



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

DPZ Office Use Only:

Case No. ZRA-183

Date Filed: 12-12-17

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 Facility, Bulk Firewood Processing, Feedstock, Horticultural Nursery, Natural Wood Waste, Natural Wood Waste Recycling, 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 as permitted accessory uses;
4. Section 106.1 to add Natural Wood Waste Recycling Facilities if Accessory to a Horticultural Nursery as a Conditional Use on ALPP Purchased and ALPP Dedicated Easements;
5. Section 122.0 to add Natural Wood Waste Recycling and Natural Wood Waste Recycling Facilities as permitted uses and delete Mulch Manufacture;
6. Section 123.0 to add Tier 1, Tier 2 - Small and Tier 2 - Large Composting Facilities as permitted uses on parcels that do not abut residentially zoned property;
7. Section 124.0 to add Composting Facilities, Tier 3, 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 131.0.N. to update the Conditional Uses and Permissible Zoning Districts Chart;
10. Section 131.0.N.46 to delete Mulch Manufacture from the category title, Sawmills, Bulk Firewood Processing, Mulch Manufacture, or Soil Processing;
11. Section 131.0.N.60 to delete the category, Yard Waste Composting Facility;
12. Section 131.0.O to add two new Conditional Use categories, Composting Facilities and Natural Wood Waste Recycling Facility.

- 2. Petitioner's Name** Greg Fox, County Council Member and Mary Kay Sigaty, County Council Member
Address 3430 Courthouse Drive, Ellicott City, MD 21043
Phone No. (W) 410-313-2001 **(H)** N/A
Email Address gfox@howardcountymd.gov, mksigaty@howardcountymd.gov

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HOWARD COUNTY COUNCIL
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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 develop zoning regulations, which became the foundation for ZRA-180.

ZRA-180 proposed 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.

This petition reflects Council Bill 60-2017 (ZRA-180) as amended by the County Council in response to public concerns heard during the Council's consideration of Council Bill 60. This ZRA provides for extensive safeguards, protects air and groundwater quality, and limits truck traffic. In addition to this ZRA, CB78-2017 as passed applies fire prevention measures that restricts the size and length of piles in Howard County. The amendments to ZRA-180 include:

- Eliminating references to emergency natural wood waste recycling facilities
- Providing standards for natural wood waste facilities that are accessory to horticultural nurseries
- Eliminating compost facilities as a by-right use in certain zoning districts
- Specifying that natural wood waste recycling facilities are allowed by right in M-1
- Clarifying the kinds of composting allowed by right in M-2
- Restricting some on-site retail sales of compost

- Providing a process for farmers who produce excess compost in certain situations
- Limiting the size and location of certain composting and natural wood waste facilities
- Increasing some setbacks for composting and natural wood waste operations

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 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 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. Because the amendment clearly states that Natural Wood Waste Recycling and Composting Facilities as a matter of right, by permit, or by conditional use, with limitations, are allowed 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.

See comments above.

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 B and C), which detail the various State requirements necessary for approval of the uses. Also, see the NFPA 1, Fire 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. See also Council Bill 78-2017 (Exhibit D), which requires that piles of certain material regulated by the Fire Prevention Code be turned or reclaimed in accordance with State law, specifies the height requirement for certain materials, adds that certain materials may constitute a public nuisance, and clarifies that the right to farm does not apply when an agricultural operation does not comply with the Fire Prevention Code.

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.

Greg Fox
Petitioner's name (Printed or typed)

Greg Fox 12/11/17
Petitioner's Signature Date

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

Mary Kay Sigaty 12.11.17
Petitioner's Signature Date

Petitioner's name (Printed or typed)

Petitioner's Signature Date

Paul T. Johnson 12/12/17
Counsel for Petitioner's Signature

[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: _____

1 **EXHIBIT A**

2
3 **Howard County Zoning Regulations.**

4 **SECTION 103.0: Definitions.**

5
6 **Section 103.0: Definitions**

7 Terms used in these Zoning Regulations shall have the definition provided in any standard
8 dictionary, unless specifically defined below or in any other provision of these Zoning
9 Regulations:

10
11 C

12
13 COMPOSTING FACILITY: A FACILITY WHERE COMPOSTING , THE CONTROLLED AEROBIC BIOLOGICAL
14 DECOMPOSITION OF ORGANIC WASTE MATERIAL, TAKES PLACE AS REGULATED BY AND WHICH
15 OPERATES UNDER A PERMIT FROM THE MARYLAND DEPARTMENT OF THE ENVIRONMENT UNDER
16 COMAR. COMPOSTING IS ALLOWED AS AN ACCESSORY USE IF A PERMIT FROM THE MARYLAND
17 DEPARTMENT OF THE ENVIRONMENT IS NOT REQUIRED.

18
19 F

20
21 FEEDSTOCK: ORGANIC MATTER USED FOR COMPOSTING AS DEFINED IN COMAR.

22
23 FIREWOOD PROCESSING, BULK: A COMMERCIAL FACILITY WHICH PRINCIPALLY PROCESSES
24 BRANCHES AND LOGS BY CHOPPING, CUTTING, SAWING, OR SPLITTING TO PRODUCE FIREWOOD FOR
25 SALE, AND WHICH MAY INCLUDE THE ACCESSORY PROCESSING OF THE WOOD WASTE SOLELY
26 PRODUCED BY THE PRINCIPAL PROCESSING TO CREATE HUMUS, MULCH OR WOOD CHIPS. THIS TERM
27 DOES NOT INCLUDE THE PRODUCTION OF FIREWOOD AS AN ACCESSORY USE TO FARMING OR
28 RESIDENTIAL PARCELS FOR LAND CLEARING OR PRIVATE USE PURPOSES.

29

30

1 H

2 HORTICULTURAL NURSERY: AN AGRICULTURAL OPERATION PRIMARILY ENGAGED IN THE
3 GROWING, HARVESTING AND PRIMARY PROCESSING OF TREES, SHRUBS AND PLANTS. PLANT
4 MATERIAL SHALL BE GROWN ON THE PREMISES AND MAY BE PURCHASED ELSEWHERE AT ANY
5 STAGE OF MATURITY FOR PRODUCTION ON THE PREMISES. HORTICULTURAL NURSERIES MAY
6 ENGAGE IN ACCESSORY USES SUCH AS STORAGE OF PLANT MATERIALS AND SALE OF PRODUCTS
7 NECESSARY FOR THE HEALTH OF THE NURSERY STOCK.

8

9 N

10

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

14

15 NATURAL WOOD WASTE RECYCLING: THE MANUFACTURE OF HORTICULTURAL MULCH FROM
16 NATURAL WOOD WASTE THAT DOES NOT MEET THE DEFINITION OF A NATURAL WOOD WASTE
17 RECYCLING FACILITY. NATURAL WOOD WASTE RECYCLING IS ALLOWED AS AN ACCESSORY USE IF
18 A PERMIT FROM THE MARYLAND DEPARTMENT OF THE ENVIRONMENT IS NOT REQUIRED.

19

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

23

24 M

25

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

29

1 S

2

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

9

10 Y

11

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

14

15

16 **SECTION 104.0: RC (Rural Conservation) District**

17 **C. Accessory Uses**

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

22 1. Any use normally and customarily incidental to any use permitted as a matter of right
23 in this district. Accessory structures are subject to the requirements of Section
24 128.0.A.

25 2. Accessory houses, limited to the following:

26 a. Farm tenant houses and similar uses customarily accessory to agricultural uses,
27 provided that these uses shall not be permitted on parcels of less than 50 acres,
28 and one unit shall be permitted for each 25 acres of that parcel; or

- 1 b. Caretakers' dwellings and similar uses customarily accessory to residential estate
2 uses, provided that these uses shall not be permitted on parcels of less than 50
3 acres and one unit shall be permitted for each 50 acres of that parcel.
- 4 3. Accessory apartments, subject to the requirements of Section 128.0.A.
- 5 4. The housing by a resident family of:
 - 6 a. Not more than four non-transient roomers or boarders; or
 - 7 b. Not more than eight mentally and/or physically disabled persons or persons 62
8 years of age or older, provided the use is registered, licensed or certified by the
9 State of Maryland; or
 - 10 c. A combination of a and b above, provided that the total number of persons
11 housed in addition to the resident family does not exceed eight.
- 12 5. Home occupations, subject to the requirements of Section 128.0.C.
- 13 6. Home care, provided that if home care is combined with housing of mentally or
14 physically disabled persons or persons 62 years of age or older, as allowed by
15 Subsection 4.b above, the total number of persons receiving home care at any one
16 time plus the number of persons being housed shall not exceed eight.
- 17 7. Parking:
 - 18 a. Off-street parking of no more than two commercial vehicles on lots of three or
19 more acres and no more than one commercial vehicle on lots of less than three
20 acres. Private off-street parking is restricted to vehicles used in connection with
21 or in relation to a principal use permitted as a matter of right in the district.
 - 22 b. Off-street parking or storage of unregistered, inoperable, wrecked, dismantled or
23 destroyed motor vehicles shall not be permitted, except as provided by Section
24 128.0.D.
- 25 8. Storage of recreational vehicles or boats, provided that on lots of 20,000 square feet
26 or smaller, such storage shall be limited to the following:
 - 27 a. One recreational vehicle with a length of 30 feet or less; and
 - 28 b. One boat with a length of 20 feet or less.
- 29 9. The following commercial services are permitted as accessory uses on farms,
30 provided that the uses are located on a parcel of at least 50 acres or on a parcel of any

- 1 size subject to an ALPP purchased or dedicated easement, the commercial service is
2 conducted by persons residing on or operating the farm, and all uses are screened
3 from public roads and adjacent lots:
- 4 a. Blacksmith shop
 - 5 b. Farm machinery repair
 - 6 c. Lawn and garden equipment repair
 - 7 d. Welding
- 8 10. Farm stands, subject to the requirements of Section 128.0.I.
 - 9 11. Snowball stands, subject to the requirements of Section 128.0.D.
 - 10 12. Home-based contractors, subject to the requirements of Section 128.0.C.2.
 - 11 13. The acceptance or disposal of off-site land clearing debris under a permit issued by
12 the Department of Planning and Zoning, subject to the requirements of Section
13 128.0.D.
 - 14 14. Value-added processing of agricultural products, subject to the requirements of
15 Section 128.0.I.
 - 16 15. Agritourism enterprises and pick-your-own marketing of farm products, subject to
17 the requirements of Section 128.0.I.
 - 18 16. Farm Winery—Class 1A and Farm Brewery—Class 1A, subject to the requirements
19 of Section 128.0.O.
 - 20 17. Small Wind Energy System, building mounted, subject to the requirements of
21 Section 128.0.L.
 - 22 18. Small Wind Energy System, freestanding tower on properties 5 acres or great or
23 greater, subject to the requirements of Section 128.0.M.
 - 24 19. Riding Academies and Stables, subject to the requirements of Section 128.0.I.
 - 25 20. Community Supported Agriculture, subject to the requirements of Section 128.0.I.
 - 26 21. Food Hubs, subject to the requirements of Section 128.0.I.
 - 27 22. Accessory Solar Collectors.
 - 28 23. Residential chicken keeping, subject to the requirements of Section 128.0.D.
 - 29 24. Livestock on residential lots or parcels, subject to the requirements of Section
30 128.0.D.

1 25. COMPOSTING FACILITIES, SUBJECT TO THE REQUIREMENTS OF SECTION 128.0.I.

2
3 **SECTION 105.0 RR (Rural Residential) District**

4 **C. Accessory Uses**

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

- 9 1. Any use normally and customarily incidental to any use permitted as a matter of right
10 in this district. Accessory structures are subject to the requirements of Section
11 128.0.A.
- 12 2. Accessory houses, limited to the following:
- 13 a. Farm tenant houses and similar uses customarily accessory to agricultural uses,
14 provided that these uses shall not be permitted on parcels of less than 50 acres,
15 and one unit shall be permitted for each 25 acres of that parcel; or
- 16 b. Caretakers' dwellings and similar uses customarily accessory to residential estate
17 uses, provided that these uses shall not be permitted on parcels of less than 50
18 acres and one unit shall be permitted for each 50 acres of that parcel.
- 19 3. Accessory apartments, subject to the requirements of Section 128.0.A.
- 20 4. The housing by a resident family of:
- 21 a. Not more than four non-transient roomers or boarders; or
- 22 b. Not more than eight mentally and/or physically disabled persons or persons 62
23 years of age or older, provided the use is registered, licensed or certified by the
24 State of Maryland; or
- 25 c. A combination of a and b above, provided that the total number of persons
26 housed in addition to the resident family does not exceed eight.
- 27 5. Home occupations, subject to the requirements of Section 128.0.C.
- 28 6. Home care, provided that if home care is combined with housing of mentally or
29 physically disabled persons or persons 62 years of age or older, as allowed by

1 Subsection 4.b above, the total number of persons receiving home care at any one
2 time plus the number of persons being housed shall not exceed eight.

3 7. Parking:

4 a. Off-street parking of no more than two commercial vehicles on lots of three or
5 more acres and no more than one commercial vehicle on lots of less than three
6 acres. Private off-street parking is restricted to vehicles used in connection with
7 or in relation to a principal use permitted as a matter of right in the district.

8 b. Off-street parking or storage of unregistered, inoperable, wrecked, dismantled or
9 destroyed motor vehicles shall not be permitted, except as provided by Section
10 128.0.D.

11 8. Storage of recreational vehicles or boats, provided that on lots of 20,000 square feet
12 or smaller, such storage shall be limited to the following:

13 a. One recreational vehicle with a length of 30 feet or less; and

14 b. One boat with a length of 20 feet or less.

15 9. The following commercial services are permitted as accessory uses on farms,
16 provided that the uses are located on a parcel of at least 50 acres or on a parcel of any
17 size subject to an ALPP Purchased or ALPP Dedicated Easement, the commercial
18 service is conducted by persons residing on or operating the farm, and all uses are
19 screened from public roads and adjacent lots:

20 a. Blacksmith shop

21 b. Farm machinery repair

22 c. Lawn and garden equipment repair

23 d. Welding

24 10. Farm stands subject to the requirements of Section 128.0.I.

25 11. Farm Winery—Class 1A or Farm Brewery—Class 1A, subject to the requirements of
26 Section 128.0.O.

27 12. Snowball stands, subject to the requirements of Section 128.0.D.

28 13. Home-based contractor, subject to the requirements of Section 128.0.C.2.

- 1 14. The acceptance or disposal of off-site land clearing debris under a permit issued by
2 the Department of Planning and Zoning, subject to the requirements of Section
3 128.0.D.
- 4 15. Value-added processing of agricultural products, subject to the requirements of
5 Section 128.0.I.
- 6 16. Agritourism enterprises and pick-your-own marketing of farm products, subject to
7 the requirements of Section 128.0.I.
- 8 17. Small Wind Energy System, building mounted, subject to the requirements of
9 Section .0.L.
- 10 18. Riding Academies and Stables, subject to the requirements of Section 128.0.I.
- 11 19. Community Supported Agriculture, subject to the requirements of Section 128.0.I.
- 12 20. Food Hubs, subject to the requirements of Section 128.0.I.
- 13 21. Accessory Solar Collectors.
- 14 22. Residential chicken keeping, subject to the requirements of Section 128.0.D.
- 15 23. Livestock on residential lots or parcels, subject to the requirements of Section
16 128.0.D.
- 17 24. COMPOSTING FACILITIES, SUBJECT TO THE REQUIREMENTS OF SECTION 128.0.I.

18 **SECTION 106.1: County Preservation Easements**

19 **C. Accessory Uses**

- 20 1. ALPP Purchased Easements and ALPP Dedicated Easements
- 21 a. Any use normally and customarily incidental to any use permitted as a matter of
22 right in the RC and/or RR Districts.
- 23 b. Farm tenant houses on parcels greater than 50 acres, subject to the Deed of
24 Agricultural Preservation Easement and approval by the Agricultural Land
25 Preservation Board. the parcel on which the farm tenant house will be located
26 must be improved with a principal dwelling unless, based on justification of need
27

1 submitted by the applicant, the Director of the Department of Planning and
2 Zoning authorizes an exception to this requirement.

- 3 c. Accessory apartments, subject to the requirements of Section 128.0.A.
- 4 d. Housing by a resident family of boarders and/or elderly persons subject to the
5 requirements of Sections 104.0.C.4 or 105.0.C.4.
- 6 e. Home occupations, subject to the requirements of Section 128.0.C.
- 7 f. Home care, subject to the requirements of Sections 104.0.C.6 or 105.0.C.6.
- 8 g. Parking of commercial vehicles, subject to the requirements of Sections
9 104.0.C.7 or 105.0.C.7.
- 10 h. Storage of recreational vehicles or boats, subject to the requirements of Sections
11 104.0.C.8 or 105.0.C.8.
- 12 i. Commercial services, subject to the requirements of Sections 104.0.C.9 or
13 105.0.C.9.
 - 14 (1) Blacksmith shop
 - 15 (2) Farm machinery repair
 - 16 (3) Lawn and garden equipment repair
 - 17 (4) Welding
- 18 j. Farm stands, subject to the requirements of Section 128.0.I.
- 19 k. Snowball stands, subject to the requirements of Section 128.0.D.
- 20 l. Value-added processing of agricultural products subject to the requirements of
21 Section 128.0.I.
- 22 m. Agritourism enterprises, subject to the requirements of Section 128.0.I.
- 23 n. Pick-your-own marketing of farm products, subject to the requirements of
24 Section 128.0.I.
- 25 o. Farm winery—Class 1A or Farm Brewery—Class 1A, subject to the requirements
26 of Section 128.0.O.
- 27 p. Small wind energy system, building mounted, subject to the requirements of
28 Section 128.0.L.
- 29 q. Small wind energy system, freestanding tower on properties 5 acres or greater,
30 subject to the requirements of Section 128.0.M.

- 1 r. Riding stables and academies, subject to the requirements of Section 128.0.I.
- 2 s. Community Supported Agriculture (CSA), subject to the requirements of Section
- 3 128.0.I.
- 4 t. Food hubs, subject to the requirements of Section 128.0.I.
- 5 u. Accessory Solar Collectors.
- 6 v. Residential chicken keeping, subject to the requirements of Section 128.0.D.
- 7 w. Livestock on residential lots or parcels, subject to the requirements of Section
- 8 128.0.D.
- 9 X. COMPOSTING FACILITIES, SUBJECT TO THE REQUIREMENTS OF SECTION 128.0.I.

10
11 **D. Conditional Uses**

12 1. ALPP Purchased Easements and ALPP Dedicated Easements

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

22 The following Conditional Uses may be allowed:

- 23 (1) Animal hospitals
- 24 (2) Barber shop, hair salon and similar personal services facilities
- 25 (3) Bottling of spring or well water
- 26 (4) Communication Towers
- 27 (5) Farm tenant house on a parcel of at least 25 acres but less than 50 acres
- 28 (6) Historic building uses
- 29 (7) Home based contractors

- 1 (8) Home occupations
- 2 (9) Kennels and/or pet grooming establishments
- 3 (10) Landscape contractors
- 4 (11) Limited [[outdoor]] social assemblies
- 5 (12) Sawmills or bulk firewood processing
- 6 (13) School buses, commercial service
- 7 (14) Small wind energy systems, freestanding tower

8 b. In addition, the following Conditional Uses which may require additional land area
9 may be permitted on agricultural preservation easements:

- 10 (1) Agribusiness, limited to uses itemized in Section 131.0.N.
- 11 (2) Farm winery—class 2
- 12 (3) Solar Facilities, commercial
- 13 (4) NATURAL WOOD WASTE RECYCLING FACILITY IF ACCESSORY TO A
14 HORTICULTURAL NURSERY, SUBJECT TO THE REQUIREMENTS OF SECTION
15 131.0.O.6.

16
17
18 **SECTION 122.0: M-1 (Manufacturing: Light) District**

19
20 **B. Uses Permitted as a Matter of Right**

- 21 1. Ambulance services.
- 22 2. Ambulatory health care facilities.
- 23 3. Athletic facilities, commercial.
- 24 4. Banks, savings and loan associations, investment companies, credit unions, brokers
25 and similar financial institutions.
- 26 5. Biodiesel fuel manufacturing from vegetable-based oils.
- 27 6. Biomedical laboratories.

- 1 7. Blueprinting, printing, duplicating or engraving services.
- 2 8. Breweries that manufacture 22,500 barrels or less of fermented malt beverages per
3 year.
- 4 9. Bus terminals.
- 5 10. Carpet and floor covering stores.
- 6 11. Car wash facilities.
- 7 12. Carnivals and fairs sponsored by and operated on a nonprofit basis for the benefit of
8 charitable, social, civic or educational organizations, subject to the requirements of
9 Section 128.0.D.
- 10 13. Carpet and rug cleaning.
- 11 14. Catering establishments and banquet facilities.
- 12 15. Child day care centers and nursery schools.
- 13 16. Concert halls.
- 14 17. Conservation areas, including wildlife and forest preserves, environmental
15 management areas, reforestation areas, and similar uses.
- 16 18. Contractor's office and outdoor or indoor storage facility, including carpentry,
17 cleaning, construction, electrical, excavation, exterminating, heating/air conditioning,
18 home improvement, landscaping, masonry, painting, paving, plumbing, roofing,
19 septic system, snow removal, well drilling, and other contractors.
- 20 19. Data processing and telecommunication centers.
- 21 20. Day treatment or care facilities.
- 22 21. Farming, provided that on a residential lot or parcel of less than 40,000 square feet
23 no livestock shall be permitted. However, residential chicken keeping is allowed as
24 noted in Section 128.0.
- 25 22. Flex-space.
- 26 23. Funeral homes and mortuaries.
- 27 24. Furniture, appliance and business machine repair, furniture upholstering, and similar
28 services.

- 1 25. Furniture stores.
- 2 26. Government structures, facilities and uses, including public schools and colleges.
- 3 27. Hotels, motels, conference centers and country inns.
- 4 28. Kennels.
- 5 29. Laundry or dry cleaning establishments or plants.
- 6 30. Light Industrial Uses.
- 7 31. Material recovery facilities—source separated.
- 8 32. Mobile home and modular home sales and rentals, but not including occupancy.
- 9 33. Motor vehicle, construction equipment and farm equipment maintenance, repair and
- 10 painting facilities, including full body repair and incidental sale of parts.
- 11 34. Motor vehicle, construction equipment and farm equipment sales and rentals.
- 12 35. Motor vehicle inspections station.
- 13 36. Motor vehicle towing and storage facility.
- 14 [[37. Mulch Manufacture]].
- 15 37. NATURAL WOOD WASTE RECYCLING AND NATURAL WOOD WASTE RECYCLING
- 16 FACILITIES.

17

18

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

20

21 **B. Uses Permitted as a Matter of Right**

- 22 1. All uses permitted as a matter of right in the M-1 District.
- 23 2. Biodiesel Fuel Manufacturing.
- 24 3. Breweries that manufacture more than 22,500 barrels of fermented malt beverages
- 25 per year.
- 26 4. COMPOSTING FACILITIES, TIER 1 AND TIER 2 – SMALL AND TIER 2 – LARGE, AS
- 27 DEFINED IN COMAR IF THE PARCEL DOES NOT ABUT RESIDENTIALLY ZONED PROPERTY.

1 (3) That the use of the local road for access will not unduly conflict with other uses that
2 access the local road.

3
4 The petitioner shall submit a request for a permit in writing, either in a letter or using a
5 form provided by the Department of Planning and Zoning. The request shall specify the
6 proposed permit category and provide a written description of the use and justification
7 addressing how the proposed use compiles with the criteria applicable to the use. The
8 petitioner shall specify the address of the property for the proposed use, and shall provide a
9 mailing address, if different, a phone number and an email address if used, for purposes of
10 future communication about the request.

11
12 For categories which will include visits to the property by customers or participants, the
13 request shall specify the requested hours of operation of the use. In approving a permit, the
14 Department of Planning and Zoning may reduce the hours of operation if it determines that
15 this will reduce adverse impacts on adjacent properties.

16
17 The permit request shall include a plan of the property depicting the location and
18 dimensions of structures, parking areas, driveways and landscaping used to buffer any
19 adjacent residential development.

20
21 If the Department of Planning and Zoning determines that the proposed use is not in
22 compliance with the applicable criteria, it shall inform the petitioner as to what is necessary
23 to achieve compliance.

24
25 UNLESS OTHERWISE SPECIFIED BELOW, once a permit is approved and is issued, the permit
26 shall be valid indefinitely provided that the operation of the approved use remains in full
27 conformance with all aspects of the use as it was approved. The permit holder shall apply
28 for a renewal of the permit if significant changes to the operation are being proposed,

1 including but not limited to new uses or structures, in which case the originally approved
2 plan must be revised to indicate the proposed changes and submitted for a new approval.
3
4

5 9. COMPOSTING FACILITY

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

9 A. THE COMPOSTING FACILITY SHALL NOT EXCEED THREE ACRES.

10 B. THE PETITIONER SHALL SUBMIT A COPY OF THE FOLLOWING DOCUMENTS WITH THE
11 APPLICATION:

12 (1) THE MARYLAND DEPARTMENT OF THE ENVIRONMENT (MDE) COMPOSTING PERMIT
13 APPLICATION.

14 (2) COMPOSTING OPERATIONS PLAN.

15 (3) EMERGENCY PREPAREDNESS PLAN, AS REQUIRED BY MDE, FOR REVIEW BY THE
16 FIRE MARSHAL.

17 (4) AN APPROVED HOWARD SOIL CONSERVATION DISTRICT (HSCD) SUPPLEMENTARY
18 PROJECT EVALUATION WHICH ADDRESSES KEY NATURAL RESOURCE ISSUES SUCH AS
19 STREAM AND WETLAND PROTECTION, WINDBREAK, VIEWSCAPE, WATER QUALITY
20 AND RUNOFF CONTAINMENT, VEGETATIVE BUFFERS, OR ANY OTHER MITIGATION
21 MEASURES TO MINIMIZE IMPACTS TO ENVIRONMENTAL RESOURCES ON ADJACENT
22 PROPERTIES.

23 (5) VERIFICATION THAT HOWARD COUNTY, DEPARTMENT OF PUBLIC WORKS-
24 ENVIRONMENTAL SERVICES HAS BEEN NOTIFIED THAT A COMPOSTING FACILITY IS
25 PROPOSED FOR PURPOSES OF THE SOLID WASTE MANAGEMENT PLAN.

26 C. ON-SITE RETAIL SALES MAY NOT EXCEED 5% OF THE TOTAL YEARLY PRODUCTION, AS
27 REPORTED TO THE MARYLAND DEPARTMENT OF THE ENVIRONMENT (MDE).

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

1 E. AS PART OF THE APPLICATION PROCESS, THE OWNER SHALL SUBMIT A SITE LAYOUT,
2 WHICH INCLUDES ACREAGE, COMPOSTING FACILITY OPERATIONAL AREA, SCREENING
3 AND ANY MITIGATION MEASURES IDENTIFIED IN THE APPROVED HSCD
4 SUPPLEMENTARY SITE EVALUATION. AFTER TWO YEARS, THE OWNER SHALL PROVIDE
5 DOCUMENTATION TO DPZ PROVING COMPLIANCE WITH THE 5% RETAIL SALES
6 REQUIREMENT IN SECTION 128.0.I.9.C. AND THAT THE USE REMAINS IN COMPLIANCE
7 WITH ALL OTHER APPROVAL CRITERIA.

8 IN ACCORDANCE WITH PARAGRAPHS C. AND D. OF THIS SUBSECTION 9, A FARMER WHO
9 PRODUCES COMPOST IN EXCESS OF THE AMOUNT THAT MAY BE USED ON THE FARMER'S
10 FARM IN ACCORDANCE WITH THE NUTRIENT MANAGEMENT PLAN FOR THE FARM MAY SELL
11 THE EXCESS COMPOST, PROVIDED THERE IS NO OUTSTANDING INSTALLMENT PURCHASE
12 AGREEMENT FOR AN AGRICULTURAL LAND PRESERVATION EASEMENT ON THE PROPERTY,
13 OR, IF THERE IS SUCH AN INSTALLMENT PURCHASE AGREEMENT, SALES MAY NOT EXCEED
14 5% OF THE TOTAL YEARLY PRODUCTION, AS REPORTED TO THE MARYLAND DEPARTMENT
15 OF THE ENVIRONMENT (MDE).

1

Section 131.0: Conditional Uses

2 **N. Conditional uses and permissible zoning districts**

Conditional Use	Zoning Districts																						
	RC	RR	RE	RD	R0	R1	R2	RS	SA	SD	SH	SH	SA	SH	SA	SH	SA	SH	SA	SH	SA	SH	
Sawmills, Bulk Firewood Processing, [[Mulch Manufacture,]] or Soil Processing	✓	✓																					
[[Yard Waste Composting Facility	✓	✓																					✓

3

4

5 **46. Sawmills, Bulk Firewood Processing [[, Mulch Manufacture,]] or Soil Processing**

6 A Conditional Use may be granted in the RC or RR Districts for sawmills, bulk firewood
 7 processing [[, mulch manufacture,]] or soil processing provided that:

- 8 a. Buildings and structures used for processing activities, equipment and outdoor uses
 9 associated with the operation shall be at least 500 feet from existing residences on

1 different lots and at least 300 feet from property lines. Buildings or structures which are
2 principally used for storage and which are not used for processing activities shall be at
3 least 100 feet from property lines.

4 b. All required State and Federal permits have been obtained. The hearing authority, as a
5 condition of approval, may impose requirements which are more stringent than the
6 requirements of the State and Federal permits.

7 c. Parking, storage areas and equipment shall be screened from adjoining properties and
8 public roads by landscaping or other appropriate means.

9 d. Hours of operation shall be established by the Hearing Authority.

10 e. Retail sales of materials produced on-site may be permitted if specifically approved by the
11 Hearing Authority.

12 f. The minimum lot size is 10 acres.

13 g. The vehicular access to the use shall be from an arterial or collector highway and not from
14 a local road unless authorized by the Hearing Examiner.

15 h. On an Agricultural Land Preservation easement property, sawmills and bulk firewood
16 processing are permitted with the following required additional criteria:

17 (1) The use shall not interfere with farming operations or limit future farming production.

18 (2) Any new building or building addition associated with the use, including any outdoor
19 storage and parking area shall count towards the cumulative use cap of the easement.

20
21 **[[60. Yard Waste Composting Facility**

22 A Conditional Use may be granted in the RC, RR, or M-1 Districts for a yard waste composting
23 facility, provided that:

24 a. Only yard waste (leaves, grass, brush, yard trimmings) and natural wood waste (tree
25 and other vegetative refuse including tree stumps, limbs and root mats) shall be
26 received for composting on the site.

27 b. All required State and Federal permits have been obtained. The hearing Authority, as a
28 condition of approval, may impose requirements which are more stringent than the
29 requirements of the State and Federal permits.

- 1 c. In addition to the Bulk Regulations of the applicable zoning district, the following
2 structure and use setbacks shall apply:
- 3 (1) From an existing residence on a different lot 500 feet
4 (2) From adjacent residentially-zoned lots 300 feet
5 (3) From public street rights-of-way 100 feet
6 (4) From existing streams and wetlands 100 feet
- 7 d. A landscaped buffer area with a minimum width of 100 feet shall be maintained around
8 the perimeter of the site. The landscaped buffer shall be used only for planting, fencing,
9 and driveways for ingress and egress to the site.
- 10 e. The operation shall not result in odors which are detectable on surrounding properties.
- 11 f. The operation shall be conducted in a safe and environmentally sound manner, as
12 prescribed by law or regulations and with respect to the likelihood of hazard to persons
13 or damage to lands, natural resources, streets, bridges, and public rights-of-way.
- 14 g. The operation shall be conducted in a manner which will prevent insect and/or rodent
15 infestation.
- 16 h. The facility shall be maintained in a clean and sanitary condition. Areas where yard
17 waste or compost is processed, loaded, or unloaded shall be designed and constructed
18 to drain freely to prevent the accumulation of standing liquid.
- 19 i. All liquid, including leachate and storm water runoff, generated from the composting
20 facility shall be collected and treated prior to disposal, in accordance with applicable
21 regulations.
- 22 j. In the RC and RR Districts, the hours of operation shall be restricted to between 7:00
23 a.m. and 6:00 p.m., and no operation shall be permitted on Sundays except repairs to
24 equipment and improvements.
- 25 k. On-site retail sales of finished compost shall be permitted if specifically approved by
26 the Hearing Authority.

- 1 l. The structural elements of the roads serving the site shall be adequate for the truck
2 traffic to be generated by the composting facility. The petition shall include a road
3 condition study to allow the hearing authority to make this determination.
- 4 m. The Conditional Use Plan submitted with the petition shall show the following:
- 5 (1) Survey boundaries of the subject property.
- 6 (2) Existing natural features including streams, ponds, springs, and wetlands.
- 7 (3) Existing and proposed topography.
- 8 (4) Setback and buffer area, including type of screening and fencing.
- 9 (5) Portion of tract to be used for composting operations, including the location and
10 layout of:
- 11 (a) Yard waste unloading, receiving and storage areas;
- 12 (b) Yard waste processing areas, including areas for grinding, screening, mixing
13 and other operations to prepare yard waste for composting;
- 14 (c) Composting areas;
- 15 (d) Compost curing areas;
- 16 (e) Compost final product preparation areas (screening and other operations); and
- 17 (f) Finished compost storage and loading areas.
- 18 (6) Existing and proposed structures and major mechanical equipment.
- 19 (7) Existing and proposed access driveways.
- 20 (8) Water supply (including quantity requirements) and sewage disposal.
- 21 (9) Storm water management facilities for quantity and quality control.
- 22 (10) Facilities for storage and treatment of leachate and any other liquids generated by
23 the operation.
- 24 (11) Other existing or proposed uses on the site.
- 25 n. An Operations Plan shall be submitted by the applicant to enable the Hearing Authority
26 to evaluate the potential impacts of the proposed use. If the petition is approved,
27 substantial changes to the operations plan shall not be implemented without prior
28 approval of the Hearing Authority. The plan shall provide the following information:
- 29 (1) Types, anticipated quantities and sources of yard waste.

- 1 (2) Methods by which unacceptable wastes delivered to the facility will be identified,
2 segregated, and handled for removal and disposal.
- 3 (3) Off-site location where unacceptable wastes delivered to the composting facility
4 will be disposed of.
- 5 (4) Methods by which waste quantities delivered will be determined including
6 weighing facilities to be provided.
- 7 (5) A description of major items of equipment and associated capacities.
- 8 (6) A description of proposed buildings and pads for storage, composting and
9 processing.
- 10 (7) A description of yard waste delivery methods and requirements.
- 11 (8) A description of incoming yard waste handling and processing methods including
12 processing capacity and storage volume to be provided.
- 13 (9) A description of the composting process to be utilized including composting
14 capacity to be provided, composting technology, required composting time, and
15 assurance of acceptable level of pathogen reduction.
- 16 (10) A description of compost curing, handling and processing methods including
17 processing capacity and storage volume to be provided.
- 18 (11) A description of finished compost storage, distribution and delivery methods and
19 requirements.
- 20 (12) Methods of controlling odors, dust, litter, noise, and insect or rodent infestation;
21 methods of insuring public safety; methods of preventing and, if necessary,
22 controlling fires; and methods of collecting and treating liquids generated by the
23 use.
- 24 (13) Procedures for cleaning and maintaining the appearance of the facility, including
25 collection of litter and waste which falls from transport vehicles in the vicinity of
26 the site, including adjacent private properties and public roads.
- 27 o. A Rehabilitation Plan shall be submitted at the time of the Conditional Use Application
28 for approval by the Hearing Authority. The plan shall provide for the following
29 minimum rehabilitation program:

- 1 (1) All structures and machinery shall be completely removed and underlying
2 excavations filled to grade and planted in grass except structures or machinery that
3 are to be continued in operation for a use permitted under the zoning classification.
- 4 (2) All impervious surfaces shall be removed and properly disposed of. The areas from
5 which the surfaces are removed shall be backfilled with suitable soil and regraded
6 as necessary to provide adequate drainage. All such areas shall be planted in grass
7 which shall be maintained through one year's growth.
- 8 (3) All yard waste, composting material, and finished compost shall be removed from
9 the site and shall be disposed of in conformance with applicable laws or regulations.
- 10 (4) All access roads shall be suitably barricaded to prevent the passage of vehicles
11 either into or out of the abandoned area, except such access as needed for vehicles
12 used in rehabilitation work, until the plan for rehabilitation has been completed and
13 a different use necessitating access has commenced on the property.]]

14
15 **O. New conditional use categories**

16 **2. COMPOSTING FACILITIES**

17 A CONDITIONAL USE MAY BE GRANTED IN THE RC AND RR DISTRICTS FOR TIER 1 AND TIER 2 -
18 SMALL, AS DEFINED IN COMAR, IN THE M-1 DISTRICT FOR TIER 1 AND TIER 2 – SMALL
19 COMPOSTING FACILITIES, AND IN THE M-2 DISTRICT FOR TIER 1, TIER 2-SMALL, AND TIER 2-
20 LARGE COMPOSTING FACILITIES ON PARCELS THAT ABUT RESIDENTIALLY ZONED PROPERTY,
21 PROVIDED THAT:

- 22 A. THE FACILITY IS NOT LOCATED ON AN ALPP PURCHASED, ALPP DEDICATED, OTHER
23 DEDICATED EASEMENT OR MARYLAND AGRICULTURAL LAND PRESERVATION FOUNDATION
24 EASEMENT.
- 25 B. ONLY TYPE 1 AND TYPE 2 FEEDSTOCK MATERIALS AS DEFINED IN COMAR SHALL BE
26 PROCESSED.
- 27 C. THE MINIMUM LOT SIZE IS 10 ACRES IN THE RC AND RR DISTRICTS AND ONE ACRE IN THE
28 M-1 AND M-2 DISTRICTS.
- 29 D. THE MAXIMUM USE AREA IN THE RC AND RR DISTRICTS IS 1 ACRE OR FOR PROPERTIES
30 THAT ABUT AN INTERSTATE, THE MAXIMUM USE AREA IS 5 ACRES OR 10% OF PROPERTY,

1 WHICHEVER IS LESS. A COMPOSTING FACILITY CONDITIONAL USE SHALL NOT BE GRANTED
2 TO A PROPERTY WITH AN APPROVED NATURAL WOOD WASTE RECYCLING FACILITY
3 CONDITIONAL USE UNLESS THE PROPERTY ABUTS AN INTERSTATE AND VEHICULAR ACCESS
4 IS WITHIN 1 MILE OF THE INTERCHANGE GORE AREA, AS MEASURED ALONG THE NEAREST
5 PUBLIC ROAD RIGHT-OF-WAY.

6 E. THE PETITIONER SHALL SUBMIT A COPY OF THE FOLLOWING DOCUMENTS WITH THE
7 PETITION.

8 (1) THE MARYLAND DEPARTMENT OF THE ENVIRONMENT (MDE) COMPOSTING PERMIT
9 APPLICATION.

10 (2) COMPOSTING OPERATIONS PLAN.

11 (3) EMERGENCY PREPAREDNESS PLAN, AS REQUIRED BY MDE, FOR REVIEW BY THE FIRE
12 MARSHAL.

13 (4) IN THE RC AND RR DISTRICTS, AN APPROVED HOWARD SOIL CONSERVATION DISTRICT
14 (HSCD) SUPPLEMENTARY PROJECT EVALUATION WHICH ADDRESSES KEY NATURAL
15 RESOURCE ISSUES SUCH AS STREAM AND WETLAND PROTECTION, WINDBREAK,
16 VIEWSCAPE, WATER QUALITY AND RUNOFF CONTAINMENT, VEGETATIVE BUFFERS, OR
17 ANY OTHER MITIGATION MEASURES TO MINIMIZE IMPACTS TO ENVIRONMENTAL
18 RESOURCES ON ADJACENT PROPERTIES.

19 (5) VERIFICATION THAT HOWARD COUNTY, DEPARTMENT OF PUBLIC WORKS-
20 ENVIRONMENTAL SERVICES HAS BEEN NOTIFIED THAT A COMPOSTING FACILITY IS
21 PROPOSED FOR PURPOSES OF THE SOLID WASTE MANAGEMENT PLAN.

22 F. CONDITIONAL USE APPROVAL SHALL BE CONTINGENT UPON OBTAINING AN MDE PERMIT
23 AND SHALL NOT COMMENCE UNTIL A COPY OF THE PERMIT IS SUBMITTED TO DPZ.

24 G. ANY MDE COMPOSTING FACILITY PERMIT RENEWALS OR MODIFICATIONS TO THE ORIGINAL
25 COMPOSTING FACILITY OPERATIONS PLAN MUST BE SUBMITTED TO DPZ.

26
27 MAJOR MODIFICATIONS TO THE MDE COMPOSTING FACILITY PERMIT OR COMPOSTING
28 FACILITY OPERATIONS PLAN SHALL NOT BE IMPLEMENTED WITHOUT PRIOR APPROVAL OF
29 THE HEARING AUTHORITY. MAJOR MODIFICATIONS CONSIST OF A SIGNIFICANT AND
30 SUBSTANTIVE CHANGE TO AN INDIVIDUAL COMPOSTING FACILITY PERMIT INCLUDING:

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

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

- 9 (1) FROM EXISTING DWELLINGS ON DIFFERENT LOTS.....500 FEET
- 10 (2) FROM A RESIDENTIAL LOT300 FEET
- 11 (3) FROM EXISTING STREAMS AND WETLANDS.....200 FEET
- 12 (4) FROM PROPERTY LINES OF EXISTING SCHOOLS.....500 FEET

13
14 THE HEARING AUTHORITY MAY REDUCE SETBACKS IF IT FINDS THAT NEIGHBORING
15 PROPERTIES WILL NOT BE ADVERSELY AFFECTED DUE TO VISUAL IMPACT, NOISE, DUST,
16 ODORS OR OTHER CAUSES AND THAT STRUCTURES AND USES OF THE FACILITY WILL BE
17 LOCATED AT LEAST 200 FEET FROM EXISTING DWELLINGS ON DIFFERENT LOTS, AT LEAST 50
18 FEET FROM RESIDENTIAL LOTS, AND AT LEAST 100 FEET FROM A STREAM OR WETLAND.
19 SETBACKS FROM PROPERTY LINES OF EXISTING SCHOOLS CANNOT BE REDUCED.

20
21 THE PETITIONER SHALL SUBMIT DOCUMENTATION THAT JUSTIFIES THE REQUESTED
22 SETBACK REDUCTION. STRUCTURES AND USE AREAS FOR WHICH THIS SETBACK REDUCTION
23 IS APPROVED SHALL BE BUFFERED FROM THE VIEW OF ADJOINING RESIDENCES BY EXISTING
24 TOPOGRAPHY, LANDSCAPING, OR BERMS, FENCES OR WALLS. BUFFERS OR OTHER
25 MITIGATION MEASURES ESTABLISHED THROUGH A HCSD SUPPLEMENTARY PROJECT
26 EVALUATION FOR THE AREA CAN BE USED TO JUSTIFY SETBACK REDUCTIONS.

27
28 I. SCREENING: ALL ACTIVITIES SHALL BE APPROPRIATELY SCREENED FROM THE PUBLIC RIGHT
29 OF WAY OR ADJACENT RESIDENTIAL DWELLINGS BY ANY COMBINATION OF STRUCTURAL,
30 TOPOGRAPHIC OR VEGETATIVE MEANS.

- 1 J. A SITE DEVELOPMENT PLAN, AS REQUIRED BY SECTION 16.155 OF THE HOWARD COUNTY
2 LAND DEVELOPMENT AND SUBDIVISION REGULATIONS SHALL BE REQUIRED AS A
3 CONDITION OF APPROVAL.
- 4 K. ALL LIQUID, INCLUDING LEACHATE AND STORM WATER RUNOFF, GENERATED FROM THE
5 COMPOSTING FACILITY SHALL BE TREATED PRIOR TO DISPOSAL, IN ACCORDANCE WITH
6 APPLICABLE REGULATIONS.
- 7 L. THE HOURS OF OPERATION SHALL BE RESTRICTED TO BETWEEN 7:00 A.M. AND 6:00 P.M.,
8 AND NO OPERATION SHALL BE PERMITTED ON SUNDAYS EXCEPT REPAIRS TO EQUIPMENT
9 AND IMPROVEMENTS. THE HOURS OR DAYS OF OPERATION MAY BE REDUCED BY THE
10 HEARING AUTHORITY.
- 11 M. ON-SITE RETAIL SALES OF FINISHED PRODUCTS SHALL BE PERMITTED IF SPECIFICALLY
12 APPROVED BY THE HEARING AUTHORITY.
- 13 N. ROADS SERVING THE SITE SHALL BE ADEQUATE FOR THE TRUCK TRAFFIC TO BE GENERATED
14 BY THE FACILITY. THE PETITION SHALL INCLUDE A STUDY OF AFFECTED ROAD AND BRIDGE
15 CONDITIONS TO ALLOW THE HEARING AUTHORITY TO MAKE THIS DETERMINATION.
- 16 O. IN ADDITION TO THE STANDARD CONDITIONAL USE PLAN REQUIREMENTS, THE PETITION
17 SHALL SHOW THE FOLLOWING:
- 18 (1) EXISTING NATURAL FEATURES INCLUDING STREAMS, PONDS, SPRINGS, AND WETLANDS
19 AND REQUIRED ENVIRONMENTAL SETBACKS.
- 20 (2) EXISTING AND PROPOSED TOPOGRAPHY.
- 21 (3) SETBACK AND BUFFER AREA, INCLUDING TYPE OF SCREENING AND FENCING.
- 22 (4) PORTION OF LOT TO BE USED FOR ALL OPERATIONS, INCLUDING THE LOCATION AND
23 LAYOUT OF:
- 24 (A) UNLOADING, RECEIVING AND STORAGE AREAS;
- 25 (B) PROCESSING AREAS;
- 26 (C) FINAL PRODUCT PREPARATION AREAS; AND
- 27 (D) FINISHED PRODUCT STORAGE AND LOADING AREAS.
- 28 (5) WATER SUPPLY AND SEWAGE DISPOSAL
- 29 (6) FACILITIES FOR STORAGE AND TREATMENT OF LEACHATE AND ANY OTHER LIQUIDS
30 GENERATED BY THE OPERATION

1 (7) STORMWATER MANAGEMENT FACILITIES FOR QUANTITY AND QUALITY CONTROL.

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

6 (1) ALL STRUCTURES AND MACHINERY SHALL BE COMPLETELY REMOVED AND
7 UNDERLYING EXCAVATIONS FILLED TO GRADE EXCEPT STRUCTURES OR MACHINERY
8 THAT ARE TO BE CONTINUED IN OPERATION FOR A USE PERMITTED UNDER THE ZONING
9 CLASSIFICATION.

10 (2) ALL WASTE, COMPOSTING MATERIALS, AND EXCESS FINISHED PRODUCTS SHALL BE
11 REMOVED FROM THE SITE AND DISPOSED OF IN CONFORMANCE WITH APPLICABLE LAWS
12 OR REGULATIONS.

13 (3) A COPY OF THE NOTICE OF FINAL CLOSURE AND THE SITE CLOSURE PLAN REQUIRED BY
14 COMAR SHALL BE SUBMITTED TO DPZ.

15
16 **4. NATURAL WOOD WASTE RECYCLING FACILITY**

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

- 19 A. FACILITIES LOCATED ON A MARYLAND AGRICULTURAL LAND PRESERVATION
20 FOUNDATION EASEMENT, ALPP PURCHASED EASEMENT, OR ALPP DEDICATED EASEMENT
21 NOT CREATED AS PART OF THE CLUSTER SUBDIVISION PROCESS MAY BE GRANTED A
22 CONDITIONAL USE ONLY IF THE NATURAL WOOD WASTE RECYCLING FACILITY IS
23 ACCESSORY TO A HORTICULTURAL NURSERY. HOWEVER, THE USE AREA SHALL NOT
24 EXCEED 15% OF THE AREA IN ACTIVE PRODUCTION OR A MAXIMUM OF 1 ACRE, AND ON-SITE
25 RETAIL SALES MAY NOT EXCEED 5% OF THE TOTAL YEARLY PRODUCTION, AS REPORTED TO
26 THE MARYLAND DEPARTMENT OF THE ENVIRONMENT (MDE).
- 27 B. ONLY NATURAL WOOD WASTE AS DEFINED IN THESE REGULATIONS SHALL BE RECEIVED FOR
28 RECYCLING ON THE SITE.
- 29 C. THE MINIMUM LOT SIZE IS 10 ACRES.

- 1 D. THE MAXIMUM USE AREA IS 1 ACRE OR FOR PROPERTIES THAT ABUT AN INTERSTATE, THE
2 MAXIMUM USE AREA IS 5 ACRES OR 10% OF PROPERTY, WHICHEVER IS LESS. A NATURAL
3 WOOD WASTE RECYCLING FACILITY CONDITIONAL USE SHALL NOT BE GRANTED TO A
4 PROPERTY WITH AN APPROVED COMPOSTING FACILITY CONDITIONAL USE UNLESS THE
5 PROPERTY ABUTS AN INTERSTATE AND VEHICULAR ACCESS IS WITHIN 1 MILE OF THE
6 INTERCHANGE GORE AREA, AS MEASURED ALONG THE NEAREST PUBLIC ROAD RIGHT-OF-
7 WAY.
- 8 E. THE PETITIONER SHALL SUBMIT A COPY OF THE FOLLOWING DOCUMENTS WITH THE
9 PETITION.
- 10 (1) THE MARYLAND DEPARTMENT OF THE ENVIRONMENT (MDE) NATURAL WOOD
11 WASTE RECYCLING FACILITY PERMIT APPLICATION AND ACCOMPANYING
12 DOCUMENTATION.
- 13 (2) EMERGENCY PREPAREDNESS MANUAL, AS REQUIRED BY MDE, FOR REVIEW BY THE
14 FIRE MARSHAL.
- 15 (3) AN APPROVED HOWARD SOIL CONSERVATION DISTRICT (HSCD) SUPPLEMENTARY
16 PROJECT EVALUATION WHICH ADDRESSES KEY NATURAL RESOURCE ISSUES SUCH AS
17 STREAM AND WETLAND PROTECTION, WINDBREAK, VIEWSCAPE, WATER QUALITY AND
18 RUNOFF CONTAINMENT, VEGETATIVE BUFFERS, OR ANY OTHER MITIGATION MEASURES
19 TO MINIMIZE IMPACTS TO ENVIRONMENTAL RESOURCES ON ADJACENT PROPERTIES.
- 20 (4) VERIFICATION THAT HOWARD COUNTY, DEPARTMENT OF PUBLIC WORKS-
21 ENVIRONMENTAL SERVICES HAS BEEN NOTIFIED THAT A NATURAL WOOD WASTE
22 RECYCLING FACILITY IS PROPOSED FOR PURPOSES OF THE SOLID WASTE MANAGEMENT
23 PLAN.
- 24 F. THE CONDITIONAL USE APPROVAL SHALL BE CONTINGENT UPON OBTAINING AN MDE
25 NATURAL WOOD WASTE RECYCLING FACILITY PERMIT AND SHALL NOT COMMENCE UNTIL A
26 COPY OF THE PERMIT IS SUBMITTED TO DPZ.
- 27 G. ANY MDE NATURAL WOOD WASTE RECYCLING FACILITY PERMIT RENEWALS OR
28 MODIFICATIONS TO THE ORIGINAL NATURAL WOOD WASTE RECYCLING FACILITY PERMIT
29 APPLICATION MUST BE SUBMITTED TO DPZ.

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

- 3 (1) FROM EXISTING DWELLINGS ON DIFFERENT LOTS 500 FEET
- 4 (2) FROM A RESIDENTIAL LOT 300 FEET
- 5 (3) FROM EXISTING STREAMS AND WETLANDS 200 FEET
- 6 (4) FROM PROPERTY LINES OF EXISTING SCHOOLS 500 FEET

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

13
14 THE PETITIONER SHALL SUBMIT DOCUMENTATION THAT JUSTIFIES THE REQUESTED
15 SETBACK REDUCTION. STRUCTURES AND USE AREAS FOR WHICH THIS SETBACK REDUCTION
16 IS APPROVED SHALL BE BUFFERED FROM THE VIEW OF ADJOINING RESIDENCES BY EXISTING
17 TOPOGRAPHY, LANDSCAPING, OR BERMS, FENCES OR WALLS. BUFFERS OR OTHER
18 MITIGATION MEASURES ESTABLISHED THROUGH A HSCD SUPPLEMENTARY PROJECT
19 EVALUATION CAN BE USED TO JUSTIFY SETBACK REDUCTIONS.

20 I. SCREENING: ALL ACTIVITIES SHALL BE APPROPRIATELY SCREENED FROM THE PUBLIC RIGHT
21 OF WAY OR ADJACENT RESIDENTIAL DWELLINGS BY ANY COMBINATION OF STRUCTURAL,
22 TOPOGRAPHIC OR VEGETATIVE MEANS.

23 J. A SITE DEVELOPMENT PLAN, AS REQUIRED BY SECTION 16.155 OF THE HOWARD COUNTY
24 SUBDIVISION AND LAND DEVELOPMENT REGULATIONS, SHALL BE REQUIRED AS A
25 CONDITION OF APPROVAL.

26 K. ALL LIQUID, INCLUDING LEACHATE, CONTACT WATER OR STORMWATER RUNOFF,
27 GENERATED AT THE FACILITY SHALL BE DISPOSED OR DISCHARGED, IN ACCORDANCE WITH
28 APPLICABLE REGULATIONS.

29 L. THE HOURS OF OPERATION SHALL BE RESTRICTED TO BETWEEN 7:00 A.M. AND 6:00 P.M.,
30 HOWEVER NO GRINDING, CHIPPING OR SIMILAR ACTIVITIES SHALL OCCUR BEFORE 7:00 AM,

1 AND NO OPERATION SHALL BE PERMITTED ON SUNDAYS EXCEPT REPAIRS TO EQUIPMENT
2 AND IMPROVEMENTS. THE HOURS OR DAYS OF OPERATION MAY BE REDUCED BY THE
3 HEARING AUTHORITY.

4 M. ON-SITE RETAIL SALES OF FINISHED PRODUCTS SHALL BE PERMITTED IF SPECIFICALLY
5 APPROVED BY THE HEARING AUTHORITY.

6 N. ROADS SERVING THE SITE SHALL BE ADEQUATE FOR THE TRUCK TRAFFIC TO BE GENERATED
7 BY THE FACILITY. THE PETITION SHALL INCLUDE A STUDY OF AFFECTED ROAD AND BRIDGE
8 CONDITIONS TO ALLOW THE HEARING AUTHORITY TO MAKE THIS DETERMINATION.

9 O. IN ADDITION TO THE STANDARD CONDITIONAL USE PLAN REQUIREMENTS, THE PETITION
10 SHALL SHOW THE FOLLOWING:

11 (1) EXISTING NATURAL FEATURES INCLUDING STREAMS, PONDS, SPRINGS AND
12 WETLANDS AND REQUIRED ENVIRONMENTAL SETBACKS.

13 (2) EXISTING AND PROPOSED TOPOGRAPHY.

14 (3) SETBACK AND BUFFER AREA, INCLUDING TYPE OF SCREENING AND FENCING.

15 (4) PORTION OF LOT TO BE USED FOR ALL OPERATIONS, INCLUDING THE LOCATION AND
16 LAYOUT OF:

17 (A) UNLOADING, RECEIVING AND STORAGE AREAS;

18 (B) PROCESSING AREAS;

19 (C) WOODWASTE CURING AREAS;

20 (D) FINAL PRODUCT PREPARATION AREAS; AND

21 (E) FINISHED PRODUCT STORAGE AND LOADING AREAS.

22 (5) WATER SUPPLY AND SEWAGE DISPOSAL

23 (6) FACILITIES FOR STORAGE AND TREATMENT OF LEACHATE AND ANY OTHER LIQUIDS
24 GENERATED BY THE OPERATION.

25 (7) STORMWATER MANAGEMENT FACILITIES FOR QUANTITY AND QUALITY CONTROL.

26 P. A REHABILITATION PLAN SHALL BE SUBMITTED WITH THE CONDITIONAL USE PETITION FOR
27 APPROVAL BY THE HEARING AUTHORITY. THE PLAN SHALL PROVIDE FOR THE FOLLOWING
28 MINIMUM REHABILITATION PROGRAM TO COMMENCE IF THE NATURAL WOOD WASTE
29 RECYCLING FACILITY CEASES TO OPERATE FOR TWO YEARS OR MORE:

1 (1) ALL STRUCTURES AND MACHINERY SHALL BE COMPLETELY REMOVED AND
2 UNDERLYING EXCAVATIONS FILLED TO GRADE EXCEPT STRUCTURES OR MACHINERY
3 THAT ARE TO BE CONTINUED IN OPERATION FOR A USE PERMITTED UNDER THE
4 ZONING CLASSIFICATION.

5 (2) ALL WOOD WASTE, MATERIALS, AND EXCESS FINISHED PRODUCTS SHALL BE
6 REMOVED FROM THE SITE AND DISPOSED OF IN CONFORMANCE WITH APPLICABLE
7 LAWS AND REGULATIONS.

8

EXHIBIT B

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 C
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.

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 MDE to verify that an applicant for a permit has paid all undisputed taxes and unemployment insurance. Social Security or Federal Employer Identification Numbers will not be used for any purposes other than those described in this Notice.

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.

EXHIBIT D

Introduced	<u>10/2/17</u>
Public Hearing	<u>10/14/17</u>
Council Action	<u>11/6/17</u>
Executive Action	<u>11/8/17</u>
Effective Date	<u>1/8/18</u>

County Council of Howard County, Maryland

2017 Legislative Session

Legislative Day No. 13

Bill No. 78-2017

Introduced by: Greg Fox, Mary Kay Sigaty, and the Chairperson at the request of the County Executive

AN ACT amending the Howard County Fire Prevention Code in order to require that piles of certain material regulated by the Fire Prevention Code be turned or reclaimed in accordance with State law; specifying the height requirement for certain materials; adding that certain materials may constitute a public nuisance; clarifying that the right to farm does not apply when an agricultural operation does not comply with the Fire Prevention Code; and generally relating to fire safety requirements and fire prevention in Howard County.

Introduced and read first time October 2, 2017. Ordered posted and hearing scheduled.
By order Jessica Feldmark
Jessica Feldmark, Administrator

Having been posted and notice of time & place of hearing & title of Bill having been published according to Charter, the Bill was read for a second time at a public hearing on October 16, 2017.
By order Jessica Feldmark
Jessica Feldmark, Administrator

This Bill was read the third time on November, 2017 and Passed , Passed with amendments ✓ , Failed .
By order Jessica Feldmark
Jessica Feldmark, Administrator

Sealed with the County Seal and presented to the County Executive for approval this 7th day of November, 2017 at 3 a.m./p.m.
By order Jessica Feldmark
Jessica Feldmark, Administrator

Approved/Vetoed by the County Executive Nov 8, 2017
Allan H. Kittleman
Allan H. Kittleman, County Executive

NOTE: [[text in brackets]] indicates deletions from existing law; TEXT IN SMALL CAPITALS indicates additions to existing law; Strike-out indicates material deleted by amendment; Underlining indicates material added by amendment.

1 *Section 1. Be It Enacted by the County Council of Howard County, Maryland, that the Howard*
2 *County Code is amended as follows:*

3
4 *By amending:*

5 *Title 17 "Public Protection Services"*

6 *Subsection (c)(258) and (c)(259) of Section 17.104. Howard County Fire Prevention*
7 *Code.*

8
9 *Title 17 "Public Protection Services"*

10 *Section 17.106. Rubbish, debris, noxious weeds declared to be a nuisance.*

11
12 *Title 12 "Health and Social Services"*

13 *Section 12.111. Nuisance Suits Against Agricultural Operations.*

14
15 **Title 17. Public Protection Services.**

16 **Subtitle 1. Fire and Rescue Services.**

17
18 **Section 17.104. Howard County Fire Prevention Code.**

19 *(c) Local Amendments to the Howard County Fire Prevention Code: The following*
20 *amendments modify certain provisions of the adopted code:*

21 *(258) . Subsection 31.3.6.2.2*

22 *Add new paragraph 9 after paragraph 8 as follows:*

23 *A pile containing leaves and other extraneous or hogged material, [such as a*
24 *whole tree chip pile]]INCLUDING NATURAL WOOD WASTE, shall be turned or*
25 *reclaimed IN ACCORDANCE WITH STATE LAW AND AT A MINIMUM every three*
26 *months.*

27 *(259) Subsection 31.3.6.3.1*

28 *Delete this subsection and substitute the following:*

29 *Piles may not exceed 18 feet in height FOR UNGROUND MATERIALS OR 10 FEET IN*
30 *HEIGHT FOR GROUND MATERIALS, 50 feet in width, and 350 feet in length.*
31 *[[Two piles]] WHEN MORE THAN ONE PILE EXISTS, PILES shall be divided by a*
32 *fire lane having at least 25 feet of clear space at the base of the pile.*

1 (260) Subsection 31.3.6.3.2

2 Delete this subsection.

3 (261) Subsection 31.3.6.3.2.1

4 Delete this subsection.

5 (262) Subsection 31.3.6.3.2.2

6 Delete this subsection.

7 (263) Subsection 31.3.6.3.2.3

8 Delete this subsection.

9 (264) Subsection 31.3.6.3.5.1

10 Add new subsection 31.3.6.3.5.1 after subsection 31.3.6.3.5 as follows:

11 If the operation is located outside of a municipal water supply the following will
12 apply:

13 (i) The AHJ will require a reliable certified water supply system with the
14 capability to supply 1000 gallons per every 10,000 cubic feet of pile. The
15 supply system must be capable of producing a minimum of 250 gpm
16 (preferred is 500gpm) for at least 2 hours.

17 (ii) The Mulch/Wood Processing operation shall have a Fire Station located
18 within 5 travel miles of the location.

19 (iii) If the water supply is static it is to be certified by an engineer and capable
20 to supply the amount required by paragraph (i) of this subsection. If the
21 water supply is below the minimum amount, then the supply must be
22 capable of at least 30,000 gallons at all times. The maximum size of water
23 supply needed may be based on the proposed operation and approved by
24 the AHJ.

25 (iv) Based on the amount of material on site, other provisions such as
26 sprinklers, pre-piped systems, or constant monitoring of the pile may be
27 required.

28
29 **Section 17.106. Rubbish, debris, noxious weeds FLAMMABLE MATERIALS MAY BE declared to**
30 **be a nuisance.**

1 (a) *What Constitutes a Public Nuisance.* Except for weeds, brush and grass on land actively
2 devoted to agricultural or conservation uses, the following are declared a public nuisance:

3 (A) WHAT CONSTITUTES A PUBLIC NUISANCE.

4 (1) THIS SUBSECTION DOES NOT APPLY TO WEEDS, BRUSH AND GRASS ON LAND ACTIVELY DEVOTED
5 TO:

6 (I) AGRICULTURAL USES; OR

7 (II) CONSERVATION USES.

8 (2) A FIRE OFFICIAL MAY DECLARE THE FOLLOWING MATERIALS A PUBLIC NUISANCE, UPON FINDING
9 THAT THEY CREATE OR TEND TO CREATE A FIRE HAZARD ENDANGERING LIFE OR PROPERTY, OR THAT
10 THEY MAY INTERFERE WITH EMERGENCY OPERATIONS OR ENDANGER FIRE SERVICE PERSONNEL:

11 (I) RUBBISH OR TRASH;

12 (II) DRY BRUSH, NOXIOUS WEEDS OR GRASS EXCEEDING 12 INCHES IN HEIGHT;

13 (III) WOOD CHIPS OR HOGGED MATERIAL, INCLUDING NATURAL WOOD WASTE; OR

14 (IV) DEBRIS OR OTHER MATERIAL OF A FLAMMABLE NATURE.

15
16 ~~Rubbish, trash, dry brush, noxious weeds or grass exceeding 12 inches in height, WOOD CHIPS~~
17 ~~OR HOGGED MATERIAL, INCLUDING NATURAL WOOD WASTE, or debris or other material of a~~
18 ~~flammable nature which creates or tends to create a fire hazard endangering life or property or~~
19 ~~which may interfere with emergency operations or endanger fire service personnel.~~

20 (b) *Unlawful to Permit Public Nuisance.* It shall be unlawful for anyone to permit a public
21 nuisance listed in subsection (a) to remain on any lot or parcel of ground.

22 (c) *Removal; Notice.* The Director of Fire and Rescue Services shall send a notice by registered
23 or certified mail to the owner of any lot or parcel of ground where the Director determines that a
24 public nuisance exists. The notice shall:

25 (1) Require the property owner to abate the nuisance within ten days;

26 (2) State that if the nuisance is not abated within ten days, the County may abate the
27 nuisance at the expense of the property owner.

28 (d) *Extension.* If the property owner is unable to comply with a notice within ten days after its
29 receipt, the property owner shall submit a request for an extension of time. Upon receipt of the
30 request, the Fire Official may grant an extension of time, not to exceed 90 days. The request for
31 an extension shall:

32 (1) Be submitted to the Fire Official; and

1 (2) State the reasons for the request.

2 (e) *Penalties:*

3 (1) A person who fails to comply with a notice issued by the Fire Official is guilty of
4 a misdemeanor and, upon conviction, is subject to a fine, not exceeding
5 \$1,000.00, or imprisonment, not exceeding 30 days, or both. Alternatively, or in
6 addition to and concurrent with all other remedies at law or at equity, the
7 Department of Fire and Rescue Services may enforce the provisions of this
8 section with civil penalties pursuant to title 24, "Civil Penalties" of the Howard
9 County Code. A violation of this section is a Class C offense.

10 (2) The Fire Official may bring action in court to enforce compliance with an order to
11 comply with this subtitle or to correct a nuisance.

12 (3) If a person refuses or fails to comply with the provisions of this subtitle or to
13 correct a nuisance within the time specified in the notice of violation, the Fire
14 Official may petition the court for an order permitting entry upon the property to
15 abate the violation or correct the nuisance at the owner's expense.

16
17 **Title 12. Health and Social Services.**

18 **Subtitle 1. Health Code.**

19
20 **Section 12.111. Nuisance suits against agricultural operations.**

21 (a) *Short Title.* This section shall be known and may be cited as the Howard County Right-To-
22 Farm Act, Bill No. 22, 1989.

23 (b) *Public Policy.* The practice of agriculture has been a mainstay of the economy of Howard
24 County since the land was settled. Agriculture is a valued and respected way of life, and the
25 preferred land use in the Rural Conservation (RC) Zoning District, a valued land use in the Rural
26 Residential (RR) Zoning District and on property that has an agricultural use assessment as
27 determined by the State Department of Assessments and Taxation. The Howard County Council
28 hereby finds and declares that the practice of farming in Howard County should be protected and
29 encouraged.

30 In addition, as Howard County continues to grow, residents are increasingly interacting more
31 with the agricultural community making it extremely important for clear communication and

1 mutual respect for one another. Agricultural operations, in many cases, involve noise, dust, odor,
2 slow moving vehicles, and early morning/late evening activity. Howard County farmers are
3 committed to providing a safe quality product for consumers, preserving the environment for the
4 next generation, and being good neighbors. At the same time these activities may have some
5 effect on adjoining properties. It is important that both the agricultural community and
6 neighboring residents respect one another so that agriculture can continue to serve as the
7 foundation of Howard County.

8 (c) *Definitions.* In this section agricultural operation includes agriculture, apiaries, horticulture,
9 orchards, agricultural nurseries, viticulture, aquaculture, silviculture, animal and poultry
10 husbandry, and farming as defined in the Howard County Zoning Regulations. An agricultural
11 operation may occur without limitation as to hours of operation. The harvesting and processing
12 of agricultural crops and other uses or structures directly related to or accessory to the premises
13 for farming are considered part of an agricultural operation. Agricultural practices included as
14 part of an agricultural operation include, but are not limited to:

- 15 (1) The transportation of agricultural products;
- 16 (2) The transportation, storage, handling, and application of fertilizer, soil
17 amendments, pesticides, and manure; and
- 18 (3) The operation of agricultural machinery and equipment.

19 (d) *Protection for Agricultural Operations.* In RC and RR zoning districts, and on property that
20 has an agricultural use assessment as determined by the State Department of Assessments and
21 Taxation, an agricultural operation may not legally be considered a public or private nuisance;
22 and a private action may not be sustained on the grounds that the agricultural operation interferes
23 or has interfered with the use or enjoyment of other property, whether public or private, if:

- 24 (1) The agricultural operation existed before a change occurred in the adjoining land
25 use or occupancy of land and, before such change in land use or occupancy of
26 land, the agricultural operation did not constitute a nuisance; or
- 27 (2) The agricultural operation, including any change in the operation, has been
28 ongoing for one year or more and the operation or change did not constitute a
29 nuisance from the date the operation began or the date the change in the operation
30 began; and

1 (3) The agricultural operation is conducted in accordance with generally accepted
2 agricultural management practices.

3 (e) *Exceptions.* This section does not apply to:

4 (1) An agricultural operation that does not conform to Federal, State or local health,
5 **HOWARD COUNTY FIRE PREVENTION CODE**, or zoning requirements;

6 (2) A Federal, State or local agency when enforcing air, water quality, or other
7 environmental standards under Federal, State or local law; or

8 (3) An agricultural operation that is conducted in a negligent manner.


9 (f) *Limitations of Actions.* Notwithstanding any provision of this section, no action alleging that
10 an agricultural operation conducted in accordance with generally accepted agricultural practices
11 has interfered with the reasonable use or enjoyment of real property or personal well-being shall
12 be maintained if the plaintiff has not sought mediation through the Maryland Agricultural
13 Conflict Resolution Service within the Maryland Department of Agriculture, as provided for
14 in Title 5, Subtitle 4 of the Courts and Judicial Proceedings article of the Annotated Code of
15 Maryland.

16 (g) *Legal costs.* In any civil action, if a court finds that the agricultural operation alleged to be a
17 nuisance is found not to be a nuisance and that the suit was brought in bad faith or without
18 substantial justification, the court should require the plaintiff to pay the costs of the proceedings
19 and the reasonable expenses associated with the litigation, including reasonable attorney's fees,
20 incurred by the owner, operator or both, the owner and operator, of the agricultural operation in
21 defending against the legal action.

22
23 *Section 2. And Be It Further Enacted by the County Council of Howard County, Maryland that*
24 *this Act shall become effective 61 days after its enactment.*

BY THE COUNCIL

This Bill, having been approved by the Executive and returned to the Council, stands enacted on November 8, 2017.


Jessica Feldmark, Administrator to the County Council

BY THE COUNCIL

This Bill, having been passed by the yeas and nays of two-thirds of the members of the Council notwithstanding the objections of the Executive, stands enacted on _____, 2017.

Jessica Feldmark, Administrator to the County Council

BY THE COUNCIL

This Bill, having received neither the approval nor the disapproval of the Executive within ten days of its presentation, stands enacted on _____, 2017.

Jessica Feldmark, Administrator to the County Council

BY THE COUNCIL

This Bill, not having been considered on final reading within the time required by Charter, stands failed for want of consideration on _____, 2017.

Jessica Feldmark, Administrator to the County Council

BY THE COUNCIL

This Bill, having been disapproved by the Executive and having failed on passage upon consideration by the Council stands failed on _____, 2017.

Jessica Feldmark, Administrator to the County Council

BY THE COUNCIL

This Bill, the withdrawal of which received a vote of two-thirds (2/3) of the members of the Council, is withdrawn from further consideration on _____, 2017.

Jessica Feldmark, Administrator to the County Council