



Zoning Text Amendment (ZTA) No. 20-04, Farming Defined – Accessory Mulching and Composting



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Completed: 11/12/20

Description

ZTA 20-04 would allow mulching and composting with more off-site material as an accessory farming use. Currently, mulching and composting are allowed as accessory uses to farming if material trucked from off-site locations is limited to 20%. ZTA 20-04 would amend that provision by allowing a maximum of 50% of materials used in mulching and composting operations from off site.

Summary

Staff recommends approval of ZTA No. 20-04, as introduced, to allow mulching and composting with more off-site material as an accessory farming use. Staff believes that ZTA 20-04 strikes a balance in addressing the desire to provide more flexibility to the agricultural industry to use more off-site yard and food waste in processing compost and mulch and limiting the intensity of the use. Whether the material used in accessory processing comes from on or off site, mulch and compost processing will be limited, based on the requirement that the production or manufacturing of mulch or compost must be accessory to the farming use.

Background/Analysis

Rationale for ZTA Introduction (*Excerpt from the Sponsors of ZTA 20-04*)

According to the sponsors, Zoning Text Amendment (ZTA) 20-04 will create a greener local economy by increasing the amount of materials farmers can use on their property to produce and manufacture compost and mulch. Below is an excerpt from the sponsors’ press release concerning ZTA 20-04:

“As our climate continues to change, we need to utilize every opportunity to protect our environment and create good green jobs,” said Councilmember Evan Glass. “Composting is a core farming activity and an effective way to reduce food waste, and by partnering with local environmental entrepreneurs, it will lead to a greener environment and economy. This is good for our farmers, our small businesses, our residents and the planet.”

Montgomery County currently produces 147,000 tons of food waste per year. This waste is generated across every building type and is the largest contributing factor to the county’s waste stream. While the

county currently lacks the infrastructure to compost food waste at a commercial scale, partnering with our local farmers and local green entrepreneurs is a step toward fully harnessing the power of our land so that the county can reduce its waste and increase its climate goals. The ZTA would increase the amount of off-site material that farmers can use in the manufacturing of compost and mulch from 20 percent to 50 percent.

“This legislation will increase the amount of compostable materials that stay out of our waste stream while helping prized and family-owned agricultural operations financially,” Councilmember Andrew Friedson said. “It’s a true win-win that proves how benefitting our environment can also benefit the local small business owners who are the foundation of our County’s economy.”

“Montgomery County has made a commitment to eliminate our greenhouse gas emissions by 2035; finding ways to reduce the amount of material in our waste stream is a crucial part of attaining this goal. This ZTA offers us a common sense strategy to achieve this goal, while at the same time, providing a direct benefit to residents and institutions seeking more opportunities for composting,” said Councilmember Nancy Navarro. “Thanks to this ZTA, our farmers on the Agricultural Reserve will have another resource to enrich their farms and refine their operations. I am proud to lend my support to this initiative.”

Ben Parry, CEO of Compost Crew, a Montgomery County-based compost company said, “Most people don’t know enough about where their food comes from. Sadly, unsustainable agricultural practices are slowly killing the earth’s topsoil while producing less nutritious food. We need to help our farmers implement regenerative farming practices to build local food security, produce more nutritious food, improve biodiversity, and sequester carbon. Composting helps with all of these things. The Agricultural Reserve is the backbone of Montgomery County. Removing restrictions to support sustainable farming is a no-brainer.”

ZTA 20-04

Specifically, ZTA 20-04 modifies the definition of farming as follows:

Section 3.2.6. Farming

Defined

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

* * *

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

ZTA 20-04 would allow an increase in the percentage of off-site material that can be used in accessory composting and mulching uses from 20% to 50%. The County generates a tremendous amount of yard

and food waste. Recycling that material is preferred over having that material go to the incinerator. This amendment would give more flexibility to the agricultural industry to use more yard and food waste. However, as discussed below, ***this amendment does not permit this use to expand beyond its accessory status.***

Accessory Use means a use that is incidental and subordinate to the principal use of a lot or site or the principal building, and located on the same lot or site as the principal use or building. Any permitted or limited use in a zone may be an accessory use to any other use in the same zone; any applicable use standards must be satisfied.

As such, whether the material used in accessory processing comes from on or off site, mulch and compost processing is limited, based on the requirement that the production or manufacturing of mulch or compost must be accessory to the farming use. Any capacity beyond an accessory use falls under the category of Agricultural Processing,¹ a use allowed only by conditional use approval in the Agricultural Reserve (AR), Rural (R) and Rural Cluster (RC) zones. Farming is a permitted use in the Ag, Rural Residential and Residential Detached zones.

Additional comments raised by staff include the following:

- Heavy truck deliveries to and from individual farm properties could possibly increase. Rural roads may not be designed for this level of heavy traffic.
- Small truck traffic to and from individual farms (landscape operations) could increase to accommodate larger-scale production.

Conclusion

Staff believes that ZTA 20-04 strikes a balance in addressing the desire to provide more flexibility to the agricultural industry to use more off-site yard and food waste in processing compost and mulch and limiting the intensity of the use. Whether the material used in accessory processing comes from on or off site, mulch and compost processing will be limited, based on the requirement that the production or manufacturing of mulch or compost must be accessory to the farming use. Any capacity beyond an accessory use falls under the category Agricultural Processing, which requires approval of a conditional use application in more limited locations.

Attachment

1. ZTA No. 20-04 as introduced.

¹ Section 3.2.2. Agricultural Processing

A. Defined

Agricultural Processing means any operation that transforms, packages, sorts, or grades farm products into goods that are used for intermediate or final consumption, including goods for non-food use, such as the products of forestry. Agricultural Processing includes milk plant, grain elevator, and mulch or compost production and manufacturing, but does not include Slaughterhouse (see Section 3.2.8, Slaughterhouse).

ATTACHMENT 1

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

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

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

AN AMENDMENT to the Montgomery County Zoning Ordinance to:

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

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

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

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

ORDINANCE

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

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

2 * * *

3 **Section 3.2.6. Farming**

4 Defined

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

14 * * *

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

18 * * *

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

21
22 This is a correct copy of Council action.

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24 _____

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