

**COUNTY COUNCIL
OF
HOWARD COUNTY, MARYLAND**

2013 Legislative Session

Legislative Day No. 7
06/02/2014

HOWARD COUNTY TO WIT:

The Chairperson called the legislative session to order at **7:35** p.m.

Calvin Ball, Chairperson; Courtney Watson, Vice Chairperson; Greg Fox, Council Member; and Courtney Watson, Council Member, were present.
Jennifer Terrasa, Council Member, was absent.

Sheila Tolliver, Administrator to the County Council; James Vannoy, Assistant County Attorney; Paul Johnson, Deputy County Solicitor; and Jennifer Sager, Legislative Coordinator were also present.

The Chairperson called a short recess at **7:41** p.m.

The Chairperson called the legislative session back to order at **7:51** p.m.

APPROVE JOURNAL

The Chairperson moved to approve the journals for Legislative Day No. 6, May 5, 2014 and Legislative Day No. 7, May 21, 2014. The motion was seconded by Ms. Watson.

The roll call vote called by the Chairperson on the motion was: Yea: Council Members Ball, Fox, Sigaty and Watson.

The motion to approve the journals passed.

APPROVE MINUTES

The Chairperson moved to approve the minutes for the Constant Yield Public Hearing – May 5, 2014; Operating Budget Work Session – May 7, 2014; Operating Budget Work Session – May 9, 2014; Operating Budget Work Session – May 13, 2014; Operating and Capital Budget Public Hearing – May 14, 2014; Operating Budget Work Session – May 19, 2014; Legislative Public Hearing – May 19, 2014; and Operating Budget Work Session – May 20, 2014. The motion was seconded by Ms. Watson.

The roll call vote called by the Chairperson on the motion was: Yea: Council Members Ball, Fox, Sigaty and Watson.

The motion to approve the minutes passed.

APPROVE ADDITIONAL MINUTES

The Chairperson moved to approve the minutes for the Administrative Monthly Meeting – May 12, 2014. The motion was seconded by Ms. Watson.

The roll call vote called by the Chairperson on the motion was: Yea: Council Members Ball, Fox, Sigaty. Council Member Watson abstained.

The motion to approve the minutes passed.

ADDITIONAL MOTIONS

The Chairperson moved to allow the reading of short titles for bills on final consideration. The motion was seconded by Ms. Watson.

The roll call vote called by the Chairperson on the motion was: Yea: Council Members Ball, Fox, Sigaty and Watson.

The motion to approve the allow the reading of short titles for bills on final consideration passed.

The Chairperson moved to suspend the rules to allow the introduction of Council Resolution 73-2014 that was not prefiled. The motion was seconded by Ms. Watson.

The roll call vote called by the Chairperson on the motion was: Yea: Council Members Ball, Fox, Sigaty and Watson.

The motion to suspend the rules to allow the introduction of Council Resolution 73-2014 passed.

The Chairperson moved to suspend the rules to allow the introduction of Council Resolution 74-2014 that was not prefiled. The motion was seconded by Ms. Watson.

The roll call vote called by the Chairperson on the motion was: Yea: Council Members Ball, Fox, Sigaty and Watson.

The motion to suspend the rules to allow the introduction of Council Resolution 74-2014 passed.

INTRODUCTION OF LEGISLATION

The following legislation is introduced by the Chairperson at the request of the County Executive unless otherwise noted:

Appointments

Council Resolution 61-2014 - A RESOLUTION confirming the appointment of Katherine B. Bornstein to the Advisory Board on Consumer Affairs.

Council Resolution 62-2014 - A RESOLUTION confirming the appointment of Bridget C. McCarthy to the Commission on Disability Issues.

Council Resolution 63-2014 - A RESOLUTION confirming the appointment of Robert C. McLaughlin to the Commission on Aging.

Council Resolution 64-2014 - A RESOLUTION confirming the appointment of Lawrence J. Schoen to the Public Transportation Board.

Council Resolution 65-2014 - A RESOLUTION confirming the appointment of Winnie Tsao to the Recreation & Parks Board.

Council Resolution 66-2014 - A RESOLUTION confirming the reappointment of Richard M. Alexander to the Board of Library Trustees.

Council Resolution 67-2014 - A RESOLUTION confirming the reappointment of Renee Bitner, R.N., to the Adult Public Guardianship Review Board.

Council Resolution 68-2014 - A RESOLUTION confirming the reappointment of Beryl Gantt to the Adult Public Guardianship Review Board.

Council Resolution 69-2014 - A RESOLUTION confirming the reappointment of Barbara Kellner to the Public Transportation Board.

Council Resolution 70-2014 - A RESOLUTION confirming the reappointment of Danilsa M. Marciniak to the Board of Social Services.

Council Resolution 71-2014 - A RESOLUTION confirming the reappointment of Howard T. Mooney, Jr. to the Howard County Commission for Veterans and Military Families.

Council Resolution 72-2014 - A RESOLUTION confirming the reappointment of William A.

General

Council Bill 32-2014 - Introduced by Greg Fox; Co-sponsored by Calvin ball, Mary Kay Sigaty, Jennifer Terrasa and Courtney Watson - AN ACT requiring, to the extent practical, that County documents and other files be searchable by the public through the County's website; requiring the County to create and implement a plan for this purpose; setting a deadline for publishing such information; requiring that certain County documents related to land use be regularly posted on the County's website in a searchable format; and generally relating to accessible data in the County.

Council Bill 33-2014 - Introduced by Jennifer Terrasa, Councilmember - AN ACT amending the Howard County Code to revise the requirements that developers of residential property hold community meetings before submitting their development plans for County approval; and generally relating to presubmission community meetings.

Council Bill 34-2014 - AN ACT amending the Howard County Employees' Retirement Plan to amend the definition of "benefitted employee" in order to correct certain classification code references and to add certain new classifications; and generally relating to the Howard County Employees' Retirement Plan.

Council Bill 35-2014 - AN ACT amending the Howard County Police and Fire Employees' Retirement Plan to make certain technical corrections; to allow Police cadets to receive credit for years of eligibility service under certain conditions; and generally relating to the Howard County Police and Fire Employees' Retirement Plan.

Council Resolution 73-2014 - A RESOLUTION pursuant to Sections 16.301 and 16.200(a) of the Howard County Code, granting a variance for government uses from the structure and use setback for a proposed retaining wall at Troy Park.

Council Resolution 74-2014 - Introduced by Greg Fox and Mary Kay Sigaty - A RESOLUTION creating a task force to study mulching, composting and wood processing policies and regulations with respect to Howard County land use planning processes and Zoning Regulations.

FINAL CONSIDERATION

Consent

Council Resolution No. 40-2014 - A RESOLUTION confirming the appointment of Bitu Dayhoff to the Howard County Local Children's Board.

Council Resolution No. 41-2014 - A RESOLUTION confirming the appointment of Erica C. Roberts to the Planning Board.

The Chairperson moved to approve Council Resolutions 40 and 41-2014. The motion was seconded by Ms. Watson.

The roll call vote called by the Chairperson on the motion was: Yea: Council Members Ball, Fox, Sigaty and Watson; Abstain: Council Member Terrasa.

The motion to approve Council Resolutions 40 and 41-2014 passed.

Other Appointments

Council Resolution No. 42-2014 - A RESOLUTION confirming the appointment of Charley C. Sung to the Alcoholic Beverage Hearing Board.

The Chairperson moved to table Council Resolutions 42-2014. The motion was seconded by Ms. Watson.

The roll call vote called by the Chairperson on the motion to table Council Resolution 42-2014 was: Yea: Council Members Ball, Fox, Sigaty, and Watson; Abstain: Council Member Terrasa

The motion to table Council Resolutions 42-2014 passed.

Financial

Council Resolution 43-2014 – A RESOLUTION approving certain transfers between major categories of the Howard County Board of Education Operating Budget for Fiscal Year 2014; transferring \$500,000 to the Administration category; transferring \$450,000 to the Textbooks and Instructional Supplies category; transferring \$250,000 to the Other Instructional Costs category; and transferring \$2,750,000 to the Fixed Charges category.

The Chairperson moved to approve Council Resolution 43-2014. The motion was seconded by Ms. Watson.

The roll call vote called by the Chairperson on the motion was: Yea: Council Members Ball, Fox, Sigaty and Watson; Abstain: Council Member Terrasa

The motion to approve Council Resolution 43-2014 passed.

General

Council Bill No. 16-2014 – AN ACT authorizing the advance payment of real property tax in accordance with State law and generally relating to real property tax in Howard County.

The Chairperson moved to approve Council Bill 16-2014. The motion was seconded by Ms. Watson.

The roll call vote called by the Chairperson on the motion was: Yea: Council Members Ball, Fox, Sigaty and Watson; Abstain: Council Member Terrasa

The motion to approve Council Bill 16-2014 passed.

Council Bill No. 18-2014 – Introduced by: Council Member Calvin Ball; Co-sponsored by: Council Member Greg Fox, Council Member Mary Kay Sigaty, Council Member Jennifer Terrasa and Council Member Courtney Watson - AN ACT amending the Rehabilitation Loan Program to allow loans for renovations and expansions; amending the moderate income housing unit provisions to prohibit certain alternatives in certain areas; requiring the use of fee in lieu funds for homeownership opportunities in certain areas; prohibiting the Department of Housing and Community Development and the Housing Commission from participating in certain housing projects; and generally related to moderate income housing units and the Rehabilitation Loan Program in Howard County.

The Chairperson moved to approve Council Resolution No. 18-2014. The motion was seconded by Ms. Watson.

The Chairperson moved to approve Amendment 1. The motion was seconded by Ms. Watson.

Amendment No. 1

(This amendment clarifies language related to the County's participation in housing projects.)

On page 4, strike lines 21 through 22, inclusive and in their entirety, and substitute:

“HOUSING COMMISSION MAY CONSTRUCT OR PROVIDE FINANCING OR FINANCIAL ASSISTANCE FOR A HOUSING PROJECT THAT WOULD:

- (A) INCREASE THE POVERTY LEVEL IN A CENSUS TRACT BLOCK GROUP IF THE POVERTY LEVEL IN THE CENSUS TRACT BLOCK GROUP IS 10% OR GREATER; OR

(B) INCREASE THE POVERTY LEVEL IN A CENSUS TRACT BLOCK GROUP TO 10% OR GREATER.”

The roll call vote called by the Chairperson on the motion to approve Amendment 1 was: Yea: Council Members Ball, Fox, Sigaty and Watson; Abstain: Council Member Terrasa

The motion to approve Amendment 1 passed.

The roll call vote called by the Chairperson on the motion to approve Council Bill 18-2014 as amended was: Yea: Council Members Ball, Fox, Sigaty and Watson; Abstain: Council Member Terrasa

The motion to approve Council Bill 18-2014 as amended passed.

Council Bill No. 19-2014 – AN ACT amending the Howard County Zoning Regulations to change certain bonus density options and percentages of employment land use areas that apply when age-restricted adult housing is provided in MXD-6 developments, under certain conditions; amending the process for certain Preliminary Plan amendments under certain conditions; and generally relating to the Howard County Zoning Regulations.

The Chairperson moved to approve Council Resolution No. 19-2014. The motion was seconded by Ms. Watson.

The roll call vote called by the Chairperson on the motion to approve Council Bill 19-2014 was: Yea: Council Members Ball, Fox, Sigaty and Watson; Abstain: Council Member Terrasa

The motion to approve Council Bill 19-2014 passed.

Council Bill No. 20-2014 – Introduced by Greg Fox, Councilmember; Co-sponsored by: Mary Kay Sigaty, Councilmember, Courtney Watson, Councilmember - AN ACT amending the Howard County Zoning Regulations to alter and include new definitions related to composting and wood processing; removing all references to Mulch Manufacturing; adding Natural Wood Waste Recycling Facilities as a Conditional Use on County Preservation Easements under certain conditions; adding Natural Wood Waste Recycling Facilities as a Permitted Use in the M-1 (Manufacturing: Light) zoning district; adding Composting Facilities as a Permitted Use in the Solid Waste Overlay zoning district with a M-2 (Manufacturing: Heavy) underlying zone under certain conditions; removing Composting Facilities as a Conditional Use in the RC (Rural Conservation) zoning district; adding Natural Wood Waste Recycling Facilities as a Conditional

Use in the RC (Rural Conservation) zoning district under certain conditions; and generally related to Composting and Wood Processing uses.

The Chairperson moved to approve Council Bill No. 20-2014. The motion was seconded by Ms. Watson.

The Chairperson moved to approve Amendment 1. The motion was seconded by Ms. Watson.

Amendment No. 1

(This amendment returns the regulations governing composting, mulching, and other wood processing uses generally back to their pre-Comprehensive Zoning status.)

On the title page, strike the title, in its entirety, and substitute the following:

“AN ACT amending the Howard County Zoning Regulations to remove references to composting and to limit areas where sawmills and mulch manufacturing are permitted; and generally relating to the Howard County Zoning Regulations.”.

On page 1, in line 3, strike “*amending*” and substitute “*repealing*”. On the same page, strike lines 7 through 9. Also, on the same page, strike lines 12 and 13, and substitute: “*The definition of “Yard Waste Composting Facility”*”. Lastly, on the same page, strike lines 20 through 22, in their entirety.

On page 2, strike lines 1 through 7, in their entirety. On the same page, in line 9, strike “amending” and substitute “*repealing*”. Immediately following line 9, insert “*Number 15. “Composting”*”.

On page 2, immediately following line 12, insert the following:

“10. By adding:

Number 60. Yard Waste Composting Facility

Subsection N. Conditional Uses and Permissible Zoning Districts

Section 131.0: “Conditional Uses””.

Renumber the enactment clauses accordingly.

On page 2, in line 18, immediately before “Composting”, insert double brackets. In the same line, after “facility”, strike the double brackets. On the same page, in line 21, after the double brackets, strike the remainder of the page.

On page 3, strike lines 1 through 3, in their entirety. On the same page, strike lines 5 through 17, in their entirety and substitute the following:

“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.”

On page 4, in lines 1 and 2, strike “, up to a maximum of 1 acre” and substitute “OR UP
TO A MAXIMUM OF 1 ACRE FOR CLUSTER SUBDIVISION REMAINDER PARCELS.”

On page 4, strike lines 18 through 19, in their entirety and renumber the remainder of the subsection. On the same page, in line 22, strike the double brackets. On the same page, strike lines 23 through 27, in their entirety.

On page 6, strike lines 1 and 2, in their entirety. Lastly, on the same page, strike lines 23 through 27, in their entirety.

On page 8, in line 25, strike “NATURAL WOOD WASTE RECYCLING FACILITY” and substitute “MULCH MANUFACTURE.”

On the same page, strike beginning with line 28 down through line 21 of page 9.

Strike pages 14 through page 17, in their entirety and page 18 through line 29 and substitute the following:

“60. YARD WASTE COMPOSTING FACILITY

A CONDITIONAL USE MAY BE GRANTED IN THE RC, RR, 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 LOT500 FEET
 - (2) FROM ADJACENT RESIDENTIALLY-ZONED LOTS.....300 FEET
 - (3) FROM PUBLIC STREET RIGHTS-OF-WAY100 FEET
 - (4) FROM EXISTING STREAMS AND WETLANDS100 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 AND RR DISTRICTS, 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.’

The Chairperson moved to approve Amendment 1 to Amendment 1. The motion was seconded by Ms. Watson.

Amendment No. 1 to Amendment No. 1

(This amendment clarifies that a Composting Facility is being repealed).

On page 1, in line 25, immediately following “ “Composting” insert “Facility”.

The roll call vote called by the Chairperson on the motion was: Yea: Council Members Ball, Fox, Sigaty, Terrasa and Watson; Abstain: Council Member Terrasa

The motion to approve Amendment 1 to Amendment 1 passed.

The Chairperson moved to approve Amendment 2 to Amendment 1. The motion was seconded by Ms. Watson.

Amendment No. 2 to Amendment No. 1

(This amendment clarifies the term “Cluster Subdivision Remainder parcels”).

On page 2, in line 11, after “FOR” strike “CLUSTER SUBDIVISION REMAINDER PARCELS” and substitute “PRESERVATION PARCELS CREATED AS PART OF THE CLUSTER SUBDIVISION PROCESS”.

The roll call vote called by the Chairperson on the motion was: Yea: Council Members Ball, Fox, Sigaty, and Watson; Abstain: Council Member Terrasa

The motion to approve Amendment 2 to Amendment 1 passed.

The Chairperson moved to approve Amendment 3 to Amendment 1. The motion was seconded by Ms. Watson.

Amendment No. 3 to Amendment No. 1

(This amendment clarifies that “Mulch manufacture and/or soil processing” and “Natural wood waste recycling facility” are being removed as a Conditional Use in the ALPP easements).

On page 2, strike lines 13 through 15, and substitute:

“On page 4, strike line 23, in its entirety. Renumber the remainder of the subsection accordingly.”.

The roll call vote called by the Chairperson on the motion was: Yea: Council Members Ball, Fox, Sigaty, and Watson; Abstain: Council Member Terrasa

The motion to approve Amendment 3 to Amendment 1 passed.

The Chairperson moved to approve Amendment 4 to Amendment 1. The motion was seconded by Ms. Watson.

Amendment No. 4 to Amendment No. 1

(This amendment clarifies that “Sawmills, bulk firewood, mulch manufacture and/or soil processing” is being removed as a Conditional Use in the Other Dedicated easements section).

On page 2, strike lines 17 through 18, and substitute:

“On page 6, in line 1, before “(17)”, insert double brackets. In the same line, after “(17)”, strike the remaining double brackets and “OR” and “PROCESSING”.

The roll call vote called by the Chairperson on the motion was: Yea: Council Members Ball, Fox, Sigaty, and Watson; Abstain: Council Member Terrasa

The motion to approve Amendment 4 to Amendment 1 passed.

The Chairperson moved to approve Amendment 5 to Amendment 1. The motion was seconded by Ms. Watson.

Amendment No. 5 to Amendment No. 1

(This amendment clarifies that “Sawmills, bulk firewood, mulch manufacture and/or soil

processing” Conditional Uses by requiring appropriate permits and specifying that mulch manufacturing is not permitted on agricultural land preservation easement property).

On page 1, in line 26, insert:

“On page 2, inline 8, insert:

10. By amending:

Number 46. Sawmills, Bulk Firewood Processing, Mulch Manufacture, or
Soil Processing

Subsection N. Conditional Uses and Permissible Zoning Districts

Section 131.0: “Conditional Uses”

On page 2, immediately following line 25, insert the following:

“46. Sawmills, Bulk Firewood Processing, Mulch Manufacture, or Soil Processing

A Conditional Use may be granted in the RC or RR Districts for sawmills, [[the
cutting of firewood in bulk]] BULK FIREWOOD PROCESSING, mulch manufacture,
or soil processing provided that:

a. Buildings and structures used for processing activities, equipment and
outdoor uses associated with the operation shall be at least 500 feet from
existing residences on different lots and at least 300 feet from property
lines. Buildings or structures which are principally used for storage and
which are not used for processing activities shall be at least 100 feet from
property lines.

B. ALL REQUIRED STATE AND FEDERAL PERMITS HAVE BEEN OBTAINED. THE
HEARING AUTHORITY, AS A CONDITION OF APPROVAL, MAY IMPOSE
REQUIREMENTS WHICH ARE MORE STRINGENT THAN THE REQUIREMENTS OF
THE STATE AND FEDERAL PERMITS.

[[b]]C. Parking, storage areas and equipment shall be screened from adjoining

properties and public roads by landscaping or other appropriate means.

[[c]]D. Hours of operation shall be established by the Hearing Authority.

[[d]]E. Retail sales of materials produced on-site may be permitted if specifically approved by the Hearing Authority.

[[e]]F. The minimum lot size is 10 acres.

[[f]]G. The vehicular access to the use shall be from an arterial or collector highway and not from a local road unless authorized by the Hearing Examiner.

[[g]]H. On an [[ALPP purchased or dedicated]] AGRICULTURAL LAND PRESERVATION easement property, SAWMILLS AND BULK FIREWOOD PROCESSING ARE PERMITTED WITH the following REQUIRED additional criteria [[are required]]:

- (1) The use shall not interfere with farming operations or limit future farming production.
- (2) Any new building or building addition associated with the use, including any outdoor storage and parking area shall count towards the cumulative use cap [[2%]] of the easement.

On the same page, in line 26, strike the quotation mark.

The roll call vote called by the Chairperson on the motion was: Yea: Council Members Ball, Fox, Sigaty, and Watson; Abstain: Council Member Terrasa

The motion to approve Amendment 5 to Amendment 1 passed.

The Chairperson moved to approve Amendment 6 to Amendment 1. The motion was seconded by Ms. Watson.

Amendment No. 6 to Amendment No. 1

(This amendment clarifies that “Yard Waste Composting Facility” Conditional Uses require the

appropriate State and Federal permits).

On page 3, immediately following line 4, insert the following:

“B. ALL REQUIRED STATE AND FEDERAL PERMITS HAVE BEEN OBTAINED. THE HEARING AUTHORITY, AS A CONDITION OF APPROVAL, MAY IMPOSE REQUIREMENTS WHICH ARE MORE STRINGENT THAN THE REQUIREMENTS OF THE STATE AND FEDERAL PERMITS.”.

Renumber the remainder of the subsection accordingly.

The roll call vote called by the Chairperson on the motion was: Yea: Council Members Ball, Fox, Sigaty, and Watson; Abstain: Council Member Terrasa

The motion to approve Amendment 6 to Amendment 1 passed.

The roll call vote called by the Chairperson on the motion to approve Amendment 1 as amended was: Yea: Council Members Ball, Fox, Sigaty, and Watson; Abstain: Council Member Terrasa

The motion to approve Amendment 1 as amended passed.

The roll call vote called by the Chairperson on the motion to approve Council Bill 20-2014 as amended was: Yea: Council Members Ball, Fox, Sigaty, and Watson; Abstain: Council Member Terrasa

The motion to approve Council Bill 20-2014 as amended passed.

Council Bill No. 21-2014 (ZRA 148) – Introduced by: The Chair at the Request of the Dayton Rural Preservation Society, LLC. - AN ACT amending the Howard County Zoning Regulations to alter and include new definitions related to composting and wood processing; removing Composting Facility as a Conditional Use on County Preservation Easements; adding Natural Wood Waste Recycling Facilities as a Permitted Use in the M-1 (Manufacturing: Light) zoning district; adding Composting Facilities as a Permitted Use in the Solid Waste Overlay zoning district with a M-2 (Manufacturing: Heavy) underlying zone under certain conditions; removing Composting Facilities as a Conditional Use in the RC (Rural Conservation) zoning district; and generally related to Composting and Wood Processing uses.

The Chairperson moved to withdraw Council Bill 21-2014. The motion was seconded by Ms. Watson.

The roll call vote called by the Chairperson on the motion was: Yea: Council Members Ball, Fox, Sigaty and Watson; Abstain: Council Member Terrasa

The motion to withdraw Council Bill 21-2014 passed.

The Chairperson moved to remove Council Bill No. 12-2014 from the table. The motion was seconded by Ms. Watson.

The roll call vote called by the Chairperson on the motion was: Yea: Council Members Ball, Fox, Sigaty, and Watson; Abstain: Council Member Terrasa

The motion to remove Council Bill No. 12-2014 from the table passed.

Council Bill No. 12-2014 – Introduced By, Jen Terrasa - AN ACT amending the Howard County Code to require developers conducting presubmission community meetings in accordance with Section 16.128 and 16.205 of the County Code to send notification to any school within a three-mile radius of the subject property; and generally relating to presubmission community meetings.

The Chairperson moved to extend the life of Council Bill No. 12-2014. The motion was seconded by Ms. Watson.

The roll call vote called by the Chairperson on the motion was: Yea: Council Members Ball, Fox, Sigaty, and Watson. Abstain: Council Member Terrasa.

The motion to extend the life of Council Bill No. 12-2014 passed.

The Chairperson moved to table Council Bill No. 12-2014. The motion was seconded by Ms. Watson.

The roll call vote called by the Chairperson on the motion was: Yea: Council Members Ball, Fox, Sigaty, and Watson. Abstain: Council Member Terrasa.

The motion to table Council Bill No. 12-2014 passed.

Adjourned: 8:33 p.m.

Tabled

Council Resolution 150-2011 - A RESOLUTION proposing to add a section to Article VIII. “Centralized Purchasing” of the Howard County Charter to limit the exercise of the power

of eminent domain so that the power is used only for public purposes and not for private economic development, and submitting this amendment to the voters of Howard County for their adoption or rejection in accordance with Article X of the Howard County Charter and Article XIA of the Maryland Constitution.

Council Bill No. 12-2014 – Introduced By, Jen Terrasa - AN ACT amending the Howard County Code to require developers conducting presubmission community meetings in accordance with Section 16.128 and 16.205 of the County Code to send notification to any school within a three-mile radius of the subject property; and generally relating to presubmission community meetings.