





**CB 22-2017 (ZRA 175), FOR, WITH AMENDMENT**

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Dear Howard County Council:

I am writing you in favor of this bill and I encourage you to amend it to cover ALL FARMS RETROACTIVELY in the RC Zoning District and all farms 20 acres or larger in the RR Zoning District as being exempt from these animal shelter setback requirements. The animal shelter setback requirement is a leftover relic from a time before the Maryland Nutrient Management Law came into effect. The setbacks were originally meant to allow some space from some less desirable aspects of agriculture regarding manure, however the adoption of the Nutrient Management Law and the increased development around farms have made this setback regulation a burden to local farmers.

While DPZ supported the approval of the original proposal based on their zoning review, their review, understandably, does not include a review of the changes in farming practices or farming regulations. Farming practices have evolved and various forms of rotational grazing, called by many different names depending on the nuances, are now common practice. This involves moving the herd regularly from fresh grass in one area to fresh grass in another area. In many cases as the herd is moved to new forage, the water and shelters travel with the animals.

Nutrient Management Law and the Zoning Code itself allow farmers to graze their animals on their entire property. This means that the animals are routinely next to the property line which can cause noise, dust, and odors however this is not outside of normal animal/farm behavior. In fact, the property line boundary is routinely an area which has trees that act as a buffer for wind, weather, and offers shade for animal comfort. The animals will naturally flock to a comfortable area like this and so it is not unusual for neighbors to see and experience this behavior at the property line. It is logical for a farmer to utilize what nature has provided; this is a part of an agricultural principle called "Permaculture". So the farmer will place a shelter in these areas where the animals naturally want to congregate. By forcing the shelters away from the logical location it forces the animals and the farmer into unwanted situations that are not desirable for anyone.

Agricultural technology has advanced as well. We now have access to various methods such as using parasitic wasps to reduce and control fly populations. The wasps lay their eggs inside the fly pupae and the wasps feed on the host, thus killing the fly. This is a widely used biological control that is very successful. Odor control through the use of carbon based organic matter as a covering over manure piles effectively acts as a carbon filter to prevent odors from escaping.

Farmers are allowed to spread manure and compost on their property for their crops and pastures these are accompanied with noise from the machinery, odors and dust, but nothing beyond normal and accepted farming practices which neighbors see and experience on a regular basis. Animal farmers are also allowed to flash graze sensitive areas inside of the stream buffer zone between the fence and the stream to efficiently and naturally mow down the vegetation and control noxious weeds. All farms that are in the MALPF or ALPP are required to have Soil Conservation Plans, and any farms with more than 8 animals units and/or \$2,500 in gross annual sales are required to have a Nutrient Management Plan as

per state law. Since state law is performance based, manure and other nutrients must be managed appropriately, which supersedes a generic distance based regulation.

Due to an increased use of Permaculture principles, rotational grazing, and development around farms we were able to include an exemption under the Definitions Section 103.0 of the Zoning Code to exempt three-sided animal shelter structures such as run-in shed-like structures at the last Comprehensive Zoning Re-Write:

Structure : Anything constructed or built. The following shall not be considered structures for bulk regulation purposes:

- i. Outdoor riding rings, wet weather pads, and run-in sheds or similar farm structures with a maximum of three walls and a maximum footprint of 500 square feet.

This change has been in effect for several years now and has appeared to have had no negative impact what-so-ever. Given that exempting expensive new construction was acceptable under the original language of this bill it seems and undue burden on the farmer to continue this relic under current conditions. This change will not impact the current setback requirements in the RC Zoning District of:

3. Minimum lot width at building restriction line
  - a. Lots 3 acres or larger ..... 200 feet
  - b. Lots less than 3 acres ..... 100 feet
4. Minimum setback requirements—structures
  - a. Lots 3 acres or larger:
    - (1) Principal structures—from collector or arterial public street right-of-way ..... 75 feet
    - (2) Front ..... 75 feet
    - (3) Side
      - (a) From public street right-of-way ..... 60 feet
      - (b) Principal structure from lot line ..... 30 feet
      - (c) Accessory structure from lot line
        1. 200 square feet or greater ..... 30 feet
        2. less than 200 square feet ..... 10 feet
    - (4) Rear
      - (a) All structures—from public street right-of-way ..... 75 feet
      - (b)

- Principal structure ..... 60 feet
    - (c) Accessory structure ..... 10 feet
  - b. Lots less than 3 acres:
    - (1) Principal structures—from collector or arterial public street right-of-way ..... 75 feet
    - (2) Front ..... 50 feet
    - (3) Side
      - (a) From public street right-of-way ..... 30 feet
      - (b) Principal structure from lot line ..... 10 feet
      - (c) Accessory structure from lot line
        - 1. 200 square feet or greater ..... 10 feet
        - 2. less than 200 square feet ..... 5 feet
    - (4) Rear
      - (a) All structures—from public street right-of-way ..... 50 feet
      - (b) Principal structure ..... 30 feet
      - (c) Accessory structure ..... 10 feet

Or the current setback requirements in the RR Zoning District of:

- 3. Minimum lot width at building restriction line
  - a. Lots 3 acres or larger ..... 200 feet
  - b. Lots less than 3 acres ..... 100 feet
- 4. Minimum setback requirements—structures
  - a. Lots 3 acres or larger:
    - (1) Principal structures—from collector or arterial public street right-of-way ..... 75 feet
    - (2) Front ..... 75 feet
    - (3) Side
      - (a) From public street right-of-way ..... 60 feet
      - (b)



- Principal structure from lot line ..... 30 feet
    - (c)
      - Accessory structure from lot line
        - 1.
          - 200 square feet or greater ..... 30 feet
        - 2.
          - less than 200 square feet ..... 10 feet
  - (4)
    - Rear
      - (a)
        - All structures—from public street right-of-way ..... 75 feet
      - (b)
        - Principal structure ..... 60 feet
      - (c)
        - Accessory structure ..... 10 feet
- b.
  - Lots less than 3 acres:
    - (1)
      - Principal structures—from collector or arterial public street right-of-way ..... 75 feet
    - (2)
      - Front ..... 50 feet
    - (3)
      - Side
        - (a)
          - From public street right-of-way ..... 30 feet
        - (b)
          - Principal structure from lot line ..... 10 feet
        - (c)
          - Accessory structure from lot line
            - 1.
              - 200 square feet or greater ..... 10 feet
            - 2.
              - less than 200 square feet ..... 5 feet
      - (4)
        - Rear
          - (a)
            - All structures—from public street right-of-way ..... 50 feet
          - (b)
            - Principal structure ..... 30 feet
          - (c)
            - Accessory structure ..... 10 feet

So the existing principal structure setbacks still offer a buffer that will not change with this amended bill.

I attended the ALPB meeting at which ZRA 175 was discussed and I supported the Board’s decision to request an amendment to retroactively exempt animal shelters constructed after the farm entered the ALPP. I also attended the Planning Board meeting discussing ZRA 175 and I supported that amendment again, and that recommendation was supported by the Planning Board. The Howard County Farm Bureau Board of Directors met early this month, I am a member of the Board of Directors, and we discussed that all farms animal shelters should be exempted not just ALPP farms, and that was voted on

and accepted by the Board. I subsequently read DPZ's memorandum regarding CB 22-2017 and saw that they also would like all farms to be treated equally under the Zoning Regulations so that is why I have modified my current position.

In conclusion, based on the improvements offered by the Nutrient Management Law, current practices, the exemptions that already allow for three sided structures on farms, and existing principal structure setbacks that will not change; I ask that you amend this bill to cover ALL FARMS RETROACTIVELY in the RC Zoning District and all farms 20 acres or larger in the RR Zoning District as being exempt from these animal shelter setback requirements. Thank you for your time and consideration.

Very Truly Yours,

Keith Ohlinger  
Heritage Hill Farm



4.5 ft. X 7.5 ft. Port-A-Hut  
33.75 sq. ft.





10ft. X 14ft. Port-A-Hut  
140 sq. ft.

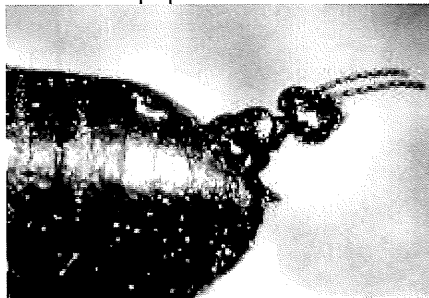


10ft. X 30ft. Run-in-shed  
300 sq. ft.



### HOW FLY PARASITES WORK

Parasitic wasps lay their eggs inside fly pupae and the developing flies provide food from within for the young wasps. In addition, adult parasites "host feed" by drawing fluid from fly pupae, and thus prevent the fly from fully developing. They are very effective against the housefly, biting stable flies, garbage flies, and the lesser housefly, which comprise 95 percent of the flies in manure accumulations. They also parasitize the other 5 percent of flies, such as horn flies, flesh flies, face flies and false stable flies, but control is less complete on those flies which complete their life cycle widely dispersed in the pasture. The parasitic wasps only attack flies and will not bite, sting, swarm or bother anything else. They are nocturnal and are rarely seen during the day. Fly parasites operate to a depth of 8 inches in manure, homing in with their biological radar on fly larvae that are about to pupate.



Fly Parasite Emerging from Pupa

Fly parasites complete a generation every 3 weeks (from parasitism of the fly pupa to emergence of the adult), yielding a steady reproduction of parasites. The adult wasp lives about 10 days. The parasite populations increase geometrically and reductions in flies can be expected in 4 to 6 weeks. They are designed to find and kill the last fly at your location. However, flies still can be migrating in, hence, biological control works best if the whole neighborhood uses it.