

1 DAYTON RURAL PRESERVATION * BEFORE THE
2 SOCIETY, PETITIONER * PLANNING BOARD OF
3 ZRA-160 * HOWARD COUNTY, MARYLAND

4 * * * * *

5 MOTION: *To recommend denial of the petition in accordance with the Department of*
6 *Planning and Zoning recommendation.*

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8 ACTION: *Recommended denial; Vote 3 to 0.*

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10 RECOMMENDATION

11 On May 25, 2017, the Planning Board of Howard County, Maryland, considered the petition of the
12 Dayton Rural Preservation Society to amend Sections 103.0, 104.0, 105.0, 106.1, 108.0, 111.0, 122.0, 124.0,
13 128.0, 131.0 of the Howard County Zoning Regulations (HCZR). The proposed amendments address wood
14 waste processing and composting activities in the RC, RR, R-20, R-12, R-SC, R-SA-8, M-1, M-2 zoning
15 districts and Solid Waste Overlay district.

16 The Planning Board considered the petition, DPZ Technical Staff Report, public testimony and DPZ's
17 recommendation to deny the petition and approve a companion item- ZRA 180. Additionally, representatives
18 from the Bureau of Environmental Services, the Fire and Rescue Department and Howard Soil Conservation
19 District participated in the staff presentation and provided expert testimony on their respective areas of
20 responsibility, as it related to the Petition.

21 Testimony

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23 John Tegeris, President of Dayton Rural Preservation Society testified on behalf of the Petitioner. Mr.
24 Tegeris stated that ZRA 160 protects preserved Maryland agricultural land and Howard County agricultural
25 land from industrial mulch operations and that ZRA 180 creates opportunities for industrial mulching on
26 farmland. He further stated that these operations should be located on M-1 and M-2 properties, given the
27 safety, health and environmental concerns associated with industrial mulching. Mr. Tegeris noted that Dayton
28 Rural Preservation Society opposes trucking of mulch materials and expressed concerns with DPZ's
29 enforcement of related zoning violations. Mr. Tegeris provided a number of exhibits to the Board
30 documenting areas of concern. The exhibits contained materials related to tractor trailer traffic and child
31 safety; carcinogenic effects, including release of endospores from mulch dust; groundwater contamination
32 from mulch leachate; risk of fire and limited water supply. Finally, Mr. Tegeris encouraged the Board to
33 consider applying regulations to the Maryland Agricultural Land Foundation Program (MALFP) properties.

1 The Board heard public testimony both on ZRA 160 and ZRA 180. The agricultural community,
2 including the Agricultural Land Preservation Board, testified in general support of ZRA 180, but with
3 modifications; such as expediting timeframes for emergency natural wood waste permits, increasing
4 maximum size limits, allowing operations to expand horizontally to account for spacing and access
5 requirements, and eliminating commercial trucking restrictions. While some residential homeowners testified
6 that they were generally in support of ZRA 160, some others supported ZRA 180, with modifications. The
7 general comments from residents included: concerns about the health effects associated with airborne wood
8 dust; risk of fire; potential groundwater contamination; safety concerns with tractor trailer traffic; need for
9 lesser acreage limits; and selective code enforcement.

10 Board Discussion and Recommendations

11 The Board discussed both ZRA 160 and ZRA 180; however, the discussion focused mostly on ZRA
12 180. Boardmember Adler stated that in general, the comments by farmers suggested that ZRA 180 is needed
13 so they can operate their farms efficiently. However, she was concerned about someone taking advantage of
14 the regulations. Chairperson Engleke noted that ZRA 160 was highly complex and that the metrics for both
15 ZRA 160 and ZRA 180 would be difficult to enforce. The Board also discussed whether ZRA 180 would
16 allow for large scale facilities and concluded that they were satisfied with its restrictions on size. They further
17 suggested that the co-sponsors consider relaxing restrictions that are not health and safety related, if the
18 resulting products are used on the farm. Their goal is to provide more flexibility for individual farming
19 operations. Chairperson Engelke also requested to better define certain issues that were raised, such as
20 enforcement and size distinctions. Boardmember Coleman suggested a chart that shows the most restrictive,
21 applicable regulations, for example fire regulations. Finally, the Board acknowledged public comments
22 regarding enforcing zoning violations and determined that such issues should be addressed outside this ZRA.
23
24 Mr. Coleman motioned to recommend denial of the petition and Ms. Adler seconded the motion. The motion
25 passed by a vote of 3 to 0.

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27 For the foregoing reasons, the Planning Board of Howard County, Maryland, on this 25th day of
28 May, 2017, recommends that ZRA-160, as described above, be DENIED.

30 HOWARD COUNTY PLANNING BOARD

31 Phillips Engelke HRB
32 Phillips Engelke, Chair

33 Absent

34 Erica Roberts, Vice-chair

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Delphine Adler /LB
Delphine Adler

Ed Coleman /LB
Ed Coleman

ATTEST:


Valdis Lazdins, Executive Secretary