

PRINCE GEORGE'S COUNTY COUNCIL

COMMITTEE REPORT

2019 Legislative Session

Reference No.: CB-61-2019

Draft No.: 2

Committee: PLANNING, HOUSING AND ECONOMIC DEVELOPMENT

Date: 10/03/2019

Action: FAV (A)

REPORT:

Committee Vote: Favorable as amended, 5-0 (In favor: Council Members Glaros, Davis, Dernoga, Hawkins, and Ivey)

The Planning, Housing, and Economic Development Committee Director summarized the purpose of the legislation and informed the committee as to comments received on referral. CB-61-2019 amends the Zoning Ordinance to define aquaponics (a term included in the definition of Urban Farm also included in the Zoning Ordinance pursuant to the enactment of CB-14-2019 (DR-3)) and to amend the provisions for minor changes to special exceptions to provide that an amendment to a special exception site plan is not required for an aquaponics use under certain circumstances which include the requirement for a detailed site plan. Council Member Davis, the bill's sponsor, indicated that this bill is intended to provide an additional tool, whether it be urban farm or farm to table, and is consistent with the use that other jurisdictions currently have in place.

Rana Hightower, Planning Department Intergovernmental Affairs Coordinator, informed the Committee that the Planning Department staff recommendation to the Planning Board is to vote in opposition to CB-61-2019 as explained in the staff's policy analysis memorandum to the Board. The staff does not believe this legislation is needed if this legislation is intended for inactive golf courses. This bill will impact approximately two properties in the County. Those properties are Lake Arbor golf course and Cross Creek golf course. It should be noted that CB-14-2019 (DR-3) amended the definition for "Urban Farm" to include the "Aquaponics" use. The Lake Arbor and Cross Creek golf courses are zoned Rural Residential (R-R). The R-R Zone currently allows urban farming as a permitted use by a non-profit organization or a for-profit business; therefore, if the golf course ceases to operate and the SE use is no longer in existence, then the property owner may establish an urban farm with aquaponics as a permitted use on the property.

In addition, the bill postpones the determination of development standards until the time of Detailed Site Plan review. This process defeats the entire purpose of zoning by preventing the uniform application of objective development standards to all properties established by the District Council in coordination with its adopted future land use recommendations in master plans.

The Chief Zoning Hearing Examiner (ZHE) commented on suggested amendments on page 4, line 15 of Draft-1 to insert some bulk regulations for the greenhouse/agricultural structures since it is not the intent to build one the size of the entire golf course and to revise language on page 4, line 18 to state that “Odors emanating from the site shall not be detectable from the property lines of surrounding properties.” The Office of Law reviewed the bill and determined that it is in proper legislative form with no legal impediments to its enactment.

Steven E. Darcey, Executive Director of the Prince George’s Soil Conservation District (PGSCD), submitted a memorandum dated October 1, 2019 to the Committee Director with comments for consideration as follows:

1. The Soil Conservation District supports efforts to introduce “aquaponics” into the County especially on underutilized areas such as abandoned golf courses. The aquaponic enterprise, however, should be conducted in such a manner as to preserve the character of the existing area and land use.
2. Page 4, line 10. Why is the opportunity to “non-profit” only? If we want to promote a potentially new economic enterprise such as aquaponics, we should encourage both for-profit and non-profit business.
3. Page 4, lines 13-14. Rather than limiting the operation to a “greenhouse or agricultural building”, the language should indicate that aquaponic operations take place in a greenhouse or some other enclosed, climate-controlled building. We don’t want to give the impression that the activity is located on a farm property. The term “agricultural building” may indicate, unintentionally, that these structures fall under the state legislation exempting agricultural buildings from permits.

Michael Jones, representing FCHC, LLC, testified in support of the legislation indicating that the aquaponics use will assist in providing a solution for food deserts. Mr. Jones submitted information on “Aquaponics @ Lake Arbor, Executive Summary, For the Development of a Commercial Aquaponic Business” and requested that the legislation allow the use by a for-profit business as well. Kim Rush Lynch, representing Prince George’s Soil Conservation District, and Sydney Daigle, representing Prince George’s County Food Equity Council, testified in support of the legislation.

In response to Planning Department staff’s comment concerning the existing special exception golf course use, the ZHE indicated that the special exception still exists until such time there is a petition to revoke or suspend by the Director of the Department of Permitting, Inspections, and Enforcement. Council Member Dernoga raised a concern associated with houses built along fairways and potential homeowners impacts from the new use and suggested this could be addressed with additional provisions and review during the Detailed Site Plan process.

The Committee agreed with the PGSCD comments as well the ZHE suggestion to modify language on page 4, line 18 in (d)(2)(C) and amended the bill as follows:

- Page 4, lines 9-10, strike “on property owned by a nonprofit organization and”
- Page 4, lines 13-14, strike “agricultural structure(s)” and insert “climate-controlled building(s)”.
- Page 4, line 18, strike “Odors shall not be detectable from surrounding properties” and

insert “Odors emanating from the site shall not be detectable from the property lines of surrounding properties.”

To address Council Member Dernoga’ s concern and the ZHE’s comment on bulk regulations, the Committee directed Council staff to draft appropriate language as an amendment sheet for consideration by the County Council at the time of introduction or final reading of the legislation.

Council Member Davis made a motion for favorable recommendation on the legislation as amended, seconded by Council Member Hawkins. The Committee unanimously voted for a favorable recommendation as to CB-61-2019, as amended.