

1 DAYTON RURAL *
 2 PRESERVATION SOCIETY, LLC * BEFORE THE
 3 ZRA 148, AND * PLANNING BOARD OF
 4 GREG FOX, COUNCILMEMBER * HOWARD COUNTY, MARYLAND
 5 ZRA 149 *

6 * * * * *

7 MOTION: *To recommend denial of ZRA 148 and ZRA 149, and general concurrence with the*
 8 *Alternate Regulation Amendments recommended by the Department of Planning*
 9 *and Zoning, with two recommendations for the County Council, if it approves the*
 10 *proposed new Conditional Use category for Natural Wood Waste Recycling*
 11 *Facility: 1) that on ALPP Easement properties the maximum area percentage*
 12 *should be below 10% or an acreage cap should be considered; and 2) the*
 13 *Conditional Use should be consistent with ALPP Easement policies, and, that the*
 14 *specific criteria for this Conditional Use category should include criteria to ensure*
 15 *safety from fire hazards, measures to ensure there are no impacts to water quality*
 16 *in the vicinity, and methods to limit the intensity of use and noise.*

17 ACTION: *Motion approved; Vote 3 to 0.*

18 * * * * *

19 On April 17, 2014, the Planning Board of Howard County, Maryland, considered the petitions of the
 20 Dayton Rural Preservation Society, LLC and of Greg Fox, Councilmember, for amendments to the Zoning
 21 Regulations to address many issues associated with mulch manufacturing facilities, composting facilities, and
 22 related wood processing uses (the "Subjects"), especially in the Rural West, but also in Howard County
 23 overall. On the basis that the two Zoning Regulation Amendment proposals concerned the same general
 24 topics, even though each proposal was unique, the Board heard and considered both collectively.

25 The petition, the Department of Planning and Zoning ("DPZ") Technical Staff Reports and
 26 recommendations, and the comments of reviewing agencies, were presented to the Board for its consideration.
 27 DPZ recommended denial of both petitions, based partly on findings that the proposed amendments were
 28 contrary to certain General Plan policies and that they likely would not be consistent with Maryland
 29 Department of the Environment ("MDE") regulations currently being revised by that agency. Instead, DPZ
 30 recommended approval for its Alternate Regulation Amendments proposal, which incorporate MDE
 31 regulation concepts.

32 The Petitioner for ZRA 149 was represented by Theo Wimberly. Mr. Wimberly stated that ZRA 149
 33 is proposed to correct unintended consequences of the 2013 Comprehensive Zoning Plan (the "2013 CZP")
 34 by largely returning the regulations related to the Subjects to what they had been prior to the 2013 CZP. He

1 emphasized that the Petitioner cannot support the DPZ proposal to allow up to 10% of an ALPP Easement
2 property to be used for the proposed Natural Wood Waste Recycling Facility use category, and if such uses
3 were allowed at all the maximum should be 2%, similar to all the other use categories.

4 The Petitioner for ZRA 148 was represented by Rick Lober and Jeff Harp. Mr. Lober stated that they
5 support parts of the DPZ Alternate Regulation Amendments proposal, but are in opposition to the DPZ
6 proposals to establish a new Natural Wood Waste Recycling Facility use category in Section 131.0 of the
7 Zoning Regulations, and to allow such a Natural Wood Waste Recycling Facility use on an ALPP Easement
8 property at up to 10% of the easement. Mr. Lober and Mr. Harp presented a considerable amount of evidence
9 concerning the potential of such uses to adversely affect the rural character and public safety because of truck
10 traffic intensity, ground water contamination, fire hazards, noise, and other factors, and they maintained that
11 such uses are industrial uses that belong in industrial areas, not in the Rural West.

12 A number of people presented statements to the Board about various aspects of the proposed
13 amendment proposals. Mr. James Nickel stated that uses such as Natural Wood Waste Recycling Facilities
14 and similar uses can also cause public health problems due to wood dust and fungi, and he noted that a use
15 area limitation should be expressed by a fixed maximum acreage, not a percentage. David Banwarth stated
16 that he supports ZRA 148, agrees with much of the DPZ proposal but not the proposed new Conditional Use
17 category, and he emphasized the potential fire hazards of such uses by noting that he had been a fire
18 department professional for many years. Lynn Moore stated that on her farm, there is wood waste that is
19 regularly caused by a number of different factors, and that she would like there to be a convenient off-site
20 wood waste processing facility to handle this wood waste. Jane Gray stated that rural land should not be used
21 for industrial facilities, and she related a story of the fire and smoke hazards and well contaminations caused
22 by a former stump dump use on Sheppard Lane. Also presenting statements to the Board were Stuart Kohn,
23 Erin Allen, Gary Janoske, Estelle Ward, Lisa Markovitz, and Allen Schneider.

24 The Planning Board pronounced general concurrence with much of the DPZ proposal, but expressed
25 that several crucial issues associated with the proposed new Natural Wood Waste Recycling Facility use
26 category need to be given special consideration. The potential for a very large facility would not be
27 compatible with the purposes of the ALPP Easements, and therefore, the maximum permitted area for such
28 uses needs to be less than the 10% proposed by DPZ. The Board discussed how the operation of such uses
29 may cause fire hazards, and how truck traffic and use intensity must be assessed based on some criteria to
30 better ensure that such are not out of character with the rural area. The Board fully supported the DPZ
31 proposals for the new definitions, the requirement that a composting facility use is only possible in a SW
32 Overlay District, and allowing Natural Wood Waste Recycling Facilities as a use permitted as a matter of
33 right in the M-1 and M-2 Districts.

34 Bill Santos made the motion to recommend to recommend denial of ZRA 148 and ZRA 149, and

1 general concurrence with the Alternate Regulation Amendments recommended by the Department of
2 Planning and Zoning, with two recommendations for the County Council, if it approves the proposed new
3 Conditional Use category for Natural Wood Waste Recycling Facility: 1) that on ALPP Easement properties
4 the maximum area percentage should be below 10% or an acreage cap should be considered; and 2) the
5 Conditional Use should be consistent with ALPP Easement policies, and, that the specific criteria for the
6 Conditional Use category should include criteria to ensure safety from fire hazards, measures to ensure there
7 are no impacts to water quality in the vicinity, and methods to measure and limit the intensity of use and
8 noise. Mr. Engelke seconded the motion. The motion passed by a vote of 3 to 0.

9 For the foregoing reasons, the Planning Board of Howard County, Maryland, on this 24th day of
10 April, 2014, recommends that ZRA 148 and ZRA 149, as described above, be DENIED, and that the DPZ
11 Alternate Regulation Amendments be APPROVED, with the recommendation that the County Council
12 incorporate revisions in the Alternate Regulation Amendments to address the concerns of the Planning Board
13 as expressed in its adopted motion noted above.

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15 HOWARD COUNTY PLANNING BOARD

16 Josh Tzucker / #B
17 Joshua Tzucker, Chairman

18 Bill Santos / #B
19 Bill Santos

20 ABSENT

21 Jacqueline Easley

22 Phil Engelke / #B
23 Phillips Engelke

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25
26
27 ATTEST:

28 Marsha S. McLaughlin
29 Marsha S. McLaughlin, Executive Secretary