



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

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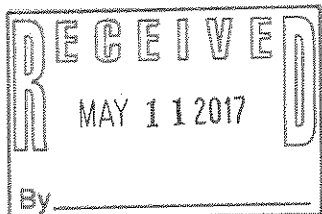
Case No. ZRA- 180

Date Filed: 5-11-17

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



OFFICIAL FILE COPY

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

Address 3430 Courthouse Drive, Ellicott City, MD 21043

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

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

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

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

Counsel's Phone No. 410-313-2101

Email Address pjohnson@howardcountymd.gov

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Valdis Lazdius
Petitioner's name (Printed or typed)
FOR COEX. Allan Kittleman

Greg Fox
Petitioner's name (Printed or typed)

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

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

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

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

Mary Kay Sigaty 5.9.17
Petitioner's Signature Date

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

FEE

The Petitioner agrees to pay all fees as follows:

Filing fee	\$695.00. If the request is granted, the Petitioner shall pay \$40.00 per 200 words of text or fraction thereof for each separate textually continuous amendment (\$40.00 minimum, \$85.00 maximum)
Each additional hearing night.....	\$510.00*

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

For DPZ office use only:

Hearing Fee \$ _____

Receipt No. _____

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

County Website: www.howardcountymd.gov

Revised:5/08
T:\Shared\Public Service and Zoning\Applications\County Council\ZRA Application Draft

INSTRUCTIONS TO THE APPLICANT/PARTY OF RECORD

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

ZONING MATTER: _____

AFFIDAVIT AS TO CONTRIBUTION

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

I, _____, the applicant in the above zoning matter

_____, HAVE _____ HAVE NOT

made any contribution or contributions having a cumulative value of \$500 or more to the treasurer of a candidate or the treasurer of a political committee during the 48-month period before application in or during the pendency of the above referenced zoning matter.

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

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

Name: _____

Date: _____

ZONING MATTER: _____

DISCLOSURE OF CONTRIBUTION

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

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

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

APPLICANT OR
PARTY OF RECORD: _____

RECIPIENTS OF CONTRIBUTIONS:

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

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

Name: _____

Date: _____

ZONING MATTER: _____

AFFIDAVIT AS TO ENGAGING IN BUSINESS WITH AN ELECTED OFFICIAL

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

I, _____, the applicant in the above zoning matter

_____, AM _____ AM NOT

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

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

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

Name: _____

Date: _____

Attachment A

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

SECTION 103.0: Definitions

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

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

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

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

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

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

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

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

SECTION 104.0: RC (Rural Conservation) District

C. Accessory Uses

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

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

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

SECTION 105.0 RR (Rural Residential) District

C. Accessory Uses

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

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

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

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

SECTION 106.1: County Preservation Easements

C. Accessory Uses

1. ALPP Purchased Easements and ALPP Dedicated Easements

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

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

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

D. Conditional Uses

1. ALPP Purchased Easements and ALPP Dedicated Easements

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

The following Conditional Uses may be allowed:

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

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

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

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

No proposed changes.

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

No proposed changes.

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

No proposed changes.

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

No proposed changes.

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

B. Uses Permitted as a Matter of Right

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

16. COMPOSTING AND COMPOSTING FACILITIES, TIER 1 AND TIER 2 – SMALL, AS DEFINED IN COMAR.

[[16.]]17 Concert halls.

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

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

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

B. Uses Permitted as a Matter of Right

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

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

{Note: Renumber remainder of section accordingly.}

SECTION 124.0: SW (Solid Waste) Overlay District

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

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

SECTION 128.0: Supplementary Zoning District Regulations

I. Permits for Special Farm Uses

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

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

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

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

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

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

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

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

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

9. COMPOSTING FACILITY

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

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

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

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

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

10. EMERGENCY NATURAL WOOD WASTE RECYCLING FACILITY

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

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

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

SECTION 131.0: CONDITIONAL USES

N. CONDITIONAL USES AND PERMISSIBLE ZONING DISTRICTS (CHART)

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

[[60. YARD WASTE COMPOSTING FACILITY]]

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

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

(THE REMAINDER OF THE SECTION TO REMAIN AS IS)

[[60. YARD WASTE COMPOSTING FACILITY]]

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

O. NEW CONDITIONAL USE CATEGORIES

1. COMPOSTING FACILITIES

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

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

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

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

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

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

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

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

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

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

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

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

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

2. NATURAL WOOD WASTE RECYCLING FACILITY

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

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

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

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

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

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

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

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

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

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

EXHIBIT A

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

Individual Composting Facility Permit Application

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

Application for: New Permit Renewal Permit Permit Modification

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

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

Applicant's Legal Name: _____

Applicant's Status: Individual Corporation Government Other: _____

Individual's Social Security No.: _____
Corporation or Government Federal Tax Identification No.: _____
Maryland State Department of Assessments and Taxation (SDAT) ID No.: _____
Please note that a business/entity must be registered to do business in Maryland before a permit can be issued. The business or entity's information provided in this application must match the information in the SDAT register.

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

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

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

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

Facility/Site Name: _____

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

County: _____ Maryland Grid Coordinates: _____ / _____

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

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

Property Owner's Legal Name: _____

Property Owner's Mailing Address: _____ City: _____

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

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

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

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

Signature Name (Print) Date

Title E-mail address Telephone Number

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

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

THE FOLLOWING INFORMATION MUST BE SUBMITTED WITH THE PERMIT APPLICATION:

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

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

EXHIBIT B
MARYLAND DEPARTMENT OF THE ENVIRONMENT

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

Natural Wood Waste Recycling Facility Permit Application

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

Application for: New Permit Renewal Permit

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

Applicant's Legal Name: _____

Applicant's Status: Individual Corporation Other: _____

Corporation or Government Federal Tax Identification No.: _____
Maryland State Department of Assessments and Taxation (SDAT) ID No.: _____
Please note that a business/entity must be registered to do business in Maryland before a permit can be issued. The business or entity's information provided in this application must match the information in the SDAT register.

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

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

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

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

Facility/Site Name: _____

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

County: _____ Maryland Grid Coordinates: _____ / _____

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

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

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

Site Acreage: _____ Facility Acreage (Estimated): _____

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

Signature of Applicant

Date

Applicant's Name (Print)

Title

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

THE FOLLOWING INFORMATION MUST BE SUBMITTED WITH THE PERMIT APPLICATION:

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