

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

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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.

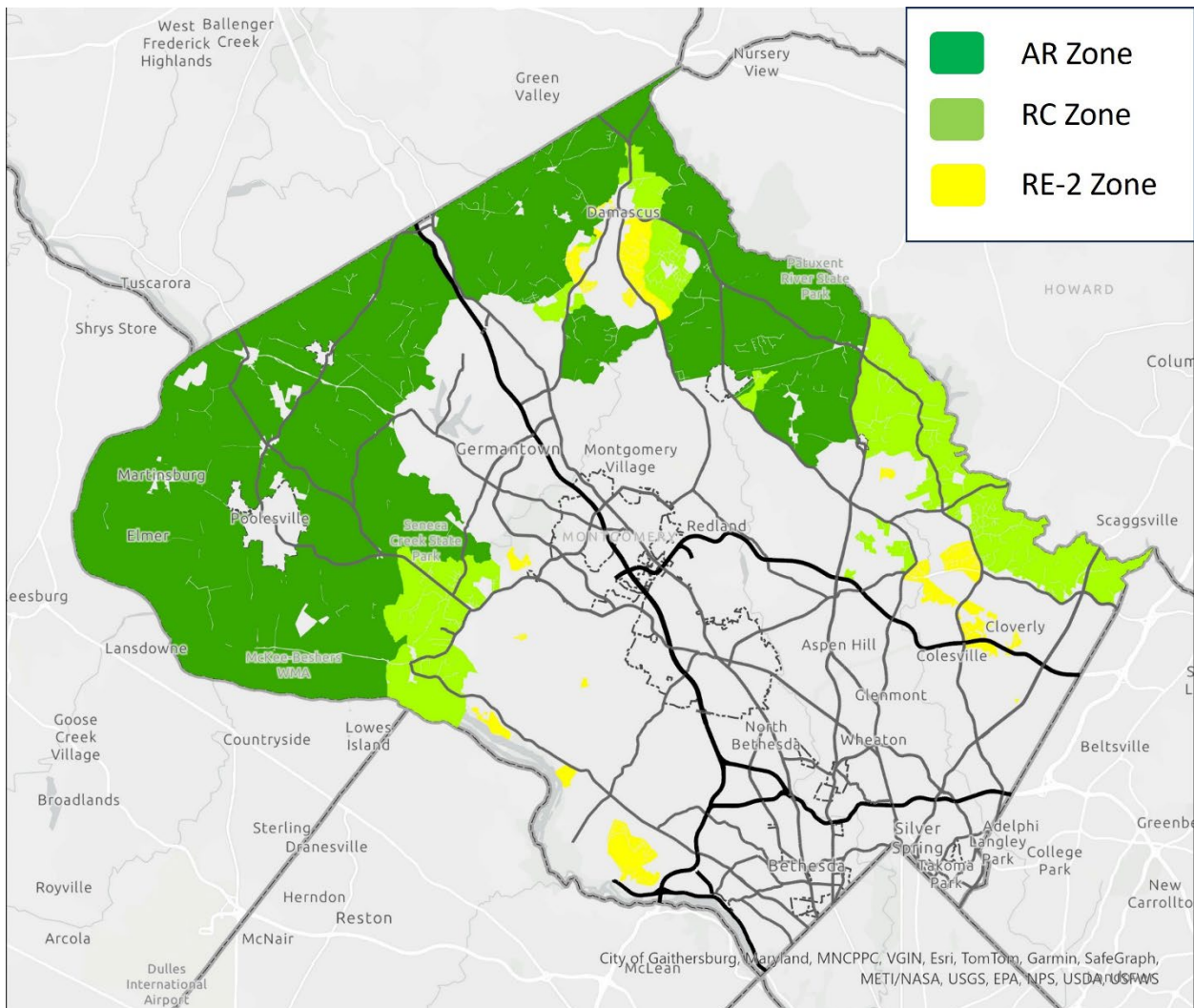


Figure 1 – Map of the zones impacted by ZTA 24-02

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