



Howard County Council

George Howard Building
3430 Court House Drive
Ellicott City, Maryland 21043-4392

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District 5

March 6, 2014

TO: County Council Members

RE: ZRA-149, Greg Fox, Councilmember

Attached is Petition No. ZRA-149, filed by Councilmember Greg Fox on March 5, 2014, to amend various sections of the Zoning Regulations related to composting facilities.

Please schedule this case before the Planning Board.

Robin Regner

Administrative Assistant

Attachment

cc: P. Johnson, Esq.
S. Tolliver
T. Wimberly
J. Feldmark
J. Sager
M. McLaughlin
T. Sieglein



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

DPZ Office Use Only:
Case No. ZRA- 149
Date Filed: 3-5-14

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 Section 103: Definitions to add the following new definitions: Natural Wood Waste, Yard Waste, and Yard Waste Composting Facility; to amend Section 106.1: County Preservation Easements to remove Composting Facilities as a Conditional Use on County Preservation Easements; to amend SECTION 124.0: SW (Solid Waste) Overlay District to allow Composting Facilities as a Permitted Use if the underlying district is M-2; and amend Section 131.0: Conditional Uses to remove Composting Facilities as a Conditional Use on County Preservation Easements and allow Yard Waste Composting Facilities as a Conditional Use in the RC and M-1 Districts.

[You must provide a brief statement here. "See Attached Supplement" or similar statements are not acceptable. You may attach a separate document to respond to Section 1 in greater detail. If so, this document shall be titled "Response to Section 1"]

2. Petitioner's Name Greg Fox, Councilmember

Address 3430 Court House Drive, Ellicott City, MD 21043

Phone No. (W) 410-313-2001 (H) _____

Email Address gfox@howardcountymd.gov

HOWARD COUNTY CLERK
RECEIVED
2014 MAR -5 P 4:55

3. Counsel for Petitioner Paul Johnson, Deputy County Solicitor

Counsel's Address 3450 Court House 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 To correct unintended consequences that were made during the most recent Comprehensive Zoning effort. Certain text amendments were approved, which now allow Composting Facilities to be developed on County Preservation easements.

5. Please provide a detailed justification statement demonstrating how the proposed amendment(s) will be in harmony with current General Plan for Howard County The proposed amendment would be in harmony with General Plan 2030, specifically with POLICY 4.5 - Refine the Rural Conservation (RC) and the Rural Residential (RR) zoning regulations to provide greater flexibility for the agricultural community, as well as appropriate protections for rural residents. The General Plan Policy 4.5, Implementing Actions states:

 a. Review of Permitted Uses. Examine and amend where appropriate the list of accessory and conditional uses in the RC and RR districts, and refine uses and standards for approval.

 b. Use Designations. Review use designations (permitted by right, by permit, and conditional) in each Rural West zoning district, and determine whether amendments are needed to make some uses less or more restrictive. (page 164)

The General Plan calls for the above mentioned implementing actions to occur within a three year time frame.

[You may attach a separate document to respond to Section 5. If so, this document shall be titled "Response to Section 5"]

6. The Legislative Intent of the Zoning Regulations in Section 100.0.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 100.0.A. This proposed regulation amendment which would limit Composting Facilities to more industrial areas and allow Yard Waste Facilities as a Conditional Use in certain instances is in harmony with General Provisions Legislative Intent. Specifically, the proposed amendment satisfies the second enumerated intent which states as a goal:

 2. 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; (page 5)

[You may attach a separate document to respond to Section 6. If so, this document shall be titled "Response to Section 6."]

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) . Addressed in Section 6 above.

[You may attach a separate document to respond to Section 7. If so, this document shall be titled "Response to Section 7."]

8. Does the amendment, or do the amendments, have the potential of affecting the development of more than one property, yes or no? Yes.

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.

The proposed regulation amendment could potentially have an impact on any County Preservation Easement parcel, Solid Waste Overlay (with M-2 underlying zoning) parcel, Rural Conservation parcel, and M-1 parcel which could meet the criteria.

[You may attach a separate document to respond to Section 8. If so, this document shall be titled "Response to Section 8."]

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. _____

[You may attach a separate document to respond to Section 9. If so, this document shall be titled "Response to Section 9."]

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 3/4/14
 Petitioner's Signature Date

 Petitioner's name (Printed or typed)

 Petitioner's Signature Date

 Petitioner's name (Printed or typed)

 Petitioner's Signature Date

Paul Johnson 3/4/14
 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.

APPLICATIONS: One (1) original plus twenty (24) copies along with attachments.

For DPZ office use only:

Hearing Fee \$ n/a

Receipt No. n/a

PLEASE CALL 410-313-2395 FOR AN APPOINTMENT TO SUBMIT YOUR APPLICATION

County Website: www.howardcountymd.gov

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.

PETITIONER: Councilman Greg Fox
ZRA

AFFIDAVIT AS TO CONTRIBUTION

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

I, Greg Fox, 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.

Printed Name: Greg Fox
Signature: Greg Fox
Date: March 4, 2014

PETITIONER: Councilman Greg Fox
ZRA

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: Greg Fox (Kevin Fox)

RECIPIENTS OF CONTRIBUTIONS:

<u>Name</u>	<u>Date of Contribution</u>	<u>Amount</u>
<u>Ehrlich, Bob for Maryland Committee</u>	<u>9/16/10</u>	<u>\$500</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.

Printed Name: Greg Fox

Signature: _____

Date: March 4, 2014

PETITIONER: Greg Fox
ZRA

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, Greg Fox, 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.

Printed Name: Greg Fox
Signature: Greg Fox
Date: March 4, 2014

Attachment A

SECTION 103.0: Definitions

N

NATURAL WOOD WASTE: ORGANIC MATERIALS SPECIFICALLY LIMITED TO TREE AND OTHER VEGETATIVE REFUSE INCLUDING TREE STUMPS, LIMBS AND ROOT MATS.

Y

YARD WASTE: ORGANIC MATERIALS SPECIFICALLY LIMITED TO LEAVES, GRASS, BRUSH, AND YARD TRIMMINGS

YARD WASTE COMPOSTING FACILITY: A FACILITY AT WHICH YARD WASTE AND NATURAL WOOD WASTE IS RECEIVED AND PROCESSED TO PRODUCE COMPOST FOR OFF-SITE USE.

SECTION 106.1: County Preservation Easements

A. Purpose

This Section enumerates the uses permitted on property in the RC or RR Districts which has been encumbered with a County Preservation Easement through:

1. The purchase of development rights by the Howard County Agricultural Land Preservation Program (ALPP Purchased Easement).
2. The dedication of a preservation parcel to the Howard County Agricultural Land Preservation Program, via Sections 104.0.G, 105.0.G or 106.0 (ALPP Dedicated Easement).
3. The dedication of a preservation parcel to one or more of the entities identified in Sections 104.0.G and 105.0.G, via Sections 104.0.G, 105.0.G or 106.0 (other Dedicated Easements).

Most of the land subject to preservation easements in the RC and RR Districts falls into one of these three County Preservation Easement categories. However, there are a significant number of properties that are encumbered by State-held easements that are subject to the regulations as defined by each easement holder and the underlying zoning, whichever is more restrictive. The State easement holders are the Maryland Agricultural Land Preservation Foundation, the Maryland Historical Trust and the Rural Legacy Program.

For ALPP Purchased Easements and ALPP Dedicated Easements, as defined above, the uses identified within this Section may require prior approval by the Agricultural Land Preservation Board, per Section 15.518 of the Howard County Code. In addition, for all easements, these uses do not supersede or negate any use restrictions specified in the Deed of Easement for the specific property.

D. Conditional Uses

1. ALPP Purchased Easements and ALPP Dedicated Easements

a. Conditional Uses shall not be allowed on agricultural preservation easements unless they support the primary agricultural purpose of the easement property, or are an ancillary business which supports the economic viability of the farm, and are approved by the hearing authority in accordance with the applicable provisions of Sections 130.0 and 131.0 of these regulations. On an ALPP purchased or dedicated easement property, the area devoted to Conditional Uses may not exceed a cumulative use cap equal to 2% of the easement.

The following Conditional Uses may be allowed:

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

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

(1) Agribusiness, limited to uses itemized in Section 131.0.N.

(2) Farm winery – class 2

[[(3) Composting Facility]]

2. Other Dedicated Easements

a. Conditional Uses shall not be allowed on other dedicated easements unless they support the primary purpose of the easement property and are approved by the hearing authority in accordance with the applicable provisions of Sections 130.0 and 131.0 of these regulations. On these dedicated easements, the following Conditional Uses which do not require the construction of new principal structures or use of an outdoor area that is more than 2% of the preservation parcel acreage up to a maximum of 1 acre may be allowed:

(1) Animal hospitals

(2) Antique shops, art galleries and craft shops

(3) Barber shop, hair salon and similar personal service facilities

(4) Bottling of spring or well water

(5) Child day care centers and nursery schools, day treatment and care facilities

(6) Communication towers

(7) Country inns

(8) Historic building uses

(9) Farm tenant house on a parcel of at least 25 acres but less than 50 acres

(10) Home based contractors

(11) Home occupations

(12) Kennels and/or pet grooming establishments

(13) Landscape contractors

(14) Limited outdoor social assemblies

(15) Museums and libraries

- (16) Retreats
- (17) Sawmills, bulk firewood, mulch manufacture and/or soil processing
- (18) School buses, commercial service
- (19) Shooting ranges – outdoor rifle, pistol, skeet and trap
- (20) Small wind energy systems, freestanding tower
- (21) Solar Facilities, commercial
- (22) Two family dwellings, accessory apartments and multi-plex dwellings

b. In addition, the following Conditional Uses which may require additional land area may be permitted on other dedicated easements:

- (1) Agribusiness, limited to uses itemized in Section 131.0.N.2
- (2) Charitable or philanthropic institutions dedicated to environmental conservation
- [[3) Composting Facility]]
- [[4)] (3) Farm winery – Class 2
- [[5)] (4) Golf Courses

SECTION 124.0: SW (Solid Waste) Overlay District

A. Purpose

The Solid Waste District is established to provide opportunity for solid waste processing facilities not allowed in other zoning districts and to encourage re-use and recycling of solid waste in lieu of disposal at a landfill. Because of changing technology, it is not possible to identify and adopt specific Zoning Regulations for all types of solid waste processing uses which may be proposed in Howard County. However, it is essential to provide opportunity for viable, constructive alternatives to disposal of solid waste in landfills. The Solid Waste District permits processing facilities for non-hazardous solid waste which are not covered elsewhere in the Zoning Regulations, while requiring detailed review of each proposal to evaluate its land use impacts and its potential contribution to the County's solid waste management system.

Because many solid waste processing facilities are of a heavy industrial nature, the SW District is an overlay district which may be applied only to land in the M-2 District. The Zoning Board may also apply the SW District to land in the M-1 District, provided there is a compelling reason and the use in the SW District shall be limited to a waste transfer station or material recovery facility.

The SW District is a floating district which may be applied if the Zoning Board finds, upon review of a specific proposal and Preliminary Development Plan, that application of the District at a proposed location will meet the requirements established in this Section.

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

1. COMPOSTING FACILITY

[[1.]] 2. Land clearing debris landfills.

[[2.]] 3. Rubble landfills.

[[3.]] 4. Solid waste processing facilities.

[[4.]] 5. Underground pipelines; electric transmission and distribution lines; telephone, telegraph and CATV lines; mobile transformer units; telephone equipment boxes; and other, similar public utility uses not requiring a Conditional Use.

SECTION 131.0: Conditional Uses (*** THE CONDITIONAL USE CHART HAS TO BE CHANGED*****)**

A. Statement of Legislative Intent

Conditional Uses are authorized in specified zoning districts based on the presumption that they are generally appropriate and compatible in the specified districts. However, particular uses in particular locations may have characteristics or impacts that are not typical. Conditional Uses are not permitted automatically, but are subject to the regulations of this section and the conditions imposed by the Hearing Authority upon its approval of the proposed Conditional Use.

[[15. Composting Facility

A Conditional Use may be granted in the RC District for a waste composting facility provided that:

- a. All materials received on the site meet the definition of compost as defined in these regulations.
- b. In addition to the bulk regulations of the applicable zoning district, the following structure and use setbacks shall apply:
 - (1) From adjacent residential lots or parcels300 feet
 - (2) From public street rights-of-way.....100 feet
 - (3) From existing streams and wetlands.....100 feet
 - (4) From existing farms.....50 feet

c. A landscaped buffer area with a minimum width of 100 feet shall be maintained around the perimeter of the site except adjoining a farm. The landscaped buffer shall be used only for planting, fencing, and driveways for ingress and egress to the site.

d. The operation shall not result in odors which are detectable on surrounding properties.

e. The operation shall be conducted in a safe and environmentally sound manner, as prescribed by law or regulations and with respect to the likelihood of hazard to persons or damage to lands, natural resources, streets, bridges, and public rights-of-way.

f. The operation shall be conducted in a manner which will prevent insect and/or rodent infestation.

g. The facility shall be maintained in a clean and sanitary condition.

h. All liquid, including leachate and storm water runoff, generated from the composting facility shall be collected and treated prior to disposal, in accordance with applicable regulations.

i. The hours of operations shall be restricted to between 7:00 a.m. and 6:00 p.m., and no operation shall be permitted on Sundays except repairs to equipment and improvements, unless other days and hours are approved by the Hearing Authority.

j. On-site retail sales of finished compost shall be permitted if specifically approved by the Hearing Authority.

k. The structural elements of the roads serving the site shall be adequate for the truck traffic to be generated by the composting facility. The petition shall include a road condition study to allow the Hearing Authority to make this determination.

l. The Conditional Use plan submitted with the petition shall show the following:

(1) Survey boundaries of the subject property.

(2) Existing natural features including streams, ponds, springs, and wetlands.

(3) Existing and proposed topography.

(4) Setback and buffer area, including type of screening and fencing.

(5) Portion of tract to be used for composting operations, including the location and layout of:

(a) Waste unloading, receiving and storage areas;

(b) Waste processing areas, including areas for grinding, screening, mixing and other operations to prepare waste for composting;

(c) Composting areas;

(d) Compost curing areas;

- (e) Compost final product preparation areas (screening and other operations); and
- (f) Finished compost storage and loading areas.
- (6) Existing and proposed structures and major mechanical equipment.
- (7) Existing and proposed access driveways
- (8) Water supply (including quantity requirements) and sewage disposal.
- (9) Stormwater management for quantity and quality control.
- (10) Facilities for storage and treatment for leachate and any other liquids generated by the operation.
- (11) Other existing or proposed uses on the site

m. The operations plan shall be submitted by the applicant to enable the Hearing Authority to evaluate the potential impacts of the proposed use. If the petition is approved, substantial changes to the operations plan shall not be implemented without prior approval of the Hearing Authority. The plan shall provide the following information:

- (1) Types, anticipated quantities and sources of waste.
- (2) Methods by which unacceptable wastes delivered to the facility will be identified, segregated, and handled for removal and disposal.
- (3) Off-site location where unacceptable wastes delivered to the composting facility will be disposed of.
- (4) Methods by which waste quantities delivered will be determined including weighing facilities to be provided.
- (5) A description of major items of equipment and associated capacities.
- (6) A description of proposed buildings and pads for storage, composting and processing.
- (7) A description of delivery methods and requirements.
- (8) A description of incoming material handling and processing methods including processing capacity and storage volume to be provided.
- (9) A description of the composting process to be utilized including composting capacity to be provided, composting technology, required composting time, and assurance of acceptable level of pathogen reduction.
- (10) A description of compost curing, handling and processing methods including processing capacity and storage volume to be provided.
- (11) A description of finished compost storage, distribution and delivery methods and requirements.

(12) Methods of controlling odors, dust, litter, noise, and insect or rodent infestation; methods of insuring public safety; methods of preventing and, if necessary, controlling fires; and methods of collecting and treating liquids generated by the use.

(13) Procedures for cleaning and maintaining the appearance of the facility, including collection of litter and waste which falls from transport vehicles in the vicinity of the site, including adjacent private properties and public roads.

n. A rehabilitation plan shall be submitted at the time of the Conditional Use application for approval by the Hearing Authority. The plan shall provide for the following minimum rehabilitation program:

(1) All structures and machinery shall be completely removed and underlying excavations filled to grade and planted in grass except structures or machinery that are to be continued in operation for a use permitted under the zoning classification.

(2) All impervious surfaces shall be removed and properly disposed of. The areas from which the surfaces are removed shall be backfilled with suitable soil and regraded as necessary to provide adequate drainage. All such areas shall be planted in grass which shall be maintained through one year's growth.

(3) All waste, composting material, and finished compost shall be removed from the site and shall be disposed of in conformance with applicable laws or regulations.]]

YARD WASTE COMPOSTING FACILITY

A CONDITIONAL USE MAY BE GRANTED IN THE RC OR M-1 DISTRICTS FOR A YARD WASTE COMPOSTING FACILITY, PROVIDED THAT:

A. ONLY YARD WASTE (LEAVES, GRASS, BRUSH, YARD TRIMMINGS) AND NATURAL WOOD WASTE (TREE AND OTHER VEGETATIVE REFUSE INCLUDING TREE STUMPS, LIMBS AND ROOT MATS) SHALL BE RECEIVED FOR COMPOSTING ON THE SITE.

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

- (1) FROM AN EXISTING RESIDENCE ON A DIFFERENT LOT 500 FEET
- (2) FROM ADJACENT RESIDENTIALLY-ZONED LOTS 300 FEET
- (3) FROM PUBLIC STREET RIGHTS-OF-WAY 100 FEET
- (4) FROM EXISTING STREAMS AND WETLANDS 100 FEET

C. A LANDSCAPED BUFFER AREA WITH A MINIMUM WIDTH OF 100 FEET SHALL BE MAINTAINED AROUND THE PERIMETER OF THE SITE. THE LANDSCAPED BUFFER SHALL BE USED ONLY FOR PLANTING, FENCING, AND DRIVEWAYS FOR INGRESS AND EGRESS TO THE SITE.

D. THE OPERATION SHALL NOT RESULT IN ODORS WHICH ARE DETECTABLE ON SURROUNDING PROPERTIES.

E. THE OPERATION SHALL BE CONDUCTED IN A SAFE AND ENVIRONMENTALLY SOUND MANNER, AS PRESCRIBED BY LAW OR REGULATIONS AND WITH RESPECT TO THE LIKELIHOOD OF HAZARD TO PERSONS OR DAMAGE TO LANDS, NATURAL RESOURCES, STREETS, BRIDGES, AND PUBLIC RIGHTS-OF- WAY.

F. THE OPERATION SHALL BE CONDUCTED IN A MANNER WHICH WILL PREVENT INSECT AND/OR RODENT INFESTATION.

G. THE FACILITY SHALL BE MAINTAINED IN A CLEAN AND SANITARY CONDITION. AREAS WHERE YARD WASTE OR COMPOST IS PROCESSED, LOADED, OR UNLOADED SHALL BE DESIGNED AND CONSTRUCTED TO DRAIN FREELY TO PREVENT THE ACCUMULATION OF STANDING LIQUID.

H. ALL LIQUID, INCLUDING LEACHATE AND STORM WATER RUNOFF, GENERATED FROM THE COMPOSTING FACILITY SHALL BE COLLECTED AND TREATED PRIOR TO DISPOSAL, IN ACCORDANCE WITH APPLICABLE REGULATIONS.

I. IN THE RC DISTRICT, THE HOURS OF OPERATION SHALL BE RESTRICTED TO BETWEEN 7:00 A.M. AND 6:00 P.M., AND NO OPERATION SHALL BE PERMITTED ON SUNDAYS EXCEPT REPAIRS TO EQUIPMENT AND IMPROVEMENTS.

J. ON-SITE RETAIL SALES OF FINISHED COMPOST SHALL BE PERMITTED IF SPECIFICALLY APPROVED BY THE HEARING AUTHORITY.

K. THE STRUCTURAL ELEMENTS OF THE ROADS SERVING THE SITE SHALL BE ADEQUATE FOR THE TRUCK TRAFFIC TO BE GENERATED BY THE COMPOSTING FACILITY. THE PETITION SHALL INCLUDE A ROAD CONDITION STUDY TO ALLOW THE HEARING AUTHORITY TO MAKE THIS DETERMINATION.

L. THE CONDITIONAL USE PLAN SUBMITTED WITH THE PETITION SHALL SHOW THE FOLLOWING:

- (1) SURVEY BOUNDARIES OF THE SUBJECT PROPERTY.
- (2) EXISTING NATURAL FEATURES INCLUDING STREAMS, PONDS, SPRINGS, AND WETLANDS.
- (3) EXISTING AND PROPOSED TOPOGRAPHY.
- (4) SETBACK AND BUFFER AREA, INCLUDING TYPE OF SCREENING AND FENCING.
- (5) PORTION OF TRACT TO BE USED FOR COMPOSTING OPERATIONS, INCLUDING THE LOCATION AND LAYOUT OF:
 - (A) YARD WASTE UNLOADING, RECEIVING AND STORAGE AREAS;
 - (B) YARD WASTE PROCESSING AREAS, INCLUDING AREAS FOR GRINDING, SCREENING, MIXING AND OTHER OPERATIONS TO PREPARE YARD WASTE FOR COMPOSTING;
 - (C) COMPOSTING AREAS;
 - (D) COMPOST CURING AREAS;
 - (E) COMPOST FINAL PRODUCT PREPARATION AREAS (SCREENING AND OTHER OPERATIONS); AND
 - (F) FINISHED COMPOST STORAGE AND LOADING AREAS.
- (6) EXISTING AND PROPOSED STRUCTURES AND MAJOR MECHANICAL EQUIPMENT.
- (7) EXISTING AND PROPOSED ACCESS DRIVEWAYS.
- (8) WATER SUPPLY (INCLUDING QUANTITY REQUIREMENTS) AND SEWAGE DISPOSAL.
- (9) STORM WATER MANAGEMENT FACILITIES FOR QUANTITY AND QUALITY CONTROL.
- (10) FACILITIES FOR STORAGE AND TREATMENT OF LEACHATE AND ANY OTHER LIQUIDS GENERATED BY THE OPERATION.
- (11) OTHER EXISTING OR PROPOSED USES ON THE SITE.

M. AN OPERATIONS PLAN SHALL BE SUBMITTED BY THE APPLICANT TO ENABLE THE HEARING AUTHORITY TO EVALUATE THE POTENTIAL IMPACTS OF THE PROPOSED USE. IF THE PETITION IS APPROVED, SUBSTANTIAL CHANGES TO THE OPERATIONS PLAN SHALL NOT BE IMPLEMENTED WITHOUT PRIOR APPROVAL OF THE HEARING AUTHORITY. THE PLAN SHALL PROVIDE THE FOLLOWING INFORMATION:

- (1) TYPES, ANTICIPATED QUANTITIES AND SOURCES OF YARD WASTE.
- (2) METHODS BY WHICH UNACCEPTABLE WASTES DELIVERED TO THE FACILITY WILL BE IDENTIFIED, SEGREGATED, AND HANDLED FOR REMOVAL AND DISPOSAL.

- (3) OFF-SITE LOCATION WHERE UNACCEPTABLE WASTES DELIVERED TO THE COMPOSTING FACILITY WILL BE DISPOSED OF.
- (4) METHODS BY WHICH WASTE QUANTITIES DELIVERED WILL BE DETERMINED INCLUDING WEIGHING FACILITIES TO BE PROVIDED.
- (5) A DESCRIPTION OF MAJOR ITEMS OF EQUIPMENT AND ASSOCIATED CAPACITIES.
- (6) A DESCRIPTION OF PROPOSED BUILDINGS AND PADS FOR STORAGE, COMPOSTING AND PROCESSING.
- (7) A DESCRIPTION OF YARD WASTE DELIVERY METHODS AND REQUIREMENTS.
- (8) A DESCRIPTION OF INCOMING YARD WASTE HANDLING AND PROCESSING METHODS INCLUDING PROCESSING CAPACITY AND STORAGE VOLUME TO BE PROVIDED.
- (9) A DESCRIPTION OF THE COMPOSTING PROCESS TO BE UTILIZED INCLUDING COMPOSTING CAPACITY TO BE PROVIDED, COMPOSTING TECHNOLOGY, REQUIRED COMPOSTING TIME, AND ASSURANCE OF ACCEPTABLE LEVEL OF PATHOGEN REDUCTION.
- (10) A DESCRIPTION OF COMPOST CURING, HANDLING AND PROCESSING METHODS INCLUDING PROCESSING CAPACITY AND STORAGE VOLUME TO BE PROVIDED.
- (11) A DESCRIPTION OF FINISHED COMPOST STORAGE, DISTRIBUTION AND DELIVERY METHODS AND REQUIREMENTS.
- (12) METHODS OF CONTROLLING ODORS, DUST, LITTER, NOISE, AND INSECT OR RODENT INFESTATION; METHODS OF INSURING PUBLIC SAFETY; METHODS OF PREVENTING AND, IF NECESSARY, CONTROLLING FIRES; AND METHODS OF COLLECTING AND TREATING LIQUIDS GENERATED BY THE USE.
- (13) PROCEDURES FOR CLEANING AND MAINTAINING THE APPEARANCE OF THE FACILITY, INCLUDING COLLECTION OF LITTER AND WASTE WHICH FALLS FROM TRANSPORT VEHICLES IN THE VICINITY OF THE SITE, INCLUDING ADJACENT PRIVATE PROPERTIES AND PUBLIC ROADS.

N. A REHABILITATION PLAN SHALL BE SUBMITTED AT THE TIME OF THE CONDITIONAL USE APPLICATION FOR APPROVAL BY THE HEARING AUTHORITY. THE PLAN SHALL PROVIDE FOR THE FOLLOWING MINIMUM REHABILITATION PROGRAM:

- (1) ALL STRUCTURES AND MACHINERY SHALL BE COMPLETELY REMOVED AND UNDERLYING EXCAVATIONS FILLED TO GRADE AND PLANTED IN GRASS EXCEPT STRUCTURES OR MACHINERY THAT ARE TO BE CONTINUED IN OPERATION FOR A USE PERMITTED UNDER THE ZONING CLASSIFICATION.
- (2) ALL IMPERVIOUS SURFACES SHALL BE REMOVED AND PROPERLY DISPOSED OF. THE AREAS FROM WHICH THE SURFACES ARE REMOVED SHALL BE BACKFILLED WITH SUITABLE SOIL AND REGRADED AS NECESSARY TO PROVIDE ADEQUATE DRAINAGE. ALL SUCH AREAS SHALL BE PLANTED IN GRASS WHICH SHALL BE MAINTAINED THROUGH ONE YEAR'S GROWTH.
- (3) ALL YARD WASTE, COMPOSTING MATERIAL, AND FINISHED COMPOST SHALL BE REMOVED FROM THE SITE AND SHALL BE DISPOSED OF IN CONFORMANCE WITH APPLICABLE LAWS OR REGULATIONS.

(4) ALL ACCESS ROADS SHALL BE SUITABLY BARRICADED TO PREVENT THE PASSAGE OF VEHICLES EITHER INTO OR OUT OF THE ABANDONED AREA, EXCEPT SUCH ACCESS AS NEEDED FOR VEHICLES USED IN REHABILITATION WORK, UNTIL THE PLAN FOR REHABILITATION HAS BEEN COMPLETED AND A DIFFERENT USE NECESSITATING ACCESS HAS COMMENCED ON THE PROPERTY.