



December 28, 2017

TECHNICAL STAFF REPORT

Planning Board Meeting of January 11, 2018

Case No: ZRA-183

Petitioners: Mary Kay Sigaty, Councilperson
Greg Fox, Councilperson

Request: Zoning Regulation Amendment to amend the following sections of the Howard County Zoning Regulations (HCZR) concerning Natural Wood Waste Recycling Facilities (“NWWRF”) and Composting Facilities (“CF”):

- Section 103.0 to add new definitions for Composting, Composting Facility, Bulk Firewood Processing, Feedstock, Horticultural Nursery, Natural Wood Waste, Natural Wood Waste Recycling, Natural Wood Waste Recycling Facility, and Sawmill.;
- Section 103.0 to delete definitions for Mulch Manufacture and Yard Waste Composting;
- Section 104.0, Section 105.0 and Section 106.1 to add Composting Facilities as permitted accessory uses;
- Section 106.1 to add Natural Wood Waste Recycling Facilities if Accessory to a Horticultural Nursery as a Conditional Use on ALPP Purchased and ALPP Dedicated Easements;
- Section 122.0 to add Natural Wood Waste Recycling Facilities as permitted uses and delete Mulch Manufacture;
- Section 123.0 to add Tier 1, Tier 2 – Small, and Tier 2-Large Composting Facilities as permitted uses on parcels that do not abut residentially zoned property;
- Section 124.0 to add Tier 3 Composting Facilities as a permitted use;
- Section 128.0.I to add a new category, Tier 1 or Tier 2 – Small Composting Facilities, as a Permitted Special Farm Use;
- Section 131.0.N. to update the Conditional Uses and Permissible Zoning Districts Chart;
- Section 131.0.N.46 to delete Mulch Manufacture from the category title, Sawmills, Bulk Firewood Processing, Mulch Manufacture, or Soil Processing;
- Section 131.0.N.60 to delete the category, Yard Waste Composting Facility;

- Section 131.0.O to add two new Conditional Use categories, Composting Facilities and Natural Wood Waste Recycling Facility.

A description of the proposed text amendments for each Section is provided in Section II of this Technical Staff Report, Description of Proposal.

Department of Planning and Zoning Recommendation:

APPROVAL.

I. BACKGROUND AND HISTORY OF EXISTING ZONING REGULATIONS

2004 & 2006 Zoning Regulations:

The 2004 and 2006 Howard County Zoning Regulations (HCZR) contained the following definitions related to the manufacturing of mulch or the composting of organic materials:

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.

As a Matter of Right:

- Mulch Manufacture was permitted in M-1 and M-2.

Conditional Uses:

- Sawmills and Mulch Manufacture¹ were permitted in RC and RR and were permitted on Agricultural Preservation parcels.
- Yard Waste Composting Facilities were permitted in RC, RR and M-1 but not on Agricultural Land Preservation Program (ALPP) properties.

2013 Comprehensive Zoning Plan (2013 CZP) adopted October 6, 2013:

The 2013 CZP eliminated the Yard Waste Composting Facility use and replaced it with a broader use category to allow recycling of additional materials including wood waste, food, and manure.

Composting Facility: A facility where organic material, specifically limited to vegetation, food waste, and manure, that is obtained principally from off-site locations is processed to generate a product through the microbiological degradation of this organic material under aerobic conditions.

Mulch Manufacture: Remained the same as 2004 & 2006.

Yard Waste Composting Facility: Deleted.

¹ The term “Sawmills” has never been defined in the HCZR. Sawmills have variously been listed as a stand-alone permitted use or Conditional Use or combined with Mulch Manufacturing and/or Bulk Firewood Processing or Soil Processing. Definitions for Bulk Firewood Processing and Sawmills were proposed by DPZ in ZRA 149 but were not adopted.

As a Matter of Right:

- Sawmills were permitted in M-1 and M-2.

Conditional Uses:

- Composting Facilities were permitted only in RC. Replaced the former category, Yard Waste Composting Facility.
- Sawmills, Bulk Firewood Processing, Mulch Manufacture or Soil Processing were permitted in RC and RR. The title of this category was expanded and retitled from the former category, Sawmills and Mulch Manufacture.
- Composting Facilities were allowed as potential Conditional Uses on ALPP Purchased Easements, ALPP Dedicated Easements and on Other Dedicated Easements, without any use area restrictions.
- Mulch manufacture was allowed as a Conditional Use on ALPP Purchased and ALPP Dedicated Easements with a cumulative use cap not to exceed 2% of the easement and on Other Dedicated Easements with a cumulative use cap not to exceed 2% of the easement, up to a maximum of one acre.

Current Zoning Regulations (ZRA 149/CB 20-2014 August 2014):

In response to concerns related to potential large scale mulch and composting facilities in western Howard County, the County Council sponsored Zoning Regulation Amendment 149 (Council Bill 20-2014, effective August 4, 2014), which amended the 2013 Zoning Regulations by reinstating certain Regulations that were in effect prior to 2013. The amendments included:

Definitions:

- Mulch Manufacture: Remained the same as 2004 & 2006.
- Composting Facility: Deleted.
- Yard Waste Composting Facility: Reinstated.

As a Matter of Right:

- Mulch Manufacture permitted in M-1 and M-2.

Conditional Uses:

- Composting Facility category deleted.
- Sawmills, Bulk Firewood Processing, Mulch Manufacture, or Soil Processing were permitted in RC and RR. However, However only Sawmills and Bulk Firewood Processing was permitted on ALPP Purchased Easements and ALPP Dedicated Easements.
- Yard Waste Composting Facility former category reinstated; permitted in RC, RR and M-1. Not permitted on ALPP Purchased Easements, ALPP Dedicated Easements and on Other Dedicated Easements.

Task Force to study Mulching, Composting and Wood Processing:

On July 7, 2014, the County Council adopted Council Resolution 74 (CR 74-2014) 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” (the Wood Processing Task Force). At a minimum among their tasks was to examine the following:

- The role, scope, and impacts of mulching, composting, and wood processing activities to the overall sustainability of the County;
- Best management practices for mulching, composting, and wood processing uses;
- Optimal sizes and locations for mulching, composting, and wood processing uses; and
- Statewide (Maryland Department of the Environment and Agriculture) regulations and potential changes in the area of mulching, composting, and wood processing activities.

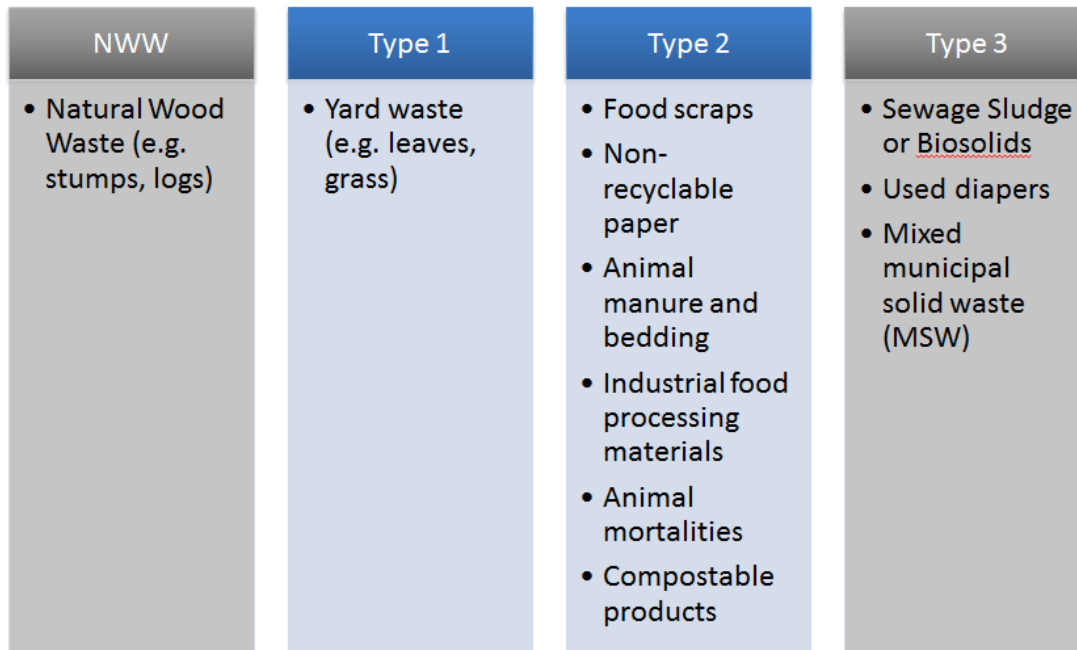
The Task Force met from July 2014 through February 2015 and issued a Report to the County Council (Task Force Report) on March 9, 2015 (updated April 13, 2015). The Report included a table of recommendations pertaining to the Zoning Regulations (Zoning Matrix). It showed 18 different categories of Natural Wood Waste Recycling and Composting operations with specific use restrictions applied to each category. Categories 1-5 relate to NWWRF and categories 6-18 relate to composting operations. A separate report entitled “Report of Concerned Citizens of the Mulch/Composting Task Force” dated March 15, 2015 (Minority Report) was issued by five dissenting members of the Task Force. It summarized citizen group concerns.

The Zoning Matrix included very specific zoning regulations, as well as non-land use requirements from the majority and minority perspective. The Task Force Report recognized the importance of farming to the County and attempted to craft regulations that avoided undue burdens on farmers as they conducted agricultural activities, while at the same time addressing concerns of residential neighbors. The Task Force Report noted “some members of the Task Force see composting as a farming activity only when the bulk of the end product is used on the farm and do not view wood waste recycling as a farming activity.” The Wood Processing Task Force deliberated a number of concerns and issues with respect to NWWRF and composting operations in the rural west. Key issues included:

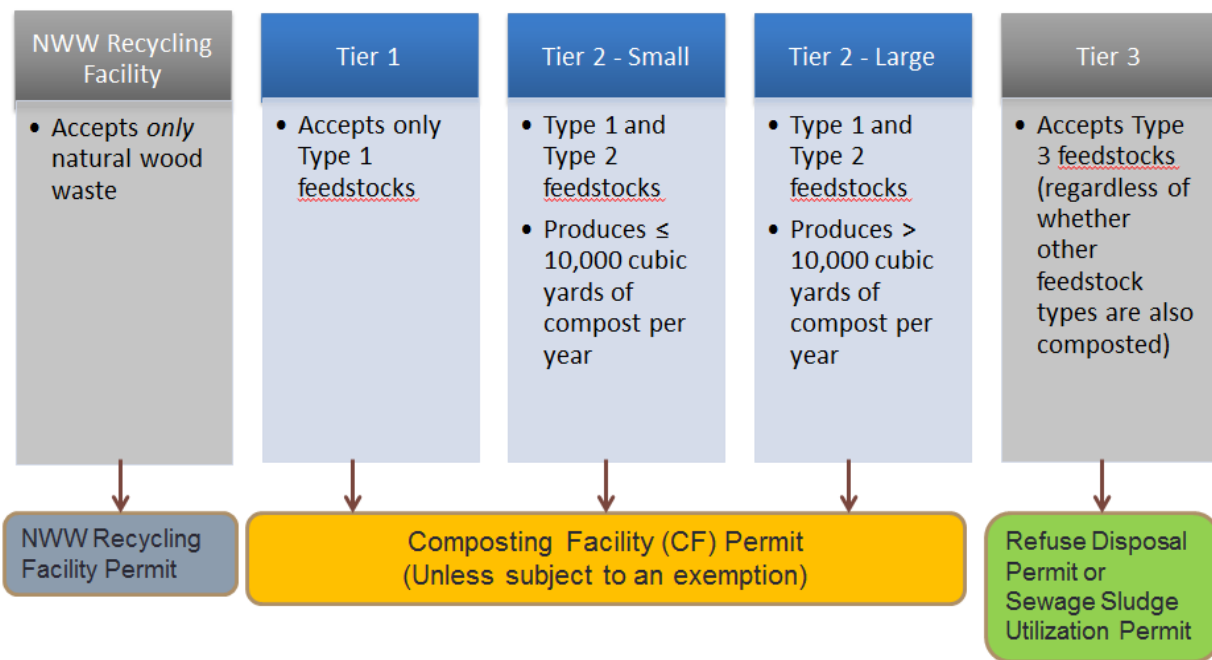
- Water pollution of wells, streams and groundwater,
- Airborne pollutants (dust, mold spores),
- Noise generated by grinding equipment and trucks,
- Road and bridge damage by trucks and hazards to cyclists and pedestrians,
- Visibility of facilities from roads and surrounding properties,
- Fire hazards, and,
- Scale on Agricultural Preservation parcels

Concurrently, Maryland Department of the Environment (MDE) was in the process of revising and updating the State’s composting regulations. The new composting regulations (COMAR 26.04.11) were finalized and became effective July 1, 2015. The MDE Regulations created three tiers of composting activities based on feedstock type and the respective level of environmental risks. MDE Composting Tiers and feedstock types are summarized in the following diagrams.

MDE Feedstock Types



MDE Facility Tiers



In August 2015 the Dayton Rural Preservation Society (DRPS) submitted ZRA 160, which included many of the recommendations contained in the Minority Report. In response, DPZ was asked to convene a work group to assess the ZRA and to provide recommended changes, which ultimately became ZRA 180.

The Mulch Work Group (MWG) met from November 2015 through March 2016. It included four Task Force members (two from the farming community and two residents) and was supported by DPZ staff. The MWG discussed many of the same issues as the Task Force; however, its focus was much narrower - to guide the development of Zoning Regulations. Topics included:

- Appropriate zoning districts for commercial operations;
- Scale and size of mulch and composting operations;
- Setbacks;
- Location/road conditions;
- Fire safety;
- Screening/buffering;
- Ground water contamination;
- Dust control, and;
- Agricultural Preservation parcels.

Both the Task Force and MWG extensively discussed the scale of mulch/compost operations; what constituted a commercial or industrial operation; and what scale of operation should be permitted on farm properties. DPZ worked closely with the MWG to develop Conditional Use criteria that could be enforced for mulch and composting operations requiring an MDE NWWRF or CF permit.

In addition to discussions with the MWG, DPZ reviewed the work of the Wood Waste Task Force and collaborated with representatives from Fire and Rescue Services, Howard Soil Conservation District, Environmental Health Department, DPZ Resource Conservation Division, Economic Development Authority, and the Office of Community Sustainability to develop ZRA 180.

DPZ also assessed MDE regulations and permit requirements to ensure that they were appropriately reflected in the ZRA. Geographic Information System (GIS) was also used to determine potential CF and NWWRF locations based on the proposed setback and parcel size requirements. Finally, DPZ considered a 2014 American Planning Association report that analyzed zoning requirements for mulching and composting facilities in other jurisdictions. The resulting amendments in ZRA 180 included regulations related to land use criteria that could be implemented and enforced and which exceeded MDE permit requirements.

In May 2017, Councilmembers Sigaty and Fox and Valdis Lazdins, on behalf of the County Executive, filed ZRA 180. On May 25, 2017, the Planning Board concurrently reviewed both ZRA 180 and ZRA 160 (Dayton Rural Preservation Society) and unanimously recommended that County Council deny ZRA 160 and approve ZRA 180, with a condition to include a definition for the term ‘feedstock.’ In July, 2017 the same Petitioners introduced ZRA 180 as Council Bill 60- 2017 (CB 60).

CB 60 established two new Conditional Use categories- Composting Facilities (CF) and Natural Wood Waste Recycling Facilities (NWWRF) and included over a dozen Conditional Use criteria that must be met, only after receiving an MDE composting or wood waste recycling permit. Such criteria included, but were not limited to: setbacks to property lines, residential dwellings on other properties, wetlands and schools; screening and buffering; review by the Fire Marshall; hours of operation; and size limitations. The bill also incorporated MDE's recently revised composting regulations.

The Council considered CB 60 between July and November, 2017 and approved the Bill (3-2) with a

number of amendments on November 6, 2017. However, a timing error occurred causing CB 60 to expire and the approval to be invalidated. The proposed ZRA 183 reflects the amended version of ZRA 180 that was approved as CB 60 and subsequently invalidated.

Also on November 6, 2017, Council approved Council Bill 78-2017 (CB 78), amending the Fire Code to require that piles of certain heights, regulated by the Fire Prevention Code, be turned or reclaimed in accordance with State law, specify pile height requirements, add that certain materials may constitute a public nuisance, and clarify that right to farm does not apply when an agricultural operation does not comply with the Fire Prevention Code. The enrolled version of CB-78 was included as Exhibit D of the Petition.

II. DESCRIPTION AND EVALUATION OF PROPOSAL

The proposed text amendment is attached as Exhibit A – Petitioner’s Proposed Text.

The 2015 MDE regulations (COMAR 26.04.11) include permit requirements for the operation of Composting Facilities categorized across three levels, or tiers, based on the types of processed materials (feedstocks) and the potential for environmental risks. NWWRF are regulated by MDE in accordance with COMAR 26.04.09. Extensive permit requirements regulate a broad range of processes involved in operating CF and NWWRF.

The MDE permits address many criteria, such as groundwater contamination, feedstock types, pile heights, operation, maintenance and rehabilitation plans, soils management plans, grading, runoff control, storm water management, fire control, odors, noise, dust, and other operational aspects. Further, MDE exempts certain on-farm composting operations that are small in size/scale and that meet certain criteria. MDE allows exemptions to these operations as they do not pose environmental or health risks. A summary of these exemptions is in Appendix A.

Both ZRA 180 and 183 propose that the HCZR apply only to mulch and composting operations requiring an MDE permit and that mulch and composting operations not requiring an MDE permit are considered accessory use to a farming operation. However, COMAR 26.04.11.04 contains general restrictions that apply to composting regardless of the need for a permit (see Appendix B).

The sections below describe the amendments proposed in ZRA 183 (the approved/amended version of CB 60), as compared to ZRA 180 (the filed version of CB 60), reviewed by the Planning Board. Additionally, Appendix C compares the current regulations, ZRA, 160, ZRA 180 and ZRA 183.

Section 103.0: Definitions

The amendment includes definitions that align local zoning definitions with MDE definitions. The definitions for Firewood Processing, Natural Wood Waste, Natural Wood Waste Recycling Facility, and Sawmill are the same as ZRA 180 and the definitions for mulch manufacturing and Yard Waste Recycling Facility are deleted in both.

ZRA 183 combines the previously defined terms Composting and Composting Facility in ZRA 180 into a new Composting Facility definition to clarify that composting is allowed as an accessory use if a permit from MDE is not required. It also adds a definition for Natural Wood Waste Recycling to differentiate it from a Natural Wood Waste Recycling Facility, as an operation that does not require an MDE permit.

ZRA 183 also defines Feedstock, as recommended by the Planning Board, and Horticultural Nursery to clarify the types of farming operations that allow small scale (less than 1 acre) NWWRFs as accessory conditional uses on ALPP easements.

Section 104.0: RC Rural Conservation) District and Section 105.0: RR (Rural Residential) District

Identical to ZRA 180, the proposed amendments allow small scale (less than 3 acres) Composting Facilities in RC and RR with an approved “Permit for Special Farm Uses,” that are accessory to a principal farming use. These facilities require an MDE permit in addition to a county-issued Special Farm Permit with restrictions as described in Section 128.0 below. The Special Farm Permit criteria are listed in Exhibit A of the Petition, Section 128.0.I.9., and are cross referenced in the Accessory Use provisions of Sections 104.0 and 105.0.

This amendment was also proposed in ZRA 180, recognizing that some composting operations on farms will not meet the criteria for an MDE permit exemption (summarized in Appendix A) despite primarily serving as a waste and nutrient management function. For example, composting operations that exceed 40,000 square feet do not qualify for an MDE permit exemption. Therefore, a one-acre composting operation that solely supports a farming operation would require an MDE permit. This is a common issue for farms using the traditional windrow method to compost. The capacity of windrow turning machinery determines pile height - the less capacity the smaller the piles, and the more land area needed to support the operation. Typically, machines are limited to 4-6 foot pile heights, which must be spaced to allow access. This traditional windrow turning scenario could easily surpass 40,000 sq. ft., yet the entire composting operation’s purpose is to provide a necessary waste and nutrient management function to support the farm and not for commercial enterprise.

Section 106.1: County Preservation Easements

The proposed amendments are the same as ZRA 180, with the exception that Natural Wood Waste Recycling Facilities accessory to a Horticultural Nursery rather than a Tree Farm be allowed as Conditional Uses on ALPP Purchased and ALPP Dedicated Easements, subject to limitations in Sec. 131.0. This section also allows Composting Facilities subject to the requirements of a Section 128.0 Special Farm Permit on ALPP and ALPP Dedicated easements.

Section 131.0- Conditional Use and Section 128.0- Special Farm Permit conditions are described in more detail in the respective sections below.

Section 122.0: M-1 (Manufacturing: Light) District and Section 123.0: M-2 (Manufacturing: Heavy)

Manufacturing Light (M-1):

The amendment deletes the term Mulch Manufacturing as a use permitted as a matter of right and replaces it with Natural Wood Waste Recycling and Natural Wood Waste Recycling Facilities, amending terminology but the allowable activities remain the same as present.

Currently, only Yard Waste Composting (Type 1 feedstock) is permitted in M-1 as a Conditional Use. Composting of other feedstocks such as food waste, animal bedding, animal waste, etc. is not permitted in any zoning district since the use category was removed through CB-20-104/ZRA 149. ZRA 183 proposes to allow Tier 1 and Tier 2 - Small Composting Facilities as Conditional Uses in M-1, while ZRA 180

proposed to allow them by right. Therefore, ZRA 183 continues to allow composting as a Conditional Use in M-1 and expands the items that may be composted to include Type 2 feedstock.

Manufacturing Heavy (M-2):

ZRA 180 proposed to allow all types of Composting Facilities and NWWRF's by right in M-2. ZRA 183 proposes to allow Composting Facilities that abut residentially zoned property as a Conditional Use and by right where they do not.

DPZ concurs that NWWRFs and Composting Facilities are appropriate and complimentary uses to industrial zoning districts. The M-1 and M-2 zoning districts permit a number of uses by-right that have potential adverse environmental impacts and that are less regulated. Further, the newly adopted MDE Composting Facility permit requirements regulate many environmental aspects of composting such as water quality and nutrient management.

Section 124.0: SW (Solid Waste) Overlay District

The proposed text amendment adds Tier 3 Composting Facilities as a permitted use.

The SW Overlay District is a special district for certain solid waste processing facilities and requires Preliminary Development Plan approval by the Zoning Board. This district currently permits land clearing debris landfills, rubble landfills, and solid waste processing facilities as a matter of right in an underlying M-2 zoning district. The SW Overlay District, which provides opportunities for alternatives to solid waste disposal in landfills, is the appropriate zoning district for these facilities. ZRA 180 incorporated Tier I, Tier II and Tier III Composting Facilities into the SW Overlay District, however, ZRA 183 limits this overlay to Tier 3 facilities to ensure there are not conflicts with other sections of the code that regulate Tier I and Tier II facilities.

Section 128.0: Supplementary Zoning District Regulations

The proposed text amendment adds a Special Farm Use for Composting Facilities that require an MDE Type 1 or Type 2 - Small permit up to 3 acres, with the following conditions:

- A copy of the MDE permit application and any applicable operations or emergency preparedness plans must be submitted to DPZ;
- HSCD must review and provide comment on the proposed operation;
- Limited on-site sales that do not exceed 5% of yearly production are allowed, except farms that do not have an outstanding installment purchase agreement, may sell in excess of the 5% if required by the nutrient management plan; and
- Commercial off-site sales are prohibited unless the product is shipped with trees, shrubs, or plants.

The Permit for Special Farm Uses would allow the County to apply certain criteria and ensure access to operational plans and MDE permitting information for composting operations that provide a necessary waste and nutrient management function to support the farm. While ZRA 180 proposed to regulate truck activity to limit sales on farms, ZRA 183 proposes to limit the amount of product that can be sold (5% of yearly production). Either means of limiting on-site sales are acceptable, however, limiting truck activity is easier to enforce.

Section 131.0.N & O: Conditional Uses

Currently, NWWRFs are allowed as a Conditional Use in RC/RR and by right in M-1/M-2. Yard Waste Composting is allowed in RC, RR and M-1 as a Conditional Use. The proposed amendment would delete the Yard Waste Composting use category and replace it with a new use category- Composting Facilities, and delete Mulch Manufacture from Sawmills/Bulk Firewood/Soil Processing use category, creating a new use category – Natural Wood Waste Recycling Facility.

ZRA 183 proposes to allow NWWRFs as Conditional Uses in RC and RR and the following types of Composting Facilities as Conditional Uses:

- Tier I and Tier II Small in RC and RR, with size and location limitations
- Tier I and Tier II Small in M-1
- Tier I, Tier II Small and Large in M-2 that abut a residentially zoned property

Subsections A-P in Sections 131.0.O.2 (Composting Facilities) and 131.0.O.4² (Natural Wood Waste Recycling Facility), contain restrictions and conditions for both conditional use categories and are described together below:

1. Section 131.0.O.2.A and 131.0.O.4.A.- Agricultural Land Preservation Program: The amendment proposes to prohibit Composting Facilities as Conditional Uses on ALPP, MALPF or other dedicated easement properties. However, some Composting Facilities are allowed if they are accessory to a principal farming use and a Section 128.0 Special Farm permit is obtained.
This section also prohibits all NWWRF on those same easement properties unless the facility is accessory to a principal Horticultural Nursery use. This allows nurseries to sell and transport mulch as a soil amendment to the tree and plant sales. However, a number of size limitations are proposed. The maximum use area cannot exceed 1 acre and cannot exceed 15% of the area in active production. Additionally, retail sales may not exceed 5% of yearly production.
2. Section 131.0.O.2.B and 131.0.O.4.B - Allowable Materials: Only processing of feedstock materials as defined by COMAR are allowed.
3. Section 131.0.O.2.C and 131.0.O.4.C - Minimum Lot Size: The amendment proposes a 10-acre minimum lot size requirement in RC and RR and 1-acre in M-1 and M-2. Larger lot size restrictions are appropriate in rural districts to ensure compatibility with surrounding residential uses.
4. Section 131.0.O.2.D and 131.0.O.4.D - Maximum Use Area: The amendment proposes a maximum use area in RC and RR of 1 acre or the lesser of 5 acres or 10% of the site for properties that abut an interstate. The use area includes space for storing, processing, buffering, soil and nutrient management and stormwater management. Unlike ZRA 180, ZRA 183 only allows Composting Facility and NWWRF conditional uses to be combined if the property abuts an interstate and is located within one mile of interchange gore area.
5. Section 131.0.O.2 and 131.0.O.4.E through G - Compliance with State and other regulations: Conditional Use applicants may not have final MDE permit approval at the time of application. However, compliance with MDE permit requirements will be detailed in the permit application and accompanying materials. Therefore, the proposed Conditional Use criteria requires the applicant submit various compliance documents for DPZ to consider in its technical analysis. The Hearing Authority may also consider this material and place conditions on the Conditional Use approval. Any future major changes to the MDE permit would be considered a modification or alteration of an approved Conditional use and would need to be

² These section references will need to be amended to reflect other recent zoning regulation amendments that become effective prior to enactment of this ZRA. For example CB-53-2017 created a new Section 131.0.O.4.

approved by the Hearing Authority.

6. Section 131.0.O.2.H and 131.0.O.4.H - Setbacks: ZRA 183 increases the setbacks from existing dwellings on different lots from 300 feet to 500 feet, to be consistent with existing mulch manufacturing setbacks. It also changes the 200 foot setback from property lines to 300 feet from a residential lot. The proposed setbacks from existing streams and wetlands and schools remain the same as ZRA 180, which were based on consultation with various environmental professionals and research on state standards and best management practices. The results of this research found that a maximum 100-foot setback to streams and wetlands is appropriate for water quality mitigation and that vegetative buffering is a more effective means of mitigating water quality impacts rather than distance.

Both ZRA 180 and 183 allowed the Hearing Authority to reduce setbacks to account for individual property constraints if adequate justification is provided. A setback reduction will be based upon an HSCD Supplementary Project Evaluation (SPE). The SPE will analyze soil and sedimentation and provide recommendations for buffering and planting to mitigate any potential groundwater contamination. The SPE will also influence site design based on application of MDE Standards and Specifications. MDE has approximately 80 standards and specifications that are used to guide site design and mitigate impacts such as windbreak, runoff, ground water, etc. This evaluation and HSCD's recommendations will provide guidance to the Hearing Authority to determine if reduced setbacks are appropriate.

7. Section 131.0.O.2.I. and 131.0.O.4.I - Screening: Proposes various means to screen operations including environmental or topographic features that provide a natural screen.
8. Section 131.0.O.2.J. and 131.0.O.4.J - Requires a Site Development Plan (SDP) for all proposed NWWRF or CF and alternative compliance is not be permitted. Stormwater management regulations are applied through the SDP process and all MDE standards will need to be met. Additionally, traffic and fire protection will be analyzed based on detailed site planning.
9. Section 131.0.O.2.K and 131.0.O.4.K - Conditional Use petitions will need to identify the proposed methods for disposal of leachate and runoff.
10. Section 131.0.O.2.L and 131.0.O.4.L - Establishes hours of operation that can be reduced by the Hearing Authority.
11. Section 131.0.O.2.M and 131.0.O.4.M - Allows for on-site retail sales only if approved by the Hearing Authority.
12. Section 131.0.O.2.N and 131.0.O.4.N - Road Capacity- DPZ reviewed the condition of bridges in western Howard County based on Department of Public Works data. All but one bridge was deemed to be sufficient for truck traffic. Conditional Use petitions will be required to submit a road and bridge analysis based on proposed truck traffic for review by the Hearing Authority.
13. Section 131.0.O.2.O and 131.0.O.4.O - Lists a number of additional requirements to be depicted on the proposed Conditional Use Plan.
14. Section 131.0.O.2.P and 131.0.O.4.P - Establishes requirements for site remediation for NWWRF or CF that cease operations for two years or more.

Relation to the General Plan

PlanHoward 2030 discusses the interplay of agricultural and commercial uses and recognizes that “In a rapidly changing economy, Howard County farmers should be able to utilize innovative farming 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 amendment is consistent with this policy.

Relation to the Zoning Regulations

While some adverse impacts could result from mulch and composting on agricultural lands, those impacts would likely be mitigated through MDE regulations and local fire and health codes.

III. AGENCY COMMENTS


No formal comments were received. Representatives from Fire and Rescue Services, Howard Soil Conservation District, Environmental Health Department, DPZ Resource Conservation Division, Economic Development Authority, and the Office of Community Sustainability have been involved in the drafting of both ZRA 180 and ZRA 183.

IV. RECOMMENDATION

APPROVAL.

For the reasons noted above, the Department of Planning and Zoning recommends that ZRA-183 be APPROVED.

Approved by:


Valdis Lazdins, Director

12-28-17 for;
Date

NOTE: The file on this case is available for review by request at the Public Service Counter by appointment in the Department of Planning and Zoning.

Exhibit A – Petitioner’s Proposed Text

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

Section 103.0: Definitions

Terms used in these Zoning Regulations shall have the definition provided in any standard dictionary, unless specifically defined below or in any other provision of these Zoning Regulations:

C

COMPOSTING FACILITY: A FACILITY WHERE COMPOSTING , THE CONTROLLED AEROBIC BIOLOGICAL DECOMPOSITION OF ORGANIC WASTE MATERIAL, TAKES PLACE AS REGULATED BY AND WHICH OPERATES UNDER A PERMIT FROM THE MARYLAND DEPARTMENT OF THE ENVIRONMENT UNDER COMAR. COMPOSTING IS ALLOWED AS AN ACCESSORY USE IF A PERMIT FROM THE MARYLAND DEPARTMENT OF THE ENVIRONMENT IS NOT REQUIRED.

F

FEEDSTOCK: ORGANIC MATTER USED FOR COMPOSTING AS DEFINED IN 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.

H

HORTICULTURAL NURSERY: AN AGRICULTURAL OPERATION PRIMARILY ENGAGED IN THE GROWING,

HARVESTING AND PRIMARY PROCESSING OF TREES, SHRUBS AND PLANTS. PLANT MATERIAL SHALL BE GROWN ON THE PREMISES AND MAY BE PURCHASED ELSEWHERE AT ANY STAGE OF MATURITY FOR PRODUCTION ON THE PREMISES. HORTICULTURAL NURSERIES MAY ENGAGE IN ACCESSORY USES SUCH AS STORAGE OF PLANT MATERIALS AND SALE OF PRODUCTS NECESSARY FOR THE HEALTH OF THE NURSERY STOCK.

N

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: THE MANUFACTURE OF HORTICULTURAL MULCH FROM NATURAL WOOD WASTE THAT DOES NOT MEET THE DEFINITION OF A NATURAL WOOD WASTE RECYCLING FACILITY. NATURAL WOOD WASTE RECYCLING IS ALLOWED AS AN ACCESSORY USE IF A PERMIT FROM THE MARYLAND DEPARTMENT OF THE ENVIRONMENT IS NOT REQUIRED.

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.

M

[[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.]]

S

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.

Y

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

SECTION 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.

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.

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.

D. Conditional Uses

1. ALPP Purchased Easements and ALPP Dedicated Easements

- a. Conditional Uses shall not be allowed on agricultural preservation easements unless they support the primary agricultural purpose of the easement property, or are an ancillary business which supports the economic viability of the farm, and are approved by the [[hearing authority]] HEARING AUTHORITY in accordance with the applicable provisions of Sections 130.0 and 131.0 of these regulations. On an ALPP purchased or dedicated easement property, the area devoted to Conditional Uses may not exceed a cumulative use cap equal to 2% of the easement 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 assemblies
 - (12) Sawmills or bulk firewood processing
 - (13) School buses, commercial service
 - (14) Small wind energy systems, freestanding tower
- b. In addition, the following Conditional Uses which may require additional land area may be permitted on agricultural preservation easements:
- (1) Agribusiness, limited to uses itemized in Section 131.0.N.
 - (2) Farm winery—class 2
 - (3) Solar Facilities, commercial
 - (4) NATURAL WOOD WASTE RECYCLING FACILITY IF ACCESSORY TO A HORTICULTURAL NURSERY, SUBJECT TO THE REQUIREMENTS OF SECTION 131.0.O.6.

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. 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]].
37. NATURAL WOOD WASTE RECYCLING AND NATURAL WOOD WASTE RECYCLING FACILITIES.

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 FACILITIES, TIER 1 AND TIER 2 – SMALL AND TIER 2 – LARGE, AS DEFINED IN COMAR IF THE PARCEL DOES NOT ABUT RESIDENTIALLY ZONED PROPERTY.

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 FACILITIES, TIER 3.
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, 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 complies 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.z

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 MARSHAL.

- (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 MAY NOT EXCEED 5% OF THE TOTAL YEARLY PRODUCTION, AS REPORTED TO THE MARYLAND DEPARTMENT OF THE ENVIRONMENT (MDE).
- D. END PRODUCT MAY BE SHIPPED WITH TREES, SHRUBS OR PLANTS.
- E. AS PART OF THE APPLICATION PROCESS, THE OWNER SHALL SUBMIT A SITE LAYOUT, WHICH INCLUDES ACREAGE, COMPOSTING FACILITY OPERATIONAL AREA, SCREENING AND ANY MITIGATION MEASURES IDENTIFIED IN THE APPROVED HSCD SUPPLEMENTARY SITE EVALUATION. AFTER TWO YEARS, THE OWNER SHALL PROVIDE DOCUMENTATION TO DPZ PROVING COMPLIANCE WITH THE 5% RETAIL SALES REQUIREMENT IN SECTION 128.0.I.9.C. AND THAT THE USE REMAINS IN COMPLIANCE WITH ALL OTHER APPROVAL CRITERIA.

IN ACCORDANCE WITH PARAGRAPHS C. AND D. OF THIS SUBSECTION 9, A FARMER WHO PRODUCES COMPOST IN EXCESS OF THE AMOUNT THAT MAY BE USED ON THE FARMER'S FARM IN ACCORDANCE WITH THE NUTRIENT MANAGEMENT PLAN FOR THE FARM MAY SELL THE EXCESS COMPOST, PROVIDED THERE IS NO OUTSTANDING INSTALLMENT PURCHASE AGREEMENT FOR AN AGRICULTURAL LAND PRESERVATION EASEMENT ON THE PROPERTY, OR, IF THERE IS SUCH AN INSTALLMENT PURCHASE AGREEMENT, SALES MAY NOT EXCEED 5% OF THE TOTAL YEARLY PRODUCTION, AS REPORTED TO THE MARYLAND DEPARTMENT OF THE ENVIRONMENT (MDE).

Section 131.0: Conditional Uses

N. Conditional uses and permissible zoning districts

Conditional Use	Zoning Districts																																																
	RC	RR	RE	RD	RE2	RE1	RE2	RS	RS8	RS5	RA	RA1	RA5	RAPT	RM	RMH	RSI	RV	RVH	CT	CTD	CA	CA1	CA5	TC	TC1	TC5	PG	PG1	PG5	HO	HC	POR	PER	BO	BO1	BO2	BS	BS1	BS2	M1	M2	CE	CI					
Sawmills, Bulk Firewood Processing, [[Mulch Manufacture,]] or Soil Processing	✓	✓																																															
[[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:

- 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.
- c. Parking, storage areas and equipment shall be screened from adjoining properties and public roads by landscaping or other appropriate means.
- d. Hours of operation shall be established by the Hearing Authority.
- e. Retail sales of materials produced on-site may be permitted if specifically approved by the Hearing Authority.
- f. The minimum lot size is 10 acres.
- 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.
- h. On an Agricultural Land Preservation easement property, sawmills and bulk firewood processing are permitted with the following required additional criteria:
 - (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 of the easement.

[[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. 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.
- c. In addition to the Bulk Regulations of the applicable zoning district, the following structure and use setbacks shall apply:
 - (1) From an existing residence on a different lot 500 feet
 - (2) From adjacent residentially-zoned lots 300 feet

- (3) From public street rights-of-way 100 feet
- (4) From existing streams and wetlands 100 feet
- d. 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.
- e. The operation shall not result in odors which are detectable on surrounding properties.
- f. 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.
- g. The operation shall be conducted in a manner which will prevent insect and/or rodent infestation.
- h. 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.
- i. 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.
- j. 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.
- k. On-site retail sales of finished compost shall be permitted if specifically approved by the Hearing Authority.
- l. 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.
- m. 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.
- n. 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.
- o. 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.]]

O. New conditional use categories**2. COMPOSTING FACILITIES**

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

- A. THE FACILITY IS NOT LOCATED ON AN ALPP PURCHASED, ALPP DEDICATED, OTHER DEDICATED EASEMENT OR MARYLAND AGRICULTURAL LAND PRESERVATION FOUNDATION 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 AND M-2 DISTRICTS.
- D. THE MAXIMUM USE AREA IN THE RC AND RR DISTRICTS IS 1 ACRE OR FOR PROPERTIES THAT ABUT AN INTERSTATE, THE MAXIMUM USE AREA IS 5 ACRES OR 10% OF PROPERTY, WHICHEVER IS LESS. A COMPOSTING FACILITY CONDITIONAL USE SHALL NOT BE GRANTED TO A PROPERTY WITH AN APPROVED NATURAL WOOD WASTE RECYCLING FACILITY CONDITIONAL USE UNLESS THE PROPERTY ABUTS AN INTERSTATE AND VEHICULAR ACCESS IS WITHIN 1 MILE OF THE INTERCHANGE GORE AREA, AS MEASURED ALONG THE NEAREST PUBLIC ROAD RIGHT-OF-WAY.
- 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 MARSHAL.
 - (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. 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.....500 FEET
- (2) FROM A RESIDENTIAL LOT300 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 RESIDENTIAL LOTS, 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 HCSD SUPPLEMENTARY PROJECT EVALUATION FOR THE AREA CAN BE USED TO JUSTIFY SETBACK REDUCTIONS.

- I. 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.
- J. 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.
- K. ALL LIQUID, INCLUDING LEACHATE AND STORM WATER RUNOFF, GENERATED FROM THE COMPOSTING FACILITY SHALL BE TREATED PRIOR TO DISPOSAL, IN ACCORDANCE WITH APPLICABLE REGULATIONS.
- L. 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.
- M. ON-SITE RETAIL SALES OF FINISHED PRODUCTS SHALL BE PERMITTED IF SPECIFICALLY APPROVED BY THE HEARING AUTHORITY.
- N. 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.
- O. 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.

P. 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.

4. 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. FACILITIES LOCATED ON A MARYLAND AGRICULTURAL LAND PRESERVATION FOUNDATION EASEMENT, ALPP PURCHASED EASEMENT, OR ALPP DEDICATED EASEMENT NOT CREATED AS PART OF THE CLUSTER SUBDIVISION PROCESS MAY BE GRANTED A CONDITIONAL USE ONLY IF THE NATURAL WOOD WASTE RECYCLING FACILITY IS ACCESSORY TO A HORTICULTURAL NURSERY. HOWEVER, THE USE AREA SHALL NOT EXCEED 15% OF THE AREA IN ACTIVE PRODUCTION OR A MAXIMUM OF 1 ACRE, AND ON-SITE RETAIL SALES MAY NOT EXCEED 5% OF THE TOTAL YEARLY PRODUCTION, AS REPORTED TO THE MARYLAND DEPARTMENT OF THE ENVIRONMENT (MDE).

- 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 IS 1 ACRE OR FOR PROPERTIES THAT ABUT AN INTERSTATE, THE MAXIMUM USE AREA IS 5 ACRES OR 10% OF PROPERTY, WHICHEVER IS LESS. A NATURAL WOOD WASTE RECYCLING FACILITY CONDITIONAL USE SHALL NOT BE GRANTED TO A PROPERTY WITH AN APPROVED COMPOSTING FACILITY CONDITIONAL USE UNLESS THE PROPERTY ABUTS AN INTERSTATE AND VEHICULAR ACCESS IS WITHIN 1 MILE OF THE INTERCHANGE GORE AREA, AS MEASURED ALONG THE NEAREST PUBLIC ROAD RIGHT-OF-WAY.
- E. THE PETITIONER SHALL SUBMIT A COPY OF THE FOLLOWING DOCUMENTS WITH THE PETITION.
- (1) THE MARYLAND DEPARTMENT OF THE ENVIRONMENT (MDE) NATURAL WOOD WASTE RECYCLING FACILITY PERMIT APPLICATION AND ACCOMPANYING DOCUMENTATION.
 - (2) EMERGENCY PREPAREDNESS MANUAL, AS REQUIRED BY MDE, FOR REVIEW BY THE FIRE MARSHAL.
 - (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 NATURAL WOOD WASTE RECYCLING FACILITY 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 NATURAL WOOD WASTE RECYCLING FACILITY PERMIT RENEWALS OR MODIFICATIONS TO THE ORIGINAL NATURAL WOOD WASTE RECYCLING FACILITY PERMIT APPLICATION MUST BE SUBMITTED TO DPZ.
- H. 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 500 FEET
- (2) FROM A RESIDENTIAL LOT 300 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 RESIDENTIAL LOTS, 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 CAN BE USED TO JUSTIFY SETBACK REDUCTIONS.

- I. 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.
- J. 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.
- K. ALL LIQUID, INCLUDING LEACHATE, CONTACT WATER OR STORMWATER RUNOFF, GENERATED AT THE FACILITY SHALL BE DISPOSED OR DISCHARGED, IN ACCORDANCE WITH APPLICABLE REGULATIONS.
- L. 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.

- M. ON-SITE RETAIL SALES OF FINISHED PRODUCTS SHALL BE PERMITTED IF SPECIFICALLY APPROVED BY THE HEARING AUTHORITY.
- N. 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.
- O. 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.
- P. 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 NATURAL WOOD WASTE RECYCLING 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 WOOD WASTE, MATERIALS, AND EXCESS FINISHED PRODUCTS SHALL BE REMOVED FROM THE SITE AND DISPOSED OF IN CONFORMANCE WITH APPLICABLE LAWS AND REGULATIONS.

APPENDIX A

Summary of On-Farm Composting Exemptions

1. Exempt up to any size

- Composts only feedstocks generated on-site*
- All compost used on-site*

2. 40,000 ft² exemption

- Feedstocks generated on-site* PLUS may accept Type 1 and manure/bedding from off-site
- Must have one of two agricultural plans that address certain aspects of the composting
- No limitation on distribution of finished compost

3. 5,000 ft² exemption

- Pile height limits
- No limitation on feedstocks used or distribution of finished compost

4. Emergency animal mortality composting

- If approved by MDA

* "On-site" includes the farm where composting takes place and other farms owned or controlled by the same operator.

Summary of Non-Farm Composting Exemptions

1. "Backyard" composting

- Located at a residence
- Feedstocks generated on site
- Compost used on site

2. 5,000 ft² exemption [SAME AS FOR FARMS]

- Pile height limits apply

3. Animal mortality composting at government-managed site

- For roadway or other maintenance

4. Composting at a solid waste acceptance facility (e.g. Landfill)

- Under Refuse Disposal Permit containing composting conditions

Appendix B

26.04.11.04

.04 General Restrictions and Specifically Prohibited Acts.

A. Applicability. This regulation applies to a composting facility, regardless of whether the composting facility is required to obtain a Composting Facility Permit under this chapter.

B. General Restrictions. A person shall not engage in composting in a manner which will likely:

- (1) Create a nuisance;
- (2) Be conducive to insect and rodent infestation or the harborage of animals;
- (3) Cause nuisance odors or other air pollution in violation of COMAR 26.11.06 or involve construction of a source of air pollution subject to a permit to construct or operation of a source of air pollution subject to a permit to operate unless permitted under COMAR 26.11.02;
- (4) Cause a discharge of pollutants derived from organic materials or solid waste to waters of this State unless otherwise permitted by the Department;
- (5) Harm the environment; or
- (6) Create other hazards to the public health, safety, or comfort as may be determined by the Department.

C. The Department, in exercising its authority under these regulations with respect to granting or renewing permits, reviewing operations of a composting facility, or allowing operation under a general permit, may consider any documentation required under these regulations to evaluate whether any of the conditions described in §B of this regulation is likely to occur or has occurred.

D. A person may not own, construct, or operate a composting facility in this State except in accordance with these regulations.

Appendix C

Composting												
	Current			ZRA 180 (CB 60 filed)			ZRA 183 (CB 60 as approved)			ZRA 160 **		
	MDE Permit Not Required	MDE Tier I	MDE Tier II	MDE Permit Not Required	MDE Tier I or Tier II Small Permit	MDE Tier II Large Permit	MDE Permit Not Required	MDE Tier I or Tier II Small Permit	MDE Tier II Large Permit	MDE Permit Not Required	MDE Tier I	MDE Tier II
RC & RR	Accessory to principal use	Conditional Use - only yard waste composting	Not Permitted	Accessory to principal use	By Permit < 3 acres accessory to a farm All Other - Conditional Use - Up to 5 acres or 10 %	Conditional Use - Up to 5 acres or 10 %	Accessory to principal use	By Permit < 3 acres accessory to a farm By Conditional Use- up to 1 acre or up to 5 acres or 10% only if abutting an Interstate (does not need to be accessory to a farm)	Not Permitted	On the Farm/For the Farm - with restrictions	On the Farm/For the Farm by right- up to 1 acre or 5% On the farm/For the farm- by permit up to 3 acres or 5%	On the Farm/For the Farm -by permit up to 3 acres or 5%
ALPP	Accessory to principal use	Not Permitted	Not Permitted	Accessory to principal use	By Permit < 3 acres accessory to a farm	Not Permitted	Accessory to principal use	By Permit < 3 acres accessory to a farm with 5% limit on retail sales	Not Permitted	On the Farm/For the Farm - by right with restrictions	On the Farm/For the Farm - by right up to 1 acre of 5% On the farm/For the farm- by permit up to 3 acres or 5%	On the Farm/For the Farm - by permit up to 3 acres or 5%
M-1	Accessory to principal use	Conditional Use - only yard waste composting	Not Permitted	Accessory to principal use	By-Right	Conditional Use	Accessory to principal use	By-Right	Conditional Use	Not addressed	Conditional Use	Conditional Use
M-2	Accessory to principal use	Not Permitted	Not Permitted	Accessory to principal use	By-Right	By-Right	Accessory to principal use	By-Right	By-Right	Not addressed	Conditional Use	Conditional Use
SW	Accessory to principal use	By-Right	Not Permitted	Accessory to principal use	By-Right	By-Right	Accessory to principal use	By-Right	By-Right	Not addressed	Not Permitted	Not Permitted

Natural Wood Waste Recycling								
	Current		ZRA 180 (CB 60 as filed)		ZRA 183 (CB 60 as approved)		ZRA 160	
	MDE Permit Not Required	MDE Permit Required	MDE Permit Not Required	MDE Permit Required	MDE Permit Not Required	MDE Permit Required	MDE Permit Not Required	MDE Permit Required
RC & RR	Accessory to a principal Farm	Conditional Use	Accessory to a principal Farm	Conditional Use - Up to 5 acres or 10 %	Accessory to a principal Farm	Conditional Use -Up to 1 acre or up to 5 acres or 10 % only if abutting an Interstate (does not need to be accessory to a farm)	On the Farm/for the farm- By right up to 1acre or 5%	Not Permitted
ALPP	Accessory to a principal Farm	Not Permitted	Accessory to a principal Farm	Not permitted unless accessory to a principal Tree Farming Use Only (Conditional Use) - Up to 2 acres or 15% of area actively farmed	Accessory to a principal Farm	Not permitted unless accessory to a principal Horticultural Nursery Only (Conditional Use) - Up to 1 acre or 15% of area in active production with 5% limit on retail sales	On the Farm/for the farm -By -right up to 1 acre or 5%	Not Permitted
M-1	By-Right	By-Right	By-Right	By-Right	By-Right	By-Right	Not addressed	Conditional Use
M-2	By-Right	By-Right	By-Right	By-Right	By-Right	By-Right	Not addressed	Conditional Use

* red text indicates changes from ZRA 180 to ZRA 183

** ZRA 160 defines composting facilities as "A facility that produces compost as defined and regulated by the State of Maryland COMAR 26.04.22- Composting Facilities. These facilities may or may not require a permit by the State of Maryland as determined by the size of the facility and type of material (feedstock) being processed." Therefore the proposed regulations apply regardless of permit requirements.

*** CB 60 defines a composting facility as "A facility where composting takes place as regulated by and which operated under a permit from the Maryland Department of the Environment under COMAR 26.04.11." Therefore, the proposed regulations only apply to composting operations that require an MDE permit.