

## Sayers, Margery

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**From:** Donna Smeins Howard <daeva77@verizon.net>  
**Sent:** Friday, September 15, 2017 8:09 PM  
**To:** CouncilMail; Kittleman, Allan  
**Subject:** CB 60 -Mulch/Compost

Dear County Executive and Council Members,

Thank you for your continued work on the issues of mulching and composting in Howard County. After listening to the testimony on Monday, September 11, 2017, I have a few questions I hope someone can help me answer.

Has any consideration been given to the proximity of the farms to one another? I do not know about other farms in the county, but the Bauer, Orndorff, and Mullinix farms are all situated on Howard Road within about a ½ mile radius of each other. While I am aware that, at the present time, Mr. Orndorff does not intend to mulch/compost on his farm, he could certainly change his mind or future owners could decide to go into mulching/composting to supplement their income. Having three farms in such close proximity puts a minimum of 6 acres of mulching and composting in our neighborhood with the possibility of more given the conditional use provision. While no one farm hits the threshold for industrial mulching/composting, the totality of the three farms puts industrial levels of mulching/composting in our residential area.

How will this level of mulching/composting impact the health and safety of the residents of Howard County? What restrictions will be placed on mulching/composting to ensure that rural areas do not become industrial mulch/compost sites due to multiple farms in proximity?

I grew up in Howard County and was so excited to return home to raise my children. Will Howard County continue to be a desirable place to live if industrial level mulching/composting is happening in areas not zoned M1/M2? Are you willing to roll the dice with the health and safety of your constituents?

It is so easy to be for something that does not impact your daily lives or the lives of your loved ones. Please close the loopholes that exist in the bill as currently written, add amendments that have been discussed, and consider the very real possibility of multiple farms in relatively small areas mulching and composting and the effect that they pose on our community in total.

Again, I would like to express my thanks for your considered deliberation on this matter. It is apparent that several members are truly listening to all of the constituents of the county. I am hopeful that a resolution that is beneficial to all can be reached. To those of you who have taken the time to reply to me, in the past, I am truly grateful.

Donna Smeins Howard  
13839 Dayton Meadows Ct.  
Dayton, MD 21036  
daeva77@verizon.net

## Sayers, Margery

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**From:** Z Zhang <zhangz3z@gmail.com>  
**Sent:** Thursday, September 14, 2017 11:45 PM  
**To:** CouncilMail  
**Subject:** Opposition to CB60 Without Major Amendments

Dear County Council,

We are very concerned with CB60 which will allow for industrial mulching and composting on ag preserve farmland and on all of RR/RC throughout Howard County. The current zoning language contained in CB60 is unacceptable and not only puts the rural communities at risk for well-documented safety and health concerns from industrial mulching, but now also makes this a countywide issue.

As it currently reads, there are clear loopholes that will allow those posing as tree farmers to conduct industrial mulching activities from 2 acres up to 5 acres, depending on whether on Howard County ag (ALPP), RR or RC parcels. This will result in unacceptable risks to ensuring the well-being of children, families and all individuals living in affected areas. Furthermore, DPZ has demonstrated a clear inability to enforce clear violators of CB20. We now ask, how can DPZ protect our families when loopholes in CB60 will allow for industrial mulching to occur, making enforcement even more challenging?

County Executive Kittleman, through CB60 introduced on his behalf, has simply not keep to his campaign promise to ensure that there is no possibility of industrial mulching on both Howard County and State of MD ag preserve parcels, despite his recent claims to the contrary. There is no separate section in CB60 that deals with State of MD ag (MALPF) restrictions (only Howard County ag). We worked hard to get State of MD ag restrictions included in the current zoning language for CB20 and are disappointed that it has been omitted from CB60.

There are many other key amendments needed in CB60 to make it acceptable to the health and well-being of thousands of families throughout Howard County. We are counting on the County Council to course correct with amendments added to CB60 to clearly prevent any chance of industrial mulch facilities from operating throughout farmland in Howard County, other than in M1/M2 commercially zoned land. This is the only way our Councilmembers will ensure everyone in potentially affected areas continues to be protected by current zoning regulations defined in CB20. Please take this matter seriously and add needed amendments to CB60 that we feel is unacceptable as it now stands.

Thank you.

Zhen Zhang  
Resident at 14104 Big Branch Dr., Dayton MD.



Greater Highland  
**Crossroads**  
Association

September 11, 2017

TO: The Howard County Council

RE: CB-60 -- ZRA 180

By Email. 9/13/17

Dear Members of The Council:

Please accept this written version of my remarks made on September 11. I appreciate your apparent attention to them, and Mr. Fox's response.

I am Dan O'Leary, and I submit this testimony on behalf of GHCA. I live at 12382 Highland Rd. Highland, MD.

GHCA has been involved in improving the zoning process the county since 2002. We have consistently opposed any industrial use in the RR and RC zones.

We respectfully disagree with those who think the proposed bill prohibits "Industrial Mulching and Composting." It does. The permitted uses are industrial in nature and not permitted in the RR and RC zones.

From the beginning, we should have been debating the following proposition:

Resolved: Industrial-scale mulching and composting production is an inappropriate use in rural, residential Howard county -- PERIOD!

If we had started there we might not have been stuck so literally in the weeds as we are now in attempting to impose such a starkly incompatible use on the residents who have relied on the zoning laws and regulations to protect them. Instead you and the administration are embroiled in the impossible tasks of balancing the inherently incompatible interests of farmers who want to engage in industrial activity among residents who seek peaceful enjoyment of their property

There is a solution -- Drastic but effective. You've all heard of the Gordian Knot? Well, You are ensnared by it. Take out thy sword and cut these activities from the RR and the RC. Confine them to where they belong: M-1 and M-2.

In the West we want:

**Crops Not Kilowatts!**  
**Flora Not Factories!**

Short of that,

We specifically endorse the testimony of Ted Mariani of CCWHC and John Tegeris of DRPS, AND MR. LAZDINS OF DPZ, GIVEN ON 7/17. Yes, we support the Director of DPZ. Specifically he said:

**(My comments highlighted)**

1. "Considering limiting truck traffic to within a half-mile of State arterials or interstates. Have engaged in "map exercises" to assess the effect. **(What are the results -- why not share with all could be the solution)**
2. "Emergency" provision to be deleted--" not necessary."
3. "Cumulative total is 5-acres....Looking at a lesser total." **(What number? The number is critical)**
4. " We are questioning the Christmas tree provision. **(Delete or no?)**
5. "We are looking at including MALF -- Law has changed." Most likely would be included. **(Yes or no?)**
6. "We are questioning the need for Tier-2 or large operations" **(Yes or no?)**
7. IRS issues are being examined similar to the solar issues. Same principle may apply to these uses. **(Yes or no?)**

We are surprised and disappointed that these amendments that were floated on 7/17 have not already been incorporated into the Bill. I checked today and see no amendments. Why waste your time and ours debating issues that may already be resolved? We could be commenting right now on an amended proposal.

As to the position of CCWHC and DRPS, We have studied them and support their recommendations without reservation. We would like them to be stronger, for example no latitude for the Hearing Authority If CCWHC's recommended revisions are accepted in the final version, we could accept the level of mulching proposed as a reasonable compromise among all interests involved.

The need to adopt these revisions is highlighted by Mr. Mariani's final paragraph I quote:

*"Another issue is whether a 5 acre NWWR processing area that is used to produce and ship mulch off site for sale constitutes a commercial or industrial use. The Howard County zoning regulations prohibit commercial or industrial uses in the RR and RC zones. The production of mulch at the scale allowed by a 5 acre processing site has been found by a Pennsylvania court to be an industrial use and thus prohibited in a residential zone. Since residential owners have relied on the provisions of the zoning regulations to ensure the peaceful enjoyment of their homes they could have a basis for action against the County in allowing such use."*

Sincerely,

Dan O'Leary

Chair, Planning & Zoning Committee and the Board of GHCA

**Sayers, Margery**

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**From:** Dan O'Leary <danielol12832h@gmail.com>  
**Sent:** Wednesday, September 13, 2017 4:24 PM  
**To:** CouncilMail  
**Subject:** CB-60, ZRA 180 testimony by GHCA  
**Attachments:** HCC writtenTestimony 170911.doc

Dear Council Members:

Please accept the attached written version of my remarks made on September 11. I appreciate your apparent attention to them, and Mr. Fox's response.

Dan O'Leary

GHCA

## Sayers, Margery

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**From:** Christine Lemyze <clemuze@hotmail.com>  
**Sent:** Wednesday, September 13, 2017 11:02 AM  
**To:** CouncilMail; Weinstein, Jon  
**Subject:** CB60

Dear Council Members,

My name is Christine Lemyze and I live in District 1 in Howard County at 3861 Woodville Lane, Ellicott City.

I have been reading about the proposed bill CB60 and listened to the various testimonies on Monday evening at the George Howard Building. While I'm pleased that farmers are allowed and in fact encouraged to compost and recycle waste from their properties and for their own use, I am strongly opposed to what is being proposed in CB60, namely industrial facilities on rural residential and rural conservation areas. It is simply not in the spirit of what rural residential and rural conservation designations are about. Besides, it was clear from the testimonies on Monday that there has been no serious assessment of the implications of the proposed bill in terms of volumes, pollution (in spite of well-documented health concerns), wear and tear on the roads, etc. Finally, it was also evident that there would be no clear and/or easy recourse in the event of violations

Therefore, I ask that you add the following provisions to the bill:

- No natural wood waste recycling (NWWR) facilities on rural residential (RR) and rural conservation (RC) parcels; RC includes both Howard County and State of MD ag preserve farmland
- No food waste in compost produced exclusively to support farming activities for use only for/by/on the farm on all RR and RC parcels
- No commercial or retail sale of compost produced exclusively to support farming activities for use only for/by/on the farm on all RR and RC parcels
- No three axle or tractor trailer trucks on/off the farm for compost produced exclusively to support farming activities for use only for/by/on the farm on all RR and RC parcels

Thank you.

Christine Lemyze

## Sayers, Margery

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**From:** David Smith <dosmith99@gmail.com>  
**Sent:** Wednesday, September 13, 2017 10:49 AM  
**To:** CouncilMail  
**Subject:** CB-60 -- Need to understand amendments and processes

Good morning Council Members,

I understand that amendments to CB-60 are currently being discussed. There are few questions that I'd like answered in regards to these amendments:

- 1, When will the amendments be finalized so the public can review?
- 2, Will there be another public hearing to discuss the amendments?
- 3, Why was there 2 public hearings discussing CB-60 when the council and the DPZ director knew of amendments being discussed?

I currently opposed CB-60 unless there are major amendments and need to understand these amendments and would like to provide testimony based on the changes. We are counting on the County Council to course correct with amendments added to CB60 to clearly prevent any chance of industrial mulch facilities from operating throughout farmland in Howard County, other than in M1/M2 commercially zoned land. This is the only way our Councilmembers will ensure everyone in potentially affected areas continues to be protected by current zoning regulations defined in CB20. Please take this matter seriously and add needed amendments to CB60 that we feel is unacceptable as it now stands.

Regards,  
David

Dayton, MD Resident