and tourism and enhance the attractiveness and economic viability of the Agricultural Reserve while preserving the agricultural culture.³ A comparative review of agritourism policies in other jurisdictions is included in the study, and notes that overnight accommodations are allowed in agricultural zones in several jurisdictions in various ways. These jurisdictions include San Diego County, CA; Albemarle County, VA; Loudoun County, VA; Thurston County, WA; and San Diego County, CA.

In 2022, the Maryland General Assembly passed [HB0558](#), Land Use – Agritourism – Definition, which amended the definition of “agritourism” to include camping and incidental stays. It also authorized local jurisdictions to adopt the amended definition of agritourism by local ordinance, resolution, law, or rule.⁴ Anne Arundel County, MD, [recently allowed](#) “Farm or Agricultural Heritage Site Stays.”⁵

ZTA 24-02 Standards

ZTA 24-02 proposes several changes to the current Zoning Ordinance. These standards include:

- **Allow “Campground” as a conditional use in the Agricultural Reserve (AR) zone and the Rural Cluster (RC) zone.**
Campground was already allowed as a conditional use in the Rural (R) and Residential Estate - 2C (RE-2C) zone.
- **Allow applicants in the Rural (R) zone to choose between the existing Campground standards and the new Campground standards.**
Since Campground was already allowed in the R zone, this language will allow those in the R zone to use the previously existing Campground standards or apply the new ones.
- **Clarify that the existing standards for Campground apply to the R and RE-2C zones.**
This language will further help clarify which sections of Section 3.5.10.B.2. apply to which zones.
- For properties in the AR, R, and RC zones:
 - **Require Campground to be on a property used for Farming.**
The underlying property must meet the Farming requirements of Section 3.2.6. of the Zoning Ordinance.

³ Additional information, and a full copy of the study, can be found here: <https://montgomeryplanning.org/planning/agricultural-reserve/agritourism-study/>.

⁴ A copy of the State legislation is included in this staff report.

⁵ This list includes jurisdictions that allow overnight stays separate from the bed and breakfast use.

- **The minimum size of the property must be 25 acres.**
- **A Campground may only be used on 10 percent of the property or 5 acres, whichever is smaller.**
This means that for properties over 50 acres, the maximum amount of land for Campground will always be 5 acres.
- **Campground must be 100 feet from any neighboring property line, and 125 feet from the center of any public right-of-way.⁶**
This language is identical to the existing standard for Campground in the R and RE-2C zones.
- **The maximum number of structures for a property that is 25 to 100 acres is 5.**
- **The maximum number of structures for a property that is over 100 acres is 10. Of those 10, up to 5 may be RVs.**
- **The maximum size of each structure is a gross floor area of 200 square feet.⁷**
“Gross Floor Area (GFA)” is defined in [Section 1.4.2.](#) of the Zoning Ordinance as the sum of the gross horizontal areas of all floors of all buildings on a tract, measured from exterior faces of exterior walls and from the center line of walls separating buildings. DPS requires a building permit for anything more than 200 square feet.
- **No heating, ventilation, and air conditioning (HVAC) systems can be in the same structure as the sleeping quarters, unless the structure is an RV.**
This exception allows for the possibility of a separate structure for kitchens and bathrooms. Further, it accounts for how RVs are typically built.
- **No kitchens or bathrooms can be in the same structure as the sleeping quarters, unless the structure is an RV.**
Similar to the above, this exception allows for the possibility of a separate structure for kitchens and bathrooms, and accounts for how RVs are typically built.
- **Sanitation systems are permitted in structures separate from the sleeping quarters and require DPS approval.**
This language is a reminder that all sanitation systems require DPS approval. This approval is governed by the Maryland Department of Health COMAR regulations for campgrounds, [Chapter 10.16.03.](#)
- **A guest may stay a maximum of 2 consecutive nights.**
The limit on stays is per guest, not per the entire Campground.

⁶ For reference, 100 feet is about the length of a blue whale, a 10-story building lying on its side, or 6 sleeping giraffes (in the rare instance they sleep lying down).

⁷ For reference, 200 square feet is about the size of a one-car garage, or the size of a bedroom that can fit a king-sized bed, a dresser, and some walking space.

ISSUES RAISED

1. What types of structures are allowed?

ZTA 24-02 allows “tents, recreational vehicles, or removable structures.” A “structure” is defined in [Section 1.4.2](#), as “[a] combination of materials that requires permanent location on the ground or attachment to something having permanent location on the ground, including buildings and fences.” The intent of the term “removable structure” is a structure that is not permanently installed on the ground with concrete or installed by drilling holes in the ground. It may rest on a foundation if the foundation is resting on the ground. For example, tent pegs are permissible because they are driven into the ground and removed when the tent is not in use, restoring the ground to its former natural condition. Further, a “removable structure” is separate from a temporary structure, which is only allowed for up to 180 days. Sample images can be found below; these examples are illustrative, not exhaustive.

Tents and Removable Structures:



A “recreational vehicle” is defined in Section 1.4.2. as “A licensed and registered vehicle that is used for the leisure of the operator and guests and not used as an office or contain an entry for

transactions.” Recreation vehicle includes motor homes; travel trailers; campers or camping trailers including truck inserts and collapsible units; or non-freight trailers as defined by the Maryland Motor Vehicle Administration, used to transport other leisure equipment such as a boat, horse, motorcycle, show car, race car, snowmobile, or bicycle. Sample images can be found below; these examples are illustrative, not exhaustive. The defining characteristic is that the structure is on wheels.

Recreational Vehicles:



Certain structures are not intended to be permitted under the ZTA. For safety reasons, decks and platforms must comply with the Building Code. This ensures that any platforms, stairs, and handrails can support the weight of both the structure and any individuals inside. The Building Code therefore requires decks and platforms to be permanently affixed. However, a base that is unraised – such as wooden planks placed directly on the ground, pavers, and crushed stone – would be permitted. Sample images of what the ZTA is not intended to allow can be found below; these examples are illustrative, not exhaustive.

Not Permitted Under ZTA:



DPS notes that a building permit is not required for a structure under 200 square feet, but they may still require the following permits depending on the design of the structure:

- Electrical permit
- Sediment control permit
- Stormwater management permit, and
- Well and septic permit.

No heating, ventilation, and air conditioning (HVAC) systems, kitchens, or sanitation facilities are permitted within the same structure as the sleeping quarters unless inside a recreational vehicle.

2. How will the standards be enforced?

DPS enforces provisions of the Zoning Ordinance, with the authority to issue violation notices and citations. It is largely complaint driven. Under [Section 7.31.L](#) of the Zoning Ordinance, DPS also has the authority to conduct regular inspections for conditional uses. DPS will perform an inspection if DPS, OZAH, or the Board of Appeals receive a complaint. Any violations of the

Zoning Ordinance or of any terms or conditions of the conditional use approval must be corrected. If not corrected, the approval may be revoked.

DEP enforces the Noise Ordinance, found in [Chapter 31B](#) of the County Code. The maximum allowable noise levels are adjusted for non-residential versus residential noise areas, and for daytime versus nighttime. Residential noise areas include the Agricultural, Rural Residential, Residential, Commercial/Residential, Overlay, and Floating zones.

3. Must the campsites be contiguous?

ZTA 24-02 does not explicitly require the campsites to be contiguous. This means that they may be clustered or spread across the property. However, they must still comply with the size limits of 10 percent of the property or 5 acres, whichever is smaller. In addition, the ZTA includes setbacks of a minimum of 100 feet from any property line, and a minimum of 125 feet from the centerline of any public right-of-way. Since the ZTA would make a Campground a conditional use, the Hearing Examiner would have the flexibility to place conditions on the placing of campsites. Under Section [7.3.1.F.](#), the Hearing Examiner may approve an application with conditions. This includes the ability to “supplement the specific requirements of this Chapter with any other requirements necessary to protect nearby properties and the general neighborhood.” This flexibility may be preferred because it could include considerations such as forest conservation, road access, or other stormwater issues that would make it reasonable to not cluster the campsites.

4. Are recreational vehicles already allowed in these zones?

ZTA 24-02 includes recreational vehicles. Under [Section 6.2.5.L.](#) of the Zoning Ordinance, in the AR, R, RC, and RNC zones, “on any lot or parcel more than 2 acres, there are no restrictions on commercial and recreational vehicle parking.” But in the RE-2C zone, “[u]p to 3 light commercial vehicles and one unoccupied recreational vehicle may be parked on any lot or parcel in the RE-2, RE-2C, or RE-1 zone at any one time. One additional recreational vehicle may be used for dwelling purposes on the property for up to 3 days in any month.” However, whether the recreational vehicles are occupied or not, a zoning change is necessary to allow renting them out as a commercial use.

5. Is there sufficient water and sewer infrastructure for this use?

ZTA 24-02 only allows sanitation facilities in structures separate from the sleeping quarters, unless inside a recreational vehicle. To construct additional sanitation facilities, under the Maryland Department of Health COMAR Regulations for Camps, [Chapter 10.16.03](#), water supply and sanitation facilities may not be installed, altered, or used without DPS approval.

PROPOSED AMENDMENTS

Proposed Amendments by Planning Board

The Planning Board unanimously recommended approval of ZTA 24-02, but proposed several amendments:

1) Define a “removable structure” and clarify whether a removable structure would require a building permit.

The Planning Board recommends defining a removable structure. DPS expressed similar concerns. A structure is defined in Section [1.4.2.](#) as “[a] combination of materials that requires permanent location on the ground or attachment to something having permanent location on the ground, including buildings and fences.” A “removable structure” is intended to be a structure that does not require the pouring of foundation or intense digging to place. Examples of these structures can be seen in photographs earlier in this staff memorandum.

Council Staff notes that DPS has provided similar feedback. Definitions are typically included in Section 1.4.2., Specific Terms and Phrases Defined, of the Zoning Ordinance. This approach has the added benefit of not needing to redefine the term if it is used in future zoning text amendments. Council Staff proposes the following language if the Committee chooses to define “removable structure”:

<p>Sec. 1. DIVISION 59-1.4 is amended as follows:</p> <p>Division 1.4. Defined Terms</p> <p style="text-align: center;">* * *</p> <p>Section 1.4.2. Specific Terms and Phrases Defined</p> <p style="text-align: center;">* * *</p> <p><u>Removable Structure:</u> <u>A combination of materials that does not require permanent location on the ground. A removable structure may not include the pouring of concrete or drilling of holes in the ground and must be easily transferrable to another location.</u></p>

Alternatively, Council Staff recommends the Committee strike the words “removable structure” from the ZTA and instead use the word “other accommodations.” The specific prohibitions can be included as an additional provision. Of note, the intent of these amendments is to not trigger the need for a building permit, but other inspections such as for fire code compliance may be necessary. The language could read:

- v. The maximum number of tents, recreational vehicles, or ~~removable structures~~ other sleeping accommodations ~~used for sleeping~~ is as follows:
 - (a) for a property that is 25 to 100 acres, a maximum of 5 tents, recreational vehicles, or ~~removable structures~~ other sleeping accommodations is permitted; and
 - (b) for a property that is over 100 acres, a maximum of 10 tents, recreational vehicles, or ~~removable structures~~ other sleeping accommodations is permitted, with a maximum of 5 recreational vehicles.
- vi. The maximum size of each tent or ~~removable structures~~ other sleeping accommodations is a gross floor area of 200 square feet.
- vii. No heating, ventilation, and air conditioning (HVAC) systems, kitchens, or sanitation facilities are permitted within the same structure as the sleeping quarters, unless inside a recreational vehicle.
- viii. DPS approved sanitation facilities are only permitted in a structure separate from the sleeping quarters, unless inside a recreational vehicle.
- ix. No sleeping accommodations may have permanent location on the ground, including the pouring of concrete, the drilling of holes in the ground, or raised platforms or decks. All sleeping accommodations must be made of a combination of materials that is easily transferable.

2) Reduce the maximum amount of the site usable for camping from 10 percent or 5 acres to 5 percent or 5 acres.

Under the ZTA as introduced, no more than 10 percent of the property or 5 acres, whichever is smaller, may be used for a Campground. Further, for a property that is over 100 acres, a maximum of 10 tents, recreational vehicles, or removable structures is permitted. Planning notes that this would mean that on a 50-acre site the maximum area would switch from 10 percent to 5 acres but the switch from 5 to 10 campsites would occur on a 100-acre site. In other words, the maximum acreage increases at 50 acres but the number of campsites would not increase until 100 acres. The Planning Board recommends amending the ZTA to limit the maximum area to 5 percent.

- iii. No more than ~~10~~ 5 percent of the property or 5 acres, whichever is smaller, may be used for a Campground.

[Line 45]

The Planning Board believes that this will have “the intended benefits of better aligning the maximum usable area requirement with the maximum number of campsites requirement, while further minimizing the amount of potential farmland lost to Campgrounds.” However, this would have the negative effect of reducing the allowed area for Campgrounds on properties that are under 100 acres. To illustrate this effect, imagine a property that is 50 acres. With the Planning Board’s recommended amendment, that property can have a maximum of 5 campsites on 2.5 acres, rather than a maximum of 5 campsites on 5 acres.

Council Staff notes that this negative effect will be felt most acutely on small properties. For instance, a 25-acre farm will go from having 2.5 acres for 5 campsites to 1.25 acres for 5 campsites. However, as noted in Planning’s Staff Report, the existing provision for

Campground in the R and RE-2C zones is 15 campsites per acre. Therefore, this amendment should still allow plenty of space for this use.

3) Provide more flexibility in the duration of consecutive nights that visitors may stay at a Campground.

ZTA 24-02 as introduced limits guests to 2 consecutive nights per stay. The Planning Board recommends increasing this to 3 consecutive nights per stay to accommodate holiday weekends. In making this recommendation, the Planning Board notes that the setting up and taking down of campsites – and Council Staff adds any cleanup necessary by the property owner, as well as the movement of recreation vehicles – are the most disruptive part of the camping process. Increasing the number of nights per guest could lead to longer stays by fewer guests and arguably reduce the impact on surrounding properties.

ix. A guest may stay a maximum of ~~[[2]]~~ 3 consecutive nights.

[Line 68]

Council Staff recommends the Committee support this amendment.

4) Prohibit any kind of structure in stream buffers, floodplains, or forests.

The Planning Board recommends adding a new standard prohibiting any kind of structure in stream buffers, floodplains, or forests. The Planning Board notes that if the project went through Forest Conservation, this amendment would not be necessary but many of the smaller sites that meet the other standards of the ZTA may not trigger that review. As noted in the Climate Assessment, Planning Staff found that “community resilience is negatively impacted due to potential increased exposure to flood, storm, and temperature extremes, and changes to tree cover, loss of pervious land and increased precipitation runoff.”

Council Staff notes that there may be instances where the prohibition of this use in stream buffers, floodplains, or forests will result in the use of farmland instead. Also, forests could be attractive campgrounds. An alternative is to prohibit the use in stream buffers and floodplains and limit the cutting down of trees.

x. No tents, recreational vehicles, or removable structures are permitted within a stream buffer or floodplain, and the cutting down of forest trees is prohibited.

5) Allow more time for the reporting requirements and adjust the information required for the report.

The Planning Board requires some amendments to the reporting requirements in Sec. 3 of ZTA 24-02. First, the ZTA requires an impact report no later than December 31, 2026. The Planning Board requests the report date be pushed back to 2027, or once 5 applications have been applied for, to ensure an adequate sample for review. Planning Staff expressed concern that December

2026 would not be an adequate duration to have any meaningful data to report on since it would be only two years after the ZTA enactment.

Council Staff recommends pushing the date back to December 31, 2027, or once 5 applications have been applied for, whichever is sooner. This way, if fewer than 5 applications have been received after over 3 years of the ZTA being adopted, the Committee would have the opportunity to address any changes that would help promote this use or ease the approval process. Council Staff recommends increasing the 3-month window after the fifth application, a recommendation made by Planning Staff, to 6 months. This will allow sufficient time for analysis.

The Planning Board recommends adding the Department of Permitting Services (DPS) to the list of departments and agencies that should be consulted, since they will perform site inspections and manage any complaints or violations.

Council Staff recommends the Committee support this amendment.

Lastly, the Planning Board recommends amending the information to be included in the report. As introduced, ZTA 24-02 required the impact report to include: “how many applications for this Campground use have been applied for in the County, how many have been approved, the number and results of all inspections done by any Department, any measurable impacts on operations of lease or tenant farmers, any measurable impacts on local food production, and any other data points that the Planning Department finds useful or relevant.” The Planning Board recommended the analysis focus on easy to measure data sets such as total property acreage, Campground acreage, and farmland lost, and less on economic data such as impacts on tenant farmers or food production which will be more difficult to quantify. According to Planning Staff, it would take more time and resources to collect economic data.

Council Staff recommends language requesting data on the soil classifications that have been used for Campground, the number of acres that have been used for Campground, and any economic data on the revenues generated from this use. The intent was to keep these requirements broad – economic data could include analysis on the average costs of Campgrounds on agricultural land, occupancy rates, how many are operating, and any decrease in the number of tenant farmers because of this use. Since the intent of this ZTA is to increase agritourism and help with economic development, it would be helpful to have some information on the benefits to agritourism generated by this use. Council Staff concedes that this information may require surveys rather than publicly available data but notes Planning’s earlier concern that by the time this impact report is due there will be 5 or less applications. The language in the ZTA specifically says, “measurable impacts”, so any impacts that the Planning Department finds it cannot quantify or provide can be noted in the report with the reasons why. Further, an amendment has been proposed to allow more time for the impact report. Lastly, regarding the recommendation to note farmland lost, because all structures are removable farmland will not be permanently “lost.”

Council Staff recommends the following language to reflect these proposed amendments:

Sec. 3. Reporting. The Planning Department must prepare an impact report no later than December 31, ~~[[2026]]~~ 2027, or within 6 months of the Office of Zoning and Administrative Hearings' receipt of the fifth application for this use. The report should include ~~[[, with]]~~ input from the Office of Agriculture, the Department of Permitting Services, and the Office of Zoning and Administrative Hearings. The report must include how many applications for this Campground use have been applied for in the County, how many have been approved, the number and results of all inspections done by any Department, ~~[[any measurable impacts on operations of lease or tenant farmers,]]~~ the number of acres of agricultural land used for Campground, ~~[[any measurable impacts on local food production]]~~ the soil classification where this use has been located, any economic data available related to this use, and any other data points that the Planning Department finds useful or relevant.

Proposed Amendment by Council Staff

Council Staff recommends striking sanitation facilities from Section 3.5.10.B.2.c.vii, since sanitation facilities are addressed in section viii, to eliminate redundancies.

- vii. No heating, ventilation, and air conditioning (HVAC) systems ~~[[5]]~~ or kitchens, ~~or sanitation facilities~~ are permitted within the same structure as the sleeping quarters, unless inside a recreational vehicle.
- viii. DPS approved sanitation facilities are only permitted in a structure separate from the sleeping quarters, unless inside a recreational vehicle.

This packet contains:

ZTA 24-02	© 1
Planning Board recommendation	© 8
Planning Staff report	© 10
Climate Assessment	© 21
RESJ Impact Statement	© 27
Map of Agricultural Land	© 31
Map of Impacted Zones	© 32
HB0558	© 33

Ordinance No.: _____
Zoning Text Amendment No.: 24-02
Concerning: Agricultural and Rural
Zones - Campground
Revised: 6/24/2024 Draft No.: 2
Introduced: June 11, 2024
Public Hearing: July 16, 2024
Adopted: _____
Effective: _____

**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 Balcombe, Luedtke, Katz, and Fani-González
Co-Sponsors: Council President Friedson, Councilmembers Alborno, Glass, and Sayles

AN AMENDMENT to the Montgomery County Zoning Ordinance to:

- (1) allow overnight stays in certain zones; and
- (2) generally amend the use standards for Campgrounds.

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

Division 3.1.	“Use Table”
Section 3.1.6.	“Use Table”
Division 3.5.	“Commercial Uses”
Section 3.5.10.	“Recreation and Entertainment”

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:

7

USE OR USE GROUP	Definition s and Standards	Ag	Rural Residential			Residential												Commercial / Residential			Employment				Industrial		
						Residential Detached							Residential Townhouse			Residential Multi-Unit											
			AR	R	RC	RNC	RE- 2	RE- 2C	RE-1	R- 200	R-90	R-60	R- 40	TLD	TMD	THD	R-30	R-20	R-10	CRN	CRT	CR	GR	NR	LSC	EOF	IL
* * *																											
COMMERCIAL																											
* * *																											
RECREATION AND ENTERTAINMENT	3.5.10																										
* * *																											
Campground	3.5.10.B	C	C	C		C																					
* * *																											

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Sec. 2. DIVISION 59-3.5 is amended as follows:

Division 3.5. Commercial Uses

* * *

Section 3.5.10. Recreation and Entertainment

* * *

B. Campground

1. Defined

Campground means 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.

2. Use Standards

Where a Campground is allowed as a conditional use, it may be permitted by the Hearing Examiner under Section 7.3.1, Conditional Use, and the following standards:

a. 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.

b. In the R and RE-2C zones:

[a]i. The maximum density of campsites is 15 campsites per acre of the developed portion of the Campground, inclusive of service roads, toilet facilities and service buildings.

[b]ii. Each campsite, excluding parking space, is a minimum of 900 square feet.

[c]iii. 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

35 a minimum frontage where it finds that access for
36 vehicular traffic is adequate.

37 [d]iv. All campsites are located a minimum of 100 feet from
38 any property line, and a minimum of 125 feet from the
39 centerline of any public right-of- way.

40 [e]v. Screening under Division 6.5 is not required.

41 c. In the AR, R, and RC zones:

42 i. Campground must be located on a property used for
43 Farming as defined in Section 3.2.6.

44 ii. The minimum size of the property must be 25 acres.

45 iii. No more than 10 percent of the property or 5 acres,
46 whichever is smaller, may be used for a Campground.

47 iv. All campsites are located a minimum of 100 feet from
48 any property line, and a minimum of 125 feet from the
49 centerline of any public right-of- way.

50 v. The maximum number of tents, recreational vehicles, or
51 removable structures used for sleeping is as follows:

52 (a) for a property that is 25 to 100 acres, a maximum
53 of 5 tents, recreational vehicles, or removable
54 structures is permitted; and

55 (b) for a property that is over 100 acres, a maximum
56 of 10 tents, recreational vehicles, or removable
57 structures is permitted, with a maximum of 5
58 recreational vehicles.

59 vi. The maximum size of each tent or removable structure is
60 a gross floor area of 200 square feet.

- 61 vii. No heating, ventilation, and air conditioning (HVAC)
62 systems, kitchens, or sanitation facilities are permitted
63 within the same structure as the sleeping quarters, unless
64 inside a recreational vehicle.
- 65 viii. DPS approved sanitation facilities are only permitted in a
66 structure separate from the sleeping quarters, unless
67 inside a recreational vehicle.
- 68 ix. A guest may stay a maximum of 2 consecutive nights.

69 * * *

70 **Sec. 3. Reporting.** The Planning Department must prepare an impact report
71 no later than December 31, 2026, with input from the Office of Agriculture and the
72 Office of Zoning and Administrative Hearings (OZAH). The report must include
73 how many applications for this Campground use have been applied for in the
74 County, how many have been approved, the number and results of all inspections
75 done by any Department, any measurable impacts on operations of lease or tenant
76 farmers, any measurable impacts on local food production, and any other data
77 points that the Planning Department finds useful or relevant.

78 * * *

79 **Sec. 4. Effective date.** This ordinance becomes effective 20 days after the
80 date of Council adoption.



July 9, 2024

To: The Honorable Andrew Friedson
President, Montgomery County Council
Stella B. Werner Council Office Building
100 Maryland Avenue, Room 501
Rockville, Maryland 20850

From: Montgomery County Planning Board

Subject: Zoning Text Amendment 24-02, Agricultural and Rural Zones - Campground

BOARD RECOMMENDATION

The Montgomery County Planning Board of the Maryland-National Capital Park and Planning Commission met on July 8, 2024, and by a vote of 4:0 (Commissioner Bartley absent) recommended support for Zoning Text Amendment (ZTA) 24-02 with modifications. This ZTA would allow Campgrounds in the AR and RC Zones as a conditional use with conditions specific to these zones.

The Planning Board recognizes the role this ZTA has in promoting agritourism while also ensuring the protection of farming and the Agricultural Reserve. This ZTA addresses many of the concerns identified previously for ZTA 23-09 Incidental Outdoor Stays by offering a scaled back more sustainable approach to on-farm accommodation. The Board is able to support ZTA 24-02 as introduced but offers recommendations for the Council's consideration to improve upon the required standards and reporting.

The first recommendation is to reduce the maximum amount of the site usable for camping from 10 percent or 5 acres to 5 percent or 5 acres. This has the intended benefits of better aligning the maximum usable area requirement with the maximum number of campsites requirement, while further minimizing the amount of potential farmland lost to Campgrounds. This recommendation would reduce the allowed area for Campgrounds on properties under 100 acres, but the Board finds adequate area remains available to accommodate the 5 campsites allowed by the ZTA.

The Board also recommends the Council define a Removable Structure and clarify whether a Removable Structure would require a building permit. The only standard set by the ZTA is a size maximum of 200 square feet. Depending on the definition, the Board also recommends the Council consider limiting the larger Campgrounds with 10 campsites to no more than 5 Removable Structures, similar to the proposed limit of 5 Recreational Vehicles.

Next, the Board encourages more flexibility in the duration of consecutive nights that visitors may stay at a Campground. The act of site set up and teardown often is the most disruptive part of the camping process, therefore limiting stay duration may increase nuisances both from the Campground directly and create additional vehicle trips on the roads. The Board at a minimum recommends increasing the standard to three consecutive nights that better accommodate long or holiday weekend camping.

The Planning Board recommends a new standard, resulting from the completed Climate Assessment, that would prohibit any kind of structure in stream buffers, floodplains, or forests. These conditions would be applied if the Campground requires Forest Conservation, but many smaller sites may not meet the disturbance threshold triggering that review. Exposure to environmental extremes and degradation of the environment were identified impacts that this new standard would help mitigate.

The Board also has recommendations to improve the required reporting associated with this ZTA. The Board supports the need to do a report but recommends the required completion date be pushed back one year, or once 5 applications have been applied for, to ensure an adequate sample to review. The Board also believes the Department of Permitting Services should be added to the list of agencies to be consulted since they would perform most of the site inspections. Finally, the Board recommends the analysis focus on easy to measure data sets such as total property acreage, Campground acreage, and farmland lost, and less on economic data such as impacts on tenant farmers or food production which will be more difficult to quantify.

The ZTA also has a completed Climate Assessment which found mostly minor negative impacts for greenhouse gas emissions and sequestration, and both positive and negative minor impacts on adaptive capacity and resiliency. The nature of this use will increase vehicle miles traveled needing to drive into the Agricultural Reserve to camp, and it is reasonable to expect camping will include open wood fires and outdoor roasting or grilling of food. There will also be unquantifiable impacts to pervious land cover and increases in hazard exposure. Benefits include better connectedness and cohesiveness, distribution of financial resources, and educational opportunities on how local agriculture is performed.

The Planning Board appreciates the Council's consideration of its support for ZTA 24-02, and the recommended modifications intended to balance the expectations and outcomes. Planning staff are available to assist with any questions or concerns as this ZTA is considered for adoption.

CERTIFICATION

This is to certify that the attached report is a true and correct copy of the technical staff report, and the foregoing is the recommendation adopted by the Montgomery County Planning Board of the Maryland-National Capital Park and Planning Commission, at its regular meeting held in Wheaton, Maryland, on Monday, July 8, 2024.



Artie L. Harris

Chair

Attachments:

A - Planning Board Staff Report

B - Climate Assessment ZTA 24-02

ZTA 24-02

AGRICULTURAL AND RURAL ZONES - CAMPGROUND

Description

This ZTA would allow for campgrounds in Agricultural and Rural Cluster zones under specific limited use conditions.

ZTA 24-02
Completed: 7-1-24

MCPB
Item No. 5
7-8-24

2425 Reedie Drive
Floor 14
Wheaton, MD 20902

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ZTA SPONSORS

Lead Sponsors:
Councilmembers Balcombe, Luedtke, Katz,
and Fani-Gonzalez

Cosponsors:
Council President Friedson

INTRODUCTION DATE

June 11, 2024

COUNCIL PUBLIC HEARING DATE

July 16, 2024

REVIEW BASIS

Chapter 59

Summary

- The use Campground is currently only allowed in the R and RE-2C zones. This ZTA would expand the use to the AR and RC zones as a conditional use.
- Restrictions proposed for Campgrounds include siting on a property engaged in Farming, a minimum total property acreage, a maximum number of campsites, maximum length of stay, and limitation on kitchen and sanitation facilities.
- A Council Public Hearing is tentatively scheduled for July 16, 2024.

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SECTION 1 – BACKGROUND

Rationale For Introduction

Zoning Text Amendment (ZTA) 24-02, Agricultural and Rural Zones – Campground, was introduced on June 11, 2024 by Councilmembers Balcombe, Luedtke, Katz, and Fani-Gonzalez and co-sponsored by Council President Friedson, and Councilmembers Albornoz, Glass, and Sayles (Attachment A). The ZTA is scheduled for a District Council Public Hearing on July 16, 2024.

This ZTA is partially in response to the state passing HB 558 in 2022, which enables local jurisdictions to amend their definitions of agritourism to include camping and incidental outdoor stays. In addition, the ZTA is a follow-up to ZTA 23-09, Incidental Outdoor Stays, which was introduced November 7, 2023, but never proceeded beyond the Council Public Hearing due to substantial pushback from community groups.

The county has put forth substantial effort and planning toward promoting the Agricultural Reserve in recent years, including the 2019 Agritourism Study, and the recently adopted update to the *Rustic Roads Functional Master Plan*. This ZTA seeks to expand upon these efforts, utilizing the state enabling legislation, and feedback received during the spring of 2024 to create additional tourism options that include limited overnight accommodations that promote and protect the Agricultural Reserve.

ZTA 24-02 As Introduced

SECTION 3.1.6 USE TABLE

The first modification by the ZTA, shown on page 4, line 7, is to the Use Table under [Section 3.1.6](#). The ZTA adds the use Campground as a conditional use in the AR and RC zones, adding to the existing allowed conditional use in the R and RE-2C zones. Figure 1 below shows where these zones are located.

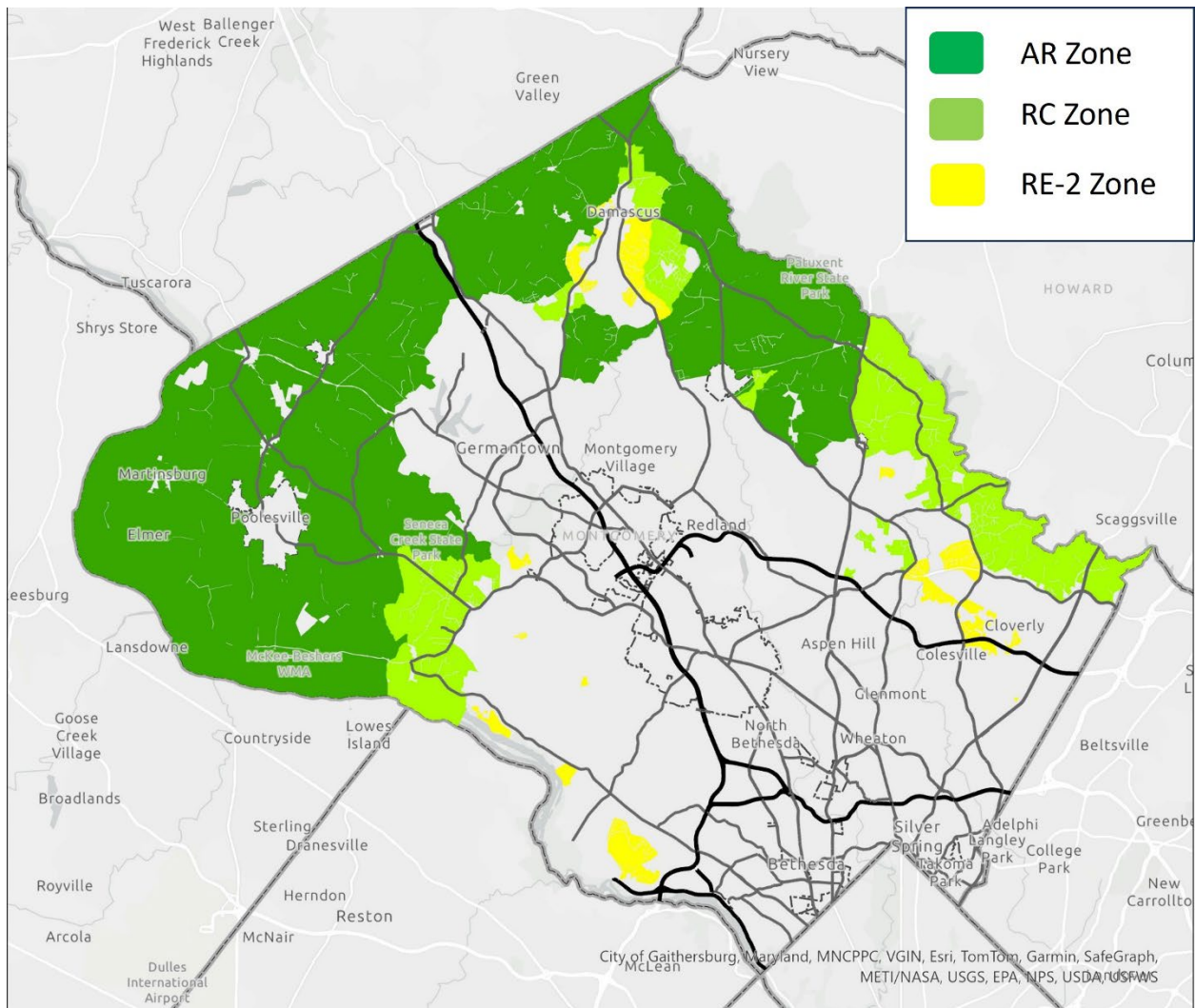


Figure 1 – Map of the zones impacted by ZTA 24-02

SECTION 3.5.10.B. USE STANDARDS – CAMPGROUNDS

The second section of code amended by the ZTA is subsection B. Campground, under [Section 3.5.10. Recreation and Entertainment](#). This subsection is the use standards section for Campground, where the necessary conditional use requirements are found. The current code has limited existing standards that apply to the R and RE-2C zone, which remain and are shown in lines 25 – 40 of the ZTA. Starting on line 41 are new standards being added by the ZTA for the AR, R, and RC zones. In summary, the new conditional use standards that would apply to the AR, R, and RC zones include:

- Require the property be a minimum of 25 acres
- The property must also be used for farming
- Use no more than 10% or 5 acres as a Campground use, whichever is smaller
- Setback all campsites at least 100 feet from a property line and 125 feet from a public right-of-way
- For properties under 100 acres, limit campsites for tents, recreational vehicles or removable structures¹ to no more than 5, and for properties over 100 acres limit sites to 10, with no more than 5 available for recreational vehicles.
- Temporary/removable structures are limited to 200 square feet in size
- No heating, HVAC, kitchens, or sanitation facilities are allowed in the same structure as a sleeping quarter except for recreational vehicles
- Sanitation facilities must be in separate structures except for recreational vehicles
- A guest is limited to staying no more than 2 consecutive nights.

REPORTING

While not technically amending zoning, the ZTA contains a section on reporting, starting on line 70. It would require the Planning Department to prepare an impact report no later than December 31, 2026, with input from the Office of Zoning and Administrative Hearings, including:

- The number of applications for Campground and the number of applications that have been approved
- The number and results of all inspections done by any department
- Any impacts on operations of lease or tenant farmers
- Any measurable impact on food production
- Any other data points Montgomery Planning finds relevant

SECTION 3 – ANALYSIS AND RECOMMENDATIONS

¹ Removable structures are not defined in code. DPS issues permits for Temporary Structures 200 square feet and larger in size. Planning Staff believes the intent of removable structures is to cover semi-permanent tents, cabins, and tiny structures that are on movable chassis and are not tied down to the ground.

ZTA 24-02 Analysis and Recommendations

Planning Staff is generally supportive of ZTA 24-02 and its proposed changes to code. Providing opportunities for people to stay on active farms in the Agricultural Reserve is part of a larger push to promote agritourism, which benefits both the county’s farmers and the county residents. This ZTA incorporates many of the concerns that Planning Staff raised during its review of ZTA 23-09, helping reduce the impacts and increase compatibility. Planning Staff highlight below a few areas where we feel the ZTA could be refined further.

SIZE OF CAMPING – ACERAGE AND CAMPSITES

The first elements of this ZTA that Planning Staff highlights are the standards setting the maximum area of a property that may be used for Campground, in relation to the number of camping sites allowed on a property.

The ZTA includes different size thresholds for the methodology used in determining the size of the Campground (50 acres) and the number of tents, recreational vehicles and removable structures for sleeping (100 acres). The first, proposed Section 3.5.10.B.2.c.iii. on line 45 of the ZTA would limit Campground to no more than 10 percent of the property or 5 acres, whichever is smaller. The effect of this provision is any site 50 acres or larger would fall under the provision allowing up to 5 acres of the property to be used for Campground, and properties between 25 and 50 acres in size would fall under the 10% maximum requirement. The second, proposed Section 3.5.10.B.2.C.v. starting on line 50 of the ZTA would limit properties under 100 acres to 5 camp sites, and properties over 100 acres to 10 camp sites.

Property Size	Maximum Campground Size	Maximum # of Tents, RVs, and Removable Structures
25 – 50 acres	5 acres	5 camp sites
50 – 100 acres	10% of property	5 camp sites
100+ acres	10% of property	10 camp sites

Table 1 – Property and Campground size limits

Planning Staff note that the thresholds where the control on maximum area for Campground switching from 10% to 5 acres is on a 50-acre site, yet the threshold where a property may increase from 5 to 10 campsites are on a 100-acre site. Planning Staff believe the recommendations would be better if these two size thresholds were aligned. This could be achieved by either reducing the threshold for 10 campsites (line 55 of the ZTA) to 50 acres, or by allowing no more than 5% rather than 10% of a property be used for Campground (line 45 of the ZTA). Planning Staff recommend the second approach, and would suggest the following modification to lines 45-46 of the ZTA:

- iii. No more than ~~10~~5 percent of the property or 5 acres, whichever is smaller, may be used for a Campground.

This would now align these recommendations where at 100 acres the Campground use would reach the maximum cap of 5 acres, and at that point campsites may be up to 10.

While this recommendation would reduce the available space for Campground on properties under 100 acres in size, and most dramatically on smaller properties, Planning Staff is not concerned that this change could substantially inhibit smaller farms from hosting a Campground of up to 5 campsites. The existing provisions for Campground that apply to the R and RE-2C zone allow as many as 15 campsites per acre, and the smallest possible Campground under the proposed revision would be 1.25 acres (on a 25-acre property). Planning Staff find it reasonable that 5 campsites and any shared sanitation facilities could be accommodated on 1.25 acres considering the current Campground standards that permit up to 15 sites per acre.

RECREATIONAL VEHICLES

Next, Planning Staff recommends modifications to the proposed limitations on the types of accommodations allowed on campsites for the larger Campgrounds that permit 10 campsites. The standard in proposed Section 3.5.10.B.2.C.v.(b) starting on line 55 of the ZTA allows up to 10 sites for tents, recreational vehicles, or removable structures, with a maximum of 5 for recreational vehicles (RV). The definition of an RV in the Zoning Code includes motor homes, travel trailers, camping trailers or any other non-freight trailer defined by the Maryland Motor Vehicle Administration as used to transport leisure equipment such as boats, horses, cars, snowmobiles or bicycles. Presumably this limit on the total number of RVs is to reduce the perceived visual impact of having a Campground full of RVs. Planning Staff recommend a similar limitation then be applied to removable structures, since they are permitted to be up to 200 square feet in size, which is similar in size of many personal use RV's or travel trailers. The recommended revision to the code is as follows:

(b) for a property that is over 100 acres, a maximum of 10 tents, recreational vehicles, or removable structures is permitted, with a maximum of 5 recreational vehicles and 5 removable structures at any one time.

DURATION OF STAYS

Draft Section 3.5.10.B.2.C.ix. on line 68 of the ZTA would limit a guest to a maximum stay of 2 consecutive nights. Planning Staff is unsure the intent of this provision as it applies no limit to the number of nights a property may host stays at the Campground, but does limit individual behavior. This limitation would prohibit the ability to camp through a 3-day holiday weekend, and may indirectly lead to an increase vehicle trips including RV traffic because it forces campsites to turn over. If the intent of the provision is to reduce impacts to surrounding properties, Planning Staff would recommend limiting how many nights over a certain period of time the Campground may operate, and would encourage longer stays by fewer guests. At a minimum, Planning Staff recommend a maximum stay of 3 consecutive nights to make the provision more accommodating to holiday weekends.

ENVIRONMENT

As part of the required climate assessment for ZTA 24-02 (Attachment B), which is discussed in more detail in Section 4 of this report, some minor changes are recommended to the ZTA. A new conditional use standard should be added that would prohibit the location of permanent or temporary structures within a stream buffer, floodplain, or forested land. This would be consistent with environmental goals that would be considered if the Campground activities required a forest conservation plan and would minimize many of the identified impacts to community resilience and adaptive capacity. This could be accomplished by adding a new standard x. on line 69 of the ZTA.

REPORTING

Section 3 of the ZTA, starting on line 70, is not an official zoning change, but is part of the policy with the ZTA. It would require the Planning Department to prepare an impact report no later than December 31, 2026 with assistance from the Office of Agriculture, and the Office of Zoning and Administrative Hearings that could include:

- The number of applications for Campgrounds
- The number of applications for Campgrounds that have been approved
- The number of, and results of any inspections done by any department
- Measurable impacts on the operations of lease/tenant farmers
- Measurable impacts on local food production
- Any other data points Montgomery Planning finds useful or relevant

Planning Staff do not object to providing an impact report but recommend some changes:

- Set the reporting deadline to no later than December 31, 2027, or to occur within 3 months after the 5th application has been accepted by OZAH

Planning Staff is concerned that December 2026 is not an adequate duration to have any meaningful data to report on. It would be only two years after the ZTA enactment, and likely only one year after any Campground would have been approved to operate.

- Add the Department of Permitting Services to the list of partnership agencies.

Many of the inspections that would occur on these properties would take place by DPS, therefore they should be added to the list of agencies necessary to perform this analysis.

- Remove the requirements to assess impacts on lease/tenant farmers and local food production and replace it with an assessment of how many total acres are now used by Campgrounds, how many acres were actively removed from farming for Campgrounds, and what soil classification has been used by Campground.

Measuring impacts on tenant farmers, or impacts on local food production are not data points that are easy to quantify and take the scope of the study into a deeper economic analysis, which would take substantially more time and resources to accurately collect. Planning Staff find it more useful and more measurable to know how much farmland was lost as a result of Campgrounds compared to how many Campgrounds were integrated into non-farmed portions of farm properties.

SECTION 4 – CLIMATE ASSESSMENT

Bill 3-22, passed by the County Council on July 12, 2022, requires the Planning Board to prepare a climate assessment for each zoning text amendment, master plan, and master plan amendment, effective March 1, 2023. Each climate assessment must include the potential positive or negative effects a ZTA may have on climate change (including greenhouse gas emissions) and upon community resilience and adaptive capacity. The climate impact assessment for ZTA 24-02 is attached in Attachment B.

ZTA 24-02 is anticipated to have a minor negative impact on greenhouse gas emissions and carbon sequestration, and on community resilience. There may be minor positive and negative impacts to community adaptive capacity.

The majority of greenhouse gas impacts are transportation related, due to the use being located in the Agricultural Reserve away from population centers requiring driving to the sites. The Campground use may also create emissions from campfires, and fire or charcoal based cooking. The location and scale of both the transportation and campfire-based emissions are largely dependent on how many properties ultimately choose to develop Campgrounds which is unknown at this time.

Community resilience is negatively impacted due to potential increased exposure to flood, storm, and temperature extremes, and changes to tree cover, loss of pervious land and increased precipitation runoff. On-site sanitation is also a concern, however impacts should be minor if the on-site systems are properly designed for the site. Positive impacts to community adaptive capacity may result from better community connectedness and cohesiveness, better support networks and increased communication, as well as better availability and distribution of economic and financial resources. Negative adaptive capacity could occur if there is an impact on local food sources.

The climate assessment recommends an additional conditional use standard that would prohibit any permanent or removable structures associated with the Campground within a stream buffer, floodplain, or forested land to minimize many of the identified climate impacts.

SECTION 5 – CONCLUSION

Planning Staff recommends the Planning Board support ZTA 24-02 with recommendations to better align the recommendations for maximum Campground area with the maximum allowed number of

campsites, to limit the total number of temporary structures, modify the maximum duration of a stay, prohibit structures in environmentally sensitive areas, and create a more meaningful reporting requirement.

SECTION 6 – ATTACHMENTS

Attachment A: Zoning Text Amendment 24-02 Intro Packet

Attachment B: Climate Assessment 24-02

CLIMATE ASSESSMENT FOR

ZTA 24-02, Agricultural and Rural Zones – Campground

PURPOSE OF CLIMATE ASSESSMENTS

The purpose of the Climate Assessments is to evaluate the anticipated impact of master plans and zoning text amendments (ZTAs) on the county’s contribution to addressing climate change. These assessments provide the County Council with a better understanding of the potential climate impacts and implications of proposed master plans and ZTAs, at the county level. The scope of the Climate Assessments is limited to addressing climate change, specifically the effect of land use recommendations in master plans and ZTAs on greenhouse gas (GHG) emissions and sequestration, and how actions proposed by master plans and ZTAs could improve the county’s adaptive capacity to climate change and increase community resilience.

While co-benefits such as health and cost savings may be discussed, the focus is on how proposed master plans and ZTAs may impact GHG emissions and community resilience.

SUMMARY

ZTA 24-02 will allow campgrounds in certain agricultural and rural zones under specific conditions.

- Under the current zoning ordinance, Campgrounds are only allowed in the Rural (R) and Residential Estate 2C (RE-2C) zones.
- ZTA 24-02 will expand the Campground use to the AR and RC zones on properties that satisfy the requirements for Farming in the zoning ordinance.
- Additional requirements include a minimum acreage, a maximum number of structures, a maximum number of nights per guest, and limitations on kitchen and sanitation facilities.

Considering the requirements of the ZTA including minimum property acreage, the maximum number of tents, recreational vehicles, or removable structures, and a maximum number of nights per guest, the ZTA is anticipated to result in minor negative impacts on greenhouse gas emissions, sequestration, and community resilience, and a combination of minor negative and positive impacts on adaptive capacity as described in greater detail below. Due to the uncertainty of the number and location of campgrounds that may result from this ZTA, data are not obtainable to quantify the greenhouse gas emissions and sequestration impacts.

BACKGROUND AND PURPOSE OF ZTA 24-02

Zoning Text Amendment (ZTA) 24-02, Agricultural and Rural Zones - Campground, was introduced on June 11, 2024, sponsored by Councilmembers Balcombe, Luedtke, Katz, and Fani-Gonzalez and co-sponsored by Council President Friedson, and Councilmembers Albornoz, Glass, and Sayles (Attachment A). The ZTA is scheduled for a District Council Public Hearing on July 16, 2024.

The county has put forth substantial effort and planning toward promoting the agricultural reserve in recent years including the 2019 Agritourism Study, and the recent update to the *Rustic Roads Functional Master Plan*. This ZTA seeks to expand upon these efforts, utilizing the state enabling legislation, and feedback received during the spring of 2024 to create additional tourism options that include limited overnight accommodations that promote and protect the agricultural reserve.

VARIABLES THAT COULD AFFECT THE ASSESSMENT

CLIMATE-RELATED VARIABLES

Transportation- Vehicle miles traveled by type, Number of trips, Non-vehicle modes of transportation

Building Embodied Emissions – Building square footage, Building life span, Pavement infrastructure, Material waste produced, Use of green building materials

Energy – Electricity usage, Stationary fuel usage

Land Cover and Management – Area of forest, Area of non-forest tree canopy, Area of green cover

RESILIENCE-RELATED VARIABLES

Exposure-Related Factors – Activity in flood-risk areas, Exposure to other hazards (e.g., storms, wind, drought), Potential for shelters to be inadequately designed and built to protect people from exposure to climate hazards.

Sensitivity-Related Factors – Change to forest cover, Change to non-forest tree canopy, Change to quality or quantity of other green areas, Change in perviousness, Change in stormwater management system treatments, Change to water quality or quantity, Change to air quality, Infrastructure design decisions.

ADAPTIVE CAPACITY-RELATED VARIABLES

Change to emergency response and recovery capabilities, Change to accessibility or prevalence of local food sources and other goods, Change in availability or distribution of economic and financial resources, Change to community connectivity, Change in distribution of resources and support.

OTHER VARIABLES

Other variables include the number and frequency of usage at each permitted campground, transportation options, and where the sites are located.

ANTICIPATED IMPACTS

Considering the requirements of the ZTA including minimum property acreage, the maximum number of tents, recreational vehicles, or removable structures, and a maximum number of nights per guest, the ZTA is anticipated to result in minor negative impacts on greenhouse gas emissions, sequestration, and community resilience, and a combination of negative and positive impacts on adaptive capacity as described in greater detail below. Due to the uncertainty of the number, location, and intensity of usage of campgrounds that result from this ZTA, data are not obtainable to quantify the greenhouse gas emissions and sequestration impacts.

GREENHOUSE GAS EMISSIONS, CARBON SEQUESTRATION, AND DRAWDOWN

ZTA 24-02 is anticipated to have minor negative impacts on greenhouse gas emissions and carbon sequestration. Note: The *Climate Assessment Recommendations for Master Plans and Zoning Text Amendments in Montgomery County* indicate that carbon sequestration, drawdown, and reduction are generally used interchangeably. The *Recommendations* document uses the term sequestration.

The transportation-related impacts are primarily due to the ZTA activities occurring in the Agricultural areas of the county, which tend to be located farther away from population-centers that would be the origin points for many of the trips taken. In addition, transportation options to access the farms offering campground facilities are more limited in the agricultural zones, with travel by individual automobile likely the most prevalent form of transportation, increasing vehicle miles traveled and number of trips. Given the restrictions of the ZTA, greenhouse gas emissions from transportation are likely to be minor.

The building embodied emissions result from permanent and removable structures required to support the establishment and operation of campgrounds, and any incidental pavement for access and parking. These emissions are expected to be minor, as relatively few structures are typically needed to support campgrounds compared to other uses and there are limitations on the number and size of tents and removable structures, and limitations on the number of recreational vehicles.

Energy-related emissions will depend on the sources and distribution of energy used and for the heating, lighting, food preparation, and incidental electricity consumed. In view of the limitations of the ZTA the greenhouse gas emissions from fire and charcoal-based cooking are expected to be minor. Electricity-based emissions could be reduced or eliminated through the use of clean energy generated on-site.

There may be some reductions in areas of forest, non-forest tree canopy, and natural ground cover. If such areas are cleared and graded to make room for the new campgrounds, access, and parking, it would result in reductions in the amount of carbon sequestered and stored. Because of the specified limits on the maximum number of tents, recreational vehicles, and removable structures, however, impacts to sequestration from Land Cover Change and Management are anticipated to be minor.

COMMUNITY RESILIENCE AND ADAPTIVE CAPACITY

Considering the requirements of the amendment, ZTA 24-02 is anticipated to have minor negative impacts to community resilience, and minor positive and minor negative impacts to community adaptive capacity.

Community resilience could be negatively impacted by increased exposure to the hazardous effects of climate change, including increased potential exposure to floods, storms, and temperature extremes. Changes to sensitivity-related factors may include changes (reductions) to forest cover and non-forest tree canopy, changes to the quality or quantity of other green areas, loss of some pervious land covers, increased stormwater management structures that alter natural flows and infiltration of precipitation runoff. The latter impacts have the potential to reduce water quality and quantity, affecting water supply and quality for both humans and natural systems.

Given the restrictions the ZTA places on the maximum number of tents, recreational vehicles, removable structures, and the number of consecutive nights a guest may stay, negative impacts to water quality are expected to be minor. Sanitation systems that are properly located and sized to handle the additional sewage generated from campground usage will also serve to minimize negative impacts on water quality. Due to the same limitations, water usage for showers, etc. can be expected to result in minor increases in water use.

Negative impacts to air quality may result from increased motor vehicle trips and vehicle miles traveled generated by additional travel to and through the agricultural zones.

There could be slight positive impacts to community adaptive capacity as the opportunities for camping create more opportunities for enjoying and connecting with the outdoors, promoting community connectedness and cohesiveness, strengthening support networks and increasing communication. These are seen as helpful to building adaptive capacity to respond to climate disruptions.

The availability or distribution of economic and financial resources may be increased as this new use introduces a new source of revenue for farms. The use may create additional visits to local farms and businesses.

ZTA 24-02 has the potential to have both positive and negative impacts on the accessibility of local food sources and other goods. The new use will bring more people to farms and may provide opportunities for people to obtain fresh produce and learn about farming and growing techniques

during their stays. Negative impacts can be expected to the degree that currently farmed fields and forested areas are converted to campgrounds.

RELATIONSHIP TO GREENHOUSE GAS REDUCTION AND SEQUESTRATION ACTIONS CONTAINED IN THE MONTGOMERY COUNTY CLIMATE ACTION PLAN (CAP)

ZTA 24-02 does not involve any GHG activities that relate to the GHG reduction actions from the County's Climate Action Plan. The ZTA does relate to several of the sequestration actions, and the ZTA has the potential to negatively affect the ability of the County to achieve goals related to the following CAP actions:

- S-1 Retain and Increase Forests
- S-2 Retain and Increase Tree Canopy
- S-3 Restore and enhance meadows and wetlands
- S-5 Restore soil fertility, microbial activity, and moisture-holding capacity

None of these actions were rated for reduction potential as evaluated within the CAP.

RECOMMENDED AMENDMENTS

The Climate Assessment Act requires the Planning Board to offer recommendations, as appropriate, such as amendments to the proposed ZTA 24-02, or other mitigating measures that could help counter any identified negative impacts through this Climate Assessment.

Any land disturbance greater than 5,000 square feet should initiate application of the Forest Conservation Law. On the other hand, the Forest Conservation Law does not preclude forest removal. Planning Staff recommend use standards for campgrounds that prohibit the removal of forest in establishing campgrounds. Staff also recommend use standards that require applicants to provide a campground development plan that complies with the Guidelines for Environmental Management of Development in Montgomery County.

While not fully appropriate for a ZTA, it may be beneficial to consider ways to ensure that campgrounds are not just co-located but integrated with Agritourism activities. This could include inclusion in farm outreach and education components to demonstrate regenerative agricultural techniques to campground guests.

SOURCES OF INFORMATION, ASSUMPTIONS, AND METHODOLOGIES USED

The climate assessment for ZTA 24-02 was prepared using the methodology for ZTAs contained within the *Climate Assessment Recommendations for Master Plans and Zoning Text Amendments in Montgomery County, December 1, 2022*.

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.

CONTRIBUTIONS

OLO staffer Elsabett Tesfaye, Performance Management and Data Analyst, drafted this racial equity and social justice impact statement.

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

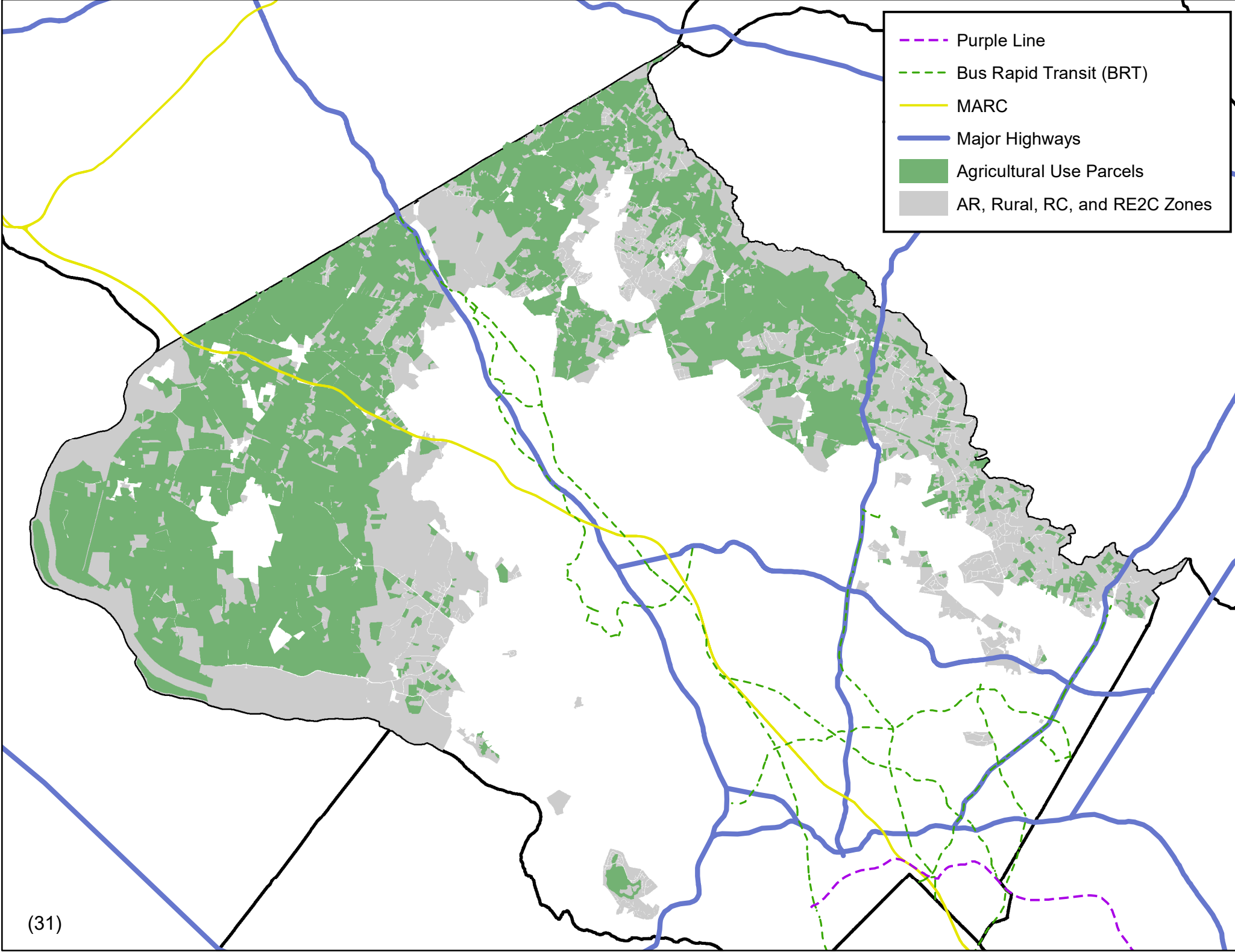
Appendix A

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.*



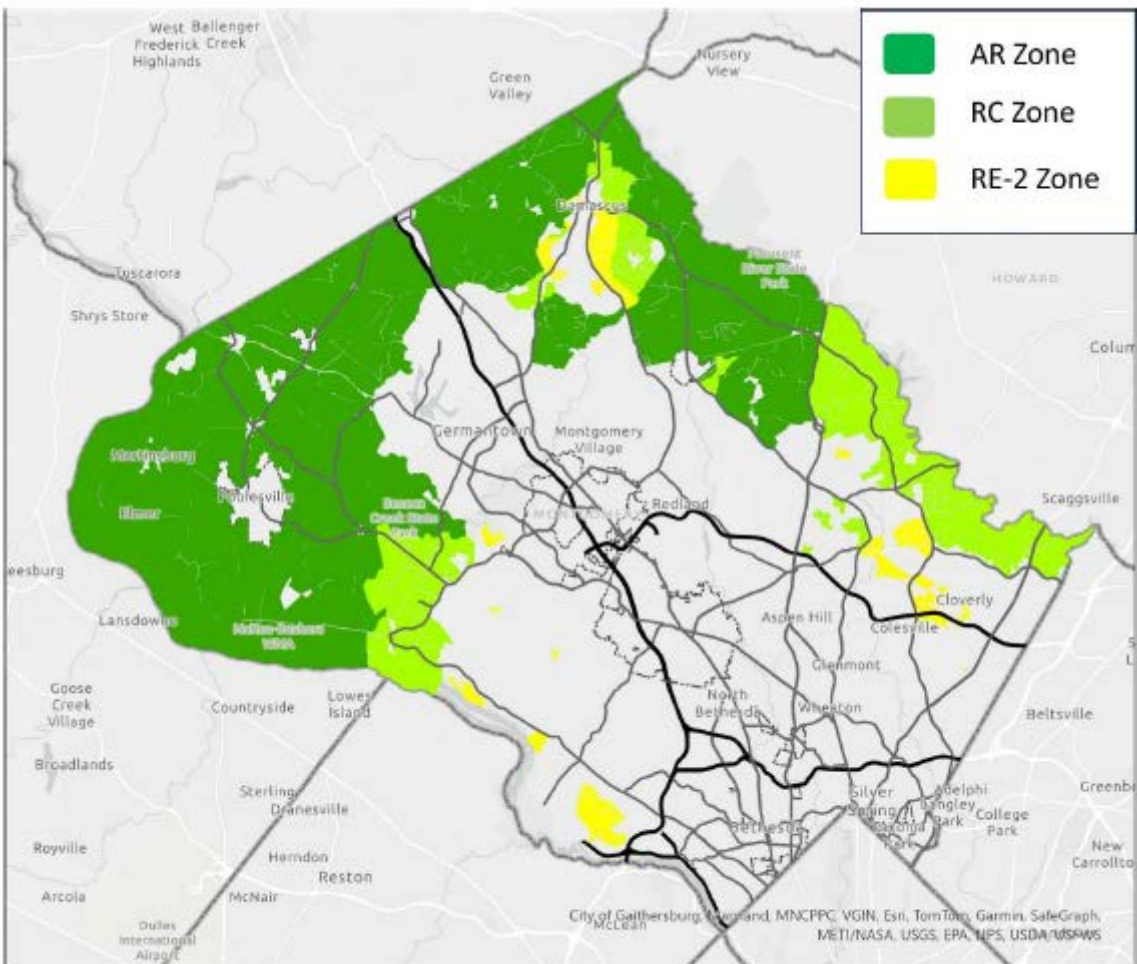


Figure 1 – Map of the zones impacted by ZTA 24-02

HOUSE BILL 558

M4

2lr2648
CF SB 296

By: **Delegate Clark**

Introduced and read first time: January 31, 2022

Assigned to: Environment and Transportation

Committee Report: Favorable

House action: Adopted

Read second time: March 2, 2022

CHAPTER _____

1 AN ACT concerning

2 **Land Use – Agritourism – Definition**

3 FOR the purpose of altering the definition of “agritourism” to include camping and
4 incidental outdoor stays for the purpose of a certain provision of law authorizing a
5 local jurisdiction to adopt the definition of “agritourism”; and generally relating to
6 agritourism.

7 BY repealing and reenacting, with amendments,

8 Article – Land Use

9 Section 4–212

10 Annotated Code of Maryland

11 (2012 Volume and 2021 Supplement)

12 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,

13 That the Laws of Maryland read as follows:

14 **Article – Land Use**

15 4–212.

16 (a) (1) In this section, “agritourism” means an activity conducted on a farm
17 that is offered to a member of the general public or to invited guests for the purpose of
18 education, recreation, or active involvement in the farm operation.

19 (2) “Agritourism” includes:

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



- 1 (i) farm tours;
- 2 (ii) hayrides;
- 3 (iii) corn mazes;
- 4 (iv) seasonal petting farms;
- 5 (v) farm museums;
- 6 (vi) guest farms;
- 7 (vii) pumpkin patches;
- 8 (viii) “pick your own” or “cut your own” produce;
- 9 **(IX) CAMPING;**
- 10 **(X) INCIDENTAL OUTDOOR STAYS;**
- 11 ~~[(ix)]~~ **(XI)** classes related to agricultural products or skills; and
- 12 ~~[(x)]~~ **(XII)** picnic and party facilities offered in conjunction with any
- 13 agritourism activity.

14 (b) A local jurisdiction may adopt the definition of “agritourism” as defined in this
 15 section by local ordinance, resolution, law, or rule.

16 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
 17 October 1, 2022.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.