

Sayers, Margery

From: Ben Fabina <bfabina@yahoo.com>
Sent: Monday, July 10, 2017 2:25 PM
To: CouncilMail
Subject: Opposition to CB60 Without Major Amendments

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.

We do not want up to 50 large semi and commercial trucks on our rural roads per day. We do not want to jeopardize the safety of our school children, runners, cyclists. We do not want groundwater and air contamination threatening our family's health.

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.

Ben Fabina, PE
443-538-4682

Sayers, Margery

From: Kathy Burns <klynburns@gmail.com>
Sent: Monday, July 10, 2017 1:19 PM
To: CouncilMail
Subject: Opposition to CB60 Without Major Amendments

County Council,

I am 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.

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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 for 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 Council members 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,

Kathy Burns

Sayers, Margery

From: Stacey Bozman <bozmanstacey@gmail.com>
Sent: Monday, July 10, 2017 12:56 PM
To: CouncilMail
Subject: CB60-2017

To all Howard County Council members,

Last fall my family relocated from Weston, Florida to Dayton, Maryland. My husband accepted a job as General Manager of Tennis for Columbia Association. We looked at dozens of homes in Columbia, Ellicott City, Clarksville and Dayton. We chose to live in Dayton because of its tranquil rural setting. We wanted our children to be able to breathe clean air and enjoy the nature around them. To now learn that industrial mulching is being proposed is extremely upsetting. I do not want my children's future and the future of Dayton and other rural communities to be jeopardized by big business trying to make a bigger profit. Please consider the damage that will be done if this bill is allowed to pass. I am not an activist but all of my neighbors and I are willing to do whatever we have to do to keep Dayton safe, clean and beautiful.

Sincerely,

Stacey Bozman
14170 Twisting Lane
Dayton, MD

Sent from my iPhone

Sayers, Margery

From: Michael Burns <mp_burns@live.com>
Sent: Monday, July 10, 2017 11:36 AM
To: CouncilMail
Subject: CB60 IS UNACCEPTABLE WITHOUT MAJOR REVISIONS

I'm a tax-paying property owner in Dayton, Maryland. Howard county officials are considering severely infringing on my family and friends right to living in a safe and healthy environment.

Industrial mulch presents unacceptable health and safety risks to nearby residents. THESE ARE KNOWN FACTS:

- The wood dust and fine particles are carcinogenic that can be in our air over long distances affecting residents. Cases of suspicious cancer have been found in areas close to unsafe mulch sites.
- The massive trucks that carry industrial mulch cannot properly maneuver or stop on our narrow country roads creating major safety concerns for children, joggers, cyclists, residential traffic. Deaths have already resulted from this problem elsewhere. If allowed in Howard county, it would be only a matter time before deaths occurs here.
- There is an unacceptable increase in traffic and road damage caused by up to 50 heavy trucks a day and up to 100 employees entering and leaving these sites
- There is an unacceptable noise levels nearby the facilities from large grinding machines
- There is well and water contamination creating likely health risks to the residents along with potential massive cleanup and legal costs
- Mulch Fires are all too common and have occurred with homes and wooded areas nearby

Because of these FACTS, industrial mulching has no place in rural Dayton or other rural communities in this county. Industrial mulch is not farming. Bill CB 60-2017 as it exists today would allow unscrupulous business owners to convert farms into "tree farms" for the real purpose of operating an industrial mulching business. The only way that CB 60-2017 would be acceptable is with the following amendments:

- Compost/Mulch on RR/RC/All Ag
- Limit shipment to that required for the farming product produced, i.e. shipment with trees, shrubs, plants
- Limit truck size to small trucks (include definition) that must contain product from the farm
- Restrict Industrial Shipment to M1/M2
- Add restrictions on M1/M2 (covered facilities)
- Add State Ag to County Ag – same rules
- Ban these uses on cluster subdivision parcels
- Stricter enforcement, larger fines that escalate as violations continue, and more aggressive enforcement for violation
- Further define "Emergency NWWR"

You need to do the right thing for the rural residents of this great county. If not, this will not stop here. We're will fight this until harmful industrial mulching is stopped and there is a significant turnover in the county composition to one that understands the importance of resident health and safety.

Michael Burns
14044 Big Branchy Dr
Dayton, MD 21036

Sayers, Margery

From: Pioneer Painting <pioneerpainting@verizon.net>
Sent: Monday, July 10, 2017 10:22 AM
To: CouncilMail
Subject: CB-60-2017/OPPOSED: Timothy & Pamela Burgess 5071 Green Bridge Road, Dayton, MD 21036

To: Howard County Council – All Members:

In Re: CB-60-2017

Timothy & Pamela Burgess 5071 Green Bridge Road, Dayton, MD 21036 – OPPOSED

Margaret Burgess 4941 Ten Oaks Road, Dayton, MD 21036 – OPPOSED

We are residents of Dayton since 1987. Before that, my parents moved to Dayton in 1964 and I grew up living here.

This is a BAD LAW and should not pass without major amendments.

We do not believe that Bobby Orndorf is a bad person or unscrupulous in any way. He is a businessman and, as such, he will work within the framework of the law to maximize his profits. More power to him.

The problem is YOU GUYS have drafted BAD LAWS that contain loopholes that can be exploited by businessmen.

AMEND THE BILL TO CLOSE THE LOOPHOLES BEFORE YOU PASS IT

Land Use: Two trends are of intense concern: the loss of productive agricultural land to urban, industrial, and mining development and the conversion of marginal lands and underdeveloped areas to agricultural use.

- In general, land should not be converted from those agricultural uses which protect long-term resource productivity.
- In areas not now in agricultural use, land-use classifications and policies should be developed and implemented before conversion is permitted.
- Those seeking to convert land to other uses should bear the burden of proving that the proposed new use is more important to current and future public welfare and that there is no other feasible location for the proposed use.
- Comprehensive land-use planning is necessary to ensure a balance of lands for all purposes. It is important that there be wide public and professional participation in the planning process and that farmers, ranchers, and other agricultural professionals participate in land-use decisions.
- Zoning and land-division policy and practice should be restructured to serve as a substantive control over conversion of agricultural lands.
- Tax policy, to the extent that it encourages conversion of agricultural land, must be reformed. Examples include adoption of differential assessment and tax deferral techniques, restructuring of estate and inheritance taxes to promote continuity of family farming, and elimination of tax shelters.
- The concept that "highest and best use" of land and water resources is that which can pay the highest immediate price must be modified to reflect the long-term goal of preserving agricultural productivity and natural resources.

- Soil erosion control should be focused on prevention of the problem at its source. Special attention should be given to restoration of formerly productive eroded lands.
- In general, smaller, more diverse production units such as family farms, to the degree that they result in increased environmental responsibility, are preferable to the extensive monoculture characteristics of larger units.

Sincerely,

Tim, Pam, & Margaret Burgess

Sayers, Margery

From: Trip Kloser <tripkloser@verizon.net>
Sent: Monday, July 10, 2017 10:03 AM
To: CouncilMail
Cc: karenkloser@verizon.net
Subject: The Kloser's Opposition to CB60 Without Major Amendments
Attachments: The Kloser's Opposition to CB60_Council Mail_Call for Amendments_V3 (1).docx

Importance: High

Dear County Council,

Do the right thing for the 20136 community! Opposite CB60 Without Major Amendments. It's for safety and health reasons you need to do this.

Thanks,

Trip Kloser

14113 Big Branch Drive

Dayton, MD 21036

IMPORTANT

Subject: Opposition to CB60 Without Major Amendments

County Council,

Our family (The Klosers at 14113 Big Branch Drive) 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.

Trip Kloser

PS I hope you and Mr. Kittleman do the right thing and permanently make it impossible for Industrial (and that is anything where outside materials are brought in for processing) to ever be permitted on any Maryland or Howard County Ag preserve.

PPSS. I only have 1 vote but all of us in the greater 20136 zip code have many votes that will be cast at next election.

Sayers, Margery

From: Strickland, Brent C. <bstrickland@wtplaw.com>
Sent: Monday, July 10, 2017 9:45 AM
To: CouncilMail

County Council,

I am very concerned with CB60 which will allow for industrial mulching and composting on ag preserve farmland in 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 currently worded, loopholes 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?

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Thank you.

Brent C. Strickland
Dayton, MD

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Sayers, Margery

From: Valerie C. Conn <valerie.conn@grayrockalliance.com>
Sent: Monday, July 10, 2017 9:20 AM
To: CouncilMail
Subject: CB60 NO!

To whom it may concern,

CB60 makes no sense! Allowing industrial mulching in a rural residential area is plainly idiotic.

This type of industry belongs in an industrial area(B1, M2) such as various parcels along Rt 1 in Jessup or North Laurel.

Ruining a rural residential area is wrong.

Do the right thing. Do your job. Do not allow industrial mulching on Ag preserve land in Howard County. It is a dangerous industrial process that does not belong near homes, especially those on wells which we all have here in Western Howard County.

These back country roads can't handle anymore large trucks. If you haven't already done so, drive down Ten Oaks Rd and through the intersection at Green Bridge(right in front of RLO) on a school day morning. See the back up on Ten Oaks Rd and the buses trying to get into Dayton Oaks Elementary School. We already deal with RLO smaller trucks and the local buses from Eyre Bus Company competing with school buses. Drive through the four corners intersection at 8:45 AM after Sept 5th. You will plainly see that there is already safety issues and a congestion problem. Are you really going to add to that problem?

That is just one of the major issues with allowing industrial mulching in Dayton. We have already had a school bus accident on Triadelphia Road when the bus went over the yellow line hitting a high schooler on her way to Glenelg HS. There were injuries and the bus nearly went over the guard rail into a ravine at the reservoir with five elementary school children on board. Had they hit a larger vehicle such as a heavy truck, the bus would have rolled over down the fire road at the reservoir. It was up on two wheels on its side briefly during the accident. These narrow, curvy, double yellow lines can't handle the traffic we have now. Adding large mulching trucks will certainly end in disaster.

Please protect our children, the environment and the rural residential way of life in Western Howard County. Industrial mulching is not truly farming and doesn't belong here.

Thank you for addressing this very serious issue.

Valerie Conn

(Dayton resident, mother of three school age children)

Sent from my iPhone

Sayers, Margery

From: Jeffrey Hensel <jthensel61@gmail.com>
Sent: Monday, July 10, 2017 8:03 AM
To: CouncilMail
Subject: Opposition to CB60 Without Major Amendments - Very Frustrated

Subject: Opposition to CB60 Without Major Amendments

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.

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Thank you.

Jeffrey Hensel

14088 Big Branch Drive

Dayton, MD 21036

Sayers, Margery

From: Williams <rawmlw@gmail.com>
Sent: Sunday, July 09, 2017 6:59 PM
To: Kittleman, Allan
Cc: Fox, Greg; Ball, Calvin B; Weinstein, Jon; Terrasa, Jen; Sigaty, Mary Kay; CouncilMail
Subject: CB 60-2017

Importance: High

County Executive Kittleman,

We are writing to express our disappointment with the referenced bill which, as currently written, is very vague and does not even prohibit this process on the Maryland Ag properties in Howard County. It once again opens the door for industrial business owners who have recently purchased farmland to use for their industrial mulch processing, storing and composting. Essentially, everything we fought for in 2014 is being undone with this new bill. This new industrial mulch/composting legislation does NOT include any restrictions **on State of MD (MALPF) ag preserve farmland**. Essentially half of Howard County is State of MD ag, with the other half Howard County ag (ALPP). The county council introduced Amendment 5 to CB-20 which prohibits industrial mulching on MD ag farmland. We argued then, and again now, that not addressing **both** Maryland **AND** Howard County agricultural farmland is tantamount to fencing only half of your yard and expecting that to prevent things from wandering in.

Beyond this huge oversight, which is intentional negligence in our opinion, there are loopholes in the current CB-60 that will allow industrial mulching and industrial composting to occur. Industrial operators playing farmer in disguise will be able to purchase ag preserve on the cheap, only to move their industrial processes onto the farmland and into our communities, presenting risks to families that we simply will NOT accept. Your dismissal of the final report from the Suffolk County Department of Health that investigated the effects of wood waste and compost sites in their county is irresponsible and unethical. Clear and convincing evidence has been presented confirming that such operations contaminate the water. One sample when tested for manganese contamination measured **49,300 ppb** [parts per billion] and the safe ground water/drinking standard for manganese is **300 ppb**, **164 times greater than the safe ground water/drinking standard for manganese**.

CB-60 is unacceptable **without major amendments**. For our safety, our health, and the protection of our environment, these operations must **remain on industrially-zoned land**, which the Dayton location is **NOT**. It is ludicrous to allow otherwise, putting rural residents at verified risk of well water contamination, serious health threats from airborne wood particles and fungal spores which increase the risks of cancer and respiratory diseases, as well as mulch fires, site noise generated by trucks and heavy machinery, truck traffic on rural roads affecting the condition of the roads, and danger to children at bus stops, runners, and cyclists.

In summary, we are therefore **calling for amendments** to protect the rural communities it will put at risk as it currently stands.

Monica and Rich Williams
Dayton

Sayers, Margery

From: BillBird <bill@oldbirds.net>
Sent: Saturday, July 08, 2017 1:26 PM
To: CouncilMail
Cc: Kittleman, Allan; Fox, Greg; Sigaty, Mary Kay; Terrasa, Jen; Ball, Calvin B; Weinstein, Jon
Subject: Council Bill 60 - 2017 (ZRA 180)

I am opposed to this bill!

- 1. We paid land owners to put their properties into Agricultural Preservation with defined restrictions. If you decide to ease the restrictions then they need to repay the money they got for putting the land into preservation.**
- 2. This issue was supposedly debated and resolved in 2014. I do not understand what is driving Kittleman, Fox and Sigaty to push this.**
- 2. Industrial activities (i.e. industrial mulching) are not appropriate on Agricultural Preservation land.**
- 3. The County Executive claims he is against Industrial Mulching on Ag Preservation land but he asked this bill to be submitted. I believe this bill will allow Industrial Mulching on Ag Preservation land. To be consistent with his campaign promises this bill must be withdrawn or significantly restructured.**
- 4. Any attempt to allow industrial activities in our neighborhoods must be carefully considered and structured to not adversely impact the neighborhood. This bill does not provide adequate protection of our neighborhoods.**

If the council still believes there is some overriding community good that drives the need for this legislation than I think the following amendments suggested by Dayton Rural Preservation Society are absolutely necessary:

- Compost/Mulch on RR/RC/All Ag**
- Limit shipment to that required for the farming product produced, i.e. shipment with trees, shrubs, plants**
- Limit truck size to small trucks (include definition) that must contain product from the farm**
- Restrict Industrial Shipment to M1/M2**
- Add restrictions on M1/M2 (covered facilities)**
- Add State Ag to County Ag – same rules**
- Ban these uses on cluster subdivision parcels**
- Stricter enforcement, larger fines that escalate as violations continue, and more aggressive enforcement for violation**
- Further define “Emergency NWWR”**

**William Bird
5251 Ilex Way, Dayton, MD 21036
410-531-2815**

Sayers, Margery

From: Priscilla Trubin <oldtrube@aol.com>
Sent: Friday, July 07, 2017 11:43 AM
To: Ball, Calvin B
Cc: CouncilMail; richeelw@gmail.com
Subject: Re: CB60-2017

Dear Dr. Ball;

You are the first (and the only) Council member to respond to my letter. I appreciate your response and hope that you will take a ride around Western Howard County on your lunch hour to see for yourself the roads and land in question. Imagine the extended construction about to begin on route 32 and the additional traffic congestion on Ten Oaks Road. Imagine 18 wheelers moving trees, debris and mulch several times an hour. Imagine Howard County children waiting for school buses with no shoulders on former carriage roads. I am so sick of public officials only being influenced by near term solutions and crisis management.

Our family will be present at the upcoming events.

Again thank your staff for your sole response to my concerns.

Sincerely,

Priscilla Trubin

5162 Green Bridge Road

Dayton, 21036

Oldtrube@aol.com

410-925-4357

Sent from my iPhone

On Jul 7, 2017, at 10:33 AM, Ball, Calvin B <cbball@howardcountymd.gov> wrote:

Good morning,

Thank you for sharing your thoughts about Council Bill 60 (CB60/ZRA 180), sponsored by County Executive Allan Kittleman. I appreciate your insight regarding mulch, composting facilities and natural wood waste recycling operations in Howard County. These are important issues to our community and I want you to know that your voice matters.

While I do not support the bill as drafted, please know that you can count on me to work with my colleagues to address community concerns related to health, safety, and protecting our environment.

Below are some upcoming dates that relate to this legislation and other matters under consideration before the Council. Unless otherwise noted, all meetings are held in the Banneker Room of the George Howard Building, 3430 Courthouse Drive in Ellicott City.

- Monday, July 10 at 8:30am - Monthly Meeting presentation from DPZ/Kittleman Administration
- Monday, July 17 at 7pm - Legislative Public Hearing - Public is invited to testify before the Council
- Monday July 24 at 4:30pm in C. Vernon Gray Room - Council Work Session (if needed)
- Wednesday, July 26 at 10am - Legislative Session

Can't join us but want to tuned in? Stream us online: <http://cc.howardcountymd.gov/Online-Tools/Watch-Us>. As always, I appreciate your lending your voice to this important conversation and our legislative process. I look forward to seeing you on July 17th, if your schedule permits.

All the best,

Dr. Calvin Ball
Howard County Council, District 2
Ph: 410-313-2001

<http://cc.howardcountymd.gov/Districts/District-2/Bio>

A true leader has the confidence to stand alone, the courage to make tough decisions, and the compassion to listen to the needs of others. —Douglas MacArthur

Click below to register for my newsletter:

<image002.png>

From: Priscilla Trubin [<mailto:oldtrube@aol.com>]
Sent: Tuesday, June 27, 2017 10:53 AM
To: CouncilMail <CouncilMail@howardcountymd.gov>
Subject: CB60-2017

I am a resident of Western Howard County, a regular voter- not very politically active, but I am dismayed that the issue of industrial mulch factories on agricultural land has resurfaced to make us sick and pollute our fast diminishing land. My understanding, even though I am a lay person, is that there is scientific proof that our air and water will be affected if this bill becomes law. Who is protecting our health? The Council? The County Executive? Certainly not the Zoning Commission. They have allowed at least three subdivisions to be built on former carriage roads out here. There are 46 houses slated to be built behind my house with access onto Green Bridge Road, a road that doesn't even have a shoulder. Where is the "planning" in the Howard County Plan?

I am disgusted with the secrecy and the lack of representation of my and my neighbors' interests. As regards CB60-2017, it is no coincidence that this bill is being considered in the summer when so many residents go away.

If you respond to this email, it will be a miracle.

Sincerely,

Priscilla Trubin
[5162 Green Bridge Rd](#)
[Dayton, MD 21036](#)
[410-925-4357](#)

Sent from my iPhone

Sayers, Margery

From: Shaw, Molly <mshaw@nvrinc.com>
Sent: Friday, July 07, 2017 10:10 AM
To: CouncilMail
Cc: Shaw, Molly
Subject: Industrial mulching - another example I witnessed this morning - PEASE OPPOSE CB60

Good morning,

As a follow-up to my email yesterday, I wanted to share an experience I had this morning on my way to work.

I live ½ mile south of the Oak Ridge/Bonner industrial operation on Rt. 94 (Woodbine Rd). My address is 3015 Woodbine Rd.

To go to work, I go north on Rt 94, turn right on Florence Road, and then turn right on Jennings Chapel Road toward Rt. 97

As I was on Jennings Chapel road this morning, 3 large "Asplundh" trucks, each carrying a full load of very large logs passed me, going in the opposite direction, on Jennings Chapel road. The trucks were following each other, and it was obvious they were heading to the mulching operation at Oak Ridge/Bonner property.

What concerned me is that right before the trucks passed me, I had to move into the center of the road for 2 walkers and then move over to the right side of the road for a jogger.

As the Asplundh trucks passed me, my immediate thought was the safety of the walkers and jogger I had just passed. Being in a car, I could slow down and give the individuals, out for some exercise, extra room for safety. On this 2 lane, curvy country road, the large trucks loaded down with logs could not do the same.

I said a silent prayer for the safety of the 3 individuals I had just passed.

Industrial mulching must be stopped. The Oak Ridge/Bonner property is not mulching dead wood on its "nursery" property as the residents were first told.

Please oppose CB 60 as written.

If you need to know the exact time, this happened at 7:20am on 7/7/17.

Individual safety, well water safety and road preservation are all at risk.

Thank you,

Molly Shaw
Financial Administrative Office Manager
Ryan Homes
Washington North & Washington East Divisions
4700 Corridor Place, Suite 100, Beltsville MD 20705
301-937-4060

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Sayers, Margery

From: Shaw, Molly <mshaw@nvrinc.com>
Sent: Thursday, July 06, 2017 3:07 PM
To: CouncilMail
Subject: STOP the Illegal industrial mulching

Good afternoon,

My name is Molly Shaw and I live at 3015 Woodbine Road, Woodbine MD.

I am writing to you to express my deep concern over the continued illegal industrial mulching operation taking place at the Oak Ridge/Bonner Property on Rt. 94 (Woodbine Rd).

I live about ½ mile south of the Oak Ridge property mentioned above. I can tell you that the increased truck traffic carrying heavy logs has increased greatly and is a danger to the area. Larriland Farms is less than ½ mile north of the Oak Ridge Property and there are people unfamiliar with the roads in the area. Bicyclists also use Rt 94 frequently for their long distance rides.

I live on well water, and I am DEEPLY concerned about the well water contamination that will happen. It is only a matter of time until this takes place, unless it has already been affected.

PLEASE OPPOSE CB 60 without amendments controlling the activity of the illegal industrial mulching.

My husband grew up on a farm and understands the need for farmers to make money. However, what is happening at that property is not a tree farmer or nursery trying to get rid of old stock. Trucks are constantly pulling into this property bringing logs for mulching.

Thank you and I will be attending the meeting on July 17.

Molly Shaw
Financial Administrative Office Manager
Ryan Homes
Washington North & Washington East Divisions
4700 Corridor Place, Suite 100, Beltsville MD 20705
301-937-4060

----- This email is confidential and intended solely for the use of the individual to whom it is addressed. If you have received this email in error please contact the sender and be advised that any use, dissemination, forwarding, printing, or copying of this email is strictly prohibited. The terms for the purchase and sale of any property referenced in this email shall be solely determined by a ratified Purchase Agreement. Any information provided in this email, including but not limited to, pricing, financing, features of a property and/or community, is not to be construed as the basis of the bargain for the purchase and sale of any such property.

Sayers, Margery

From: Darren Bush <darbus37@gmail.com>
Sent: Wednesday, July 05, 2017 7:46 PM
To: CouncilMail
Subject: Cb 60

I am a very concerned resident of western Howard county in regards to the proposed regulation. It was something that I was worried about prior to moving here from Columbia. When we were informed that the rule was shot down and they would not allow it, it helped make my decision to move our family out here that much easier. We love it out here and do not want the added traffic, trucks, and noted health issues associated with it. We have also seen pictures of other mulch facilities in the area operating on ag preserve and are very fearful.

I strongly oppose the rule and fear for the health and safety of our families.

Sayers, Margery

From: Jeff Harp <irishchargermd@gmail.com>
Sent: Wednesday, July 05, 2017 6:01 PM
To: CouncilMail
Subject: CB60

Please review the new NY Suffolk County Health Department report where they unequivocally state that mulch facilities cause groundwater contamination. That is a fact and if these NWWRFs are allowed in groundwater use areas, residents wells will be impacted and nobody wants an "I told you so moment". Amend CB60 to protect us, that is your job to protect us.

Sayers, Margery

From: no-reply@howardcountymd.gov
Sent: Wednesday, July 05, 2017 2:53 PM
To: heckmanfarm@yahoo.com
Subject: CB-60

First Name: Katherine
Last Name: Heckman
Email: heckmanfarm@yahoo.com
Street Address: 3101 Cabin Run
City: Woodbine
Subject: CB-60
Message: I am opposed to this bill enabling mulching on this property, Thank you

Sayers, Margery

From: Sunnyside1998@aol.com
Sent: Wednesday, July 05, 2017 1:37 PM
To: CouncilMail
Subject: Oppose CB60

Dear Council Persons,

I oppose CB60 because there are no stipulations for these operations. There is an issue with an illegal operation in Woodbine that has caused numerous health issues which have been willfully ignored by the County. This operation continues as of today.

Respectfully,

***Leslie Long
2701 Woodbine Rd.
Woodbine, Md. 21797***

(410) 442-9707

Sayers, Margery

From: Sunnyside1998@aol.com
Sent: Wednesday, July 05, 2017 1:25 PM
To: CouncilMail
Subject: Oppose CB 60

I oppose CB60 due to Health,Safety,and Welfare of the Citizens of Howard County.

**Robert Long
2701 Woodbine Road
Woodbine,Md. 21797**

410-442-9705

Sayers, Margery

From: Arthur Klaunberg <artklaunberg@verizon.net>
Sent: Wednesday, July 05, 2017 10:54 AM
To: CouncilMail
Subject: CB-60

Dear Council Members,

I am sending this message to you regarding my concerns about CB-60 and the ways that this bill will affect our lives/health. The toxic byproducts of industrial mulching/manufacturing entering our air and our water wells are most disturbing and must be researched to prevent further damage to our life support systems! Your serious and detailed review and changes to CB-60 will be needed ASAP!

Respectfully submitted,

G. A. Klaunberg
3119 Cabin Run
Woodbine, MD 21797
gklaunberg@verizon.net

Sayers, Margery

From: Arthur Klaunberg <artklaunberg@verizon.net>
Sent: Wednesday, July 05, 2017 10:33 AM
To: CouncilMail
Subject: CB-60

Dear Council Members,

I am sending this message to you regarding my concerns about CB-60 and the ways that this bill will affect our lives/health. The toxic byproducts of industrial mulching/manufacturing entering our air and our water wells are most disturbing and must be researched to prevent further damage to our life support systems! Your serious and detailed review and changes to CB-60 will be needed ASAP!

Respectfully submitted,

A. J. Klaunberg, Jr
3119 Cabin Run
Woodbine, MD 21797
Artklaunberg@verizon.net

Sayers, Margery

From: David M Banwarth <dmbanwarth@verizon.net>
Sent: Tuesday, July 04, 2017 8:56 PM
To: CouncilMail; Jess Groves
Subject: Stop CB60-2017 which invites Industrial Mulch Manufacturing onto Ag Pres land and endangers our rural communities.

Council Members,

Respectfully, Council Members Fox and Sigaty, I think you must be unaware of what a 2-acre mulch manufacturing site represents (as you propose on Ag Pres properties in the middle of residential areas). I can only surmise you have been misled into thinking that this is not industrial scale.

For all Council Members, **here is the true scale of 2 acres**, based on published MDE/NWWRF records:

2 acres can generate 24,000 TONS of mulch per year => 48 MILLION lbs/yr => **155,000 lbs/DAY**, based on the 6 day work week your CB60 proposes. Do you realize that equals 387 cubic yards/day, which is **76 round trips per day of heavy dump trucks on our narrow winding rural roads** having poor sight lines and no shoulders? This is a VERY conservative truck number because the industry is very seasonal, so it could easily be 150+ round trips per day during peak seasons carrying out mulch products. This does not even take into account the trucks hauling the raw NWWRF products in for grinding from off-site - these figures only represent the output hauling trucks and equal amounts of trucks will be hauling wood waste into the site! Since a "tree farm" is undefined by CB60, it is another obvious loophole as to what that constitutes. And, since only the "grinding" hours are regulated by CB60, it means hauling and other activities can continue at all hours, with backup alarms, slamming dump truck tailgates, front end loader noises, etc.

With CB20, you promised NO industrial mulch manufacturing on Ag Pres land. **This is unarguably an open door to large scale industrial mulch manufacturing (disguised as "tree farms") and does not belong in the middle of rural residential areas for so many safety reasons (noise, dust, traffic, road safety, fire hazards, wind-borne fungal spores, etc, etc).** Please live up to your promise to residents and don't be misled by special interests. This is unmistakably not farming, it is industrial use, with all the associated hazards - and on Ag Pres properties, for which commercial or industrial uses are specifically prohibited by easements ironically paid for by taxpayer monies. It does not belong there at all and you should immediately remove Ag Pres from CB60-2017 entirely.

Please don't abandon the **thousands** of us residents (and voters) who live near the 74 existing Ag Pres sites in Howard County whose lives would be terribly impacted by this Bill in favor of Industrial special interest operators. I will be watching with keen interest and voting for those who truly look out for our interests, and actively opposing all of those who don't.

The courtesy of a reply is requested.

David Banwarth

Dayton, MD

Sayers, Margery

From: Bruce Trout <brucetrout@icloud.com>
Sent: Tuesday, July 04, 2017 8:50 AM
To: CouncilMail
Subject: Block industrial mulching

/Council members -

Please block industrial mulching from being allowed in Western Howard County, and especially on Ag preserve land. Please amend CB-60 to close all loopholes that might potentially allow industrial mulching to occur on Ag preserve or western Howard County land.

Thanks for your attention to this important matter.

Sayers, Margery

From: Michael Macmurray <macmumc1@verizon.net>
Sent: Tuesday, July 04, 2017 8:25 AM
To: CouncilMail
Subject: CB - 60

Michael Macmurray

I am very concerned about CB - 60. This bill needs at the very least to be amended to protect our rural communities. I will be at all the meetings that concern this bill.

Mike

Sayers, Margery

From: Maxwell Yao <maxwellyao25@gmail.com>
Sent: Monday, July 03, 2017 5:00 PM
To: James Nickel
Cc: Kittleman, Allan; CouncilMail; Terri Hill; Melanie Dzwonchyk
Subject: Re: CB60-2017 and MD House Bill 171

Jim,

Great point, we should bring this up during the Public Hearing on 7/17.

Max

On Mon, Jul 3, 2017 at 4:26 PM, James Nickel <james.nickel55@gmail.com> wrote:

Dayton Area Residents and other interested parties,

On May 4th, 2017 Governor Lawrence Joseph Hogan Jr., approved Maryland House Bill 171. Howard County Delegate, District 12, [Terri L. Hill](#) was a cosponsor of that bill.

You can see the legislation here.

MD House Bill - Department of the Environment - Yard Waste, Food Residuals, and Other Organic Materials Diversion and Infrastructure - Study

Synopsis. “Requiring the Department of the Environment, in consultation with specified persons, to study, review, explore, identify, and make recommendations regarding specified matters that relate to the diversion of yard waste, food residuals, and other organic materials from refuse disposal facilities, including the status of infrastructure in the State ; requiring the Department to provide a final report of its findings and recommendations to the Governor and the General Assembly by July 1, 2019; etc.”

In other words, the MD Department of the Environment will be doing a thorough study to include the health impacts of the very kind of operation that is proposed in CB60-2017.

Why should the County Executive and the Council even consider CB60-2017 when the MD Legislature and MD Governor have seen fit to do a thorough study of the very subject that our

County Executive has demonstrably glossed over? Is it a rushed attempt to get Howard County Industrial mulch manufacturing established on Ag Pres land prior to the State issuing proper health and safety standards?

- I have shown in my previous correspondence that the NWWRF in Frederick County proves that 24,000 tons per year of product can be accomplished on 2 acres. That certainly qualifies as **industrial manufacturing of mulch**. Yet, Mr. Kittleman refuses to acknowledge that fact.
- DPZ has stated that they are incapable of measuring pile height and acreage for compliance. Other factors that contribute to the baseless claim that 2 acres is not industrial manufacturing of mulch.
- I've shown that there are real health and safety risks and Mr. Kittleman's fact sheet fails to provide details that show otherwise.
- Mr. Kittleman's "fact sheet" contains numerous claims of safeguards that are not actually in the bill (e.g.- soils analysis testing, nutrient management plan, consideration of the size of the tree farm, etc.)
- Not a single operating farm in the entire State of Maryland is a permitted NWWRF. If this is for "farmers" then why is there no operating farm in the State of Maryland that has an NWWRF permit?
- A representative of the Alpha Ridge Land Fill proclaimed at the Planning Board meeting that the zero-waste landfill rules were a justification for CB60-2017. The Governor of Maryland has rescinded the zero-waste landfill rules.
- Farmers have been disposing of wood waste since long before Howard County existed and there have been no reports of their inability to do that now.
- Mr. Kittleman claims weather related events may result in large amounts of wood waste, e.g., a tornado, and that demands an Emergency NWWRF declaration. An Emergency NWWRF declaration doesn't create new equipment. Operators of wood chipping machinery are not going to invest in purchasing equipment to handle a 1 in 5-year event. Therefore, the Emergency declaration will be useless for achieving its intent.

CB60-2017 should be withdrawn. Period. There is no justification for it. It does not demonstrably provide Howard County residents the protections we deserve. MDE is beginning a study to evaluate diversion of various organic waste to include wood waste and compost. That study will include the health risks and provide recommendations for the handling of those materials. There is no reason to even consider CB60-2017 until that study has been completed. To do otherwise would be irresponsible.

Best Regards,

Jim Nickel

Sayers, Margery

From: James Nickel <james.nickel55@gmail.com>
Sent: Monday, July 03, 2017 4:27 PM
To: Kittleman, Allan; CouncilMail; Terri Hill
Cc: Melanie Dzwonchyk
Subject: CB60-2017 and MD House Bill 171

Dayton Area Residents and other interested parties,

On May 4th, 2017 Governor Lawrence Joseph Hogan Jr., approved Maryland House Bill 171. Howard County Delegate, District 12, [Terri L. Hill](#) was a cosponsor of that bill.

You can see the legislation here.

[MD House Bill - Department of the Environment - Yard Waste, Food Residuals, and Other Organic Materials Diversion and Infrastructure - Study](#)

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In other words, the MD Department of the Environment will be doing a thorough study to include the health impacts of the very kind of operation that is proposed in CB60-2017.

Why should the County Executive and the Council even consider CB60-2017 when the MD Legislature and MD Governor have seen fit to do a thorough study of the very subject that our County Executive has demonstrably glossed over? Is it a rushed attempt to get Howard County Industrial mulch manufacturing established on Ag Pres land prior to the State issuing proper health and safety standards?

- I have shown in my previous correspondence that the NWWRF in Frederick County proves that 24,000 tons per year of product can be accomplished on 2 acres. That certainly qualifies

as **industrial manufacturing of mulch**. Yet, Mr. Kittleman refuses to acknowledge that fact.

- DPZ has stated that they are incapable of measuring pile height and acreage for compliance. Other factors that contribute to the baseless claim that 2 acres is not industrial manufacturing of mulch.
- I've shown that there are real health and safety risks and Mr. Kittleman's fact sheet fails to provide details that show otherwise.
- Mr. Kittleman's "fact sheet" contains numerous claims of safeguards that are not actually in the bill (e.g.- soils analysis testing, nutrient management plan, consideration of the size of the tree farm, etc.)
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CB60-2017 should be withdrawn. Period. There is no justification for it. It does not demonstrably provide Howard County residents the protections we deserve. MDE is beginning a study to evaluate diversion of various organic waste to include wood waste and compost. That study will include the health risks and provide recommendations for the handling of those materials. There is no reason to even consider CB60-2017 until that study has been completed. To do otherwise would be irresponsible.

Best Regards,

Jim Nickel

Sayers, Margery

From: Craig Ostrom <cdostrom@yahoo.com>
Sent: Monday, July 03, 2017 11:13 AM
To: CouncilMail
Subject: Reject CB60 as it is written

Please amend CB60 to protect:
health of residents from air and water contaminants.
safety of residents on the roadways
not allowing "tree farm" mulching to be a transfer station / industrial processing center
define enforcement and fines that show that Howard county means business when it comes to compliance.

Thanks,
Craig Ostrom
Dayton resident

Sayers, Margery

From: Maxwell Yao <maxwellyao25@gmail.com>
Sent: Sunday, July 02, 2017 9:49 PM
To: CouncilMail
Cc: Kittleman, Allan; James Nickel
Subject: CB60

Dear Council Members,

I am writing this mail to express my grave concerns about this bill. They are as follows:

1. Traffic and safety:

The transport of the cut trees/logs on the narrow roads in my neighborhood may pose serious traffic jams. It is also conceivable that fallen logs from the trucks could cause accidents to cars in both directions that personal injuries may result.

2. Noise and dust:

The mulching operations in no doubt will generate loud noise and great amount of dusts. Residents around the site would be negatively impacted.

3. Surface and ground water contamination:

Leachate from the mulch piles could pollute the nearby creeks that flow to the reservoir nearby. A bigger problem is groundwater contamination due to the very fact that tracing the groundwater flows is very very difficult. Most all residents in the area depend on groundwater as their drinking water source which the County has a responsibility to protect.

4. Environmental Impact Assessment:

Has the County government performed an Environmental Impact Assessment required by National Environmental Policy Act (NEPA) on this proposed project? If so I would like to obtain a copy of this document to review if adequate environmental protection measures have been provided? But if not, why?

I would appreciate your prompt response to my above concerns. Thank you.

Maxwell Yao, Ph.D.

Sayers, Margery

From: Shaw, Jon <jon.shaw@orbitalatk.com>
Sent: Friday, June 30, 2017 3:54 PM
To: CouncilMail
Subject: Industrial Mulching

I am writing you to inform you that I strongly oppose industrial mulching operations on farm land.

I live approximately ½ mile from the Bonner operation on Rt 94. The pollution you allow him to put into the ground eventually ends up in my drinking water.

More immediately, the heavy truck traffic poses a serious danger on our roads. More than once, I have pulled out of my driveway and had an 80,000-lb truck nearly run over me. Rt 94 is a small, twisting country road. Visibility is often only a few hundred feet ahead of a driveway or crossroad. There is also heavy bicycle traffic on this road, and no shoulder for them to ride on. These trucks are going to cause a serious, and potentially fatal accident. You can shrug your shoulders and pretend you're not responsible. But if you allow this truck traffic to continue, you ARE responsible.

I grew up on a dairy farm. I know, better than most, the need to occasionally move a piece of equipment on the road or the unintended erosion or pollution that can come from farm operation. But my Mother and Father respected the land, and they respected our neighbors. I know the lengths they went to in order to minimize the impact to both. Men like Bonner have no respect for either the land or the neighbors. This is not their home. They just want to turn a quick dollar and leave others to deal with the mess they made.

I know several Ho Co executives have talked of opposing industrial mulching. That talk is meaningless. We don't care if you appear to oppose these operations. We care if you allow them to continue. The inescapable fact is that you have not raised a finger to stop these operations for the past 4-5 years.

Promises worked in the last election. They won't work again. Stop these men from threatening our health and safety, or we'll elect someone who will.

Sincerely,

Jon Shaw

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Thank you.

Sayers, Margery

From: Egan, Jennifer A.
Sent: Friday, June 30, 2017 2:30 PM
To: Smith, Gary; Keller, Jessie; Pruim, Kimberly; Bailey, Najee; McLeod, Kate; Clay, Mary; Singleton, Julia; Knight, Karen
Cc: Hightower, Rozonna; Hammond, Patricia; Habicht, Kelli; Gold, Rebecca; Sayers, Margery
Subject: Took phone call CB 60

Good Afternoon,

Took a phone call from John Bos 443-878-3211 who wanted to share with all Councilmembers that the trucks on Howard Road are outrageous. Council needs to do something about it..have a backbone.

Thank you,
Jennifer Egan
Howard County Council
410-313-3302

Sayers, Margery

From: Leslie Englehart <leslietutor@comcast.net>
Sent: Friday, June 30, 2017 12:30 PM
To: CouncilMail
Subject: CB-60

I am highly concerned over CB-60! This is another attempt by Orendorf/Bonner and minions to find loopholes through which they can make money on Ag Preserve land at the expense of their neighbors' health and safety. It is unconscionable that our political allies of three years ago should allow themselves to be 'persuaded' that profit trumps the health and safety of their constituents. We demand amendments to close those loopholes. Industrial production of mulch and compost to be trucked out of our community is NOT FARMING!

- Leslie Englehart

Sayers, Margery

From: Dennis Leaf <dennisleaf@verizon.net>
Sent: Friday, June 30, 2017 12:10 PM
To: CouncilMail
Cc: info@preservedayton.com
Subject: CB-60-2017

My wife and I oppose CB-60-2017 that would pave the way for increased industrial mulching on ag preserve land. There are many negative health, environmental and quality of life issues associated with these mulching operations. We encourage you to reconsider your support of this legislation in the absence of significant amendments such as those being promoted by the Dayton Rural Preservation Society. We will never support any candidate for office who votes for this bill in an unamended form.

Dennis Leaf

5226 Green Bridge Road
Dayton, MD 21036
dennisleafverizonnet@verizon.net

Sayers, Margery

From: Sigaty, Mary Kay
Sent: Friday, June 30, 2017 9:34 AM
To: Michael P; CouncilMail
Subject: Re: Opposition to CB60

Mr. Pantos,

Thank you for contacting the Howard County Council regarding Council Bill 60-2017.

It appears that you were given information that leads you to believe that this legislation allows for industrial mulching on land zoned Rural Conservation or Rural Residential and on agriculturally preserved land. It does not.

The Howard County Department of Planning and Zoning has prepared a document of Frequently Asked Questions. Here is the link to the webpage,
<https://www.howardcountymd.gov/LinkClick.aspx?fileticket=HI5bRNBrxvA%3d&portalid=0>.

I hope that you find the document helpful.

Sincerely,

Mary Kay Sigaty
Howard County Council
District 4
410-313-2001

From: Michael P <mjpantos@yahoo.com>
Sent: Thursday, June 29, 2017 7:19:51 PM
To: CouncilMail
Subject: Opposition to CB60

We oppose industrial mulching on farmland including RR, RC, ag preserve. We oppose CB60 without major ammendments

Sent from [BlueMail](#)

Note from the President, June 25, 2017

Dayton Rural Preservation Society, <http://www.preservedayton.com>

Hello to all from within all four corners of Howard County that constitute our large support base. We thank each and every one of you for stepping up back in 2014 to stand by our side in numbers at several community and Howard County Council meetings as a show of our opposition to industrial mulching on ag preserve farmland in the County. Unfortunately, it is time to rally the troops, and quickly, for the next round of the fight that lies ahead for July. The small core team that has been representing your interests on this industrial mulching issue continuously since passage of favorable CB-20 has intentionally kept our supporters on the sideline to keep you ready to mobilize and spring into action if/when needed. That time is NOW. Definitely. We were happy with CB-20 then and are NOT happy now. Please read on.

For three long years we have been trying to hold down the fort for all we accomplished together with passage of CB-20 in June, 2014, through many Mulch Task Force and several meetings with County Executive Kittleman, the County Council, and the Director of Department of Planning and Zoning (DPZ), Val Lazdins. We now find ourselves in a position to again fight our way through another ZRA on industrial mulch/composting, this time in the form of ZRA 180, officially introduced as CB60-2017 on June 22 by DPZ on behalf of County Executive Kittleman. CB-60 as it currently reads presents many opportunities for industrial mulching to occur that will put rural families at risk for many safety and health concerns, and is therefore unacceptable to the rural communities throughout Howard County.

As a community, each and every one of us needs to make the necessary time to do our part for the cause. First up for a strong showing is the community meeting to be held this **Thurs June 29 at Dayton Oaks Elementary School from 7-9pm** in the cafeteria to provide an important update and call to action (press will be in attendance). We will walk through all that has transpired since 2014 and lay out what lies ahead over the next five weeks. At that meeting we will request that EVERYONE send an email to the County Council over the next week to express your concern over CB-60 and call for amendments to protect the rural communities it will put at risk as it currently stands (that Council email address is councilmail@howardcountymd.gov). You can also access the Council email address directly through the <http://cc.howardcountymd.gov> website and navigating to the active link to 'Email all Council Members' through the 'Contact Us' tab across the top bar.

Next step will be, for everyone willing, to **sign up on July 5 to testify Mon July 17 at the first County Council meeting** that will take place then (Banneker Room, George Howard Building). You can sign up to testify at <http://cc.howardcountymd.gov> by clicking on 'Testify' along the top bar. You will have up to 3 minutes (you do not need to use the entire time) at the County Council meeting on July 17 to tell the council why you think CB-60 is a bad idea for Howard County.

We are urging everyone to make plans to overflow the Banneker Room as a strong show of support for **our opposition to CB-60 without major amendments**. We need **1,000 people** to be present on July 17. From that meeting to introduce the legislation and for those who signed up July 5 to testify, the County Council will hold another session to vote on the legislation two weeks later. That Council meeting (also in the Banneker Room) will take place on Mon July 31. It is imperative we have an

amazing, even astounding, turnout of **1,000 people also on July 31** to ensure the full County Council feels the weight of our strong opposition as they vote on this important zoning legislation.

County Executive Kittleman made a strong campaign promise back in 2014 when we gave him a platform to voice his position on the issue of industrial mulching. He publicly stated:

"In response to your inquiry regarding industrial mulching on agricultural farm land, I can unequivocally state that I am opposed. There have been three major public hearings on this issues: one at Dayton Oaks Elementary School, one in Sykesville and another at the Ten Oaks Ballroom with an estimated attendance of over five hundred, where I stated that I firmly opposed industrial mulching. As County Executive, I will actively continue my opposition."

From the content of CB-60 that was presented by County Executive Kittleman, we are very disappointed that he has not even kept half of his campaign promise, at best. This new industrial mulch/composting legislation does NOT include any restrictions on State of MD (MALPF) ag preserve farmland. Essentially half of Howard County is State of MD ag, with the other half Howard County ag (ALPP). The county council, with Calvin Ball as Chair, introduced **Amendment 5** to CB-20 which prohibits industrial mulching on MD ag farmland. We argued then, and again now, that not addressing both MD and Howard County ag farmland is tantamount to fencing only half of your yard and expecting that to prevent things from wandering in.

Beyond this huge oversight, which is intentional negligence in our opinion, there are loopholes in the current CB-60 that will allow industrial mulching and industrial composting to occur. We will talk more on June 29 and in the coming weeks about what amendments are absolutely needed to keep order to this industrial mulching issue. As it stands, industrial operators playing farmer in disguise will be able to purchase ag preserve on the cheap, only to move their industrial processes onto the farmland and into your communities, to present risks to families that we simply will NOT accept.

To quickly recap, **please plan on taking action on these dates:**

June 29, 7-9pm. Attend community meeting at Dayton Oaks Elementary School.

July 5, online. Sign up to testify at <http://cc.howardcountymd.gov> by clicking on 'Testify' along the top bar. You will have up to 3 minutes at the County Council meeting on July 17 to tell the council why you think CB-60 is a bad idea for Howard County.

July 17, 7pm. Attend County Council meeting at George Howard Building, Banneker Room, to show opposition for CB-60. We need 1,000+ people here.

July 31, 7pm. Attend County Council meeting at George Howard Building, Banneker Room, as County Council votes on CB-60. We need 1,000+ people here.

We will need to be more unified and more widespread in our opposition than ever before to achieve success again. Please spread the word to your family, friends and colleagues that live anywhere in Howard County, and not just the rural West, since this is truly a countywide issue. With appreciation for the sacrifices each of you will make over the next five weeks, —

Best,
John Tegeris, PhD
President, DRPS



**PETITION TO AMEND THE
ZONING REGULATIONS OF
HOWARD COUNTY**

DPZ Office Use Only:

Case No. ZRA- 180

Date Filed: _____

1. Zoning Regulation Amendment Request

I (we), the undersigned, hereby petition the County Council of Howard County to amend the Zoning Regulations of Howard County as follows: To amend the following sections of the Howard County Zoning Regulations:

1. Section 103.0 to add new definitions for Composting, Composting Facility, Bulk Firewood Processing, Natural Wood Waste, Natural Wood Waste Recycling Facility, and Sawmill.;
2. Section 103.0 to delete definitions for Mulch Manufacture and Yard Waste Composting;
3. Section 104.0, Section 105.0 and Section 106.1 to add Composting Facilities and Emergency Natural Wood Waste Recycling Facilities as permitted accessory uses;
4. Section 106.1 to add Natural Wood Waste Recycling Facilities if Accessory to a Tree Farm as a Conditional Use on ALPP Purchased and ALPP Dedicated Easements;
5. Section 122.0 to add Composting and Small Tier 1 and Tier 2 Composting Facilities and Natural Wood Waste Recycling Facilities as permitted uses and delete Mulch Manufacture;
6. Section 123.0 to add Composting; Tier 1-Small and Tier 2 – Small Composting Facilities; and Tier 2 - Large Composting Facilities as permitted uses;
7. Section 124.0 to add Composting and Composting Facilities as a permitted use;
8. Section 128.0.I to add a new category, Tier 1 or Tier 2 – Small Composting Facilities, as a Permitted Special Farm Use;
9. Section 128.0.I to add a new category, Emergency Natural Wood Waste Recycling Facility, as a Permitted Special Farm Use;
10. Section 131.0.N. to update the Conditional Uses and Permissible Zoning Districts Chart;
11. Section 131.0.N.46 to delete Mulch Manufacture from the category title, Sawmills, Bulk Firewood Processing, Mulch Manufacture, or Soil Processing;
12. Section 131.0.N.60 to delete the category, Yard Waste Composting Facility;
13. Section 131.0.O to add two new Conditional Use categories, Composting Facilities and Natural Wood Waste Recycling Facility.

HOWARD COUNTY COUNCIL
RECEIVED

2017 MAY 11 PM 1:20

2. **Petitioner's Name** Valdis Lazdins, Director of Planning and Zoning for Allan H. Kittleman, County Executive, Mary Kay Sigaty, County Councilmember and Greg Fox, County Councilmember

Address 3430 Courthouse Drive, Ellicott City, MD 21043

Phone No. (W) 410-313-2350 (H) N/A

Email Address vlazdins@howardcountymd.gov; gfox@howardcountymd.gov,
mksigaty@howardcountymd.gov

3. **Counsel for Petitioner** Paul Johnson, Deputy County Solicitor

Counsel's Address 3430 Courthouse Drive, Ellicott City, MD 21043

Counsel's Phone No. 410-313-2101

Email Address pjohnson@howardcountymd.gov

4. Please provide a brief statement concerning the reason(s) the requested amendment(s) to the Zoning Regulations is (are) being proposed.

In response to concerns related to potential large scale mulch and composting facilities in western Howard County, Zoning Regulation Amendment 149 (Council Bill 20-2014, effective August 4, 2014), amended the 2013 Zoning Regulations by reinstating certain Zoning Regulations that were in effect prior to 2013. Subsequently, a Task Force was created to study mulching, composting and wood processing policies and regulations with respect to Howard County land use, planning processes and Zoning Regulations. Additionally, in 2015, Maryland Department of the Environment (MDE) revised and updated the State's composting regulations.

Subsequent to the Task Force's final report (found at:

http://cc.howardcountymd.gov/LinkClick.aspx?fileticket=H_2zmFwSRjQ%3d&portalid=0), the Department of Planning and Zoning met with a smaller group of Task Force participants to design zoning regulations. Although there wasn't complete agreement on the final draft presented here, these changes from some of the original findings represent a collaborative effort.

This ZRA proposes regulatory changes that recognize the importance of farming to the County and avoid undue burdens on farmers as they conduct agricultural activities while simultaneously addressing concerns of residential neighbors related to large scale mulch and composting operations and incorporating MDE's recently revised composting regulations.

5. Please provide a detailed justification statement demonstrating how the proposed amendment(s) will be in harmony with current General Plan for Howard County.

PlanHoward 2030 discusses the interplay of agricultural and commercial uses and recognizes that "In a

practices so they too can adapt to the evolving market. Enhancing their ability to farm efficiently is critical to the growth of Howard County and its ability to maintain a diverse economy. However, new development plans and conditional uses should include better buffers to reduce conflicts with neighboring residents."

Policy 4.5 seeks to "Refine the RC and RR zoning regulations to provide greater flexibility for the agricultural community as well as appropriate protections for rural residents." The proposed amendments are consistent and attempt to implement this policy.

6. The Legislative Intent of the Zoning Regulations in Section 100.A. expresses that the Zoning Regulations have the purpose of "...preserving and promoting the health, safety and welfare of the community." Please provide a detailed justification statement demonstrating how the proposed amendment(s) will be in harmony with this purpose and the other issues in Section 100.A.

All proposed amendments are in harmony with the legislative intent of the Howard County Zoning Regulations. Specifically, Section 100.0.A.2. of the Howard County Zoning Regulations indicates that it is the intent of these Regulations "To protect the character, the social and economic stability of all parts of the County; to guide the orderly growth and development of the County, and to protect and conserve the value of land and structures appropriate to the various land use classes established by the General Plan for Howard County, and by these comprehensive Zoning Regulations".

7. Unless your response to Section 6 above already addresses this issue, please provide an explanation of the public benefits to be gained by the adoption of the proposed amendment(s).

Promote the orderly growth of the County while balancing concerns of the farming community with residential neighbors.

8. Does the amendment, or do the amendments, have the potential of affecting the development of more than one property, yes or no? Yes. The proposed amendments permit Natural Wood Waste Recycling and Composting as an accessory use and Natural Wood Waste Recycling and Composting Facilities as a matter of right, by permit, or by conditional use, with limitations, on properties in the RC, RR, M-1, M-2 and SW zoning districts.

If yes, and the number of properties is less than or equal to 12, explain the impact on all properties affected by providing a detailed analysis of all the properties based upon the nature of the changes proposed in the amendment(s). If the number of properties is greater than 12, explain the impact in general terms.

9. If there are any other factors you desire the Council to consider in its evaluation of this amendment request, please provide them at this time. Please understand that the Council may request a new or updated Technical Staff Report and/or a new Planning Board Recommendation if there is any new evidence submitted at the time of the public hearing that is not provided with this original petition. See the Maryland Department of the Environment Composting and Natural Wood Waste Recycling Facility Permit Applications (Exhibits A and B), which detail the various State requirements necessary for approval of the uses. Also, see the NFPA 1, Fired Code 2015 Edition (NFPA 2015) that is incorporated by reference in Howard County 2015 Fire Prevention Code (HoCo FPC 2015). In addition to requirements in the NFPA 2015, the HoCo FPC 2015 provide certain additional requirements specific to Mulch / Wood Processing facilities and Natural Wood Waste Recycling / Composting facilities.

10. You must provide the full proposed text of the amendment(s) as a separate document entitled "Petitioner's Proposed Text" that is to be attached to this form. This document must use this standard format for Zoning Regulation Amendment proposals; any new proposed text must be in CAPITAL LETTERS, and any existing text to be deleted must be in **[[Double Bold Brackets]]**. In addition, you must provide an example of how the text would appear normally if adopted as you propose.

After this petition is accepted for scheduling by the Department of Planning and Zoning, you must provide an electronic file of the "Petitioner's Proposed Text" to the Division of Public Service and Zoning Administration. This file must be in Microsoft Word or a Microsoft Word compatible file format, and may be submitted by email or some other media if prior arrangements are made with the Division of Public Service and Zoning Administration.

11. The Petitioner agrees to furnish additional information as may be required by the Department of Planning and Zoning prior to the petition being accepted for scheduling, by the Planning Board prior to its adoption of a Recommendation, and/or by the County Council prior to its ruling on the case.

12. The undersigned hereby affirms that all of the statements and information contained in, or filed with this petition, are true and correct. The undersigned has read the instructions on this form, filing herewith all of the required accompanying information. If the Petitioner is an entity that is not an individual, information must be provided explaining the relationship of the person(s) signing to the entity.

Valdis Lazdius
Petitioner's name (Printed or typed)
For CoEx. Allan Kittleman

Greg Fox
Petitioner's name (Printed or typed)

Mary Kay Sigaty
Petitioner's name (Printed or typed)

Paul T. Johnson 5/9/17
Counsel for Petitioner's Signature

Valdis Lazdius 5-9-17
Petitioner's Signature Date

Greg Fox 5/9/17
Petitioner's Signature Date

Mary Kay Sigaty 5.9.17
Petitioner's Signature Date

[If additional signatures are necessary, please provide them on a separate document to be attached to this petition form.]

FEE

The Petitioner agrees to pay all fees as follows:

Filing fee\$695.00. If the request is granted, the Petitioner shall pay \$40.00 per 200 words of text or fraction thereof for each separate textually continuous amendment (\$40.00 minimum, \$85.00 maximum)

Each additional hearing night..... \$510.00*

The County Council may refund or waive all or part of the filing fee where the petitioner demonstrates to the satisfaction of the County Council that the payment of the fee would work an extraordinary hardship on the petitioner. The County Council may refund part of the filing fee for withdrawn petitions. The County Council shall waive all fees for petitions filed in the performance of governmental duties by an official, board or agency of the Howard County Government.

For DPZ office use only:

Hearing Fee \$ _____

Receipt No. _____

PLEASE CALL 410-313-2350 FOR AN APPOINTMENT TO SUBMIT YOUR APPLICATION

County Website: www.howardcountymd.gov

Revised:5/08

T:\Shared\Public Service and Zoning\Applications\County Council\ZRA Application Draft

INSTRUCTIONS TO THE APPLICANT/PARTY OF RECORD

- As required by State Law, applicants are required to complete the AFFIDAVIT AS TO CONTRIBUTION that is attached, and if you have made a contribution as described in the Affidavit, please complete the DISCLOSURE OF CONTRIBUTION that is attached.
- If you are an applicant, Party of Record (i.e., supporter/protestant) or a family member and have made a contribution as described in the Affidavit, you must complete the DISCLOSURE OF CONTRIBUTION that is attached.
- Filed affidavits and disclosures will be available for review by the public in the office of the Administrative assistant to the Zoning Board during normal business hours.
- Additional forms may be obtained from the Administrative Assistant to the Zoning Board at (410-313-2395) or from the Department of Planning and Zoning.
- Completed form may be mailed to the Administrative Assistant to the Zoning Board at 3430 Courthouse Drive, Ellicott City, MD 21043.
- Pursuant to State Law, violations shall be reported to the Howard County Ethics Commission.

ZONING MATTER: _____

AFFIDAVIT AS TO CONTRIBUTION

**As required by the Annotated Code of Maryland
State Government Article, Sections 15-848-15-850**

I, _____, the applicant in the above zoning matter
_____, HAVE _____ HAVE NOT
made any contribution or contributions having a cumulative value of \$500 or more to the treasurer of a
candidate or the treasurer of a political committee during the 48-month period before application in or
during the pendency of the above referenced zoning matter.

I understand that any contribution made after the filing of this Affidavit and before final
disposition of the application by the County Council shall be disclosed within five (5) business days of
the contribution.

I solemnly affirm under the penalties of perjury and upon personal knowledge that the
contents of the foregoing paper are true.

Name: _____

Date: _____

ZONING MATTER: _____

DISCLOSURE OF CONTRIBUTION

As required by the Annotated Code of Maryland
State Government Article, Sections 15-848-15-850

This Disclosure shall be filed by an Applicant upon application or by a Party of Record within 2 weeks after entering a proceeding, if the Applicant or Party of Record or a family member, as defined in Section 15-849 of the State Government Article, has made any contribution or contributions having a cumulative value of \$500 or more to the treasurer of a candidate of the treasurer of a political committee during the 48-month period before the application was file or during the pendency of the application.

Any person who knowingly and willfully violates Sections 15-848-15-850 of the State Government Article is subject to a fine of not more than \$5,000. If the person is not an individual, each officer and partner who knowingly authorized or participated in the violation is subject to the same penalty.

APPLICANT OR
PARTY OF RECORD: _____

RECIPIENTS OF CONTRIBUTIONS:

<u>Name</u>	<u>Date of Contribution</u>	<u>Amount</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____

I understand that any contribution made after the filing of this Disclosure and before final disposition of the application by the County Council shall be disclosed with five (5) business days of the contribution.

Name: _____

Date: _____

ZONING MATTER: _____

AFFIDAVIT AS TO ENGAGING IN BUSINESS WITH AN ELECTED OFFICIAL

**As required by the Annotated Code of Maryland
State Government Article, Sections 15-848-15-850**

I, _____, the applicant in the above zoning matter
_____, AM _____ AM NOT

Currently engaging in business with an elected official as those terms are defined by Section 15-848 of the State Government Article of the Annotated Code of Maryland.

I understand that if I begin engaging in business with an elected official between the filing of the application and the disposition of the application, I am required to file an affidavit in this zoning matter at the time of engaging in business with elected official.

I solemnly affirm under the penalties of perjury and upon personal knowledge that the contents of the foregoing paper are true.

Name: _____

Date: _____

Attachment A

(CAPITALS indicate text to be added; text in [[brackets]] indicates text to be deleted.)

SECTION 103.0: Definitions

[[Mulch Manufacture: The manufacture of horticultural mulch from wood, wood products or similar materials. This term does not include the production of mulch as a by-product of on-site farming.]]

[[Yard Waste Composting Facility: A facility at which yard waste and natural wood waste is received and processed to produce compost for off-site use.]]

COMPOSTING: THE CONTROLLED AEROBIC BIOLOGICAL DECOMPOSITION OF ORGANIC WASTE MATERIAL.

COMPOSTING FACILITY: A FACILITY WHERE COMPOSTING TAKES PLACE AS REGULATED BY AND WHICH OPERATES UNDER A PERMIT FROM THE MARYLAND DEPARTMENT OF THE ENVIRONMENT UNDER COMAR.

FIREWOOD PROCESSING, BULK: A COMMERCIAL FACILITY WHICH PRINCIPALLY PROCESSES BRANCHES AND LOGS BY CHOPPING, CUTTING, SAWING, OR SPLITTING TO PRODUCE FIREWOOD FOR SALE, AND WHICH MAY INCLUDE THE ACCESSORY PROCESSING OF THE WOOD WASTE SOLELY PRODUCED BY THE PRINCIPAL PROCESSING TO CREATE HUMUS, MULCH OR WOOD CHIPS. THIS TERM DOES NOT INCLUDE THE PRODUCTION OF FIREWOOD AS AN ACCESSORY USE TO FARMING OR RESIDENTIAL PARCELS FOR LAND CLEARING OR PRIVATE USE PURPOSES.

NATURAL WOOD WASTE: TREE AND OTHER NATURAL VEGETATIVE REFUSE INCLUDING TREE STUMPS, BRUSH AND LIMBS, ROOT MATS, LOGS, LEAVES, GRASS CLIPPINGS, UNADULTERATED WOOD WASTES, AND OTHER NATURAL VEGETATIVE MATERIALS.

NATURAL WOOD WASTE RECYCLING FACILITY: A FACILITY WHERE RECYCLING SERVICES FOR NATURAL WOOD WASTE IS PROVIDED AND WHICH OPERATES UNDER A PERMIT FROM THE MARYLAND DEPARTMENT OF THE ENVIRONMENT UNDER COMAR .

SAWMILL: A COMMERCIAL FACILITY WHICH PRINCIPALLY PROCESSES LOGS BY SAWING, SPLITTING, SHAVING, OR STRIPPING TO PRODUCE LUMBER AND WHICH MAY INCLUDE THE ACCESSORY PROCESSING OF THE WOOD WASTE SOLELY PRODUCED BY THE PRINCIPAL PROCESSING TO CREATE HUMUS, MULCH OR WOOD CHIPS. THIS TERM DOES NOT INCLUDE THE PRODUCTION OF LUMBER AS AN ACCESSORY USE TO FARMING OR RESIDENTIAL PARCELS FOR LAND CLEARING OR PRIVATE USE PURPOSES.

SECTION 104.0: RC (Rural Conservation) District

C. Accessory Uses

The following are permitted accessory uses in the RC District, except that only the uses listed in Section 106.1 shall be permitted on County Preservation Easements. More than one accessory use shall be permitted on a lot, provided that the combination of accessory uses remains secondary, incidental and subordinate to the principal use.

1. Any use normally and customarily incidental to any use permitted as a matter of right in this district. Accessory structures are subject to the requirements of Section 128.0.A.
2. Accessory houses, limited to the following:
 - a. Farm tenant houses and similar uses customarily accessory to agricultural uses, provided that these uses shall not be permitted on parcels of less than 50 acres, and one unit shall be permitted for each 25 acres of that parcel; or
 - b. Caretakers' dwellings and similar uses customarily accessory to residential estate uses, provided that these uses shall not be permitted on parcels of less than 50 acres and one unit shall be permitted for each 50 acres of that parcel.
3. Accessory apartments, subject to the requirements of Section 128.0.A.
4. The housing by a resident family of:
 - a. Not more than four non-transient roomers or boarders; or
 - b. Not more than eight mentally and/or physically disabled persons or persons 62 years of age or older, provided the use is registered, licensed or certified by the State of Maryland; or
 - c. A combination of a and b above, provided that the total number of persons housed in addition to the resident family does not exceed eight.
5. Home occupations, subject to the requirements of Section 128.0.C.
6. Home care, provided that if home care is combined with housing of mentally or physically disabled persons or persons 62 years of age or older, as allowed by Subsection 4.b above, the total number of persons receiving home care at any one time plus the number of persons being housed shall not exceed eight.
7. Parking:
 - a. Off-street parking of no more than two commercial vehicles on lots of three or more acres and no more than one commercial vehicle on lots of less than three acres. Private off-street parking is restricted to vehicles used in connection with or in relation to a principal use permitted as a matter of right in the district.
 - b. Off-street parking or storage of unregistered, inoperable, wrecked, dismantled or destroyed motor vehicles shall not be permitted, except as provided by Section 128.0.D.
8. Storage of recreational vehicles or boats, provided that on lots of 20,000 square feet or smaller, such storage shall be limited to the following:
 - a. One recreational vehicle with a length of 30 feet or less; and
 - b. One boat with a length of 20 feet or less.
9. The following commercial services are permitted as accessory uses on farms, provided that the uses are located on a parcel of at least 50 acres or on a parcel of any size subject to an ALPP purchased or dedicated easement, the commercial service is conducted by persons residing on or operating the farm, and all uses are screened from public roads and adjacent lots:

- a. Blacksmith shop
 - b. Farm machinery repair
 - c. Lawn and garden equipment repair
 - d. Welding
10. Farm stands, subject to the requirements of Section 128.0.I.
 11. Snowball stands, subject to the requirements of Section 128.0.D.
 12. Home-based contractors, subject to the requirements of Section 128.0.C.2.
 13. The acceptance or disposal of off-site land clearing debris under a permit issued by the Department of Planning and Zoning, subject to the requirements of Section 128.0.D.
 14. Value-added processing of agricultural products, subject to the requirements of Section 128.0.I.
 15. Agritourism enterprises and pick-your-own marketing of farm products, subject to the requirements of Section 128.0.I.
 16. Farm Winery—Class 1A and Farm Brewery—Class 1A, subject to the requirements of Section 128.0.O.
 17. Small Wind Energy System, building mounted, subject to the requirements of Section 128.0.L.
 18. Small Wind Energy System, freestanding tower on properties 5 acres or great or greater, subject to the requirements of Section 128.0.M.
 19. Riding Academies and Stables, subject to the requirements of Section 128.0.I.
 20. Community Supported Agriculture, subject to the requirements of Section 128.0.I.
 21. Food Hubs, subject to the requirements of Section 128.0.I.
 22. Accessory Solar Collectors.
 23. Residential chicken keeping, subject to the requirements of Section 128.0.D.
 24. Livestock on residential lots or parcels, subject to the requirements of Section 128.0.D.
 25. COMPOSTING FACILITIES, SUBJECT TO THE REQUIREMENTS OF SECTION 128.0.I.
 26. EMERGENCY NATURAL WOOD WASTE RECYCLING FACILITIES, SUBJECT TO THE REQUIREMENTS OF SECTION 128.0.I.

SECTION 105.0 RR (Rural Residential) District

C. Accessory Uses

The following are permitted accessory uses in the RR District, except that only the uses listed in Section 106.1 shall be permitted on County preservation easements. More than one accessory use shall be permitted on a lot, provided that the combination of accessory uses remains secondary, incidental and subordinate to the principal use.

1. Any use normally and customarily incidental to any use permitted as a matter of right in this district. Accessory structures are subject to the requirements of Section 128.0.A.
2. Accessory houses, limited to the following:
 - a. Farm tenant houses and similar uses customarily accessory to agricultural uses, provided that these uses shall not be permitted on

- parcels of less than 50 acres, and one unit shall be permitted for each 25 acres of that parcel; or
- b. Caretakers' dwellings and similar uses customarily accessory to residential estate uses, provided that these uses shall not be permitted on parcels of less than 50 acres and one unit shall be permitted for each 50 acres of that parcel.
3. Accessory apartments, subject to the requirements of Section 128.0.A.
 4. The housing by a resident family of:
 - a. Not more than four non-transient roomers or boarders; or
 - b. Not more than eight mentally and/or physically disabled persons or persons 62 years of age or older, provided the use is registered, licensed or certified by the State of Maryland; or
 - c. A combination of a and b above, provided that the total number of persons housed in addition to the resident family does not exceed eight.
 5. Home occupations, subject to the requirements of Section 128.0.C.
 6. Home care, provided that if home care is combined with housing of mentally or physically disabled persons or persons 62 years of age or older, as allowed by Subsection 4.b above, the total number of persons receiving home care at any one time plus the number of persons being housed shall not exceed eight.
 7. Parking:
 - a. Off-street parking of no more than two commercial vehicles on lots of three or more acres and no more than one commercial vehicle on lots of less than three acres. Private off-street parking is restricted to vehicles used in connection with or in relation to a principal use permitted as a matter of right in the district.
 - b. Off-street parking or storage of unregistered, inoperable, wrecked, dismantled or destroyed motor vehicles shall not be permitted, except as provided by Section 128.0.D.
 8. Storage of recreational vehicles or boats, provided that on lots of 20,000 square feet or smaller, such storage shall be limited to the following:
 - a. One recreational vehicle with a length of 30 feet or less; and
 - b. One boat with a length of 20 feet or less.
 9. The following commercial services are permitted as accessory uses on farms, provided that the uses are located on a parcel of at least 50 acres or on a parcel of any size subject to an ALPP Purchased or ALPP Dedicated Easement, the commercial service is conducted by persons residing on or operating the farm, and all uses are screened from public roads and adjacent lots:
 - a. Blacksmith shop
 - b. Farm machinery repair
 - c. Lawn and garden equipment repair
 - d. Welding
 10. Farm stands subject to the requirements of Section 128.0.I.
 11. Farm Winery—Class 1A or Farm Brewery—Class 1A, subject to the requirements of Section 128.0.O.
 12. Snowball stands, subject to the requirements of Section 128.0.D.
 13. Home-based contractor, subject to the requirements of Section 128.0.C.2.

14. The acceptance or disposal of off-site land clearing debris under a permit issued by the Department of Planning and Zoning, subject to the requirements of Section 128.0.D.
15. Value-added processing of agricultural products, subject to the requirements of Section 128.0.I.
16. Agritourism enterprises and pick-your-own marketing of farm products, subject to the requirements of Section 128.0.I.
17. Small Wind Energy System, building mounted, subject to the requirements of Section .0.L.
18. Riding Academies and Stables, subject to the requirements of Section 128.0.I.
19. Community Supported Agriculture, subject to the requirements of Section 128.0.I.
20. Food Hubs, subject to the requirements of Section 128.0.I.
21. Accessory Solar Collectors.
22. Residential chicken keeping, subject to the requirements of Section 128.0.D.
23. Livestock on residential lots or parcels, subject to the requirements of Section 128.0.D.
24. COMPOSTING FACILITIES, SUBJECT TO THE REQUIREMENTS OF SECTION 128.0.I.
25. EMERGENCY NATURAL WOOD WASTE RECYCLING FACILITIES, SUBJECT TO THE REQUIREMENTS OF SECTION 128.0.I.

SECTION 106.1: County Preservation Easements

C. Accessory Uses

1. ALPP Purchased Easements and ALPP Dedicated Easements

- a. Any use normally and customarily incidental to any use permitted as a matter of right in the RC and/or RR Districts.
- b. Farm tenant houses on parcels greater than 50 acres, subject to the Deed of Agricultural Preservation Easement and approval by the Agricultural Land Preservation Board. the parcel on which the farm tenant house will be located must be improved with a principal dwelling unless, based on justification of need submitted by the applicant, the Director of the Department of Planning and Zoning authorizes an exception to this requirement.
- c. Accessory apartments, subject to the requirements of Section 128.0.A.
- d. Housing by a resident family of boarders and/or elderly persons subject to the requirements of Sections 104.0.C.4 or 105.0.C.4.
- e. Home occupations, subject to the requirements of Section 128.0.C.
- f. Home care, subject to the requirements of Sections 104.0.C.6 or 105.0.C.6.
- g. Parking of commercial vehicles, subject to the requirements of Sections 104.0.C.7 or 105.0.C.7.

- h. Storage of recreational vehicles or boats, subject to the requirements of Sections 104.0.C.8 or 105.0.C.8.
- i. Commercial services, subject to the requirements of Sections 104.0.C.9 or 105.0.C.9.
 - (1)Blacksmith shop
 - (2)Farm machinery repair
 - (3)Lawn and garden equipment repair
 - (4)Welding
- j. Farm stands, subject to the requirements of Section 128.0.I.
- k. Snowball stands, subject to the requirements of Section 128.0.D.
- l. Value-added processing of agricultural products subject to the requirements of Section 128.0.I.
- m. Agritourism enterprises, subject to the requirements of Section 128.0.I.
- n. Pick-your-own marketing of farm products, subject to the requirements of Section 128.0.I.
- o. Farm winery—Class 1A or Farm Brewery—Class 1A, subject to the requirements of Section 128.0.O.
- p. Small wind energy system, building mounted, subject to the requirements of Section 128.0.L.
- q. Small wind energy system, freestanding tower on properties 5 acres or greater, subject to the requirements of Section 128.0.M.
- r. Riding stables and academies, subject to the requirements of Section 128.0.I.
- s. Community Supported Agriculture (CSA), subject to the requirements of Section 128.0.I.
- t. Food hubs, subject to the requirements of Section 128.0.I.
- u. Accessory Solar Collectors.
- v. Residential chicken keeping, subject to the requirements of Section 128.0.D.
- w. Livestock on residential lots or parcels, subject to the requirements of Section 128.0.D.
- X. COMPOSTING FACILITIES, SUBJECT TO THE REQUIREMENTS OF SECTION 128.0.I.

Y. EMERGENCY NATURAL WOOD WASTE RECYCLING FACILITIES,
SUBJECT TO THE REQUIREMENTS OF SECTION 128.0.I.

D. Conditional Uses

1. ALPP Purchased Easements and ALPP Dedicated Easements

- a. Conditional Uses shall not be allowed on agricultural preservation easements unless they support the primary agricultural purpose of the easement property, or are an ancillary business which supports the economic viability of the farm, and are approved by the [[h]]Hearing [[a]]Authority in accordance with the applicable provisions of Sections 130.0 and 131.0 of these regulations. On an ALPP purchased or dedicated easement property, the area devoted to Conditional Uses may not exceed a cumulative use cap equal to 2% of the easement or up to a maximum of 1 acre for preservation parcels created as part of the Cluster Subdivision process.

The following Conditional Uses may be allowed:

- (1) Animal hospitals
- (2) Barber shop, hair salon and similar personal services facilities
- (3) Bottling of spring or well water
- (4) Communication Towers
- (5) Farm tenant house on a parcel of at least 25 acres but less than 50 acres
- (6) Historic building uses
- (7) Home based contractors
- (8) Home occupations
- (9) Kennels and/or pet grooming establishments
- (10) Landscape contractors
- (11) Limited [[outdoor]] social assemblies¹
- (12) Sawmills or bulk firewood processing
- (13) School buses, commercial service
- (14) Small wind energy systems, freestanding tower

¹ This language is the current category title as changed in ZRA 154.

- (15) NATURAL WOOD WASTE RECYCLING FACILITY IF
ACCESSORY TO A TREE FARM, SUBJECT TO THE
REQUIREMENTS OF SECTION 131.0.O.2.

SECTION 108.0: R-20 (Residential: Single) District

No proposed changes.

SECTION 109.0: R-12 (Residential: Single) District

No proposed changes.

SECTION 110.0: R-SC (Residential: Single Cluster) District

No proposed changes.

SECTION 111.0: R-SA-8 (Residential: Single Attached) District

No proposed changes.

SECTION 122.0: M-1 (Manufacturing: Light) District

B. Uses Permitted as a Matter of Right

1. Ambulance services.
2. Ambulatory health care facilities.
3. Athletic facilities, commercial.
4. Banks, savings and loan associations, investment companies, credit unions, brokers and similar financial institutions.
5. Biodiesel fuel manufacturing from vegetable-based oils.
6. Biomedical laboratories.
7. Blueprinting, printing, duplicating or engraving services.
8. Breweries that manufacture 22,500 barrels or less of fermented malt beverages per year.
9. Bus terminals.
10. Carpet and floor covering stores.
11. Car wash facilities.
12. Carnivals and fairs sponsored by and operated on a nonprofit basis for the benefit of charitable, social, civic or educational organizations, subject to the requirements of Section 128.0.D.
13. Carpet and rug cleaning.
14. Catering establishments and banquet facilities.
15. Child day care centers and nursery schools.

16. COMPOSTING AND COMPOSTING FACILITIES, TIER 1 AND TIER 2 – SMALL, AS DEFINED IN COMAR.
- [[16.]]17 Concert halls.
17. Conservation areas, including wildlife and forest preserves, environmental management areas, reforestation areas, and similar uses.
18. Contractor's office and outdoor or indoor storage facility, including carpentry, cleaning, construction, electrical, excavation, exterminating, heating/air conditioning, home improvement, landscaping, masonry, painting, paving, plumbing, roofing, septic system, snow removal, well drilling, and other contractors.
19. Data processing and telecommunication centers.
20. Day treatment or care facilities.
21. Farming, provided that on a residential lot or parcel of less than 40,000 square feet no livestock shall be permitted. However, residential chicken keeping is allowed as noted in Section 128.0.
22. Flex-space.
23. Funeral homes and mortuaries.
24. Furniture, appliance and business machine repair, furniture upholstery, and similar services.
25. Furniture stores.
26. Government structures, facilities and uses, including public schools and colleges.
27. Hotels, motels, conference centers and country inns.
28. Kennels.
29. Laundry or dry cleaning establishments or plants.
30. Light Industrial Uses.
31. Material recovery facilities—source separated.
32. Mobile home and modular home sales and rentals, but not including occupancy.
33. Motor vehicle, construction equipment and farm equipment maintenance, repair and painting facilities, including full body repair and incidental sale of parts.
34. Motor vehicle, construction equipment and farm equipment sales and rentals.
35. Motor vehicle inspections station.
36. Motor vehicle towing and storage facility.
- [[37. Mulch Manufacture]].
38. NATURAL WOOD WASTE RECYCLING FACILITIES.

{Note: Renumber section accordingly. These uses are also permitted as a matter of right in the M-2 District since all uses permitted in M-1 are also permitted in M-2.}

SECTION 123.0: M-2 (Manufacturing: Heavy) District

B. Uses Permitted as a Matter of Right

1. All uses permitted as a matter of right in the M-1 District.
2. Biodiesel Fuel Manufacturing.

3. Breweries that manufacture more than 22,500 barrels of fermented malt beverages per year.
4. COMPOSTING AND COMPOSTING FACILITIES, TIER 1, TIER 2 - SMALL AND TIER 2 - LARGE, AS DEFINED IN COMAR.

{Note: Renumber remainder of section accordingly.}

SECTION 124.0: SW (Solid Waste) Overlay District

B. Uses Permitted as a Matter of Right if the Underlying District is M-2:

1. COMPOSTING AND COMPOSTING FACILITIES.
2. ~~[[1]]~~ Land clearing debris landfills.
3. ~~[[2]]~~ Rubble landfills.
4. ~~[[3]]~~ Solid waste processing facilities.
5. ~~[[4]]~~ Underground pipelines; electric transmission and distribution lines; telephone, telegraph and CATV lines; mobile transformer units; telephone equipment boxes; and other, similar public utility uses not requiring a Conditional Use.

SECTION 128.0: Supplementary Zoning District Regulations

I. Permits for Special Farm Uses

The Department of Planning and Zoning may approve permits for the following categories of uses, which are related to farming and agriculture. A permit shall only be approved if the Department of Planning and Zoning finds that the proposed use conforms with the criteria given below and that are listed for each category.

Except for the value-added agricultural processing category, the Pick-Your-Own Enterprises category, ~~[[and]]~~ the small farm stand category, AND THE EMERGENCY NATURAL WOOD WASTE RECYCLING CATEGORY all other categories above shall comply with the requirement that the lot or parcel upon which the operation is located shall have frontage on and direct access to a road classification as an arterial or collector public road, or may front on and have direct access to a local road, if:

- (1) Access to an arterial or collector public road right-of-way is not feasible;
- (2) The access to the local road is safe based on road conditions and accident history;
- (3) That the use of the local road for access will not unduly conflict with other uses that access the local road.

The petitioner shall submit a request for a permit in writing, either in a letter or using a form provided by the Department of Planning and Zoning. The request shall specify the proposed permit category and provide a written description of the use and justification addressing how the proposed use complies with the criteria applicable to the use. The petitioner shall specify

the address of the property for the proposed use, and shall provide a mailing address, if different, a phone number and an email address if used, for purposes of future communication about the request.

For categories which will include visits to the property by customers or participants, the request shall specify the requested hours of operation of the use. In approving a permit, the Department of Planning and Zoning may reduce the hours of operation if it determines that this will reduce adverse impacts on adjacent properties.

The permit request shall include a plan of the property depicting the location and dimensions of structures, parking areas, driveways and landscaping used to buffer any adjacent residential development.

If the Department of Planning and Zoning determines that the proposed use is not in compliance with the applicable criteria, it shall inform the petitioner as to what is necessary to achieve compliance.

UNLESS OTHERWISE SPECIFIED BELOW, once a permit is approved and is issued, the permit shall be valid indefinitely provided that the operation of the approved use remains in full conformance with all aspects of the use as it was approved. The permit holder shall apply for a renewal of the permit if significant changes to the operation are being proposed, including but not limited to new uses or structures, in which case the originally approved plan must be revised to indicate the proposed changes and submitted for a new approval.

9. COMPOSTING FACILITY

A TIER I OR TIER II-SMALL COMPOSTING FACILITY, AS DEFINED IN COMAR, IS PERMITTED AS AN ACCESSORY USE TO FARMING IN THE RC AND RR DISTRICTS PROVIDED THAT:

- A. THE COMPOSTING FACILITY SHALL NOT EXCEED THREE ACRES.
- B. THE PETITIONER SHALL SUBMIT A COPY OF THE FOLLOWING DOCUMENTS WITH THE APPLICATION:
 - (1) THE MARYLAND DEPARTMENT OF THE ENVIRONMENT (MDE) COMPOSTING PERMIT APPLICATION.
 - (2) COMPOSTING OPERATIONS PLAN.
 - (3) EMERGENCY PREPAREDNESS PLAN, AS REQUIRED BY MDE, FOR REVIEW BY THE FIRE MARSHALL.
 - (4) AN APPROVED HOWARD SOIL CONSERVATION DISTRICT (HSCD) SUPPLEMENTARY PROJECT EVALUATION WHICH ADDRESSES KEY NATURAL RESOURCE ISSUES SUCH AS STREAM AND WETLAND PROTECTION, WINDBREAK, VIEWSCAPE, WATER QUALITY AND RUNOFF CONTAINMENT, VEGETATIVE BUFFERS, OR ANY OTHER MITIGATION MEASURES TO MINIMIZE IMPACTS TO ENVIRONMENTAL RESOURCES ON ADJACENT PROPERTIES.
 - (5) VERIFICATION THAT HOWARD COUNTY, DEPARTMENT OF PUBLIC WORKS-ENVIRONMENTAL SERVICES HAS BEEN

NOTIFIED THAT A COMPOSTING FACILITY IS PROPOSED FOR PURPOSES OF THE SOLID WASTE MANAGEMENT PLAN.

C: ON-SITE RETAIL SALES ARE LIMITED TO PRODUCT PICK UP BY FARMING VEHICLES, PICKUP TRUCKS OR NON-COMMERCIAL VEHICLES.

D. END PRODUCT MAY BE SHIPPED WITH TREES, SHRUBS OR PLANTS.

10. EMERGENCY NATURAL WOOD WASTE RECYCLING FACILITY

THE USE IS PERMITTED AS ACCESSORY TO FARMING IN THE RC AND RR DISTRICTS, PROVIDED THAT:

- A. A NWWRF IS DETERMINED TO BE NECESSARY BECAUSE OF A NATURAL CATASTROPHE SUCH AS A MAJOR STORM, WEATHER CONDITION, OR DISEASE.
- B. THE NWWRF ALLOWS A PROPERTY OWNER TO DISPOSE OF EXCESS NATURAL WOOD WASTE FROM THEIR PROPERTY ON AN EMERGENCY BASIS, PROVIDED THAT THE USE AREA DOES NOT EXCEED ONE ACRE AND THE USE IS LIMITED TO NO MORE THAN 90 DAYS PER YEAR. A TIME EXTENSION MUST BE REQUESTED IN WRITING PRIOR TO THE EXPIRATION DATE OF THE ORIGINAL PERMIT.
- C. THE NWWRF WILL NOT HAVE SIGNIFICANT ADVERSE IMPACTS ON NEIGHBORING PROPERTIES. ADVERSE IMPACTS DO NOT INCLUDE THOSE NORMALLY ASSOCIATED WITH FARMING OPERATIONS THAT FOLLOW GENERALLY ACCEPTED AGRICULTURAL MANAGEMENT PRACTICES OR ANY PERMITTED USES UNDER THIS SECTION.
- D. THE REQUEST SHALL INCLUDE A DESCRIPTION OF THE CIRCUMSTANCES THAT NECESSITATE THE USE PERMIT. THE REQUEST SHALL INCLUDE THE APPROXIMATE SIZE OF THE USE AREA AND PHOTOGRAPHS DOCUMENTING THE SCOPE OF THE DAMAGE.
- E. THE PETITIONER SHALL SUBMIT A COPY OF THE FOLLOWING DOCUMENTS WITH THE APPLICATION:
 - (1) THE MARYLAND DEPARTMENT OF THE ENVIRONMENT (MDE) NATURAL WOOD WASTE RECYCLING FACILITY PERMIT APPLICATION.
 - (2) NATURAL WOOD WASTE RECYCLING FACILITY OPERATIONS PLAN.
 - (3) EMERGENCY PREPAREDNESS PLAN, AS REQUIRED BY MDE, FOR REVIEW BY THE FIRE MARSHALL.

- (4) AN APPROVED HOWARD SOIL CONSERVATION DISTRICT (HSCD) SUPPLEMENTARY PROJECT EVALUATION THAT ADDRESSES KEY NATURAL RESOURCE ISSUES. THESE INCLUDE STREAM AND WETLAND PROTECTION, WINDBREAK, VIEWSCAPE, WATER QUALITY AND RUNOFF CONTAINMENT, VEGETATIVE BUFFERS, OR ANY OTHER MITIGATION MEASURES TO MINIMIZE IMPACTS TO ENVIRONMENTAL RESOURCES ON ADJACENT PROPERTIES.

SECTION 131.0: CONDITIONAL USES

N. CONDITIONAL USES AND PERMISSIBLE ZONING DISTRICTS (CHART)

46. SAWMILLS, BULK FIREWOOD PROCESSING, [[MULCH MANUFACTURE,]] OR SOIL PROCESSING

[[60. YARD WASTE COMPOSTING FACILITY]]

46. SAWMILLS, BULK FIREWOOD PROCESSING [[, MULCH MANUFACTURE,]] OR SOIL PROCESSING

A CONDITIONAL USE MAY BE GRANTED IN THE RC OR RR DISTRICTS FOR SAWMILLS, BULK FIREWOOD PROCESSING [[, MULCH MANUFACTURE,]] OR SOIL PROCESSING PROVIDED THAT:

(THE REMAINDER OF THE SECTION TO REMAIN AS IS)

[[60. YARD WASTE COMPOSTING FACILITY]]

(DELETE THE ENTIRE CURRENT TEXT IN SECTION 131.0.N.60)

O. NEW CONDITIONAL USE CATEGORIES

1. COMPOSTING FACILITIES

A CONDITIONAL USE MAY BE GRANTED IN THE RC AND RR DISTRICTS FOR TIER 1, TIER 2 - SMALL AND TIER 2 - LARGE COMPOSTING FACILITIES, AS DEFINED IN COMAR, AND IN THE M-1 DISTRICT FOR TIER 2 - LARGE COMPOSTING FACILITIES, PROVIDED THAT:

- A. THE FACILITY IS NOT LOCATED ON AN ALPP PURCHASED OR ALPP DEDICATED EASEMENT.
- B. ONLY TYPE 1 AND TYPE 2 FEEDSTOCK MATERIALS AS DEFINED IN COMAR SHALL BE PROCESSED.
- C. THE MINIMUM LOT SIZE IS 10 ACRES IN THE RC AND RR DISTRICTS AND ONE ACRE IN THE M-1 DISTRICT.
- D. IN THE RC AND RR DISTRICTS THE MAXIMUM USE AREA SIZE IS 5 ACRES OR 10% OF THE PROPERTY WHICHEVER IS LESS, EXCLUDING ACCESS TO THE CONDITIONAL USE AREA OR SITE.
- E. THE PETITIONER SHALL SUBMIT A COPY OF THE FOLLOWING DOCUMENTS WITH THE PETITION.
 - 1. THE MARYLAND DEPARTMENT OF THE ENVIRONMENT (MDE) COMPOSTING PERMIT APPLICATION.
 - 2. COMPOSTING OPERATIONS PLAN.
 - 3. EMERGENCY PREPAREDNESS PLAN, AS REQUIRED BY MDE, FOR REVIEW BY THE FIRE MARSHALL.
 - 4. IN THE RC AND RR DISTRICTS, AN APPROVED HOWARD SOIL CONSERVATION DISTRICT (HSCD) SUPPLEMENTARY PROJECT EVALUATION WHICH ADDRESSES KEY NATURAL RESOURCE ISSUES SUCH AS STREAM AND WETLAND PROTECTION, WINDBREAK, VIEWSCAPE, WATER QUALITY AND RUNOFF CONTAINMENT, VEGETATIVE BUFFERS, OR ANY OTHER MITIGATION MEASURES TO MINIMIZE IMPACTS TO ENVIRONMENTAL RESOURCES ON ADJACENT PROPERTIES.
 - 5. VERIFICATION THAT HOWARD COUNTY, DEPARTMENT OF PUBLIC WORKS-ENVIRONMENTAL SERVICES HAS BEEN NOTIFIED THAT A COMPOSTING FACILITY IS PROPOSED FOR PURPOSES OF THE SOLID WASTE MANAGEMENT PLAN.
- F. CONDITIONAL USE APPROVAL SHALL BE CONTINGENT UPON OBTAINING AN MDE PERMIT AND SHALL NOT COMMENCE UNTIL A COPY OF THE PERMIT IS SUBMITTED TO DPZ.
- G. ANY MDE COMPOSTING FACILITY PERMIT RENEWALS OR MODIFICATIONS TO THE ORIGINAL COMPOSTING FACILITY OPERATIONS PLAN MUST BE SUBMITTED TO DPZ.

MAJOR MODIFICATIONS TO THE MDE COMPOSTING FACILITY PERMIT OR COMPOSTING FACILITY OPERATIONS PLAN SHALL NOT BE IMPLEMENTED WITHOUT PRIOR APPROVAL OF THE HEARING AUTHORITY. MAJOR MODIFICATIONS CONSIST OF A SIGNIFICANT AND SUBSTANTIVE CHANGE TO AN INDIVIDUAL COMPOSTING FACILITY PERMIT INCLUDING:

- (1) A CHANGE IN THE FACILITY TIER
- (2) A SIGNIFICANT INCREASE IN FACILITY CAPACITY, THROUGHPUT, OR COMPOST PRODUCED PER YEAR
- (3) A SIGNIFICANT CHANGE TO THE SIZE OF THE AREA USED IN SUPPORT OF COMPOSTING
- (4) ANY OTHER SIGNIFICANT CHANGES TO THE DESIGN OR OPERATION OF THE COMPOSTING FACILITY.

H. THE SITE HAS FRONTAGE ON AND DIRECT ACCESS TO A COLLECTOR OR ARTERIAL ROAD DESIGNATED IN THE GENERAL PLAN AND NOT ON A LOCAL ROAD UNLESS AUTHORIZED BY THE HEARING AUTHORITY.

I. IN ADDITION TO THE BULK REGULATIONS OF THE APPLICABLE ZONING DISTRICT, THE FOLLOWING STRUCTURE AND USE SETBACKS SHALL APPLY:

- (1) FROM EXISTING DWELLINGS ON DIFFERENT LOTS.....300 FEET
- (2) FROM PROPERTY LINE.....200 FEET
- (3) FROM EXISTING STREAMS AND WETLANDS.....200 FEET
- (4) FROM PROPERTY LINES OF EXISTING SCHOOLS.....500 FEET

THE HEARING AUTHORITY MAY REDUCE SETBACKS IF IT FINDS THAT NEIGHBORING PROPERTIES WILL NOT BE ADVERSELY AFFECTED DUE TO VISUAL IMPACT, NOISE, DUST, ODORS OR OTHER CAUSES AND THAT STRUCTURES AND USES OF THE FACILITY WILL BE LOCATED AT LEAST 200 FEET FROM EXISTING DWELLINGS ON DIFFERENT LOTS, AT LEAST 50 FEET FROM THE PROPERTY LINE, AND AT LEAST 100 FEET FROM A STREAM OR WETLAND. SETBACKS FROM PROPERTY LINES OF EXISTING SCHOOLS CANNOT BE REDUCED.

THE PETITIONER SHALL SUBMIT DOCUMENTATION THAT JUSTIFIES THE REQUESTED SETBACK REDUCTION. STRUCTURES AND USE AREAS FOR WHICH THIS SETBACK REDUCTION IS APPROVED SHALL BE BUFFERED FROM THE VIEW OF ADJOINING RESIDENCES BY EXISTING TOPOGRAPHY, LANDSCAPING, OR BERMS, FENCES OR WALLS. BUFFERS OR OTHER MITIGATION MEASURES ESTABLISHED THROUGH A HSCD SUPPLEMENTARY PROJECT EVALUATION FOR THE AREA CAN BE USED TO JUSTIFY SETBACK REDUCTIONS.

- J. SCREENING: ALL ACTIVITIES SHALL BE APPROPRIATELY SCREENED FROM THE PUBLIC RIGHT OF WAY OR ADJACENT RESIDENTIAL DWELLINGS BY ANY COMBINATION OF STRUCTURAL, TOPOGRAPHIC OR VEGETATIVE MEANS.
- K. A SITE DEVELOPMENT PLAN, AS REQUIRED BY SECTION 16.155 OF THE HOWARD COUNTY LAND DEVELOPMENT AND SUBDIVISION REGULATIONS SHALL BE REQUIRED AS A CONDITION OF APPROVAL.
- L. ALL LIQUID, INCLUDING LEACHATE AND STORM WATER RUNOFF, GENERATED FROM THE COMPOSTING FACILITY SHALL BE TREATED PRIOR TO DISPOSAL, IN ACCORDANCE WITH APPLICABLE REGULATIONS.
- M. THE HOURS OF OPERATION SHALL BE RESTRICTED TO BETWEEN 7:00 A.M. AND 6:00 P.M., AND NO OPERATION SHALL BE PERMITTED ON SUNDAYS EXCEPT REPAIRS TO EQUIPMENT AND IMPROVEMENTS. THE HOURS OR DAYS OF OPERATION MAY BE REDUCED BY THE HEARING AUTHORITY.
- N. ON-SITE RETAIL SALES OF FINISHED PRODUCTS SHALL BE PERMITTED IF SPECIFICALLY APPROVED BY THE HEARING AUTHORITY.
- O. ROADS SERVING THE SITE SHALL BE ADEQUATE FOR THE TRUCK TRAFFIC TO BE GENERATED BY THE FACILITY. THE PETITION SHALL INCLUDE A STUDY OF AFFECTED ROAD AND BRIDGE CONDITIONS TO ALLOW THE HEARING AUTHORITY TO MAKE THIS DETERMINATION.
- P. IN ADDITION TO THE STANDARD CONDITIONAL USE PLAN REQUIREMENTS, THE PETITION SHALL SHOW THE FOLLOWING:
 - (1) EXISTING NATURAL FEATURES INCLUDING STREAMS, PONDS, SPRINGS, AND WETLANDS AND REQUIRED ENVIRONMENTAL SETBACKS.
 - (2) EXISTING AND PROPOSED TOPOGRAPHY.
 - (3) SETBACK AND BUFFER AREA, INCLUDING TYPE OF SCREENING AND FENCING.
 - (4) PORTION OF LOT TO BE USED FOR ALL OPERATIONS, INCLUDING THE LOCATION AND LAYOUT OF:
 - (A) UNLOADING, RECEIVING AND STORAGE AREAS;

- (B) PROCESSING AREAS;
- (C) FINAL PRODUCT PREPARATION AREAS; AND
- (D) FINISHED PRODUCT STORAGE AND LOADING AREAS.
- (5) WATER SUPPLY AND SEWAGE DISPOSAL
- (6) FACILITIES FOR STORAGE AND TREATMENT OF LEACHATE AND ANY OTHER LIQUIDS GENERATED BY THE OPERATION
- (7) STORMWATER MANAGEMENT FACILITIES FOR QUANTITY AND QUALITY CONTROL.

Q. A REHABILITATION PLAN SHALL BE SUBMITTED WITH THE PETITION FOR APPROVAL BY THE HEARING AUTHORITY. THE PLAN SHALL PROVIDE FOR THE FOLLOWING MINIMUM REHABILITATION PROGRAM IF THE COMPOSTING FACILITY CEASES TO OPERATE FOR TWO YEARS OR MORE:

- (1) ALL STRUCTURES AND MACHINERY SHALL BE COMPLETELY REMOVED AND UNDERLYING EXCAVATIONS FILLED TO GRADE EXCEPT STRUCTURES OR MACHINERY THAT ARE TO BE CONTINUED IN OPERATION FOR A USE PERMITTED UNDER THE ZONING CLASSIFICATION.
- (2) ALL WASTE, COMPOSTING MATERIALS, AND EXCESS FINISHED PRODUCTS SHALL BE REMOVED FROM THE SITE AND DISPOSED OF IN CONFORMANCE WITH APPLICABLE LAWS OR REGULATIONS.
- (3) A COPY OF THE NOTICE OF FINAL CLOSURE AND THE SITE CLOSURE PLAN REQUIRED BY COMAR SHALL BE SUBMITTED TO DPZ.

2. NATURAL WOOD WASTE RECYCLING FACILITY

A CONDITIONAL USE MAY BE GRANTED IN THE RC AND RR DISTRICTS FOR A NATURAL WOOD WASTE RECYCLING FACILITY, PROVIDED THAT:

- A. THE FACILITY IS NOT LOCATED ON AN ALPP PURCHASED EASEMENT, ALPP DEDICATED EASEMENT, OR OTHER DEDICATED EASEMENT UNLESS ACCESSORY TO A TREE FARM SUCH AS A TREE NURSERY OR CHRISTMAS TREE FARM, BUT EXCLUDING TIMBER HARVESTING OPERATIONS. THE USE AREA SHALL NOT EXCEED 15% OF THE AREA ACTIVELY FARMED IN TREES OR A MAXIMUM OF 2 ACRES, NOTWITHSTANDING ADDITIONAL SIZE LIMITATIONS IN SECTIONS 106.1.D.
- B. ONLY NATURAL WOOD WASTE AS DEFINED IN THESE REGULATIONS SHALL BE RECEIVED FOR RECYCLING ON THE SITE.

- C. THE MINIMUM LOT SIZE IS 10 ACRES.
- D. THE MAXIMUM USE AREA SIZE IS 5 ACRES OR 10% OF THE PROPERTY WHICHEVER IS LESS, EXCLUDING ACCESS TO THE CONDITIONAL USE AREA OR SITE.
- E. THE PETITIONER SHALL SUBMIT A COPY OF THE FOLLOWING DOCUMENTS WITH THE PETITION.
 - (1) THE MARYLAND DEPARTMENT OF THE ENVIRONMENT (MDE) NWWRF PERMIT APPLICATION AND ACCOMPANYING DOCUMENTATION.
 - (2) EMERGENCY PREPAREDNESS MANUAL, AS REQUIRED BY MDE, FOR REVIEW BY THE FIRE MARSHALL.
 - (3) AN APPROVED HOWARD SOIL CONSERVATION DISTRICT (HSCD) SUPPLEMENTARY PROJECT EVALUATION WHICH ADDRESSES KEY NATURAL RESOURCE ISSUES SUCH AS STREAM AND WETLAND PROTECTION, WINDBREAK, VIEWSCAPE, WATER QUALITY AND RUNOFF CONTAINMENT, VEGETATIVE BUFFERS, OR ANY OTHER MITIGATION MEASURES TO MINIMIZE IMPACTS TO ENVIRONMENTAL RESOURCES ON ADJACENT PROPERTIES.
 - (4) VERIFICATION THAT HOWARD COUNTY, DEPARTMENT OF PUBLIC WORKS-ENVIRONMENTAL SERVICES HAS BEEN NOTIFIED THAT A NWWRF IS PROPOSED FOR PURPOSES OF THE SOLID WASTE MANAGEMENT PLAN.
- F. THE CONDITIONAL USE APPROVAL SHALL BE CONTINGENT UPON OBTAINING AN MDE NATURAL WOOD WASTE RECYCLING FACILITY PERMIT AND SHALL NOT COMMENCE UNTIL A COPY OF THE PERMIT IS SUBMITTED TO DPZ.
- G. ANY MDE NWWRF PERMIT RENEWALS OR MODIFICATIONS TO THE ORIGINAL NWWRF PERMIT APPLICATION MUST BE SUBMITTED TO DPZ.
- H. THE SITE HAS FRONTAGE ON AND DIRECT ACCESS TO A COLLECTOR OR ARTERIAL ROAD DESIGNATED IN THE GENERAL PLAN AND NOT ON A LOCAL ROAD UNLESS AUTHORIZED BY THE HEARING AUTHORITY.
- I. IN ADDITION TO THE BULK REGULATIONS OF THE APPLICABLE ZONING DISTRICT, THE FOLLOWING STRUCTURE AND USE SETBACKS SHALL APPLY:
 - (1) FROM EXISTING DWELLINGS ON DIFFERENT LOTS 300 FEET

- | | | |
|-----|---|----------|
| (2) | FROM PROPERTY LINE | 200 FEET |
| (3) | FROM EXISTING STREAMS AND WETLANDS | 200 FEET |
| (4) | FROM PROPERTY LINES OF EXISTING SCHOOLS | 500 FEET |

THE HEARING AUTHORITY MAY REDUCE SETBACKS IF IT FINDS THAT NEIGHBORING PROPERTIES WILL NOT BE ADVERSELY AFFECTED DUE TO VISUAL IMPACT, NOISE, DUST, ODORS OR OTHER CAUSES AND THAT STRUCTURES AND USES OF THE FACILITY WILL BE LOCATED AT LEAST 200 FEET FROM EXISTING DWELLINGS ON DIFFERENT LOTS, AT LEAST 50 FEET FROM THE PROPERTY LINE, AND AT LEAST 100 FEET FROM A STREAM OR WETLAND. SETBACKS FROM PROPERTY LINES OF EXISTING SCHOOLS CANNOT BE REDUCED.

THE PETITIONER SHALL SUBMIT DOCUMENTATION THAT JUSTIFIES THE REQUESTED SETBACK REDUCTION. STRUCTURES AND USE AREAS FOR WHICH THIS SETBACK REDUCTION IS APPROVED SHALL BE BUFFERED FROM THE VIEW OF ADJOINING RESIDENCES BY EXISTING TOPOGRAPHY, LANDSCAPING, OR BERMS, FENCES OR WALLS. BUFFERES OR OTHER MITIGATION MEASURES ESTABLISHED THROUGH A HSCD SUPPLEMENTARY PROJECT EVALUATION CAN BE USED TO JUSTIFY SETBACK REDUCTIONS.

- A. SCREENING: ALL ACTIVITIES SHALL BE APPROPRIATELY SCREENED FROM THE PUBLIC RIGHT OF WAY OR ADJACENT RESIDENTIAL DWELLINGS BY ANY COMBINATION OF STRUCTURAL, TOPOGRAPHIC OR VEGETATIVE MEANS.
- B. A SITE DEVELOPMENT PLAN, AS REQUIRED BY SECTION 16.155 OF THE HOWARD COUNTY SUBDIVISION AND LAND DEVELOPMENT REGULATIONS, SHALL BE REQUIRED AS A CONDITION OF APPROVAL.
- C. ALL LIQUID, INCLUDING LEACHATE, CONTACT WATER OR STORMWATER RUNOFF, GENERATED AT THE FACILITY SHALL BE DISPOSED OR DISCHARGED, IN ACCORDANCE WITH APPLICABLE REGULATIONS.
- D. THE HOURS OF OPERATION SHALL BE RESTRICTED TO BETWEEN 7:00 A.M. AND 6:00 P.M., HOWEVER NO GRINDING, CHIPPING OR SIMILAR ACTIVITIES SHALL OCCUR BEFORE 7:00 AM, AND NO OPERATION SHALL BE PERMITTED ON SUNDAYS EXCEPT REPAIRS TO EQUIPMENT AND IMPROVEMENTS. THE HOURS OR DAYS OF OPERATION MAY BE REDUCED BY THE HEARING AUTHORITY.

- E. ON-SITE RETAIL SALES OF FINISHED PRODUCTS SHALL BE PERMITTED IF SPECIFICALLY APPROVED BY THE HEARING AUTHORITY.
- F. ROADS SERVING THE SITE SHALL BE ADEQUATE FOR THE TRUCK TRAFFIC TO BE GENERATED BY THE FACILITY. THE PETITION SHALL INCLUDE A STUDY OF AFFECTED ROAD AND BRIDGE CONDITIONS TO ALLOW THE HEARING AUTHORITY TO MAKE THIS DETERMINATION.
- G. IN ADDITION TO THE STANDARD CONDITIONAL USE PLAN REQUIREMENTS, THE PETITION SHALL SHOW THE FOLLOWING:
 - 1. EXISTING NATURAL FEATURES INCLUDING STREAMS, PONDS, SPRINGS AND WETLANDS AND REQUIRED ENVIRONMENTAL SETBACKS.
 - 2. EXISTING AND PROPOSED TOPOGRAPHY.
 - 3. SETBACK AND BUFFER AREA, INCLUDING TYPE OF SCREENING AND FENCING.
 - 4. PORTION OF LOT TO BE USED FOR ALL OPERATIONS, INCLUDING THE LOCATION AND LAYOUT OF:
 - A. UNLOADING, RECEIVING AND STORAGE AREAS;
 - B. PROCESSING AREAS;
 - C. WOODWASTE CURING AREAS;
 - D. FINAL PRODUCT PREPARATION AREAS; AND
 - E. FINISHED PRODUCT STORAGE AND LOADING AREAS.
 - 5. WATER SUPPLY AND SEWAGE DISPOSAL
 - 6. FACILITIES FOR STORAGE AND TREATMENT OF LEACHATE AND ANY OTHER LIQUIDS GENERATED BY THE OPERATION.
 - 7. STORMWATER MANAGEMENT FACILITIES FOR QUANTITY AND QUALITY CONTROL.
- H. A REHABILITATION PLAN SHALL BE SUBMITTED WITH THE CONDITIONAL USE PETITION FOR APPROVAL BY THE HEARING AUTHORITY. THE PLAN SHALL PROVIDE FOR THE FOLLOWING

MINIMUM REHABILITATION PROGRAM TO COMMENCE IF THE NWWRF
CEASES TO OPERATE FOR TWO YEARS OR MORE:

1. ALL STRUCTURES AND MACHINERY SHALL BE COMPLETELY REMOVED AND UNDERLYING EXCAVATIONS FILLED TO GRADE EXCEPT STRUCTURES OR MACHINERY THAT ARE TO BE CONTINUED IN OPERATION FOR A USE PERMITTED UNDER THE ZONING CLASSIFICATION.
2. ALL WOOD WASTE, MATERIALS, AND EXCESS FINISHED PRODUCTS SHALL BE REMOVED FROM THE SITE AND DISPOSED OF IN CONFORMANCE WITH APPLICABLE LAWS AND REGULATIONS.

EXHIBIT A

MARYLAND DEPARTMENT OF THE ENVIRONMENT
Land Management Administration • Resource Management Program
1800 Washington Boulevard • Suite 610 • Baltimore, Maryland 21230-1419
410-537-3314 • 800-633-6101 x3314 • <http://www.mde.maryland.gov>

Individual Composting Facility Permit Application

Authority: Title 9, Environment Article, Annotated Code of Maryland, and Code of Maryland Regulations (COMAR) 26.04.11

Application for: ☐ New Permit ☐ Renewal Permit ☐ Permit Modification

Proposed composting facility tier: ☐ Tier 1 ☐ Tier 2 - Small ☐ Tier 2 - Large

Existing Permit No.: _____ Issued Date: ____/____/____ Expiration Date: ____/____/____

Applicant's Legal Name: _____

Applicant's Status: ☐ Individual ☐ Corporation ☐ Government ☐ Other: _____

Individual's Social Security No.: _____

Corporation or Government Federal Tax Identification No.: _____

Maryland State Department of Assessments and Taxation (SDAT) ID No.: _____

Please note that a business/entity must be registered to do business in Maryland before a permit can be issued. The business or entity's information provided in this application must match the information in the SDAT register.

Proof of workers' compensation coverage is required under § 1-202 of the Environment Article. Please provide one of the following: (1) A copy of a Certificate of Compliance issued by the Maryland Workers' Compensation Commission; or (2) Workers' Compensation Insurance Policy/Binder Number: _____

Applicant's Mailing Address: _____ City: _____ State: _____ Zip Code: _____

Applicant's Telephone No.: () _____ - _____ Facsimile No.: () _____ - _____

Emergency Contact Name & Title: _____ Telephone No.: () _____ - _____

Facility/Site Name: _____

Facility/Site Address: _____ City: _____ State: _____ Zip Code: _____

County: _____ Maryland Grid Coordinates: _____/_____

County Zoning Map No.: _____ Lot/Parcel No.: _____ Deed/Liber/Folio No.: _____

Latitude/Longitude (Deg/Min/Sec): _____ - _____ - _____/_____ - _____ - _____ Site Acreage: _____

Property Owner's Legal Name: _____

Property Owner's Mailing Address: _____ City: _____

State: _____ Zip Code: _____ Property Owner's Telephone No.: () _____ - _____

Please submit this form with all required information listed on Page 2 to:

Maryland Department of the Environment
1800 Washington Boulevard, Suite 610
Baltimore, Maryland 21230-1719

By signing this form, I the applicant or duly authorized representative, do solemnly affirm under the penalties of perjury that the contents of this application are true to the best of my knowledge, information, and belief. I hereby authorize the representatives of the Department to have access to the site of the proposed activity for inspection and to records relating to this application at any reasonable time. I acknowledge that depending on the type of activity applied for, other permits or approvals may be required.

Signature

Name (Print)

Date

Title

E-mail address

Telephone Number

Privacy Act Notice: This Notice is provided pursuant to the Federal Privacy Act of 1974, 5 U.S.C. §552.a. Disclosure of your Social Security Number or Federal Employer Identification Number on this application is mandatory pursuant to the provisions of §1-203 (2003), Environment Article, Annotated Code of Maryland, which requires the Department to verify that an applicant for a permit has paid all undisputed taxes and unemployment insurance. The Department is also mandated by §10-119.3, Family Law Article, Annotated Code of Maryland, to require each applicant for a license to disclose the Social Security Number of the applicant and record the applicant's Social Security Number on the application. Pursuant to §10-119.3(a)(2), the definition of "license" means any license, certificate, registration, permit, or other authorization that: (i) is issued by a licensing authority; (ii) is subject to suspension, revocation, forfeiture, or termination by a licensing authority; and (iii) is necessary for an individual to practice or engage in a particular business, occupation, or profession. Social Security or Federal Employer Identification Numbers will not be used for any purposes other than those described in this Notice.

This Notice is provided pursuant to § 10-624 of the State Government Article of the Maryland Code. The personal information requested on this form is intended to be used in processing your application. Failure to provide the information requested may result in your application not being processed. You have the right to inspect, amend, or correct this form. The Maryland Department of the Environment ("MDE") is a public agency and subject to the Maryland Public Information Act (Md. Code Ann., State Gov't §§ 10-601, et seq.). This form may be made available on the Internet via MDE's website and is subject to inspection or copying, in whole or in part, by the public and other governmental agencies, if not protected by federal or State law.

THE FOLLOWING INFORMATION MUST BE SUBMITTED WITH THE PERMIT APPLICATION:

1. Brief description of the composting facility, including a description of how the requirements of COMAR 26.04.11 will be met;
2. List of all other applicable permits required under local, State, or federal law and regulations, including permit numbers for those currently held permits;
3. A marketing plan and strategy for the compost to be produced at the composting facility;
4. A description of any variances for which the applicant is applying;
5. A map showing the specific location of the composting facility and types of land uses, including any residential areas, schools, or other institutions located within 1/2 mile of the boundaries of the composting facility;
6. Drawings of on-site buildings and other composting facility structures, including any pads and contact water or stormwater containment systems, showing the type of construction, layout, and dimensions;
7. For facilities with any outdoor operations, including feedstock receipt or curing, a topographic map of the site that identifies slopes greater than 25 percent, floodplains, wetlands, streams, and aquifer recharge areas;
8. Drawings showing feedstock receipt and storage, compost storage, equipment storage, curing, and active composting areas;
9. A site plan designating the property boundaries, existing and proposed composting facility structures, and roads;
10. A descriptive statement of processes and technology to be used;
11. The depth to the seasonal high water table, demonstrating compliance with COMAR 26.04.11 .08D;
12. A copy of the Composting Facility Operations Plan required under COMAR 26.04.11.09;
13. A description of the following:
 - a. Major items of equipment including manufacturer, type, model, capacity, and number of units;
 - b. Types and anticipated quantities of feedstocks to be accepted and processed daily;
 - c. Types of feedstocks that are not accepted;
 - d. Means by which the quantities of materials entering the composting facility, processed at the composting facility, and leaving the composting facility are determined;
 - e. Geographic areas expected to be served by the composting facility;
 - f. Measures that shall be taken to prevent or control ground or surface water pollution, fires, odors, noise, dust, litter, vectors, and other nuisances;
 - g. Methods of controlling contact water and stormwater from the composting facility;
 - h. Soil types and depths at the composting facility site;
 - i. Employee safety and sanitary facilities including the location of on-site sewage disposal and water supply systems;
 - j. Number and positions of employees; and
 - k. Hours of operation;
14. If required, an erosion and sediment control plan that meets the requirements of COMAR 26.17.01 and has been approved by the local soil conservation district or appropriate approving authority;
15. A grading permit as required by the local jurisdiction;
16. A description of site security and access control; and
17. An approved and bonded stormwater management plan, if required by the local jurisdiction.

For questions regarding this application form, please contact the Department at 410-537-3314

EXHIBIT B
MARYLAND DEPARTMENT OF THE ENVIRONMENT
Land Management Administration • Solid Waste Program
1800 Washington Boulevard • Suite 605 • Baltimore Maryland 21230-1719
410-537-3315 • 800-633-6101 x3315 • www.mde.maryland.gov

Natural Wood Waste Recycling Facility Permit Application

Authority: Title 9, Environment Article, Annotated Code of Maryland, and Code of Maryland Regulations (COMAR) 26.04.09

Application for: ☐ New Permit ☐ Renewal Permit

Existing Permit No.: _____ - NWW - _____ Issued Date: ____/____/____ Expiration Date: ____/____/____

Applicant's Legal Name: _____

Applicant's Status: ☐ Individual ☐ Corporation ☐ Other: _____

Corporation or Government Federal Tax Identification No.: _____

Maryland State Department of Assessments and Taxation (SDAT) ID No.: _____

Please note that a business/entity must be registered to do business in Maryland before a permit can be issued. The business or entity's information provided in this application must match the information in the SDAT register.

Proof of workers' compensation coverage is required under § 1-202 of the Environment Article. Please provide one of the Following:

- (1) A copy of a Certificate of Compliance issued by the Maryland Workers' Compensation Commission; or
(2) Workers' Compensation Insurance Policy/Binder Number: _____

Applicant's Mailing Address: _____ City: _____ State: _____ Zip Code: _____

Applicant's Telephone No.: () _____ - _____ Facsimile No.: () _____ - _____

Emergency Contact Name & Title: _____ Telephone No.: () _____ - _____

Facility/Site Name: _____

Facility/Site Address: _____ City: _____ State: _____ Zip Code: _____

County: _____ Maryland Grid Coordinates: _____/_____

County Zoning Map No.: _____ Lot/Parcel No.: _____ Deed/Liber/Folio No.: _____

State Legislative District: _____ Local Council / Election District: _____

Bay Tributary Watershed Code: _____ Latitude/Longitude (Deg/Min/Sec): _____ - _____ / _____ - _____

Site Acreage: _____ Facility Acreage (Estimated): _____

By signing this form, I the applicant or duly authorized representative, do solemnly affirm under the penalties of perjury that the contents of this application are true to the best of my knowledge, information, and belief. I hereby authorize the representatives of the Department to have access to the site of the proposed facility for inspection and to records relating to this application at any reasonable time. I acknowledge that depending on the type of facility applied for, other permits or approvals may be required.

Signature of Applicant

Date

Applicant's Name (Print)

Title

This Notice is provided pursuant to §10-624 of the State Government Article of the Maryland Code. The personal information requested on this form is intended to be used in processing your application. Failure to provide the information requested may result in your application not being processed. You have the right to inspect, amend, or correct this form. The Maryland Department of the Environment ("MDE") is a public agency and subject to the Maryland Public Information Act. This form may be made available on the Internet via MDE's website and is subject to inspection or copying, in whole or in part, by the public and other governmental agencies, if not protected by Federal or State law.

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For questions regarding this application form, please contact the Department at (410) 537-3315

THE FOLLOWING INFORMATION MUST BE SUBMITTED WITH THE PERMIT APPLICATION:

1. A detailed description of the facility operation that includes a description of each component of the facility operations and how each of these operate as part of the regular function of the facility (i.e. weighing, unloading, processing, storage, marketing, residue disposal, hauling, record keeping, employees, administration, etc.)
2. A marketing plan and strategy for the product(s) produced at the facility. The plan must include the type and grade of each product to be produced and specifically show who will use or purchase these materials.
3. Eleven (11) copies of plans and engineering reports describing the proposed project. The information contained in the plans and report must include:
 - A. A map showing the specific location and land use within ½ mile of the site boundaries of the proposed facility.
 - B. A site plan designating the property boundaries, existing and proposed facility structures, and roads.
 - C. A topographic map of the site that identifies slopes greater than 25 percent, floodplains, wetlands, and aquifer recharge areas.
 - D. Drawings of on-site buildings and other facility structures indicating the type of construction, layout and dimensions.
 - E. Drawings indicating unloading, raw material storage, product storage, equipment storage and processing areas. Include the dimensions of the pile(s) or windrows used for raw material storage; for curing wood chips; and for product storage.
 - F. Days and hours of operation.
 - G. The geographic areas to be served by the proposed facility.
 - H. Types and estimated quantities of natural wood waste to be accepted and processed daily.
 - I. Types of natural wood waste that are not accepted .
 - J. Methods by which quantities of materials entering the site, being processed, and leaving the facility are determined.
 - K. The process and technology to be used for processing wood wastes. Include the number of times wood is ground, aerated, oxygen and temperature readings, and how often the product is removed from the site.
 - L. Number and type of employees.
 - M. Employee safety and sanitary facilities including the location of on site sewage disposal and water supply systems.
 - N. Major items of equipment including manufacturer, type, model, capacity, and number of units.
 - O. Soil types and depths on the site.
 - P. Measures that shall be taken to prevent or control ground or surface water pollution, fires, explosions, odors, noise, dust, litter, vectors, and other nuisances.
 - Q. Methods of controlling runoff from the unloading, storage, and processing areas.
 - R. Site security and access controls.
 - S. An Operations and Maintenance (O&M) Manual which identifies the operation in detail as specified in COMAR 26.04.09.05B.(2)(h)(i-vi).
 - T. An Emergency Preparedness Manual as specified in COMAR 26.04.09.07F.
4. The applicant must also submit:
 - A. An erosion and sediment control plan that meets the requirements of COMAR 26.17.01 and that has been approved by the local soil conservation district or appropriate approving authority.
 - B. A grading permit as required by the local jurisdiction.
 - C. An approved and bonded storm water management plan as required by the local jurisdiction.
 - D. A description of and copies of all other applicable permits or approvals as required under local, State or federal statutes.



HOWARD COUNTY DEPARTMENT OF PLANNING AND ZONING
 3430 Courthouse Drive ■ Ellicott City, Maryland 21043 ■ 410-313-2350
 Voice/Relay

Valdis Lazdins, Director

FAX 410-313-3467

May 11, 2017

TECHNICAL STAFF REPORT

Planning Board Meeting of May 25, 2017

Case No: ZRA-180

Petitioners: Mary Kay Sigaty, Councilperson
 Greg Fox, Councilperson
 Valdis Lazdins, Director of Planning and Zoning for Allan H. Kittleman, County Executive

Request: Zoning Regulation Amendment to amend the following sections of the Howard County Zoning Regulations (HCZR) concerning Natural Wood Waste Recycling Facilities ("NWWRF") and Composting Facilities ("CF"):

- Section 103.0 to add new definitions for Composting, Composting Facility, Bulk Firewood Processing, Natural Wood Waste, Natural Wood Waste Recycling Facility, and Sawmill.;
- Section 103.0 to delete definitions for Mulch Manufacture and Yard Waste Composting;
- Section 104.0, Section 105.0 and Section 106.1 to add Composting Facilities and Emergency Natural Wood Waste Recycling Facilities as permitted accessory uses;
- Section 106.1 to add Natural Wood Waste Recycling Facilities if Accessory to a Tree Farm as a Conditional Use on ALPP Purchased and ALPP Dedicated Easements;
- Section 122.0 to add Composting and Small Tier 1 and Tier 2 Composting Facilities and Natural Wood Waste Recycling Facilities as permitted uses and delete Mulch Manufacture;
- Section 123.0 to add Composting; Tier 1-Small and Tier 2 – Small Composting Facilities; and Tier 2 - Large Composting Facilities as permitted uses;
- Section 124.0 to add Composting and Composting Facilities as a permitted use;
- Section 128.0.I to add a new category, Tier 1 or Tier 2 – Small Composting Facilities, as a Permitted Special Farm Use;
- Section 128.0.I to add a new category, Emergency Natural Wood Waste Recycling Facility, as a Permitted Special Farm Use;
- Section 131.0.N. to update the Conditional Uses and Permissible Zoning Districts Chart;
- Section 131.0.N.46 to delete Mulch Manufacture from the category title, Sawmills, Bulk Firewood Processing, Mulch Manufacture, or Soil Processing;
- Section 131.0.N.60 to delete the category, Yard Waste Composting Facility;

- Section 131.0.O to add two new Conditional Use categories, Composting Facilities and Natural Wood Waste Recycling Facility.

A description of the proposed text amendments for each Section is provided in Section II of this Technical Staff Report, Description of Proposal.

Department of Planning and Zoning Recommendation:

APPROVAL.

I. BACKGROUND AND HISTORY OF EXISTING ZONING REGULATIONS

2004 & 2006 Zoning Regulations:

The 2004 and 2006 Howard County Zoning Regulations (HCZR) contained the following definitions related to the manufacturing of mulch or the composting of organic materials:

Mulch Manufacture: The manufacture of horticultural mulch from wood, wood products or similar materials. This term does not include the production of mulch as a by-product of on-site farming.

Yard Waste Composting Facility: A facility at which yard waste and natural wood waste is received and processed to produce compost for off-site use.

As a Matter of Right:

- Mulch Manufacture was permitted in M-1 and M-2.

Conditional Uses:

- Sawmills and Mulch Manufacture¹ were permitted in RC and RR and were permitted on Agricultural Preservation parcels.
- Yard Waste Composting Facilities were permitted in RC, RR and M-1.

Neither Yard Waste Composting Facilities nor Mulch Manufacture were permitted on Agricultural Land Preservation Program (ALPP) properties.

2013 Comprehensive Zoning Plan (2013 CZP) adopted October 6, 2013:

The 2013 CZP eliminated the Yard Waste Composting Facility use and replaced it with a broader use category to allow recycling of additional materials including wood waste, food, and manure.

Composting Facility: A facility where organic material, specifically limited to vegetation, food waste, and manure, that is obtained principally from off-site locations is processed to generate a product through the microbiological degradation of this organic material under aerobic conditions.

Mulch Manufacture: Remained the same as 2004 & 2006.

¹ The term "Sawmills" has never been defined in the HCZR. Sawmills have variously been listed as a stand-alone permitted use or Conditional Use or combined with Mulch Manufacturing and/or Bulk Firewood Processing or Soil Processing. Definitions for Bulk Firewood Processing and Sawmills were proposed by DPZ in ZRA 149 but were not adopted.

Yard Waste Composting Facility: Deleted.

As a Matter of Right:

- Sawmills were permitted in M-1 and M-2.

Conditional Uses:

- Composting Facilities were permitted only in RC. Replaced the former category, Yard Waste Composting Facility.
- Sawmills, Bulk Firewood Processing, Mulch Manufacture or Soil Processing were permitted in RC and RR. The title of this category was expanded and retitled from the former category, Sawmills and Mulch Manufacture.
- Composting Facilities were allowed as potential Conditional Uses on ALPP Purchased Easements, ALPP Dedicated Easements and on Other Dedicated Easements, without any use area restrictions.
- Mulch manufacture was allowed as a Conditional Use on ALPP Purchased and ALPP Dedicated Easements with a cumulative use cap not to exceed 2% of the easement and on Other Dedicated Easements with a cumulative use cap not to exceed 2% of the easement, up to a maximum of one acre.

Current Zoning Regulations (ZRA 149/CB 20-2014 August 2014):

In response to concerns related to potential large scale mulch and composting facilities in western Howard County, the County Council sponsored Zoning Regulation Amendment 149 (Council Bill 20-2014, effective August 4, 2014), which amended the 2013 Zoning Regulations by reinstating certain Regulations that were in effect prior to 2013. The amendments included:

Definitions:

- Mulch Manufacture: Remained the same as 2004 & 2006.
- Composting Facility: Deleted.
- Yard Waste Composting Facility: Reinstated.

As a Matter of Right:

- Mulch Manufacture permitted in M-1 and M-2.

Conditional Uses:

- Composting Facility category deleted.
- Sawmills, Bulk Firewood Processing, Mulch Manufacture, or Soil Processing were permitted in RC and RR. However, this use category was not permitted on ALPP Purchased Easements, ALPP Dedicated Easements and on Other Dedicated Easements.
- Yard Waste Composting Facility former category reinstated; permitted in RC, RR and M-1. Not permitted on ALPP Purchased Easements, ALPP Dedicated Easements and on Other Dedicated Easements.

Task Force to study Mulching, Composting and Wood Processing:

On July 7, 2014, the County Council adopted Council Resolution 74 (CR 74-2014) creating a Task Force to “study mulching, composting and wood processing policies and regulations with respect to Howard County land use, planning processes and Zoning Regulations” (the Wood Processing Task Force). At a minimum among their tasks was to examine the following:

- The role, scope, and impacts of mulching, composting, and wood processing activities to the overall sustainability of the County;
- Best management practices for mulching, composting, and wood processing uses;
- Optimal sizes and locations for mulching, composting, and wood processing uses; and
- Statewide (Maryland Department of the Environment and Agriculture) regulations and potential changes in the area of mulching, composting, and wood processing activities.

The Task Force met from July 2014 through February 2015 and issued a Report to the County Council (Task Force Report) on March 9, 2015 (updated April 13, 2015). The Report included a table of recommendations pertaining to the Zoning Regulations (Zoning Matrix). It showed 18 different categories of Natural Wood Waste Recycling and Composting operations with specific use restrictions applied to each category. Categories 1-5 relate to NWWRF and categories 6-18 relate to composting operations. A separate report entitled “Report of Concerned Citizens of the Mulch/Composting Task Force” dated March 15, 2015 (Minority Report) was issued by five dissenting members of the Task Force. It summarized citizen group concerns.

The Zoning Matrix included very specific zoning regulations, as well as non-land use requirements from the majority and minority perspective. The Task Force Report recognized the importance of farming to the County and attempted to craft regulations that avoided undue burdens on farmers as they conducted agricultural activities, while at the same time addressing concerns of residential neighbors. The Task Force Report noted that “some members of the Task Force see composting as a farming activity only when the bulk of the end product is used on the farm and do not view wood waste recycling as a farming activity.” The Wood Processing Task Force deliberated a number of concerns and issues with respect to NWWRF and composting operations in the rural west. Key issues included:

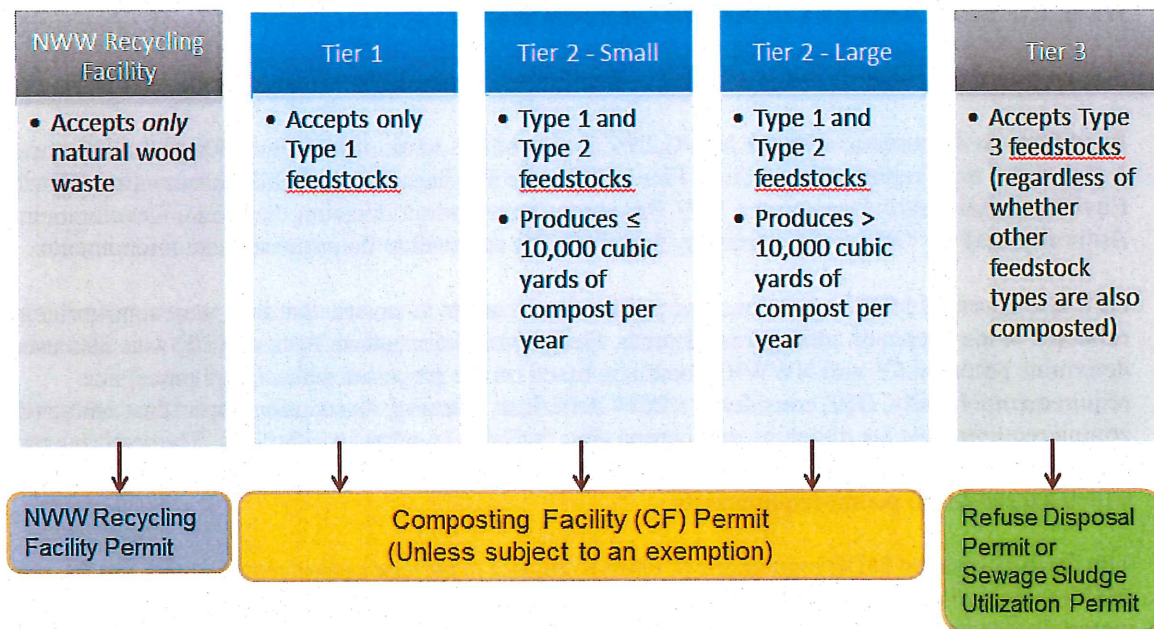
- Water pollution of wells, streams and groundwater,
- Airborne pollutants (dust, mold spores),
- Noise generated by grinding equipment and trucks,
- Road and bridge damage by trucks and hazards to cyclists and pedestrians,
- Visibility of facilities from roads and surrounding properties,
- Fire hazards, and,
- Scale on Agricultural Preservation parcels

Concurrently, Maryland Department of the Environment (MDE) was in the process of revising and updating the State’s composting regulations. The new composting regulations (COMAR 26.04.11) were finalized and became effective July 1, 2015. The MDE Regulations created three tiers of composting activities based on feedstock type and the respective level of environmental risks. MDE Composting Tiers and feedstock types are summarized in the following diagrams.

MDE Feedstock Types

NWW	Type 1	Type 2	Type 3
<ul style="list-style-type: none"> Natural Wood Waste (e.g. stumps, logs) 	<ul style="list-style-type: none"> Yard waste (e.g. leaves, grass) 	<ul style="list-style-type: none"> Food scraps Non-recyclable paper Animal manure and bedding Industrial food processing materials Animal mortalities Compostable products 	<ul style="list-style-type: none"> Sewage Sludge or <u>Biosolids</u> Used diapers Mixed municipal solid waste (MSW)

MDE Facility Tiers



In August 2015 the Dayton Rural Preservation Society (DRPS) submitted ZRA 160, which included many of the recommendations contained in the Minority Report. In response, DPZ was asked to convene a work group to assess the ZRA and to provide recommended changes. The Mulch Work Group (MWG) met from November 2015 through March 2016 and included four Task Force members (two from the farming community and two residents); supported by DPZ staff. The MWG discussed many of the same issues as the Task Force; however, its focus was much narrower - to guide the development of Zoning Regulations. Topics included:

- Appropriate zoning districts for commercial operations;
- Scale and size of mulch and composting operations;
- Setbacks;
- Location/road conditions;
- Fire safety;
- Screening/buffering;
- Ground water contamination;
- Dust control, and;
- Agricultural Preservation parcels.

DPZ had developed and presented Conditional Use criteria to the MWG that could be enforced for mulch and composting operations requiring an MDE NWWRF or CF permit. Both the Task Force and MWG extensively discussed the scale of mulch/compost operations; what constituted a commercial or industrial operation; and what scale of operation should be permitted on farm properties.

The MWG concluded that “on-the-farm/for-the-farm” mulch operations constituted a bona fide farming activity that did not rise to a level triggering a Conditional Use and could be permitted on ALPP properties. Generally, operations would be considered non-commercial if all materials were produced and used on the farm or another farm with the same ownership. However, consensus could not be reached regarding the sale of mulch or compost operations.

II. DESCRIPTION AND EVALUATION OF PROPOSAL

The proposed text amendment is attached as Exhibit A – Petitioner’s Proposed Text.

In addition to discussions with the MWG, DPZ reviewed the work of the Wood Waste Task Force and collaborated with representatives from Fire and Rescue Services, Howard Soil Conservation District, Environmental Health Department, DPZ Resource Conservation Division, Economic Development Authority, and the Office of Community Sustainability to develop the proposed text amendments.

DPZ also assessed MDE regulations and permit requirements to ensure that they were appropriately reflected in the proposed zoning amendments. Geographic Information System (GIS) was also used to determine potential CF and NWWRF locations based on the proposed setback and parcel size requirements. Finally, DPZ considered a 2014 American Planning Association report that analyzed zoning requirements for mulching and composting facilities in other jurisdictions. The resulting proposed amendment includes regulations related to land use criteria that can be implemented and enforced and which exceed MDE permit requirements.

The recently enacted MDE regulations (COMAR 26.04.11) include permit requirements for the operation of Composting Facilities categorized across three levels, or tiers, based on the types of processed materials (feedstocks) and the potential for environmental risks. NWWRF are regulated by MDE in accordance with COMAR 26.04.09. Extensive permit requirements regulate a broad range of processes involved in operating CF and NWWRF.

The MDE permits address many criteria, such as groundwater contamination, feedstock types, pile heights, operation, maintenance and rehabilitation plans, soils management plans, grading, runoff control, storm water management, fire control, odors, noise, dust, and other operational aspects. Further, MDE exempts certain on-farm composting operations that are small in size/scale and that meet certain criteria. MDE allows exemptions to these operations as they do not pose environmental or health risks. A summary of these exemptions is in Appendix A.

The amendment proposes that the HCZR apply only to mulch and composting operations requiring an MDE permit and that mulch and composting operations not requiring an MDE permit should be considered accessory use to a farming operation. However, COMAR 26.04.11.04 contains general restrictions that apply to composting regardless of the need for a permit (see Appendix B).

The Petitioner proposes to amend eight sections in the HCZR, described as follows:

Section 103.0: Definitions

The amendment includes definitions for Composting, Composting Facilities, Natural Wood Waste Recycling and Natural Wood Waste Recycling Facilities that align local zoning definitions with MDE definitions. Additionally, definitions for sawmills and bulk firewood processing facilities are included as these uses have historically been included in the Conditional Use category with mulch manufacture and are not separately defined.

DPZ does not believe composting operations that do not require an MDE permit constitute a "facility" but considers them ancillary and incidental to farming operations and, therefore, recommends differentiating between these operational types in the proposed definitions.

Section 104.0: RC Rural Conservation) District and Section 105.0: RR (Rural Residential) District

The amendment does not propose regulating composting and mulch activities that do not require an MDE permit and that are accessory to a principal farming use. However, it is recognized that some composting operations on farms will not meet the criteria for an MDE permit exemption (summarized in Appendix A) despite primarily serving as a waste and nutrient management function. For example, composting operations that exceed 40,000 square feet do not qualify for an MDE permit exemption. Therefore, a one-acre composting operation that solely supports a farming operation would require an MDE permit. This is a common issue for farms using the traditional windrow method to compost. The capacity of windrow turning machinery determines pile height - the less capacity the smaller the piles, and the more land area needed to support the operation. Typically, machines are limited to 4-6 foot pile heights, which must be spaced to allow access. This traditional windrow turning scenario could easily surpass 40,000 sq. ft., yet the entire composting operation's purpose is to provide a necessary waste and nutrient management function to support the farm and not for commercial enterprise.

The amendment proposes a Permit for Special Farm Uses be available for facilities up to 3 acres to allow composting operations that primarily support farming operations, yet require an MDE Composting Facility permit. The Permit for Special Farm Uses would allow the County to apply certain criteria and ensure access to operational plans and MDE permitting information. The Permit for Special Farm Uses criteria are listed in Exhibit A of the Petition, Section 128.0.I.9., are cross referenced in the Accessory Use provisions of Sections 104.0 and 105.0.

The amendment proposes a Permit for Special Farm Uses be available for emergency situations requiring tree removal. The Emergency NWWRF Use Category is detailed in Section 128.0.I.10 and cross-

referenced in Section 104.0 and 105.0.

Section 106.1: County Preservation Easements

Currently, mulch and composting activities that are accessory to a farming use are permitted on Agricultural Preservation Properties. The proposed amendment allows Natural Wood Waste Recycling Facilities accessory to a Tree Farm as a Conditional Use on ALPP Purchased and ALPP Dedicated Easements, subject to limitations described in the evaluation of Sec. 131.0. The amendment does not propose allowing NWWRF that require an MDE permit or Tier 2 -Large Composting Facilities on ALPP properties.

Section 106.1 does not apply to MALPF properties. The State regulates activities on MALPF properties and imposes size and use restrictions that meet the intent of the State program. With respect to mulch operations, MALPF requires the majority of products be produced on site, the remainder be of species indigenous to Maryland, and that the facility and parking area must cover no more than 2% of the easement, not to exceed 2 acres. The amendment proposes continuing this practice and not imposing further restrictions.

Section 122.0: M-1 (Manufacturing: Light) District and Section 123.0: M-2 (Manufacturing: Heavy)

The amendment proposes Natural Wood Waste Recycling Facilities and Tier 1 and Tier 2-Small Composting Facilities as permitted uses and deletes the Mulch Manufacture land use category.

Currently, NWWRF are permitted as a matter of right in M-1 and M-2. The proposal continues to allow the use by-right but revises the category title from Mulch Manufacture to NWWRF.

Additionally, only Yard Waste Composting is currently permitted in M-1. Composting of other feedstocks such as food waste, animal bedding, animal waste, etc. is not permitted in any zoning district since the use category was removed through CB-20-104/ZRA 149.

The proposed amendments to M-I permit Tier 1 and Tier 2 - Small Composting Facilities by right and Tier 2 – Large Composting Facilities as Conditional Uses. In M-2, Tier 1 and Tier 2 Composting Facilities would be permitted by right.

DPZ agree with the proposed amendments to allow Tier I and Tier II- Small CFs and NWWRs by-right in industrial zones. The M-1 and M-2 zoning districts permit a number of uses by-right that have potential adverse environmental impacts and that are less regulated. The newly adopted MDE Composting Facility permit requirements regulate many environmental aspects of a composting such as water quality and nutrient management. These uses are appropriate and complimentary to industrial zoning districts.

Section 124.0: SW (Solid Waste) Overlay District

The proposed text amendment adds Composting and Composting Facilities as a permitted use.

The SW Overlay District is a special district for certain solid waste processing facilities and requires Preliminary Development Plan approval by the Zoning Board. This district currently permits land clearing debris landfills, rubble landfills, and solid waste processing facilities as a matter of right in an underlying

M-2 zoning district. The SW Overlay District, which provides opportunities for alternatives to solid waste disposal in landfills, is the appropriate zoning district for these facilities. The amendment incorporates Tier I, Tier II and Tier III Composting Facilities into the SW Overlay District.

Section 128.0: Supplementary Zoning District Regulations

Staff recommends approval of the amendment

The proposed text amendment adds a Special Farm Use for Composting Facilities that require an MDE Type 1 or Type 2 - Small permit up to 3 acres, with the following conditions:

- A copy of the MDE permit application and any applicable operations or emergency preparedness plans must be submitted to DPZ;
- HSCD must review and provide comment on the proposed operation;
- Limited on-site sales are allowed; transport is limited to farming vehicles, pickup trucks and other non-commercial vehicles; and
- Commercial off-site sales are prohibited unless the product is shipped with trees, shrubs, or plants.

The Permit for Special Farm Uses would allow the County to apply certain criteria and ensure access to operational plans and MDE permitting information for composting operations that provide a necessary waste and nutrient management function to support the farm.

Additionally, the proposed text amendment adds a Special Farm Use for Emergency NWWRF that will allow for temporary recycling and sale of wood waste resulting from a natural catastrophe such as a tornado, fire, storm, or disease. The Permit is limited to 90 days, no more than one acre, and the applicant must confirm the cause and extent of damage or disease.

Section 131.0.N: Conditional Uses

Currently, NWWRF are allowed by-right in M-1 and M-2 and Yard Waste Composting is allowed in RC, RR and M-1 as a Conditional Use. The proposed amendment would delete the Yard Waste Composting use category and replace it with a new use category- Composting Facilities.

Additionally, Composting Facilities over three acres and NWWRFs would be Conditional Uses in the RC and RR Zoning Districts and Tier II- Large Composting Facilities would be conditionally allowed in M-1. An analysis of proposed Conditional Use criteria follows:

1. Section 131.0.O.1.A and 131.0.O.2.A.- Agricultural Land Preservation Program: The amendment proposes to prohibit CF on ALPP properties that are over 3 acres and all NWWRF on ALPP properties unless the facility is accessory to a principal tree farming use. This allows tree nurseries or similar farming operations to sell and transport mulch as a soil amendment to the tree sales. However, a number of sizes limitations are proposed. The maximum use area cannot exceed 2 acres and cannot exceed 15% of the tree farm area. Additionally, this Conditional Use category is subject to the 2% cumulative use cap, as specified in Section 106.1.D.1.a.
2. Section 131.0.O.1.B and 131.0.O.2.B - Allowable Materials: Only processing of Type 1 and Type 2 feedstock materials is allowed
3. Section 131.0.O.1.C and 131.0.O.2.C - Minimum Lot Size: The amendment proposes

- a 10-acre minimum lot size requirement. Larger lot size restrictions are appropriate in rural districts to ensure compatibility with surrounding residential uses.
4. Section 131.0.O.1.D and 131.0.O.2.D - Maximum Use Area: The amendment proposes a maximum use area of the lesser of 5 acres or 10% of the site. The use area requirement was determined to allow adequate space for storing, processing, buffering, soil and nutrient management and stormwater management.
 5. Section 131.0.O.1.E through G - Compliance with State and other regulations: Conditional Use applicants may not have final MDE permit approval at the time of application. However, compliance with MDE permit requirements will be detailed in the permit application and accompanying materials. Therefore, the proposed Conditional Use criteria requires the applicant submit various compliance documentation for consideration in DPZ's technical analysis and the Hearing Authority's decision. Conditions can be placed on the Conditional Use approval and the approval will be based on this information. Any future major changes to the MDE permit would be considered a modification or alteration of an approved Conditional use and would need to be approved by the Hearing Authority.
 6. Section 131.0.O.1.H and 131.0.O.2.H – Access: The text proposed for this section is standard within Section 131.0 of the Zoning Regulations and provides flexibility to access facilities from local roads when appropriate.
 7. Section 131.0.O.1.I and 131.0.O.2.I - Setbacks: DPZ reviewed the setback recommendations of the Wood Waste Task Force (Majority and Minority Reports), conducted mapping analysis with various setback distances and had extensive discussions with the Mulch Work Group. ZRA 180's proposed setbacks attempt to address the issues and concerns expressed by residents of western Howard County, while allowing for the Hearing Authority to reduce setbacks to account for individual property constraints if adequate justification is provided. Based on consultation with various environmental professionals and research of State standards and best management practices, a maximum 100 foot setback to streams and wetlands is appropriate for water quality mitigation. Vegetative buffering is a more effective means of mitigating water quality impacts rather than distance. The proposal includes a requirement for an HSCD Supplementary Project Evaluation (SPE). The SPE analyzes soil and sedimentation and provides recommendations for buffering and planting to mitigate any potential groundwater contamination. The SPE will also influence site design based on application of MDE Standards and Specifications. MDE has approximately 80 standards and specifications that are used to guide site design and mitigate impacts such as windbreak, runoff, ground water, etc. This evaluation and HSCD's recommendations will provide guidance to the Hearing Authority to determine if reduced setbacks are appropriate.
 8. Section 131.0.O.1.J. and 131.0.O.2.J - Screening: Uses various means to screen operations including environmental or topographic features that provide a natural screen.
 9. Section 131.0.O.1.K. and 131.0.O.2.K - Site Development Plan (SDP) for all proposed NWWRF or CF will be required and alternative compliance will not be permitted. Stormwater management regulations are applied through the SDP process and all MDE standards will need to be met. Additionally, traffic and fire protection will be analyzed based on detailed site planning.
 10. Section 131.0.O.1.L and 131.0.O.2.L - Conditional Use petitions will need to identify the proposed methods for disposal of leachate and runoff.
 11. Section 131.0.O.1.M and 131.0.O.2.M - Establishes hours of operation that can be reduced by the Hearing Authority.
 12. Section 131.0.O.1.N and 131.0.O.2.N - Allows for on-site retail sales only if approved by the Hearing Authority.
 13. Section 131.0.O.1.O and 131.0.O.2.O - Road Capacity- DPZ reviewed the condition of bridges in western Howard County based on Department of Public Works data. All but one bridge was deemed to be sufficient for truck traffic. Conditional Use petitions

will be required to submit a road and bridge analysis based on proposed truck traffic for review by the Hearing Authority.

14. Section 131.0.O.1.P and 131.0.O.2.P - Lists a number of additional requirements to be depicted on the proposed Conditional Use Plan.
15. Section 131.0.O.1.Q and 131.0.O.2.Q - Establishes requirements for site remediation for NWWRF or CF that cease operations for two years or more.

The proposed Conditional Use criteria attempt to regulate areas that are not already addressed by MDE, apply enforceable regulations, and incorporate other applicable regulations into a decision for approval. The Howard County Fire Code was recently updated (April, 2016) and all of the Wood Waste Task Force recommendations were included in the update. As a matter of common practice, all Conditional Use petitions are reviewed by Howard County Department of Fire and Rescue. In addition, the proposed regulations require that an Emergency Preparedness Plan be submitted with the Conditional Use petition for review by the Fire Marshall.

MDE regulations require that dust be controlled at all times. Most grinding equipment has water spray mechanisms incorporated that provide automatic misting. MDE also regulates pile heights and temperature control. DPZ does not have a mechanism to measure pile heights and therefore, does not recommend additional Zoning restrictions.

Finally, many of the residential concerns identified during the Wood Waste Task Force and Mulch Work Group will be addressed through HSCD's review. The SPE will cover three phases of analysis for potential NWWRF or CF:

- 1) Site selection - During the site selection process an analysis of soil types, slopes and other natural features will determine if a parcel is suitable.
- 2) Site design - Once a parcel is determined to be suitable, HSCD will assist in designing the wood waste or composting operation and identifying the optimal location based on MDE Standards and Specifications. Windbreak standards will be applied to control dust and odors. Riparian or other appropriate buffering will be used to intercept sediment and other nutrients and mitigate potential pollution.
- 3) Operations management - A soil and nutrient management plan will be required to ensure that the operation is managed according to MDE standards. HSCD can review and provide guidance as needed to maintain compliance with the Plan.

HSCD will provide guidance in creating the Conditional Use plan and recommendations that will assist DPZ's evaluation of the petition and the Hearing Authority's ultimate decision. Each site should be reviewed independently and mitigation measures should be site-specific based on MDE best management practices. Therefore, a tailored approach will address potential adverse impacts associated with large-scale wood waste processing or composting over general criteria with limited flexibility that may not consider the unique needs of different parcels and varying soil conditions.

Relation to the General Plan

PlanHoward 2030 discusses the interplay of agricultural and commercial uses and recognizes that "In a rapidly changing economy, Howard County farmers should be able to utilize innovative farming practices so they too can adapt to the evolving market. Enhancing their ability to farm efficiently is critical to the growth of Howard County and its ability to maintain a diverse economy. However, new development plans and conditional uses should include better buffers to reduce conflicts with neighboring residents."

Policy 4.5 seeks to "Refine the RC and RR zoning regulations to provide greater flexibility for the agricultural community as well as appropriate protections for rural residents." The proposed amendment is consistent with this policy.

Relation to the Zoning Regulations

While some adverse impacts could result from mulch and composting on agricultural lands, those impacts would likely be mitigated through MDE regulations and local fire and health codes.

III. AGENCY COMMENTS

No formal comments were received because DPZ collaborated with representatives from Fire and Rescue Services, Howard Soil Conservation District, Environmental Health Department, DPZ Resource Conservation Division, Economic Development Authority, and the Office of Community Sustainability to develop the proposed text amendments.

IV. RECOMMENDATION

APPROVAL.

For the reasons noted above, the Department of Planning and Zoning recommends that ZRA-180 be APPROVED.



5/11/17

Approved by:

Valdis Lazdins, Director

Date

NOTE: The file on this case is available for review at the Public Service Counter by appointment in the Department of Planning and Zoning.

Exhibit A – Petitioner’s Proposed Text

(CAPITALS indicate text to be added; text in ~~[[brackets]]~~ indicates text to be deleted.)

SECTION 103.0: Definitions

~~[[Mulch Manufacture: The manufacture of horticultural mulch from wood, wood products or similar materials. This term does not include the production of mulch as a by-product of on-site farming.]]~~

~~[[Yard Waste Composting Facility: A facility at which yard waste and natural wood waste is received and processed to produce compost for off-site use.]]~~

COMPOSTING: THE CONTROLLED AEROBIC BIOLOGICAL DECOMPOSITION OF ORGANIC WASTE MATERIAL.

COMPOSTING FACILITY: A FACILITY WHERE COMPOSTING TAKES PLACE AS REGULATED BY AND WHICH OPERATES UNDER A PERMIT FROM THE MARYLAND DEPARTMENT OF THE ENVIRONMENT UNDER COMAR.

FIREWOOD PROCESSING, BULK: A COMMERCIAL FACILITY WHICH PRINCIPALLY PROCESSES BRANCHES AND LOGS BY CHOPPING, CUTTING, SAWING, OR SPLITTING TO PRODUCE FIREWOOD FOR SALE, AND WHICH MAY INCLUDE THE ACCESSORY PROCESSING OF THE WOOD WASTE SOLELY PRODUCED BY THE PRINCIPAL PROCESSING TO CREATE HUMUS, MULCH OR WOOD CHIPS. THIS TERM DOES NOT INCLUDE THE PRODUCTION OF FIREWOOD AS AN ACCESSORY USE TO FARMING OR RESIDENTIAL PARCELS FOR LAND CLEARING OR PRIVATE USE PURPOSES.

NATURAL WOOD WASTE: TREE AND OTHER NATURAL VEGETATIVE REFUSE INCLUDING TREE STUMPS, BRUSH AND LIMBS, ROOT MATS, LOGS, LEAVES, GRASS CLIPPINGS, UNADULTERATED WOOD WASTES, AND OTHER NATURAL VEGETATIVE MATERIALS.

NATURAL WOOD WASTE RECYCLING FACILITY: A FACILITY WHERE RECYCLING SERVICES FOR NATURAL WOOD WASTE IS PROVIDED AND WHICH OPERATES UNDER A PERMIT FROM THE MARYLAND DEPARTMENT OF THE ENVIRONMENT UNDER COMAR .

SAWMILL: A COMMERCIAL FACILITY WHICH PRINCIPALLY PROCESSES LOGS BY SAWING, SPLITTING, SHAVING, OR STRIPPING TO PRODUCE LUMBER AND WHICH MAY INCLUDE THE ACCESSORY PROCESSING OF THE WOOD WASTE SOLELY PRODUCED BY THE PRINCIPAL PROCESSING TO CREATE HUMUS, MULCH OR WOOD CHIPS. THIS TERM DOES NOT INCLUDE THE PRODUCTION OF LUMBER AS AN ACCESSORY USE TO FARMING OR RESIDENTIAL PARCELS FOR LAND CLEARING OR PRIVATE USE PURPOSES.

SECTION 104.0: RC (Rural Conservation) District

C. Accessory Uses

The following are permitted accessory uses in the RC District, except that only the uses listed in Section 106.1 shall be permitted on County Preservation Easements. More than one accessory use shall be permitted on a lot, provided that the combination of accessory uses remains secondary, incidental and subordinate to the principal use.

1. Any use normally and customarily incidental to any use permitted as a matter of right in this district. Accessory structures are subject to the requirements of Section 128.0.A.
2. Accessory houses, limited to the following:
 - a. Farm tenant houses and similar uses customarily accessory to agricultural uses, provided that these uses shall not be permitted on parcels of less than 50 acres, and one unit shall be permitted for each 25 acres of that parcel; or
 - b. Caretakers' dwellings and similar uses customarily accessory to residential estate uses, provided that these uses shall not be permitted on parcels of less than 50 acres and one unit shall be permitted for each 50 acres of that parcel.
3. Accessory apartments, subject to the requirements of Section 128.0.A.
4. The housing by a resident family of:
 - a. Not more than four non-transient roomers or boarders; or
 - b. Not more than eight mentally and/or physically disabled persons or persons 62 years of age or older, provided the use is registered, licensed or certified by the State of Maryland; or
 - c. A combination of a and b above, provided that the total number of persons housed in addition to the resident family does not exceed eight.
5. Home occupations, subject to the requirements of Section 128.0.C.
6. Home care, provided that if home care is combined with housing of mentally or physically disabled persons or persons 62 years of age or older, as allowed by Subsection 4.b above, the total number of persons receiving home care at any one time plus the number of persons being housed shall not exceed eight.
7. Parking:
 - a. Off-street parking of no more than two commercial vehicles on lots of three or more acres and no more than one commercial vehicle on lots of less than three acres. Private off-street parking is restricted to vehicles used in connection with or in relation to a principal use permitted as a matter of right in the district.
 - b. Off-street parking or storage of unregistered, inoperable, wrecked, dismantled or destroyed motor vehicles shall not be permitted, except as provided by Section 128.0.D.
8. Storage of recreational vehicles or boats, provided that on lots of 20,000 square feet or smaller, such storage shall be limited to the following:
 - a. One recreational vehicle with a length of 30 feet or less; and
 - b. One boat with a length of 20 feet or less.
9. The following commercial services are permitted as accessory uses on farms, provided that the uses are located on a parcel of at least 50 acres or on a parcel of any size subject to an ALPP purchased or dedicated easement, the commercial service is conducted by persons residing on or operating the farm, and all uses are screened from public roads and adjacent lots:

- a. Blacksmith shop
 - b. Farm machinery repair
 - c. Lawn and garden equipment repair
 - d. Welding
10. Farm stands, subject to the requirements of Section 128.0.I.
 11. Snowball stands, subject to the requirements of Section 128.0.D.
 12. Home-based contractors, subject to the requirements of Section 128.0.C.2.
 13. The acceptance or disposal of off-site land clearing debris under a permit issued by the Department of Planning and Zoning, subject to the requirements of Section 128.0.D.
 14. Value-added processing of agricultural products, subject to the requirements of Section 128.0.I.
 15. Agritourism enterprises and pick-your-own marketing of farm products, subject to the requirements of Section 128.0.I.
 16. Farm Winery—Class 1A and Farm Brewery—Class 1A, subject to the requirements of Section 128.0.O.
 17. Small Wind Energy System, building mounted, subject to the requirements of Section 128.0.L.
 18. Small Wind Energy System, freestanding tower on properties 5 acres or great or greater, subject to the requirements of Section 128.0.M.
 19. Riding Academies and Stables, subject to the requirements of Section 128.0.I.
 20. Community Supported Agriculture, subject to the requirements of Section 128.0.I.
 21. Food Hubs, subject to the requirements of Section 128.0.I.
 22. Accessory Solar Collectors.
 23. Residential chicken keeping, subject to the requirements of Section 128.0.D.
 24. Livestock on residential lots or parcels, subject to the requirements of Section 128.0.D.
 25. COMPOSTING FACILITIES, SUBJECT TO THE REQUIREMENTS OF SECTION 128.0.I.
 26. EMERGENCY NATURAL WOOD WASTE RECYCLING FACILITIES, SUBJECT TO THE REQUIREMENTS OF SECTION 128.0.I.

SECTION 105.0 RR (Rural Residential) District

C. Accessory Uses

The following are permitted accessory uses in the RR District, except that only the uses listed in Section 106.1 shall be permitted on County preservation easements. More than one accessory use shall be permitted on a lot, provided that the combination of accessory uses remains secondary, incidental and subordinate to the principal use.

1. Any use normally and customarily incidental to any use permitted as a matter of right in this district. Accessory structures are subject to the requirements of Section 128.0.A.
2. Accessory houses, limited to the following:
 - a. Farm tenant houses and similar uses customarily accessory to agricultural uses, provided that these uses shall not be permitted on

- parcels of less than 50 acres, and one unit shall be permitted for each 25 acres of that parcel; or
- b. Caretakers' dwellings and similar uses customarily accessory to residential estate uses, provided that these uses shall not be permitted on parcels of less than 50 acres and one unit shall be permitted for each 50 acres of that parcel.
3. Accessory apartments, subject to the requirements of Section 128.0.A.
4. The housing by a resident family of:
- a. Not more than four non-transient roomers or boarders; or
- b. Not more than eight mentally and/or physically disabled persons or persons 62 years of age or older, provided the use is registered, licensed or certified by the State of Maryland; or
- c. A combination of a and b above, provided that the total number of persons housed in addition to the resident family does not exceed eight.
5. Home occupations, subject to the requirements of Section 128.0.C.
6. Home care, provided that if home care is combined with housing of mentally or physically disabled persons or persons 62 years of age or older, as allowed by Subsection 4.b above, the total number of persons receiving home care at any one time plus the number of persons being housed shall not exceed eight.
7. Parking:
- a. Off-street parking of no more than two commercial vehicles on lots of three or more acres and no more than one commercial vehicle on lots of less than three acres. Private off-street parking is restricted to vehicles used in connection with or in relation to a principal use permitted as a matter of right in the district.
- b. Off-street parking or storage of unregistered, inoperable, wrecked, dismantled or destroyed motor vehicles shall not be permitted, except as provided by Section 128.0.D.
8. Storage of recreational vehicles or boats, provided that on lots of 20,000 square feet or smaller, such storage shall be limited to the following:
- a. One recreational vehicle with a length of 30 feet or less; and
- b. One boat with a length of 20 feet or less.
9. The following commercial services are permitted as accessory uses on farms, provided that the uses are located on a parcel of at least 50 acres or on a parcel of any size subject to an ALPP Purchased or ALPP Dedicated Easement, the commercial service is conducted by persons residing on or operating the farm, and all uses are screened from public roads and adjacent lots:
- a. Blacksmith shop
- b. Farm machinery repair
- c. Lawn and garden equipment repair
- d. Welding
10. Farm stands subject to the requirements of Section 128.0.I.
11. Farm Winery—Class 1A or Farm Brewery—Class 1A, subject to the requirements of Section 128.0.O.
12. Snowball stands, subject to the requirements of Section 128.0.D.
13. Home-based contractor, subject to the requirements of Section 128.0.C.2.

14. The acceptance or disposal of off-site land clearing debris under a permit issued by the Department of Planning and Zoning, subject to the requirements of Section 128.0.D.
15. Value-added processing of agricultural products, subject to the requirements of Section 128.0.I.
16. Agritourism enterprises and pick-your-own marketing of farm products, subject to the requirements of Section 128.0.I.
17. Small Wind Energy System, building mounted, subject to the requirements of Section .0.L.
18. Riding Academies and Stables, subject to the requirements of Section 128.0.I.
19. Community Supported Agriculture, subject to the requirements of Section 128.0.I.
20. Food Hubs, subject to the requirements of Section 128.0.I.
21. Accessory Solar Collectors.
22. Residential chicken keeping, subject to the requirements of Section 128.0.D.
23. Livestock on residential lots or parcels, subject to the requirements of Section 128.0.D.
24. COMPOSTING FACILITIES, SUBJECT TO THE REQUIREMENTS OF SECTION 128.0.I.
25. EMERGENCY NATURAL WOOD WASTE RECYCLING FACILITIES, SUBJECT TO THE REQUIREMENTS OF SECTION 128.0.I.

SECTION 106.1: County Preservation Easements

C. Accessory Uses

1. ALPP Purchased Easements and ALPP Dedicated Easements

- a. Any use normally and customarily incidental to any use permitted as a matter of right in the RC and/or RR Districts.
- b. Farm tenant houses on parcels greater than 50 acres, subject to the Deed of Agricultural Preservation Easement and approval by the Agricultural Land Preservation Board. the parcel on which the farm tenant house will be located must be improved with a principal dwelling unless, based on justification of need submitted by the applicant, the Director of the Department of Planning and Zoning authorizes an exception to this requirement.
- c. Accessory apartments, subject to the requirements of Section 128.0.A.
- d. Housing by a resident family of boarders and/or elderly persons subject to the requirements of Sections 104.0.C.4 or 105.0.C.4.
- e. Home occupations, subject to the requirements of Section 128.0.C.
- f. Home care, subject to the requirements of Sections 104.0.C.6 or 105.0.C.6.
- g. Parking of commercial vehicles, subject to the requirements of Sections 104.0.C.7 or 105.0.C.7.

- h. Storage of recreational vehicles or boats, subject to the requirements of Sections 104.0.C.8 or 105.0.C.8.
- i. Commercial services, subject to the requirements of Sections 104.0.C.9 or 105.0.C.9.
 - (1)Blacksmith shop
 - (2)Farm machinery repair
 - (3)Lawn and garden equipment repair
 - (4)Welding
- j. Farm stands, subject to the requirements of Section 128.0.I.
- k. Snowball stands, subject to the requirements of Section 128.0.D.
- l. Value-added processing of agricultural products subject to the requirements of Section 128.0.I.
- m. Agritourism enterprises, subject to the requirements of Section 128.0.I.
- n. Pick-your-own marketing of farm products, subject to the requirements of Section 128.0.I.
- o. Farm winery—Class 1A or Farm Brewery—Class 1A, subject to the requirements of Section 128.0.O.
- p. Small wind energy system, building mounted, subject to the requirements of Section 128.0.L.
- q. Small wind energy system, freestanding tower on properties 5 acres or greater, subject to the requirements of Section 128.0.M.
- r. Riding stables and academies, subject to the requirements of Section 128.0.I.
- s. Community Supported Agriculture (CSA), subject to the requirements of Section 128.0.I.
- t. Food hubs, subject to the requirements of Section 128.0.I.
- u. Accessory Solar Collectors.
- v. Residential chicken keeping, subject to the requirements of Section 128.0.D.
- w. Livestock on residential lots or parcels, subject to the requirements of Section 128.0.D.
- X. COMPOSTING FACILITIES, SUBJECT TO THE REQUIREMENTS OF SECTION 128.0.I.

Y. EMERGENCY NATURAL WOOD WASTE RECYCLING FACILITIES,
SUBJECT TO THE REQUIREMENTS OF SECTION 128.0.I.

D. Conditional Uses

1. ALPP Purchased Easements and ALPP Dedicated Easements

- a. Conditional Uses shall not be allowed on agricultural preservation easements unless they support the primary agricultural purpose of the easement property, or are an ancillary business which supports the economic viability of the farm, and are approved by the ~~[[h]]Hearing~~ ~~[[a]]Authority~~ in accordance with the applicable provisions of Sections 130.0 and 131.0 of these regulations. On an ALPP purchased or dedicated easement property, the area devoted to Conditional Uses may not exceed a cumulative use cap equal to 2% of the easement or up to a maximum of 1 acre for preservation parcels created as part of the Cluster Subdivision process.

The following Conditional Uses may be allowed:

- (1) Animal hospitals
- (2) Barber shop, hair salon and similar personal services facilities
- (3) Bottling of spring or well water
- (4) Communication Towers
- (5) Farm tenant house on a parcel of at least 25 acres but less than 50 acres
- (6) Historic building uses
- (7) Home based contractors
- (8) Home occupations
- (9) Kennels and/or pet grooming establishments
- (10) Landscape contractors
- (11) Limited ~~[[outdoor]]~~ social assemblies¹
- (12) Sawmills or bulk firewood processing
- (13) School buses, commercial service
- (14) Small wind energy systems, freestanding tower

¹ This language is the current category title as changed in ZRA 154.

- (15) NATURAL WOOD WASTE RECYCLING FACILITY IF
ACCESSORY TO A TREE FARM, SUBJECT TO THE
REQUIREMENTS OF SECTION 131.0.O.2.

SECTION 108.0: R-20 (Residential: Single) District

No proposed changes.

SECTION 109.0: R-12 (Residential: Single) District

No proposed changes.

SECTION 110.0: R-SC (Residential: Single Cluster) District

No proposed changes.

SECTION 111.0: R-SA-8 (Residential: Single Attached) District

No proposed changes.

SECTION 122.0: M-1 (Manufacturing: Light) District

B. Uses Permitted as a Matter of Right

1. Ambulance services.
2. Ambulatory health care facilities.
3. Athletic facilities, commercial.
4. Banks, savings and loan associations, investment companies, credit unions, brokers and similar financial institutions.
5. Biodiesel fuel manufacturing from vegetable-based oils.
6. Biomedical laboratories.
7. Blueprinting, printing, duplicating or engraving services.
8. Breweries that manufacture 22,500 barrels or less of fermented malt beverages per year.
9. Bus terminals.
10. Carpet and floor covering stores.
11. Car wash facilities.
12. Carnivals and fairs sponsored by and operated on a nonprofit basis for the benefit of charitable, social, civic or educational organizations, subject to the requirements of Section 128.0.D.
13. Carpet and rug cleaning.
14. Catering establishments and banquet facilities.
15. Child day care centers and nursery schools.

16. COMPOSTING AND COMPOSTING FACILITIES, TIER 1 AND TIER 2 – SMALL, AS DEFINED IN COMAR.
- [[16.]]17 Concert halls.
17. Conservation areas, including wildlife and forest preserves, environmental management areas, reforestation areas, and similar uses.
18. Contractor's office and outdoor or indoor storage facility, including carpentry, cleaning, construction, electrical, excavation, exterminating, heating/air conditioning, home improvement, landscaping, masonry, painting, paving, plumbing, roofing, septic system, snow removal, well drilling, and other contractors.
19. Data processing and telecommunication centers.
20. Day treatment or care facilities.
21. Farming, provided that on a residential lot or parcel of less than 40,000 square feet no livestock shall be permitted. However, residential chicken keeping is allowed as noted in Section 128.0.
22. Flex-space.
23. Funeral homes and mortuaries.
24. Furniture, appliance and business machine repair, furniture upholstery, and similar services.
25. Furniture stores.
26. Government structures, facilities and uses, including public schools and colleges.
27. Hotels, motels, conference centers and country inns.
28. Kennels.
29. Laundry or dry cleaning establishments or plants.
30. Light Industrial Uses.
31. Material recovery facilities—source separated.
32. Mobile home and modular home sales and rentals, but not including occupancy.
33. Motor vehicle, construction equipment and farm equipment maintenance, repair and painting facilities, including full body repair and incidental sale of parts.
34. Motor vehicle, construction equipment and farm equipment sales and rentals.
35. Motor vehicle inspections station.
36. Motor vehicle towing and storage facility.
- [[37. Mulch Manufacture]].
38. NATURAL WOOD WASTE RECYCLING FACILITIES.

{Note: Renumber section accordingly. These uses are also permitted as a matter of right in the M-2 District since all uses permitted in M-1 are also permitted in M-2.}

SECTION 123.0: M-2 (Manufacturing: Heavy) District

B. Uses Permitted as a Matter of Right

1. All uses permitted as a matter of right in the M-1 District.
2. Biodiesel Fuel Manufacturing.

3. Breweries that manufacture more than 22,500 barrels of fermented malt beverages per year.
4. COMPOSTING AND COMPOSTING FACILITIES, TIER 1, TIER 2 - SMALL AND TIER 2 – LARGE, AS DEFINED IN COMAR.

{Note: Renumber remainder of section accordingly.}

SECTION 124.0: SW (Solid Waste) Overlay District

B. Uses Permitted as a Matter of Right if the Underlying District is M-2:

1. COMPOSTING AND COMPOSTING FACILITIES.
2. [[1]] Land clearing debris landfills.
3. [[2]] Rubble landfills.
4. [[3]] Solid waste processing facilities.
5. [[4]] Underground pipelines; electric transmission and distribution lines; telephone, telegraph and CATV lines; mobile transformer units; telephone equipment boxes; and other, similar public utility uses not requiring a Conditional Use.

SECTION 128.0: Supplementary Zoning District Regulations

I. Permits for Special Farm Uses

The Department of Planning and Zoning may approve permits for the following categories of uses, which are related to farming and agriculture. A permit shall only be approved if the Department of Planning and Zoning finds that the proposed use conforms with the criteria given below and that are listed for each category.

Except for the value-added agricultural processing category, the Pick-Your-Own Enterprises category, [[and]] the small farm stand category, AND THE EMERGENCY NATURAL WOOD WASTE RECYCLING CATEGORY all other categories above shall comply with the requirement that the lot or parcel upon which the operation is located shall have frontage on and direct access to a road classification as an arterial or collector public road, or may front on and have direct access to a local road, if:

- (1) Access to an arterial or collector public road right-of-way is not feasible;
- (2) The access to the local road is safe based on road conditions and accident history;
- (3) That the use of the local road for access will not unduly conflict with other uses that access the local road.

The petitioner shall submit a request for a permit in writing, either in a letter or using a form provided by the Department of Planning and Zoning. The request shall specify the proposed permit category and provide a written description of the use and justification addressing how the proposed use compiles with the criteria applicable to the use. The petitioner shall specify

the address of the property for the proposed use, and shall provide a mailing address, if different, a phone number and an email address if used, for purposes of future communication about the request.

For categories which will include visits to the property by customers or participants, the request shall specify the requested hours of operation of the use. In approving a permit, the Department of Planning and Zoning may reduce the hours of operation if it determines that this will reduce adverse impacts on adjacent properties.

The permit request shall include a plan of the property depicting the location and dimensions of structures, parking areas, driveways and landscaping used to buffer any adjacent residential development.

If the Department of Planning and Zoning determines that the proposed use is not in compliance with the applicable criteria, it shall inform the petitioner as to what is necessary to achieve compliance.

UNLESS OTHERWISE SPECIFIED BELOW, once a permit is approved and is issued, the permit shall be valid indefinitely provided that the operation of the approved use remains in full conformance with all aspects of the use as it was approved. The permit holder shall apply for a renewal of the permit if significant changes to the operation are being proposed, including but not limited to new uses or structures, in which case the originally approved plan must be revised to indicate the proposed changes and submitted for a new approval.

9. COMPOSTING FACILITY

A TIER I OR TIER II-SMALL COMPOSTING FACILITY, AS DEFINED IN COMAR, IS PERMITTED AS AN ACCESSORY USE TO FARMING IN THE RC AND RR DISTRICTS PROVIDED THAT:

- A. THE COMPOSTING FACILITY SHALL NOT EXCEED THREE ACRES.
- B. THE PETITIONER SHALL SUBMIT A COPY OF THE FOLLOWING DOCUMENTS WITH THE APPLICATION:
 - (1) THE MARYLAND DEPARTMENT OF THE ENVIRONMENT (MDE) COMPOSTING PERMIT APPLICATION.
 - (2) COMPOSTING OPERATIONS PLAN.
 - (3) EMERGENCY PREPAREDNESS PLAN, AS REQUIRED BY MDE, FOR REVIEW BY THE FIRE MARSHALL.
 - (4) AN APPROVED HOWARD SOIL CONSERVATION DISTRICT (HSCD) SUPPLEMENTARY PROJECT EVALUATION WHICH ADDRESSES KEY NATURAL RESOURCE ISSUES SUCH AS STREAM AND WETLAND PROTECTION, WINDBREAK, VIEWSCAPE, WATER QUALITY AND RUNOFF CONTAINMENT, VEGETATIVE BUFFERS, OR ANY OTHER MITIGATION MEASURES TO MINIMIZE IMPACTS TO ENVIRONMENTAL RESOURCES ON ADJACENT PROPERTIES.
 - (5) VERIFICATION THAT HOWARD COUNTY, DEPARTMENT OF PUBLIC WORKS-ENVIRONMENTAL SERVICES HAS BEEN

NOTIFIED THAT A COMPOSTING FACILITY IS PROPOSED FOR PURPOSES OF THE SOLID WASTE MANAGEMENT PLAN.

- C. ON-SITE RETAIL SALES ARE LIMITED TO PRODUCT PICK UP BY FARMING VEHICLES, PICKUP TRUCKS OR NON-COMMERCIAL VEHICLES.
- D. END PRODUCT MAY BE SHIPPED WITH TREES, SHRUBS OR PLANTS.

10. EMERGENCY NATURAL WOOD WASTE RECYCLING FACILITY

THE USE IS PERMITTED AS ACCESSORY TO FARMING IN THE RC AND RR DISTRICTS, PROVIDED THAT:

- A. A NWWRF IS DETERMINED TO BE NECESSARY BECAUSE OF A NATURAL CATASTROPHE SUCH AS A MAJOR STORM, WEATHER CONDITION, OR DISEASE.
- B. THE NWWRF ALLOWS A PROPERTY OWNER TO DISPOSE OF EXCESS NATURAL WOOD WASTE FROM THEIR PROPERTY ON AN EMERGENCY BASIS, PROVIDED THAT THE USE AREA DOES NOT EXCEED ONE ACRE AND THE USE IS LIMITED TO NO MORE THAN 90 DAYS PER YEAR. A TIME EXTENSION MUST BE REQUESTED IN WRITING PRIOR TO THE EXPIRATION DATE OF THE ORIGINAL PERMIT.
- C. THE NWWRF WILL NOT HAVE SIGNIFICANT ADVERSE IMPACTS ON NEIGHBORING PROPERTIES. ADVERSE IMPACTS DO NOT INCLUDE THOSE NORMALLY ASSOCIATED WITH FARMING OPERATIONS THAT FOLLOW GENERALLY ACCEPTED AGRICULTURAL MANAGEMENT PRACTICES OR ANY PERMITTED USES UNDER THIS SECTION.
- D. THE REQUEST SHALL INCLUDE A DESCRIPTION OF THE CIRCUMSTANCES THAT NECESSITATE THE USE PERMIT. THE REQUEST SHALL INCLUDE THE APPROXIMATE SIZE OF THE USE AREA AND PHOTOGRAPHS DOCUMENTING THE SCOPE OF THE DAMAGE.
- E. THE PETITIONER SHALL SUBMIT A COPY OF THE FOLLOWING DOCUMENTS WITH THE APPLICATION:
 - (1) THE MARYLAND DEPARTMENT OF THE ENVIRONMENT (MDE) NATURAL WOOD WASTE RECYCLING FACILITY PERMIT APPLICATION.
 - (2) NATURAL WOOD WASTE RECYCLING FACILITY OPERATIONS PLAN.
 - (3) EMERGENCY PREPAREDNESS PLAN, AS REQUIRED BY MDE, FOR REVIEW BY THE FIRE MARSHALL.

- (4) AN APPROVED HOWARD SOIL CONSERVATION DISTRICT (HSCD) SUPPLEMENTARY PROJECT EVALUATION THAT ADDRESSES KEY NATURAL RESOURCE ISSUES. THESE INCLUDE STREAM AND WETLAND PROTECTION, WINDBREAK, VIEWSCAPE, WATER QUALITY AND RUNOFF CONTAINMENT, VEGETATIVE BUFFERS, OR ANY OTHER MITIGATION MEASURES TO MINIMIZE IMPACTS TO ENVIRONMENTAL RESOURCES ON ADJACENT PROPERTIES.

SECTION 131.0: CONDITIONAL USES

N. CONDITIONAL USES AND PERMISSIBLE ZONING DISTRICTS (CHART)

46. SAWMILLS, BULK FIREWOOD PROCESSING, [[MULCH MANUFACTURE,]] OR SOIL PROCESSING

[[60. YARD WASTE COMPOSTING FACILITY]]

46. SAWMILLS, BULK FIREWOOD PROCESSING [[, MULCH MANUFACTURE,]] OR SOIL PROCESSING

A CONDITIONAL USE MAY BE GRANTED IN THE RC OR RR DISTRICTS FOR SAWMILLS, BULK FIREWOOD PROCESSING [[, MULCH MANUFACTURE,]] OR SOIL PROCESSING PROVIDED THAT:

(THE REMAINDER OF THE SECTION TO REMAIN AS IS)

[[60. YARD WASTE COMPOSTING FACILITY]]

(DELETE THE ENTIRE CURRENT TEXT IN SECTION 131.0.N.60)

O. NEW CONDITIONAL USE CATEGORIES

1. COMPOSTING FACILITIES

A CONDITIONAL USE MAY BE GRANTED IN THE RC AND RR DISTRICTS FOR TIER 1, TIER 2 - SMALL AND TIER 2 - LARGE COMPOSTING FACILITIES, AS DEFINED IN COMAR, AND IN THE M-1 DISTRICT FOR TIER 2 - LARGE COMPOSTING FACILITIES, PROVIDED THAT:

- A. THE FACILITY IS NOT LOCATED ON AN ALPP PURCHASED OR ALPP DEDICATED EASEMENT.
- B. ONLY TYPE 1 AND TYPE 2 FEEDSTOCK MATERIALS AS DEFINED IN COMAR SHALL BE PROCESSED.
- C. THE MINIMUM LOT SIZE IS 10 ACRES IN THE RC AND RR DISTRICTS AND ONE ACRE IN THE M-1 DISTRICT.
- D. IN THE RC AND RR DISTRICTS THE MAXIMUM USE AREA SIZE IS 5 ACRES OR 10% OF THE PROPERTY WHICHEVER IS LESS, EXCLUDING ACCESS TO THE CONDITIONAL USE AREA OR SITE.
- E. THE PETITIONER SHALL SUBMIT A COPY OF THE FOLLOWING DOCUMENTS WITH THE PETITION.
 - 1. THE MARYLAND DEPARTMENT OF THE ENVIRONMENT (MDE) COMPOSTING PERMIT APPLICATION.
 - 2. COMPOSTING OPERATIONS PLAN.
 - 3. EMERGENCY PREPAREDNESS PLAN, AS REQUIRED BY MDE, FOR REVIEW BY THE FIRE MARSHALL.
 - 4. IN THE RC AND RR DISTRICTS, AN APPROVED HOWARD SOIL CONSERVATION DISTRICT (HSCD) SUPPLEMENTARY PROJECT EVALUATION WHICH ADDRESSES KEY NATURAL RESOURCE ISSUES SUCH AS STREAM AND WETLAND PROTECTION, WINDBREAK, VIEWSCAPE, WATER QUALITY AND RUNOFF CONTAINMENT, VEGETATIVE BUFFERS, OR ANY OTHER MITIGATION MEASURES TO MINIMIZE IMPACTS TO ENVIRONMENTAL RESOURCES ON ADJACENT PROPERTIES.
 - 5. VERIFICATION THAT HOWARD COUNTY, DEPARTMENT OF PUBLIC WORKS-ENVIRONMENTAL SERVICES HAS BEEN NOTIFIED THAT A COMPOSTING FACILITY IS PROPOSED FOR PURPOSES OF THE SOLID WASTE MANAGEMENT PLAN.
- F. CONDITIONAL USE APPROVAL SHALL BE CONTINGENT UPON OBTAINING AN MDE PERMIT AND SHALL NOT COMMENCE UNTIL A COPY OF THE PERMIT IS SUBMITTED TO DPZ.
- G. ANY MDE COMPOSTING FACILITY PERMIT RENEWALS OR MODIFICATIONS TO THE ORIGINAL COMPOSTING FACILITY OPERATIONS PLAN MUST BE SUBMITTED TO DPZ.

MAJOR MODIFICATIONS TO THE MDE COMPOSTING FACILITY PERMIT OR COMPOSTING FACILITY OPERATIONS PLAN SHALL NOT BE IMPLEMENTED WITHOUT PRIOR APPROVAL OF THE HEARING AUTHORITY. MAJOR MODIFICATIONS CONSIST OF A SIGNIFICANT AND SUBSTANTIVE CHANGE TO AN INDIVIDUAL COMPOSTING FACILITY PERMIT INCLUDING:

- (1) A CHANGE IN THE FACILITY TIER
 - (2) A SIGNIFICANT INCREASE IN FACILITY CAPACITY, THROUGHPUT, OR COMPOST PRODUCED PER YEAR
 - (3) A SIGNIFICANT CHANGE TO THE SIZE OF THE AREA USED IN SUPPORT OF COMPOSTING
 - (4) ANY OTHER SIGNIFICANT CHANGES TO THE DESIGN OR OPERATION OF THE COMPOSTING FACILITY.
- H. THE SITE HAS FRONTAGE ON AND DIRECT ACCESS TO A COLLECTOR OR ARTERIAL ROAD DESIGNATED IN THE GENERAL PLAN AND NOT ON A LOCAL ROAD UNLESS AUTHORIZED BY THE HEARING AUTHORITY.
- I. IN ADDITION TO THE BULK REGULATIONS OF THE APPLICABLE ZONING DISTRICT, THE FOLLOWING STRUCTURE AND USE SETBACKS SHALL APPLY:

- (1) FROM EXISTING DWELLINGS ON DIFFERENT LOTS.....300 FEET
- (2) FROM PROPERTY LINE.....200 FEET
- (3) FROM EXISTING STREAMS AND WETLANDS.....200 FEET
- (4) FROM PROPERTY LINES OF EXISTING SCHOOLS.....500 FEET

THE HEARING AUTHORITY MAY REDUCE SETBACKS IF IT FINDS THAT NEIGHBORING PROPERTIES WILL NOT BE ADVERSELY AFFECTED DUE TO VISUAL IMPACT, NOISE, DUST, ODORS OR OTHER CAUSES AND THAT STRUCTURES AND USES OF THE FACILITY WILL BE LOCATED AT LEAST 200 FEET FROM EXISTING DWELLINGS ON DIFFERENT LOTS, AT LEAST 50 FEET FROM THE PROPERTY LINE, AND AT LEAST 100 FEET FROM A STREAM OR WETLAND. SETBACKS FROM PROPERTY LINES OF EXISTING SCHOOLS CANNOT BE REDUCED.

THE PETITIONER SHALL SUBMIT DOCUMENTATION THAT JUSTIFIES THE REQUESTED SETBACK REDUCTION. STRUCTURES AND USE AREAS FOR WHICH THIS SETBACK REDUCTION IS APPROVED SHALL BE BUFFERED FROM THE VIEW OF ADJOINING RESIDENCES BY EXISTING TOPOGRAPHY, LANDSCAPING, OR BERMS, FENCES OR WALLS. BUFFERS OR OTHER MITIGATION MEASURES ESTABLISHED THROUGH A HSCD SUPPLEMENTARY PROJECT EVALUATION FOR THE AREA CAN BE USED TO JUSTIFY SETBACK REDUCTIONS.

- J. SCREENING: ALL ACTIVITIES SHALL BE APPROPRIATELY SCREENED FROM THE PUBLIC RIGHT OF WAY OR ADJACENT RESIDENTIAL DWELLINGS BY ANY COMBINATION OF STRUCTURAL, TOPOGRAPHIC OR VEGETATIVE MEANS.
- K. A SITE DEVELOPMENT PLAN, AS REQUIRED BY SECTION 16.155 OF THE HOWARD COUNTY LAND DEVELOPMENT AND SUBDIVISION REGULATIONS SHALL BE REQUIRED AS A CONDITION OF APPROVAL.
- L. ALL LIQUID, INCLUDING LEACHATE AND STORM WATER RUNOFF, GENERATED FROM THE COMPOSTING FACILITY SHALL BE TREATED PRIOR TO DISPOSAL, IN ACCORDANCE WITH APPLICABLE REGULATIONS.
- M. THE HOURS OF OPERATION SHALL BE RESTRICTED TO BETWEEN 7:00 A.M. AND 6:00 P.M., AND NO OPERATION SHALL BE PERMITTED ON SUNDAYS EXCEPT REPAIRS TO EQUIPMENT AND IMPROVEMENTS. THE HOURS OR DAYS OF OPERATION MAY BE REDUCED BY THE HEARING AUTHORITY.
- N. ON-SITE RETAIL SALES OF FINISHED PRODUCTS SHALL BE PERMITTED IF SPECIFICALLY APPROVED BY THE HEARING AUTHORITY.
- O. ROADS SERVING THE SITE SHALL BE ADEQUATE FOR THE TRUCK TRAFFIC TO BE GENERATED BY THE FACILITY. THE PETITION SHALL INCLUDE A STUDY OF AFFECTED ROAD AND BRIDGE CONDITIONS TO ALLOW THE HEARING AUTHORITY TO MAKE THIS DETERMINATION.
- P. IN ADDITION TO THE STANDARD CONDITIONAL USE PLAN REQUIREMENTS, THE PETITION SHALL SHOW THE FOLLOWING:
 - (1) EXISTING NATURAL FEATURES INCLUDING STREAMS, PONDS, SPRINGS, AND WETLANDS AND REQUIRED ENVIRONMENTAL SETBACKS.
 - (2) EXISTING AND PROPOSED TOPOGRAPHY.
 - (3) SETBACK AND BUFFER AREA, INCLUDING TYPE OF SCREENING AND FENCING.
 - (4) PORTION OF LOT TO BE USED FOR ALL OPERATIONS, INCLUDING THE LOCATION AND LAYOUT OF:
 - (A) UNLOADING, RECEIVING AND STORAGE AREAS;

- (B) PROCESSING AREAS;
 - (C) FINAL PRODUCT PREPARATION AREAS; AND
 - (D) FINISHED PRODUCT STORAGE AND LOADING AREAS.
- (5) WATER SUPPLY AND SEWAGE DISPOSAL
 - (6) FACILITIES FOR STORAGE AND TREATMENT OF LEACHATE AND ANY OTHER LIQUIDS GENERATED BY THE OPERATION
 - (7) STORMWATER MANAGEMENT FACILITIES FOR QUANTITY AND QUALITY CONTROL.

Q. A REHABILITATION PLAN SHALL BE SUBMITTED WITH THE PETITION FOR APPROVAL BY THE HEARING AUTHORITY. THE PLAN SHALL PROVIDE FOR THE FOLLOWING MINIMUM REHABILITATION PROGRAM IF THE COMPOSTING FACILITY CEASES TO OPERATE FOR TWO YEARS OR MORE:

- (1) ALL STRUCTURES AND MACHINERY SHALL BE COMPLETELY REMOVED AND UNDERLYING EXCAVATIONS FILLED TO GRADE EXCEPT STRUCTURES OR MACHINERY THAT ARE TO BE CONTINUED IN OPERATION FOR A USE PERMITTED UNDER THE ZONING CLASSIFICATION.
- (2) ALL WASTE, COMPOSTING MATERIALS, AND EXCESS FINISHED PRODUCTS SHALL BE REMOVED FROM THE SITE AND DISPOSED OF IN CONFORMANCE WITH APPLICABLE LAWS OR REGULATIONS.
- (3) A COPY OF THE NOTICE OF FINAL CLOSURE AND THE SITE CLOSURE PLAN REQUIRED BY COMAR SHALL BE SUBMITTED TO DPZ.

2. **NATURAL WOOD WASTE RECYCLING FACILITY**

A CONDITIONAL USE MAY BE GRANTED IN THE RC AND RR DISTRICTS FOR A NATURAL WOOD WASTE RECYCLING FACILITY, PROVIDED THAT:

- A. THE FACILITY IS NOT LOCATED ON AN ALPP PURCHASED EASEMENT, ALPP DEDICATED EASEMENT, OR OTHER DEDICATED EASEMENT UNLESS ACCESSORY TO A TREE FARM SUCH AS A TREE NURSERY OR CHRISTMAS TREE FARM, BUT EXCLUDING TIMBER HARVESTING OPERATIONS . THE USE AREA SHALL NOT EXCEED 15% OF THE AREA ACTIVELY FARMED IN TREES OR A MAXIMUM OF 2 ACRES, NOTWITHSTANDING ADDITIONAL SIZE LIMITATIONS IN SECTIONS 106.1.D.
- B. ONLY NATURAL WOOD WASTE AS DEFINED IN THESE REGULATIONS SHALL BE RECEIVED FOR RECYCLING ON THE SITE.

- C. THE MINIMUM LOT SIZE IS 10 ACRES.
- D. THE MAXIMUM USE AREA SIZE IS 5 ACRES OR 10% OF THE PROPERTY WHICHEVER IS LESS, EXCLUDING ACCESS TO THE CONDITIONAL USE AREA OR SITE.
- E. THE PETITIONER SHALL SUBMIT A COPY OF THE FOLLOWING DOCUMENTS WITH THE PETITION.
 - (1) THE MARYLAND DEPARTMENT OF THE ENVIRONMENT (MDE) NWWRF PERMIT APPLICATION AND ACCOMPANYING DOCUMENTATION.
 - (2) EMERGENCY PREPAREDNESS MANUAL, AS REQUIRED BY MDE, FOR REVIEW BY THE FIRE MARSHALL.
 - (3) AN APPROVED HOWARD SOIL CONSERVATION DISTRICT (HSCD) SUPPLEMENTARY PROJECT EVALUATION WHICH ADDRESSES KEY NATURAL RESOURCE ISSUES SUCH AS STREAM AND WETLAND PROTECTION, WINDBREAK, VIEWSCAPE, WATER QUALITY AND RUNOFF CONTAINMENT, VEGETATIVE BUFFERS, OR ANY OTHER MITIGATION MEASURES TO MINIMIZE IMPACTS TO ENVIRONMENTAL RESOURCES ON ADJACENT PROPERTIES.
 - (4) VERIFICATION THAT HOWARD COUNTY, DEPARTMENT OF PUBLIC WORKS-ENVIRONMENTAL SERVICES HAS BEEN NOTIFIED THAT A NWWRF IS PROPOSED FOR PURPOSES OF THE SOLID WASTE MANAGEMENT PLAN.
- F. THE CONDITIONAL USE APPROVAL SHALL BE CONTINGENT UPON OBTAINING AN MDE NATURAL WOOD WASTE RECYCLING FACILITY PERMIT AND SHALL NOT COMMENCE UNTIL A COPY OF THE PERMIT IS SUBMITTED TO DPZ.
- G. ANY MDE NWWRF PERMIT RENEWALS OR MODIFICATIONS TO THE ORIGINAL NWWRF PERMIT APPLICATION MUST BE SUBMITTED TO DPZ.
- H. THE SITE HAS FRONTAGE ON AND DIRECT ACCESS TO A COLLECTOR OR ARTERIAL ROAD DESIGNATED IN THE GENERAL PLAN AND NOT ON A LOCAL ROAD UNLESS AUTHORIZED BY THE HEARING AUTHORITY.
- I. IN ADDITION TO THE BULK REGULATIONS OF THE APPLICABLE ZONING DISTRICT, THE FOLLOWING STRUCTURE AND USE SETBACKS SHALL APPLY:
 - (1) FROM EXISTING DWELLINGS ON DIFFERENT LOTS 300 FEET

- | | | |
|-----|---|----------|
| (2) | FROM PROPERTY LINE | 200 FEET |
| (3) | FROM EXISTING STREAMS AND WETLANDS | 200 FEET |
| (4) | FROM PROPERTY LINES OF EXISTING SCHOOLS | 500 FEET |

THE HEARING AUTHORITY MAY REDUCE SETBACKS IF IT FINDS THAT NEIGHBORING PROPERTIES WILL NOT BE ADVERSELY AFFECTED DUE TO VISUAL IMPACT, NOISE, DUST, ODORS OR OTHER CAUSES AND THAT STRUCTURES AND USES OF THE FACILITY WILL BE LOCATED AT LEAST 200 FEET FROM EXISTING DWELLINGS ON DIFFERENT LOTS, AT LEAST 50 FEET FROM THE PROPERTY LINE, AND AT LEAST 100 FEET FROM A STREAM OR WETLAND. SETBACKS FROM PROPERTY LINES OF EXISTING SCHOOLS CANNOT BE REDUCED.

THE PETITIONER SHALL SUBMIT DOCUMENTATION THAT JUSTIFIES THE REQUESTED SETBACK REDUCTION. STRUCTURES AND USE AREAS FOR WHICH THIS SETBACK REDUCTION IS APPROVED SHALL BE BUFFERED FROM THE VIEW OF ADJOINING RESIDENCES BY EXISTING TOPOGRAPHY, LANDSCAPING, OR BERMS, FENCES OR WALLS. BUFFERES OR OTHER MITIGATION MEASURES ESTABLISHED THROUGH A HSCD SUPPLEMENTARY PROJECT EVALUATION CAN BE USED TO JUSTIFY SETBACK REDUCTIONS.

- A. SCREENING: ALL ACTIVITIES SHALL BE APPROPRIATELY SCREENED FROM THE PUBLIC RIGHT OF WAY OR ADJACENT RESIDENTIAL DWELLINGS BY ANY COMBINATION OF STRUCTURAL, TOPOGRAPHIC OR VEGETATIVE MEANS.
- B. A SITE DEVELOPMENT PLAN, AS REQUIRED BY SECTION 16.155 OF THE HOWARD COUNTY SUBDIVISION AND LAND DEVELOPMENT REGULATIONS, SHALL BE REQUIRED AS A CONDITION OF APPROVAL.
- C. ALL LIQUID, INCLUDING LEACHATE, CONTACT WATER OR STORMWATER RUNOFF, GENERATED AT THE FACILITY SHALL BE DISPOSED OR DISCHARGED, IN ACCORDANCE WITH APPLICABLE REGULATIONS.
- D. THE HOURS OF OPERATION SHALL BE RESTRICTED TO BETWEEN 7:00 A.M. AND 6:00 P.M., HOWEVER NO GRINDING, CHIPPING OR SIMILAR ACTIVITIES SHALL OCCUR BEFORE 7:00 AM, AND NO OPERATION SHALL BE PERMITTED ON SUNDAYS EXCEPT REPAIRS TO EQUIPMENT AND IMPROVEMENTS. THE HOURS OR DAYS OF OPERATION MAY BE REDUCED BY THE HEARING AUTHORITY.

- E. ON-SITE RETAIL SALES OF FINISHED PRODUCTS SHALL BE PERMITTED IF SPECIFICALLY APPROVED BY THE HEARING AUTHORITY.
- F. ROADS SERVING THE SITE SHALL BE ADEQUATE FOR THE TRUCK TRAFFIC TO BE GENERATED BY THE FACILITY. THE PETITION SHALL INCLUDE A STUDY OF AFFECTED ROAD AND BRIDGE CONDITIONS TO ALLOW THE HEARING AUTHORITY TO MAKE THIS DETERMINATION.
- G. IN ADDITION TO THE STANDARD CONDITIONAL USE PLAN REQUIREMENTS, THE PETITION SHALL SHOW THE FOLLOWING:
 - 1. EXISTING NATURAL FEATURES INCLUDING STREAMS, PONDS, SPRINGS AND WETLANDS AND REQUIRED ENVIRONMENTAL SETBACKS.
 - 2. EXISTING AND PROPOSED TOPOGRAPHY.
 - 3. SETBACK AND BUFFER AREA, INCLUDING TYPE OF SCREENING AND FENCING.
 - 4. PORTION OF LOT TO BE USED FOR ALL OPERATIONS, INCLUDING THE LOCATION AND LAYOUT OF:
 - A. UNLOADING, RECEIVING AND STORAGE AREAS;
 - B. PROCESSING AREAS;
 - C. WOODWASTE CURING AREAS;
 - D. FINAL PRODUCT PREPARATION AREAS; AND
 - E. FINISHED PRODUCT STORAGE AND LOADING AREAS.
 - 5. WATER SUPPLY AND SEWAGE DISPOSAL
 - 6. FACILITIES FOR STORAGE AND TREATMENT OF LEACHATE AND ANY OTHER LIQUIDS GENERATED BY THE OPERATION.
 - 7. STORMWATER MANAGEMENT FACILITIES FOR QUANTITY AND QUALITY CONTROL.
- H. A REHABILITATION PLAN SHALL BE SUBMITTED WITH THE CONDITIONAL USE PETITION FOR APPROVAL BY THE HEARING AUTHORITY. THE PLAN SHALL PROVIDE FOR THE FOLLOWING

MINIMUM REHABILITATION PROGRAM TO COMMENCE IF THE NWWRF
CEASES TO OPERATE FOR TWO YEARS OR MORE:

1. ALL STRUCTURES AND MACHINERY SHALL BE COMPLETELY REMOVED AND UNDERLYING EXCAVATIONS FILLED TO GRADE EXCEPT STRUCTURES OR MACHINERY THAT ARE TO BE CONTINUED IN OPERATION FOR A USE PERMITTED UNDER THE ZONING CLASSIFICATION.
2. ALL WOOD WASTE, MATERIALS, AND EXCESS FINISHED PRODUCTS SHALL BE REMOVED FROM THE SITE AND DISPOSED OF IN CONFORMANCE WITH APPLICABLE LAWS AND REGULATIONS.

APPENDIX A

Summary of On-Farm Composting Exemptions

1. **Exempt up to any size**
 - Composts only feedstocks generated on-site*
 - All compost used on-site*
2. **40,000 ft² exemption**
 - Feedstocks generated on-site* PLUS may accept Type 1 and manure/bedding from off-site
 - Must have one of two agricultural plans that address certain aspects of the composting
 - No limitation on distribution of finished compost
3. **5,000 ft² exemption**
 - Pile height limits
 - No limitation on feedstocks used or distribution of finished compost
4. **Emergency animal mortality composting**
 - If approved by MDA

** "On-site" includes the farm where composting takes place and other farms owned or controlled by the same operator.*

Summary of Non-Farm Composting Exemptions

1. **"Backyard" composting**
 - Located at a residence
 - Feedstocks generated on site
 - Compost used on site
2. **5,000 ft² exemption [SAME AS FOR FARMS]**
 - Pile height limits apply
3. **Animal mortality composting at government-managed site**
 - For roadway or other maintenance
4. **Composting at a solid waste acceptance facility (e.g. Landfill)**
 - Under Refuse Disposal Permit containing composting conditions

Appendix B

26.04.11.04

.04 General Restrictions and Specifically Prohibited Acts.

A. Applicability. This regulation applies to a composting facility, regardless of whether the composting facility is required to obtain a Composting Facility Permit under this chapter.

B. General Restrictions. A person shall not engage in composting in a manner which will likely:

- (1) Create a nuisance;
- (2) Be conducive to insect and rodent infestation or the harborage of animals;
- (3) Cause nuisance odors or other air pollution in violation of COMAR 26.11.06 or involve construction of a source of air pollution subject to a permit to construct or operation of a source of air pollution subject to a permit to operate unless permitted under COMAR 26.11.02;
- (4) Cause a discharge of pollutants derived from organic materials or solid waste to waters of this State unless otherwise permitted by the Department;
- (5) Harm the environment; or
- (6) Create other hazards to the public health, safety, or comfort as may be determined by the Department.

C. The Department, in exercising its authority under these regulations with respect to granting or renewing permits, reviewing operations of a composting facility, or allowing operation under a general permit, may consider any documentation required under these regulations to evaluate whether any of the conditions described in §B of this regulation is likely to occur or has occurred.

D. A person may not own, construct, or operate a composting facility in this State except in accordance with these regulations.

Appendix C - Comparison Chart

ZRA 160 and ZRA 180

Composting									
	Current			ZRA 160 *			DPZ Recommendation **		
	MDE Permit Not Required	MDE Tier I	MDE Tier II	MDE Permit Not Required	MDE Tier I	MDE Tier II	MDE Permit Not Required	MDE Tier I or Tier II Small Permit	MDE Tier II Large Permit
RC & RR	Accessory to principal use	Conditional Use	Not Permitted	On Farm/For Farm - By Right with restrictions	On Farm/For Farm - By Right - Up to 1 acre or 5% On Farm/For Farm - By Permit - Up to 3 acres or 5%	On Farm/For Farm - By Permit - Up to 3 acres or 5%	Accessory to principal use	By Permit < 3 acres accessory to a farm All Other - Conditional Use - Up to 5 acres or 10 %	Conditional Use - Up to 5 acres or 10 %
ALPP	Accessory to principal	Not Permitted	Not Permitted	On Farm/For Farm - By Right - with restrictions	On Farm/For Farm - By Right - Up to 1 acre or 5% On Farm/For Farm - By Permit - Up to 3 acres or 5%	On Farm/For Farm - By Permit - Up to 3 acres or 5%	Accessory to principal use	By Permit < 3 acres accessory to a farm	Not Permitted
M-1	Accessory to principal	Conditional Use	Not Permitted	Not addressed	Conditional Use	Conditional Use	Accessory to principal use	By-Right	Conditional Use
M-2	Accessory to principal	Not Permitted	Not Permitted	Not addressed	Conditional Use	Conditional Use	Accessory to principal use	By-Right	By-Right
SW	Accessory to principal	By-Right	Not Permitted	Not addressed	Not Permitted	Not Permitted	Accessory to principal use	By-Right	By-Right
R-20, R-12, R-SC, R-SA- _B	Accessory to principal	Not Permitted	Not Permitted	Limited composting-By-right with restrictions	Not Permitted	Not Permitted	Accessory to principal use	Not permitted	Not permitted

Natural Wood Waste Recycling						
	Current		ZRA 160		DPZ Recommendation	
	MDE Permit Not Required	MDE Permit Required	MDE Permit Not Required	MDE Permit Required	MDE Permit Not Required	MDE Permit Required
RC & RR	Accessory to a principal Farm	Conditional Use	On Farm/For Farm - By Right - Up to 1 acre or 5%	Not Permitted	Accessory to a principal Farm	Conditional Use - Up to 5 acres or 10 %
ALPP	Accessory to a principal Farm	Not Permitted	On Farm/For Farm - By Right - Up to 1 acre or 5%	Not Permitted	Accessory to a principal Farm	Not permitted unless accessory to a principal Tree Farming Use Only (Conditional Use) - Up to 2 acres or 15% of area actively farmed
M-1	By-Right	By-Right	Not addressed	Conditional Use	By-Right	By-Right
M-2	By-Right	By-Right	Not addressed	Conditional Use	By-Right	By-Right

* ZRA 160 defines composting facilities as "A facility that produces compost as defined and regulated by the State of Maryland COMAR 26.04.22- Composting Facilities. These facilities may or may not require a permit by the State of Maryland as determined by the size of the facility and type of material (feedstock) being processed." Therefore the proposed regulations apply regardless of permit requirements.

** DPZ recommended text defines a composting facility as "A facility where composting takes place as regulated by and which operated under a permit from the Maryland Department of the Environment under COMAR 26.04.11." Therefore, the proposed regulations only apply to composting operations that require an MDE permit.

1 VALDIS LAZDINS, BEFORE THE
2 MARY KAY SIGATY, * PLANNING BOARD OF
3 GREG FOX, PETITIONERS * HOWARD COUNTY, MARYLAND
4 ZRA-180 *

5 * * * * *

6 MOTION: *To recommend approval of the petition in accordance with the Department*
7 *of Planning and Zoning recommendation and to add a definition for*
8 *Feedstock.*

9 ACTION: *Recommended approval; Vote 3 to 0.*

10 * * * * *

11 RECOMMENDATION

12 On May 25, 2017, the Planning Board of Howard County, Maryland, considered the petition of
13 Planning Director Valdis Lazdins and Councilmembers Mary Kay Sigaty and Greg Fox to amend Sections
14 103.0, 104.0, 105.0, 106.1, 122.0, 123.0, 124.0, 128.0, 131.0 of the Howard County Zoning Regulations
15 (HCZR). The proposed amendments address wood waste processing and composting activities in the RC, RR,
16 M-1, M-2 zoning districts and Solid Waste Overlay district.

17 The Planning Board considered the petition, DPZ Technical Staff Report, public testimony and DPZ's
18 recommendation to approve the petition. Additionally, representatives from the Bureau of Environmental
19 Services, the Fire and Rescue Department and Howard Soil Conservation District participated in the staff
20 presentation and provided expert testimony on their respective areas of responsibility, as it related to the
21 Petition.

22 Testimony

23 Councilmember Sigaty testified first about the role of the Wood Waste Task Force, why it was
24 established, and the desire to enlist experts to look at the impact mulch and composting activities have on the
25 economy. Ms. Sigaty stated that ZRA 180 would allow farmers to compost as part of their agricultural
26 operations and that it supports the agricultural economy; especially in western Howard County. It allows
27 farmers to mulch and compost as needed in relation to their property, but does not allow industrial activities,
28 since everything must be accessory to farming. Further, it allows farmers to deal with materials that are used
29 daily, bring in materials as needed, and to sell excess finished products that are not used on the farm. This
30 approach is part of the ecology of farming and supportive of a 'use and reuse' process. Ms. Sigaty
31 disseminated the Maryland Department of the Environment (MDE) General Permit requirement, which
32 contains additional rules and regulations that must be followed. Ms. Sigaty also requested that the Planning
33 Board consider including a definition for the term feedstock, as suggested by the Hearing Examiner.

1
2 Councilmember Fox discussed the recent history of mulch and composting discussions in Howard
3 County. He explained that the task force was established to explore concerns and unintended consequences of
4 previous regulations regarding what could occur on agricultural land. The task force also considered whether
5 common practices that have not drawn complaints could still be in violation of previously enacted laws. At
6 the same time, MDE was finalizing state regulations, which impacted local decisions. ZRA 180 considered
7 the task force recommendations, as well as the updated MDE regulations. Mr. Fox stated that in addition to
8 zoning other regulations apply, such as MDE land management permits; Maryland Department of Agriculture
9 regulations; other federal regulations; various Howard County code sections, including fire regulations and
10 Section 15.502; individual easement requirements; and Internal Revenue Service (IRS) rules.

11 The Board heard public testimony both on ZRA 180 and a companion item- ZRA 160. The
12 agricultural community, including the Agricultural Land Preservation Board, testified in general support of
13 ZRA 180, but with modifications; such as expediting timeframes for emergency natural wood waste permits,
14 increasing maximum size limits, allowing operations to expand horizontally to account for spacing and access
15 requirements, and eliminating commercial trucking restrictions. While some residential homeowners testified
16 that they were generally in support of ZRA 160, some others supported ZRA 180, with modifications. The
17 general comments from residents included: concerns about the health effects associated with airborne wood
18 dust; risk of fire; potential groundwater contamination; safety concerns with tractor trailer traffic; need for
19 lesser acreage limits; and selective code enforcement.

20 Board Discussion and Recommendations

21 The Board discussed both ZRA 160 and ZRA 180; however, the discussion focused mostly on ZRA
22 180. Boardmember Adler stated that in general, the comments by farmers suggested that ZRA 180 is needed
23 so they can operate their farms efficiently. However, she was concerned about someone taking advantage of
24 the regulations. The Board also discussed whether ZRA 180 would allow for large scale facilities and
25 concluded that they were satisfied with its restrictions on size. They further suggested that the co-sponsors
26 consider relaxing restrictions that are not health and safety related, if the resulting products are used on the
27 farm. Their goal is to provide more flexibility for individual farming operations. Chairperson Engelke also
28 requested to better define certain issues that were raised, such as enforcement and size distinctions.
29 Boardmember Coleman suggested a chart that shows the most restrictive, applicable regulations, for example
30 fire regulations. Finally, the Board acknowledged public comments regarding enforcing zoning violations and
31 determined that such issues should be addressed outside this ZRA.

32
33 Ms. Alder motioned to recommend approval of the petition and recommended including a definition for the
34 term feedstock. Mr. Coleman seconded the motion. The motion passed by a vote of 3 to 0.

1
2 For the foregoing reasons, the Planning Board of Howard County, Maryland, on this 25th day of
3 May, 2017, recommends that ZRA-180, as described above, be APPROVED.
4

5 HOWARD COUNTY PLANNING BOARD

6 Phillips Engelke 1/GB
7 Phillips Engelke, Chair

8 Absent

9 Erica Roberts, Vice-chair

10 Delphine Adler 1/GB
11 Delphine Adler

12 Ed Coleman 1/GB
13 Ed Coleman
14
15
16

17 ATTEST:

18 Valdis Lazdins
19 Valdis Lazdins, Executive Secretary
20
21
22



HOWARD COUNTY DEPARTMENT OF PLANNING AND ZONING

3430 Courthouse Drive

Ellicott City, Maryland 21043

410-313-2350

Voice/Relay

Valdis Lazdins, Director

FAX 410-313-3467

Subject: Testimony in for Bill No. 60-2017

To: Lonnie Robbins, Chief Administrative Officer, Department of Administration

From: ✓ Valdis Lazdins, Director, Department of Planning and Zoning (DPZ)

Date: June 28, 2017

The Department of Planning and Zoning (DPZ) supports Council Bill No. 60-2017 (CB 60), which proposes to amend the Howard County Zoning Regulations to allow certain composting and natural wood waste recycling operations. CB 60 allows farmers to mulch or compost excess organic waste as part of a farming operation. It also limits commercial wood waste and composting operations to properties that are in the M-1, M-2 or Solid Waste Overlay districts, or properties that are not encumbered with an agricultural preservation easement and that have obtained conditional use approval in the RC and RR districts.

To develop the proposed regulations, DPZ reviewed the work of the Wood Waste Task Force that met from July 2014 through February 2015 and convened a small working group consisting of farmers and residents from November 2015 through March 2016. Additionally, DPZ collaborated with subject matter experts from Fire and Rescue Services, Howard Soil Conservation District, Bureau of Environmental Services, Economic Development Authority, and the Office of Community Sustainability to craft criteria to regulate areas not already addressed by the Maryland Department of the Environment (MDE), Maryland Department of Agriculture (MDA), or the Howard County Fire Code.

The resulting Council Bill, establishes two new Conditional Use categories- Composting Facilities (CF) and Natural Wood Waste Recycling Facilities (NWWRF) and includes over a dozen Conditional Use criteria that must be met, only after receiving an MDE composting or wood waste recycling permit. Such criteria include, but are not limited to: setbacks to property lines, residential dwellings on other properties, wetlands and schools; screening and buffering; review by the Fire Marshall; hours of operation; and size limitations. The bill also incorporates MDE's recently revised composting regulations.

CB 60 protects land in the Agricultural Land Preservation Program (ALPP) from large scale wood waste or composting facilities. It prohibits establishing a CF or NWWRF on ALPP property unless it is accessory to a tree farm and is approved as a Conditional Use by the Hearing Authority, through a public hearing. To be eligible for this Conditional Use, each criterion must be met and the entire use area can be no larger than:

- 15% of the area actively farmed in trees or;
- 2% of the easement or;
- 2 acres.

DPZ worked closely with Councilmembers Sigaty and Fox to propose regulatory changes that recognize the importance of farming to the County and allow farmers to conduct agricultural activities, while simultaneously addressing concerns of residential neighbors related to large scale mulch and composting operations. Given the reasons stated above, DPZ supports Council Bill No. 60-2017 and appreciates Council's consideration.

cc: Jen Sager, Legislative Coordinator, Department of Administration
B. Diane Wilson, Chief of Staff

Sayers, Margery

From: Keith Ohlinger <kohlinger05@verizon.net>
Sent: Friday, June 30, 2017 5:30 AM
To: CouncilMail
Subject: CB 60.

Hi All:

Last night I attended the meeting held by the Dayton Rural Preservation Society. Wow. On so many levels. Wow.

Keith Ohlinger
Heritage Hill Farm

Sayers, Margery

From: michael pantos <mjpantos@yahoo.com>
Sent: Thursday, June 29, 2017 9:14 PM
To: CouncilMail
Subject: Opposition to CB60

Attention Howard County Council Members:

DO NOT pass CB60 without MAJOR AMENDMENTS blocking potential LOOPHOLES. As is CB60 does not adequately protect our families, our children, and our communities from industrial mulching on farmland including RR, RC, ag preserve, and cluster subdivision parcels, leading to public safety, health and environmental risks.

Dr. Michael Pantos

Sayers, Margery

From: vstewartmo <vstewartmo@aol.com>
Sent: Thursday, June 29, 2017 8:29 PM
To: CouncilMail
Subject: CB-60 in the Rural West

Don't let this happen. Do not pass CB60 without major amendments that protect our community without major amendments which include: protect clean air; ensure our ground water coming from our wells is not polluted; stop 18 wheelers plying our narrow roads and jeopardizing our children waiting for school busses; protect our Chesapeake Bay from runoff. Industrial mulching should not be allowed on Farm Preservation property.

Thank you.

Victoria Stewart-Moore
3400 Jennings Chapel Rd
Woodbine

Sent from my Verizon, Samsung Galaxy smartphone

Sayers, Margery

From: Chris Esveld <theesvelds@verizon.net>
Sent: Thursday, June 29, 2017 7:53 PM
To: CouncilMail
Subject: CB60

I wish to bring to your attention my concern with CB-60 that is coming up for a vote on July 17, 2017. I strongly oppose passage of this bill unless it includes amendments to protect the health and safety of the residents in Howard County.

Chris Esveld

Sent from my iPhone

Sayers, Margery

From: John Allen <johnl.k.allen@me.com>
Sent: Thursday, June 29, 2017 7:20 PM
To: CouncilMail
Subject: CB60

We strongly oppose CB 60! You are putting thousands of people at risk for 2 business men!!! This reeks or corruption! Those that proposed this should be ashamed of themselves!

Sincerely,
John Allen

Sent from my iPhone

Sayers, Margery

From: Gregg Fernandes <fernandes_gregg@yahoo.com>
Sent: Thursday, June 29, 2017 7:30 PM
To: CouncilMail
Subject: Opposition to CB60

I am writing to communicate my strong opposition to CB60. I will not vote or support for any council member that supports industrial mulching on AG preserve land.

Gregg Fernandes
Dayton Maryland

[Sent from Yahoo Mail for iPhone](#)

Sayers, Margery

From: Michael P <mjpantos@yahoo.com>
Sent: Thursday, June 29, 2017 7:20 PM
To: CouncilMail
Subject: Opposition to CB60

We oppose industrial mulching on farmland including RR, RC, ag preserve. We oppose CB60 without major ammendments

Sent from [BlueMail](#)

Sayers, Margery

From: James Nickel <james.nickel55@gmail.com>
Sent: Thursday, June 29, 2017 4:37 PM
To: Kittleman, Allan; CouncilMail; Melanie Dzwonchyk
Subject: CB60-2017 Industrial Mulch vs. 2 Acres.

There has been some discussion on Next Door and in some email traffic I've seen about 2 acres is not sufficient to be Industrial Mulch Production.

I had a briefing chart that I used at the Task Force that addresses that issue. Here is some data from the [Maryland Solid Waste Management Report - 2014. \[See Tables 12- pages 15-16\]](#)

Grant County Mulch is an NWWRF in Frederick County. They have an NWWRF Permit for 3 acres. They marketed 36,131 tons of waste. That is 12,000 tons of marketed waste per acre per year. For two acres that would amount to 24,000 tons of marketed waste per year.

24,000 tons of marketed waste would place 5th in the top producers of NWWRF in the State of Maryland,

I call that industrial.

Feel free to re-post on Next Door.

Best Regards,
Jim

Sayers, Margery

From: Barb Ridenour <toolie12@yahoo.com>
Sent: Thursday, June 29, 2017 11:58 AM
To: CouncilMail
Subject: CB60-2017

The rumors are flying again in western Howard County. The story is that despite his earlier promises to stand with the western Howard County community against the industrial use of agricultural land for industrial mulching, County Executive Kittleman has instead decided to support his personal friend, Robert Orndorff, as Orndorff again tries to find a way of using a piece of farmland purchased several years ago in Dayton for industrialized mulching. One rumor this time is that Kittleman and Orndorff have some sort of business arrangement whereby Orndorff supported the expansion of Rt. 32 to Linden Church and in exchange Kittleman not only supports Orndorff's request for a zoning variance for the Dayton farm property but also is given preference in acquiring the lumber that will be generated in the land clearing that will be necessary to widen Rt. 32. Given that Orndorff, is a very wealthy industrialist with a long-standing personal grudge against the Dayton community and not a farmer, you can understand why rumors are flying again in our area with this new proposed legislation.

When all of this came up before, our big concerns were air quality, safety and water quality. There is a flyer going around our community referring to an incident where a small child was killed by a large mulch truck as the truck drove past a school bus. The flyer is inflammatory and doesn't address the more serious safety issues. We already have many large trucks going up and down Ten Oaks. They aren't particularly observant of the speed limit in front of Dayton Oaks Elementary or elsewhere and many of them have more than their share of trouble staying in their lane on our twisty country roads. But neither are other vehicles. The increase in number of trucks is a concern but we'll live with it. The real concerns are the long-term environmental damage that seems to come with industrial mulching. These facilities may claim they aren't a fire hazard but fires do seem to be very very common in this industry, But the big concern is the long-term risk to our western Howard County water supply when industrial processing/dyeing of mulch is happening on a piece of property on well and septic. There are byproducts from this kind of processing. Some of the chemicals involved are carcinogenic. What happens to our groundwater when this stuff is dumped on the ground on a piece of property that contains protected wetland. Is there a large piece of property anywhere in western Howard County that doesn't contain at least some wetland areas? I researched this issue when we went through the initial push for industrial mulching on farmland several years ago. The chances of this kind of operation on a property on well/septic contaminating groundwater was about a hundred percent. In cases that had gone to court, the eventual solution to remediate the damage was to pipe in city water to the affected areas, paid for by the taxpayer. The figures I saw for this even several years ago were 50 million dollars or more. On top of that, also consider the liability issues of the contaminated groundwater created by an industrial mulching enterprise on farmland were to make families sick. Imagine the damage to your own political careers if you support this kind of effort on farmland and this kind of damage occurred.

Typically the sort of area that allows this kind of activity is a poor, rural area with no other options for land use and with citizens who aren't necessarily as educated up front about the risks. That isn't the case here at all. You have very educated citizens in Howard County who will be documenting this every step of the way and making note not only of how you all decide to vote but of the evidence you reviewed as you made your decision. It would seem likely given our voter base that you even might have personal liability if you knew up front the kind of environmental damage that would likely occur and you still supported this kind of activity.

Please protect our county! Please stand with our citizens and stand against Executive Kittleman and vote down CB60. Thank you!!!

Barb Ridenour

Sayers, Margery

From: James Nickel <james.nickel55@gmail.com>
Sent: Thursday, June 29, 2017 11:10 AM
To: Kittleman, Allan; CouncilMail; Melanie Dzwonchyk; Team Kittleman
Subject: CB60-2017 - A Foundation Becomes a Sand Castle.

For those that did not attend the Planning Board Meeting a justification for the need for CB60-2017 [Formerly ZRA-180] was the zero-waste land fill policy by the State of Maryland. That is no longer valid.

Hogan cancels O'Malley's zero-waste regulations

By [Josh Hicks](#) June 28 at 5:59 PM

Maryland Gov. Larry Hogan (R) has rescinded the [zero-waste landfill rules](#) that his predecessor, Democrat Martin O'Malley, put in place during his final days in office.

The governor announced his plan to cancel the policy during the Maryland Municipal League's annual summer conference, saying the requirements had become a burden for local governments.

"We listened to the calls for action from municipalities and counties all across the state regarding the zero-waste directive, which usurped local government authority and was causing so many problems for towns, cities and counties," Hogan said....." continued at: [Hogan cancels O'Malley's zero-waste regulations](#)

Best Regards,

Jim Nickel

Sayers, Margery

From: Rob Bovello <rbovello@aol.com>
Sent: Thursday, June 29, 2017 10:43 AM
To: CouncilMail
Subject: Mulch manufacturing plant

Dear Sir or madam, I am sending this email regarding my concern over CB-60 and calling for amendments to protect the rural communities it will put at risk as it currently stands. I do not want a mulch manufacturing facility and all of the negative aspects that it brings in Dayton.

Thank You, Rob Bovello (Dayton Resident)

Sayers, Margery

From: Janet Kraus <janetkraus1@msn.com>
Sent: Thursday, June 29, 2017 8:12 AM
To: CouncilMail
Subject: KILL CB60-2017

There are TOO MANY risks and irresponsibly unanswered questions regarding CB60-2017. It is clear that the county does not have the interest/manpower to ensure that requirements are followed. Allowing operators to police themselves has PROVEN to be a joke. Not sure why the county has turned its back on previous commitments to concerned Dayton residents. Soothe your consciences by poking a large mulch stick in CB60-2017 and pronouncing it dead. Show that you care more about the people you represent than for the dollars. Our county will flourish just fine if you do what is RIGHT! We have MANY neighbors that agree!!

Janet & Jim Kraus
Dayton, MD

Sayers, Margery

From: James Nickel <james.nickel55@gmail.com>
Sent: Wednesday, June 28, 2017 5:51 PM
To: Kittleman, Allan; CouncilMail; Melanie Dzwonchyk; Team Kittleman
Subject: CB60-2017 Part 3 of 3 - Water Contamination Risk

Dayton Areas Residents and other interested parties.

In Parts 1 and 2, I highlighted:

- CB60-2017 presents a fire risk to Howard County residents. There was just a fire this May on Kabik Ct. that drew fire service resources from three counties. That fire was a direct result of the operator not following MDE guidelines and/or MDE not enforcing them.
- CB60-2017 presents a health hazard to Howard County residents from airborne wood dust and other infectious agents to include mold, fungal spores and bacteria.
- The DPZ has designed a regulation that they do not intend to enforce, nor can they reasonably expect MDE to enforce.
- The Task Force majority was comprised of members who were biased in favor of business and rejected out of hand the evidence that was presented to them.

In Part 3 of 3, I'll address the health issue related to water contamination.

In August 2014, the Task Force was briefed on the risk of groundwater metals contamination and the conclusions were well documented. Various studies showed that: (1) wood waste disposal resulted in groundwater pollution and this was caused by leaching of metals into groundwater, (2) neurological disorders could be acquired due to manganese contamination, and (3) there were negative impacts to the birth weight of babies born to women with higher blood levels of manganese.

No counter argument to the science was offered by the Task Force majority. In the technical staff report, DPZ just states that the risks were considered. They conclude that if the operators follow MDE guidelines the risk will be mitigated. There is no proof offered the risks will be mitigated and DPZ knows that operators in Howard County and elsewhere in Maryland have not followed guidelines. Of the three wood waste facilities I'm aware of in Howard County I can show proof that not one of them has complied with state and/or county regulations. The full presentation can be seen here: [Groundwater Metals Contamination from Wood Waste Recycling Facilities](#)

In April of this year I became aware of a study that was completed by the Suffolk County Health Department and shortly thereafter sent an email to our Howard County government officials and provided them a link to that study, [Investigation of the Impacts to Groundwater Quality from Compost/Vegetative Organic Waste Management Facilities](#), also known as wood waste and compost facilities. The study examined 11 sites in Suffolk County and found all 11 sites had water contamination. At those 11 sites, there were 113 test results that exceeded safe groundwater and/or drinking standard. If you would like to count them yourself, here they are:

[Table 14 - Analytes Exceeding a Groundwater and/or Drinking Water Standard](#)

Three of those sites affected rural residential wells and Suffolk County ran public water supply to those areas as a result. Subsequently, I wrote to the County Executive asking what the Howard County Health Department thought of that study and what plan does the County Executive have for remediation, if not running public water supply to affected areas. He continues to ignore those questions.

A few years after we moved into Dayton, I decided that the lay of our property was amenable to constructing a pond. It would be spring fed. Some MD State folks came out to give some advice on the pond construction. It would be about an acre, the state would stock the pond with fish and they gave me a quick description of the construction. A one acre pond, stocked with fish in my back yard. My wife and I could sit out on the deck and enjoy. Our dogs could go swimming any time they wanted. Awesome.

However, what they were telling me would result in cutting off my spring water from the adjacent farm. That farmer had a small dairy herd that roamed and drank from that stream. To me that pond became a non-starter. I wasn't going to cut off the Brown's dairy cows from water. It looks like I cared more about Buddy's dairy cows getting water than Howard County Government cares about the health and safety risk to Howard County residents. Is our Howard County Government willing to make that trade-off for mulch and compost?

Everyone needs to tell the County Council this is UNACCEPTABLE: [Howard County Council](#)

**Please attend the Town Hall meeting on Thursday, 29 Jun from 7-9 pm at the Dayton Oaks Elementary School
Sponsored by the Dayton Rural Preservation Society (DRPS).**

Best Regards,
Jim Nickel

Sayers, Margery

From: Betty Routh <kcmom09@yahoo.com>
Sent: Wednesday, June 28, 2017 12:03 PM
To: CouncilMail
Subject: Mulching in Dayton Oaks

To Whom it May Concern:

A mulching facility in the quiet and clean neighborhoods of Howard County is unacceptable. I can understand that a facility like this would be located in a business district that is equipped to handle the traffic load and noise (Jessup). But here? In Dayton Oaks? The idea is absurd.

Sincerely,

Betty Routh

Sayers, Margery

From: James Nickel <james.nickel55@gmail.com>
Sent: Tuesday, June 27, 2017 4:17 PM
Cc: Kittleman, Allan; CouncilMail; Melanie Dzwonchyk; Team Kittleman
Subject: CB60-2017 Part 2 of 3 - Cancer and Respiratory Risks

Dayton Areas Residents and other interested parties.

In Part 1 of 3, I highlighted :

- CB60-2017 presents a health and safety risk to Howard County residents.
- The County Executive has filed a Council Bill that reneged on his campaign pledge of keeping Commercial Industrial Mulch operations off Agricultural Preservation properties.
- I reported on what the DPZ has stated they are incapable of, or, unwilling to enforce.
- DPZ will rely solely on MDE knowing full well that is unrealistic.
- That was illustrated with the photo of a mulch fire on Kabik Ct. that the Howard County Fire Department assisted in putting out. That mulch pile was 68' high. Yet, DPZ insists that wouldn't happen with MDE regulations.
- I also provided a link to a presentation given at the Task Force in 2014 on Fire Risk.

In Part 2 of 3, I'll address the health issue related to airborne wood dust and infectious agents. I will provide you the links to the two presentations given to the Task Force in 2014 on that subject.

The first presentation was given by Victor Velculescu, M.D., Ph.D. His presentation covered the health hazards of industrial mulch processing due to wood dust and infectious agents such as mold, fungi and bacteria. The risks were significant. Various cancers, allergic and mucosal effects, kidney failure, dermatitis, and allergic respiratory effects to name a few. Airborne wood dust can travel >1,500 ft. and airborne infectious agents have been shown to travel distances of > 3 mi. His presentation can be found here: [Health Hazards of Industrial Wood Waste](#)

I gave the 2nd presentation. My presentation addressed a collection of research studies that were generally related to respiratory effects and you'll find some overlap between Dr. Velculescu's presentation and mine. I also conducted an informal study based on data collected from the complaints, i.e., Inspection Requests, that were sent to DPZ for action. I found many of the complaints to be shared among the residents and mapped them. I was surprised at the tight grouping of the people complaining in a dispersal pattern downwind. You'll find my full presentation here: [Woodbine Case Study](#)

The majority report of the Task Force generally ignored the presentations. At the conclusion of the two presentations, one member of the majority countered with ... "We just don't believe it." There was a built in bias to the Task Force. One member was operating an unauthorized Natural Wood Waste Facility in Howard County, another member was operating a commercial NWWRF on M1/M2 and a third member of the Task Force admitted at the meeting that he was "technically" required to obtain an NWWRF permit but didn't obtain one.

While I was preparing this study I tried on 3 occasions to get the Howard County Health Department to contact the people in Woodbine about the health related complaints and no action was ever taken. The Head of the Department was at a meeting where I brought that up and his explanation was that he didn't send anyone out because there were no regulations that authorized him to do anything if there was a problem. He never offered a suggestion about what might be done about that. There was another member of the Task Force that shared with me his thoughts on the presentation by Dr. Velculescu. "I saw Victor's presentation. What difference does it make? It's [carcinogens] everywhere."

That should give you a perspective of the members of the Task Force that comprised the majority.

Everyone needs to tell the County Council this is UNACCEPTABLE: [Howard County Council](#)

**Please attend the Town Hall meeting on Thursday, 29 Jun from 7-9 pm at the Dayton Oaks Elementary School
Sponsored by the Dayton Rural Preservation Society (DRPS).**

Best Regards,
Jim Nickel

Sayers, Margery

From: Albert Risdorfer <arisdorfer@yahoo.com>
Sent: Tuesday, June 27, 2017 3:55 PM
To: CouncilMail
Subject: Opposed to CB-60

County Council,

I am a 16 year resident of Dayton in Howard County. I have loved it here because of its beauty and safety as well as it's incredibly convenient location in the Northeast Corridor. But since 2014 there has been this persistent push by certain interests to build industrial composting and mulching facilities in our neighborhood which will disturb everything that makes this place so great.

I want to inform every member of the council that I strongly oppose building any such facility. At the very least this bill needs to be amended to prohibit industrial composting and mulching on both Maryland AND Howard County ag preserve lands.

My neighbors and I have been fighting this for some time but now apparently we have been betrayed by Kittleman and many of you. DO YOUR JOB! Do what is right for the citizens of the county or trust me when I say, that I and many of us, will settle the score come election day.

Al Risdorfer
14013 Big Branch Dr
Dayton MD 21036

AUT VIAM INVENIAM AUT FACIAM

Sayers, Margery

From: brandy4417@gmail.com
Sent: Tuesday, June 27, 2017 2:48 PM
To: CouncilMail
Subject: CB 60 Industrial Mulch in the area

Good afternoon

I am sending this email to express my opposition of the proposed industrial mulching area in the Dayton/Clarksville area.

This is a beautiful rural area that we do not want exposed to this sort of industry. We bought our home here, at a hefty price, to provide our children with a safe, "clean" and prominent environment. It is relatively low noise, low traffic from cars and otherwise, and low pollution. As I said, we paid a PREMIUM to live here and raise our children.

We are opposed to bringing in any industry that jeopardizes the exact qualities we bought into.

Regards, Brandy Leonard

Sayers, Margery

From: Karen Klein <karenktklein@gmail.com>
Sent: Tuesday, June 27, 2017 2:00 PM
To: CouncilMail
Subject: CB 60

My apologies for the mistake. CB 60, not CB 90! Karen Klein Sent from my iPhone

Sayers, Margery

From: Karen Klein <karenktklein@gmail.com>
Sent: Tuesday, June 27, 2017 1:59 PM
To: CouncilMail
Subject: Opposed to CB 90

Hi, I just wanted to tell you that I am strongly opposed to CB 90. I plan to come to one of the upcoming meetings with my children to indicate why I am opposed to this Thank you.
Karen Klein

Sent from my iPhone

Sayers, Margery

From: Bill & Anne <stillpoint.haven@verizon.net>
Sent: Tuesday, June 27, 2017 1:48 PM
To: CouncilMail; Kittleman, Allan
Cc: 'Bill Hayden'; 'Anne Elixhauser'
Subject: Commercial Mulching Might Start Again in Dayton

Hello Mr. Kittleman and council members,

We participated in the citizen's protest and push-back on the commercial mulching operation in the Dayton-Glenwood area just 3 years ago when all of you agreed and committed to not using agricultural preservation land for big commercial operations like this.

I understand the circumstances have changed with the widening of Rt 32, but that's not an adequate rationale to go back on your commitment to us. The charm and public schools of this area have attracted a lot of well educated, affluent families to move here, and the widening of 32 and the development of Clarksville will only accelerate that trend. Unless it gets spoiled by this type of commercial operation, and the lost trust in our local government for renegeing on existing commitments and regional zoning agreements.

So please stand by your 2014 commitment to us and find another solution for these commercial operations.

Thank you,

Bill Hayden

Bill Hayden & Anne Elixhauser
Clarksville, MD
301-854-0087

In the present moment, spirit is kindled -- even a little spark glows.
When you cling to the past, the spark is covered with ash.

Sri Sri Ravi Shankar

Sayers, Margery

From: Om Prakash Gupta <omgupta1@gmail.com>
Sent: Tuesday, June 27, 2017 12:45 PM
To: CouncilMail
Subject: STRONG OPPOSITION TO CB-60

Dear Howard County Council:

As a long term resident of Triadelphia Ridge in Howard County, I am strongly opposed to the proposed bill CB-60 which will permit industrial mulching on agriculture preserve farmland near my house in Dayton MD. This would not only harm the environment such as ground water, county roads, but also create hazards for children or largely residential communities that surround the farmland in Dayton area, due to constant presenece of huge dump trucks, and create noise and air pollution issuses due to mulching operations. Please help preserve the health and quality of life in Howard County that we have come to expect in Howard County, and have voted for in the past, and do not allow the CB-60 to pass.

Best Regards
Om and Jyoti Gupta
14085 Big Branch Drive
Dayton MD, 21036

Sayers, Margery

From: Priscilla Trubin <oldtrube@aol.com>
Sent: Tuesday, June 27, 2017 10:53 AM
To: CouncilMail
Subject: CB60-2017

I am a resident of Western Howard County, a regular voter- not very politically active, but I am dismayed that the issue of industrial mulch factories on agricultural land has resurfaced to make us sick and pollute our fast diminishing land. My understanding, even though I am a lay person, is that there is scientific proof that our air and water will be affected if this bill becomes law. Who is protecting our health? The Council? The County Executive? Certainly not the Zoning Commission. They have allowed at least three subdivisions to be built on former carriage roads out here. There are 46 houses slated to be built behind my house with access onto Green Bridge Road, a road that doesn't even have a shoulder. Where is the "planning" in the Howard County Plan? I am disgusted with the secrecy and the lack of representation of my and my neighbors' interests. As regards CB60-2017, it is no coincidence that this bill is being considered in the summer when so many residents go away.

If you respond to this email, it will be a miracle.

Sincerely,

Priscilla Trubin

[5162 Green Bridge Rd](#)

[Dayton, MD 21036](#)

[410-925-4357](#)

Sent from my iPhone

Sayers, Margery

From: David Smith <dosmith99@gmail.com>
Sent: Tuesday, June 27, 2017 9:48 AM
To: CouncilMail
Subject: CB-60 Concerns

Good Morning,

I'm writing this letter to express my opposition to CB-60 as it is currently written. I am a resident of Dayton and feel there are several loopholes to allow industrial size mulching facilities that can be disguised as a "Tree Farm", even on Agriculture Preservation farmland. There are several negative factors which will effect local residents: wood dust particles in the air, increased truck traffic on roads were are kid's bus stop are located, possible water contamination, increased fire risk, loud grinding machines, decreased property values.

Please do not move forward with CB-60 until this loophole is fixed. I appreciate your understanding.

Regards,
David Smith

Sayers, Margery

From: James Nickel <james.nickel55@gmail.com>
Sent: Tuesday, June 27, 2017 7:39 AM
To: Kittleman, Allan; CouncilMail; Melanie Dzwonchyk
Subject: CB60-2017
Attachments: DRPS Note from President_062517_V2.docx; Jun 29, 2017 Community Meeting Flyer.pdf

Howard County Residents,

Attached is a note from the President of DRPS related to CB60-2017 and the flyer that is being distributed around the county.

As I mentioned in my email yesterday, if this Council Bill passes the consequences to residents are not revocable. Any operation that obtains conditional approval will retain it even if some future legislation were to discontinue the operation.

These operations do you belong is rural residential neighborhoods under the pretense of helping farmers. In our area of Dayton, RLO has a contract to clear 33 acres of forest when Rt. 32 is expanded between Rt. 108 and the Linden Church Road exit. If CB60-2017 passes those 33 acres of forest will be able to be processed on Agricultural Preservation land in Dayton. That's not Agricultural Preservation. That is a commercial industrial operation. CB60-2017 is NOT "People - Not Politics"

Please write to the [Howard County Council](#) to state your opposition to CB60-2017.

Best Regards,
Jim Nickel

Note from the President

Dayton Rural Preservation Society, <http://www.preservedayton.com>

June 25, 2017

Hello to all from within all four corners of Howard County that constitute our large support base. We thank each and every one of you for stepping up back in 2014 to stand by our side in numbers at several community and Howard County Council meetings as a show of our opposition to industrial mulching on ag preserve farmland in the County. Unfortunately, it is time to rally the troops, and quickly, for the next round of the fight that lies ahead for July. The small core team that has been representing your interests on this industrial mulching issue continuously since passage of favorable CB-20 has intentionally kept our supporters on the sideline to keep you ready to mobilize and spring into action if/when needed. That time is NOW. Definitely. We were happy with CB-20 then and are NOT happy now. Please read on.

For three long years we have been trying to hold down the fort for all we accomplished together with passage of CB-20 in June, 2014, through many Mulch Task Force and several meetings with County Executive Kittleman, the County Council, and the Director of Department of Planning and Zoning (DPZ), Val Lazdins. We now find ourselves in a position to once again fight our way through another ZRA on industrial mulch/composting, this time in the form of ZRA 180, officially introduced as CB60-2017 on June 22 by DPZ on behalf of County Executive Kittleman. CB-60 as it currently reads presents many opportunities for industrial mulching to occur that will put rural families at risk for many safety and health concerns, and is therefore unacceptable to the rural communities throughout Howard County.

As a community, each and every one of us needs to make the necessary time to do our part for the cause. First up for a strong showing is the community meeting to be held this **Thurs June 29 at Dayton Oaks Elementary School from 7-9pm** in the cafeteria to provide an important update and call to action (press will be in attendance). We will walk through all that has transpired since 2014 and lay out what lies ahead over the next five weeks. At that meeting we will request that EVERYONE send an email to the County Council over the next week to express your concern over CB-60 and call for amendments to protect the rural communities it will put at risk as it currently stands (that Council email address is councilmail@howardcountymd.gov). You can also access the Council email address directly through the <http://cc.howardcountymd.gov> website and navigating to the active link to 'Email all Council Members' through the 'Contact Us' tab across the top bar.

Next step will be, for everyone willing, to **sign up on July 5 to testify Mon July 17 at the first County Council meeting** that will take place then (Banneker Room, George Howard Building). You can sign up to testify at <http://cc.howardcountymd.gov> by clicking on 'Testify' along the top bar. You will have up to 3 minutes (you do not need to use the entire time) at the County

Council meeting on July 17 to tell the council why you think CB-60 is a bad idea for Howard County.

We are requesting and urging everyone to make plans to overflow the Banneker Room as a strong show of support for **our opposition to CB-60 without major amendments**. We need **1,000 people** to be present on July 17. From that meeting to introduce the legislation and for those who signed up July 5 to testify, the County Council will hold another session to vote on the legislation two weeks later. That Council meeting (also in the Banneker Room) will take place on Mon July 31. It is imperative we have an amazing, even astounding, turnout of **1,000 people also on July 31** to ensure the full County Council feels the weight of our strong opposition as they vote on this important zoning legislation.

County Executive Kittleman made a strong campaign promise back in 2014 when we gave him a platform to voice his position on the issue of industrial mulching. He publicly stated:

"In response to your inquiry regarding industrial mulching on agricultural farm land, I can unequivocally state that I am opposed. There have been three major public hearings on this issues: one at Dayton Oaks Elementary School, one in Sykesville and another at the Ten Oaks Ballroom with an estimated attendance of over five hundred, where I stated that I firmly opposed industrial mulching. As County Executive, I will actively continue my opposition."

From the content of CB-60 that was presented by County Executive Kittleman, we are very disappointed that he has not even kept half of his campaign promise, at best. This new industrial mulch/composting legislation does NOT include any restrictions on State of MD (MALPF) ag preserve farmland. Essentially half of Howard County is State of MD ag, with the other half Howard County ag (ALPP). The county council, with Calvin Ball as Chair, introduced **Amendment 5** to CB-20 which prohibits industrial mulching on MD ag farmland. We argued then, and again now, that not addressing both MD and Howard County ag farmland is tantamount to fencing only half of your yard and expecting that to prevent things from wandering in.

Beyond this huge oversight, which is intentional negligence in our opinion, there are loopholes in CB-60 as it currently exists that will allow industrial mulching and industrial composting to occur. We will talk more on June 29 and in the coming weeks about what amendments are absolutely needed to keep calm and order to this industrial mulching issue. As it stands now, industrial operators playing farmer in disguise will be able to purchase ag preserve on the cheap, only to move their industrial processes onto the farmland and into your communities, to present risks to families that we simply will NOT accept.

To quickly recap, **please plan on taking action on these dates:**

June 29, 7-9pm. Attend community meeting at Dayton Oaks Elementary School.

July 5, online. Sign up to testify at <http://cc.howardcountymd.gov> by clicking on 'Testify' along the top bar. You will have up to 3 minutes at the County Council meeting on July 17 to tell the

council why you think CB-60 is a bad idea for Howard County.

July 17, 7pm. Attend County Council meeting at George Howard Building, Banneker Room, to show opposition for CB-60. We need 1,000+ people here.

July 31, 7pm. Attend County Council meeting at George Howard Building, Banneker Room, as County Council votes on CB-60. We need 1,000+ people here.

We will need to be more unified and more widespread in our opposition than ever before to achieve success again. Please spread the word to your family, friends and colleagues that live anywhere in Howard County, and not just the rural West, since this is truly a countywide issue. With appreciation for the sacrifices each of you will make over the next five weeks,

Best,

John Tegeris, PhD

President, DRPS

If you oppose industrial mulching on rural farmland, the fight continues. It's not over yet.
1,000 People, 1 Voice

Community Meeting
Thursday, June 29 7-9 pm
Dayton Oaks ES, Cafeteria

4691 Ten Oaks Road, Dayton, MD 21036
Updates, cause for concern, call to action

Don't let this happen to any more children



Tori Perez, 5, was killed in Buckingham County.



"The vehicle loaded with 75,000 pounds of mulch hit the children crossing the street to board their school bus. The children died at the scene."

Legislative Public Hearing, CB-60

Monday, July 17 @ 7 pm

George Howard Building

3430 Court House Dr, Ellicott City, MD 21043

The County Council will hear testimony from DPZ and citizens

**Numbers make a difference! We need
EVERYONE at these 2 events.**

Dayton Rural Preservation Society ♦ www.PreserveDayton.com

Sayers, Margery

From: julius akintade <jtakintade@yahoo.com>
Sent: Monday, June 26, 2017 5:16 PM
To: CouncilMail
Subject: Proposed Mulch Project

Ladies and Gentlemen:
Mulch Project approval is not acceptable in our backyard.

[Sent from Yahoo Mail on Android](#)

Sayers, Margery

From: Donna Smeins Howard <daeva77@verizon.net>
Sent: Monday, June 26, 2017 2:26 PM
To: CouncilMail
Subject: Mulching on Agricultural Preservation Property

Good Afternoon Council Members,

I have received some distressing emails from neighbors over the past few weeks regarding the mulching on the Orndorff property in Dayton. I thought it would be best to go straight to you to find out what is going on. Are you pushing through a bill to allow mulching on Ag Preserve Land (specifically CB60-2017?

As a homeowner that abuts the property, the health and safety of my family is my first concern. The air and water quality, risk of fire, and large trucks on our small county roads are of tremendous concern to me. While there is not currently mulching going on, we have noticed an uptick in noise from the property and are experiencing very large dump trucks speeding through our rural roads well over the posted speed limit. As the mother of young drivers, I worry that my children will be smashed into on the blind curve on Howard Road and Dayton Meadows Court or run off the road by these speeding trucks.

What plans are in place to ensure the health and safety of the residents in Dayton who lived here long before Orndorff purchased the farm in question? Are you planning to have competent, trustworthy people monitoring the contamination of our air and water? Install fire hydrant systems to protect us from the threat of fire? Have police sit at the end of my street to catch the speeding dump trucks? What are you doing to mitigate the respiratory issues that we will face from the dust and spores released into the air? Who is monitoring what types of woods are being mulched to make sure arsenic and other toxins are not released into our water? Are you requiring liners and storm collection ponds to protect our aquifer? Are you giving residents of this community a tax break for devaluing our homes? Why is there such a rush to get this bill passed through?

Thank you for answering my questions - I have not heard back from the county executive on this matter and truly hope that someone from the county council will have the integrity to reply to my email.. I look forward to sharing them with my concerned community.

Donna Smeins Howard
daeva77@verizon.net

Sayers, Margery

From: Maxwell Yao <maxwellyao25@gmail.com>
Sent: Monday, June 26, 2017 2:17 PM
To: James Nickel
Cc: Melanie Dzwonchyk; Kittleman, Allan; CouncilMail
Subject: Re: CB60-2017 Part 1 of 3 - Fire Risk

Jim,

Thanks for the info. I plan to attend the meeting on 6/29 to voice my objection to this bill.

Maxwell Yao, Ph.D.

On Jun 26, 2017 12:47 PM, "James Nickel" <james.nickel55@gmail.com> wrote:
Dayton Area Residents and other interested parties,

If CB60-2017 passes, it is not revocable. The County Executive and County Council cannot ask for a do-over. We residents have to live with the consequences.

Our County Executive has asked us to believe the Department of Planning and Zoning [DPZ].

- This is the same DPZ that is incapable of measuring whether the height of a windrow of mulch is 10' high.
- This is the same DPZ whose Director said at the Planning Board meeting said that "trucks magically disappear."
- This is the same DPZ that says they are incapable of measuring acreage.
- This is the same DPZ that says they will rely on MDE to measure pile height and enforce other regulations such as dust control.
- This is the same DPZ that says we should believe that operators will follow the guidelines established by MDE.

We little people of Howard County shouldn't worry. Trust in DPZ.

Our County Executive, Council Members Fox and Sigaty and DPZ know without a doubt that MDE did not enforce any "dust standards" at Woodbine for years. Those same people can look at this picture of a 68' high mulch pile taken in May 2017 at Kabik Court and tell us we should be confident that operators will abide by the guidelines set by MDE and MDE will enforce the regulations. To include that mulch windrows not exceed 10' in height.



In this 3 part series, I'm going to show you the details of what was presented in 2014 to the Task Force. Part one will show you the risk that mulch fires pose to our communities. This is the presentation given on 25 Oct 2014. https://1drv.ms/p/s!AucXk8OqRvENlj1BnIUf_QYUPOt0

Part 2 in the series will show you the risk that wood dust and fungal spores pose to our health.

Part 3 in the series will show you the risk that Wood Waste Recycling Facilities pose to contamination of our rural water supply.

Should the County Council accept the "trust MDE and the operators to keep us safe?" The County Council and DPZ have said they aren't going to do it. They can't even measure the height of a windrow of mulch and believe in "magically disappearing trucks."

I'm telling the County Council with this email, I can't trust the County Executive, DPZ or MDE. The County Executive has reneged on his pledge to keep commercial industrial mulch production off Agricultural Preservation Lands. They have demonstrated they can't enforce regulations even when a Wood Waste Recycling Facility is not allowed in Howard County other than on manufacturing zoned properties. In this proposed Council Bill, the County Executive and DPZ do not even accept responsibility for enforcement.

Everyone needs to tell the County Council this is UNACCEPTABLE. councilmail@howardcountymd.gov

Please attend the Town Hall meeting on Thursday, 29 Jun from 7-9 pm at the Dayton Oaks Elementary School
Sponsored by the Dayton Rural Preservation Society (DRPS).

Best Regards,
Jim Nickel

Sayers, Margery

From: janet ocheltree <jeocheltree@yahoo.com>
Sent: Monday, June 26, 2017 1:39 PM
To: CouncilMail
Subject: OPPOSED TO CB60-2017

This letter is to inform Howard County Council that we are opposed to the CB-60-2017.

There is an overwhelming number of residents in this area who are very disturbed by the fact the Agricultural Preserve is now being redefined to include NWWR. I voted for Allan Kittleman because he pledged to not allow this commercial mulch production on Agricultural Preserve Lands. What happened here? It is very disappointing that we cannot rely on local government to stand by his words.

As a homeowner in Dayton, I am vehemently opposed to allowing this commercial industry, with all it's safety and health hazards, to be allowed on Agricultural Preserve. We are a community of homes, we are not a business district where one would expect this type of facility.

I urge the council and all it's members to consider those living in proximity to Ag Preserve and ask, would YOU want to be next to a mulch factory? Would YOU want your children to stand and wait for the bus on a two lane road and have dump trucks and commercial vehicles drive by? Would YOU want to breathe air and drink the water in your home knowing that there is wood dust and fungal spores in the air and possible water contamination? Would YOU want your home values to decrease?

I completed the Howard County Master Gardners program. I recognize the need for sustainability, creating green industries, and being environmentally responsible by productively recycling wood waste. But again, we are a rural, residential community and this type of business does not belong here. Listen to the community, listen to the majority.

Thank you,

Janet Ocheltree
5030 Green Bridge Road

Sayers, Margery

From: Darren Bush <darbus37@gmail.com>
Sent: Monday, June 26, 2017 1:37 PM
To: CouncilMail
Subject: Cb-60-2017

County council,

Please do not pass the proposed bill allowing industrial mulching on agricultural land. I live in western Howard county and strongly oppose this. I am very concerned about the health and safety risks this poses our neighborhood and families.

Darren bush
14036 big branch drive
Dayton md 21036

Sayers, Margery

From: Brent Rutley <brentrutley1@gmail.com>
Sent: Monday, June 26, 2017 1:20 PM
To: CouncilMail
Subject: Support for CB60-2017

Our family farm SUPPORTS CB60-2017
Brent Rutley and the Rutley family
Just This Side of Paradise Farm
15240 Frederick Road
Woodbine, Maryland

Sayers, Margery

From: James Nickel <james.nickel55@gmail.com>
Sent: Monday, June 26, 2017 12:47 PM
To: CouncilMail; Kittleman, Allan; Melanie Dzwonchyk
Subject: CB60-2017 Part 1 of 3 - Fire Risk

Dayton Area Residents and other interested parties,

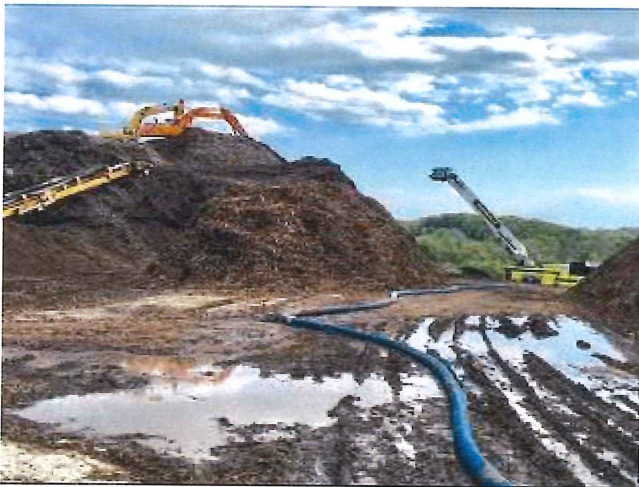
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Best Regards,
Jim Nickel