



May 11, 2017

## TECHNICAL STAFF REPORT

*Planning Board Meeting of May 25, 2017*

**Case No:** ZRA-180

**Petitioners:** Mary Kay Sigaty, Councilperson

Greg Fox, Councilperson

Valdis Lazdins, Director of Planning and Zoning for Allan H. Kittleman, County Executive

**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, Natural Wood Waste, 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 and Emergency Natural Wood Waste Recycling Facilities as permitted accessory uses;
- Section 106.1 to add Natural Wood Waste Recycling Facilities if Accessory to a Tree Farm as a Conditional Use on ALPP Purchased and ALPP Dedicated Easements;
- Section 122.0 to add Composting and Small Tier 1 and Tier 2 Composting Facilities and Natural Wood Waste Recycling Facilities as permitted uses and delete Mulch Manufacture;
- Section 123.0 to add Composting; Tier 1-Small and Tier 2 – Small Composting Facilities; and Tier 2 - Large Composting Facilities as permitted uses;
- Section 124.0 to add Composting and 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 128.0.I to add a new category, Emergency Natural Wood Waste Recycling Facility, 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 Manufacture<sup>1</sup> 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.

Neither Yard Waste Composting Facilities nor Mulch Manufacture were permitted 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.

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<sup>1</sup> 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.

*Yard Waste Composting Facility:* Deleted.

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, this use category was not permitted on ALPP Purchased Easements, ALPP Dedicated Easements and on Other 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.

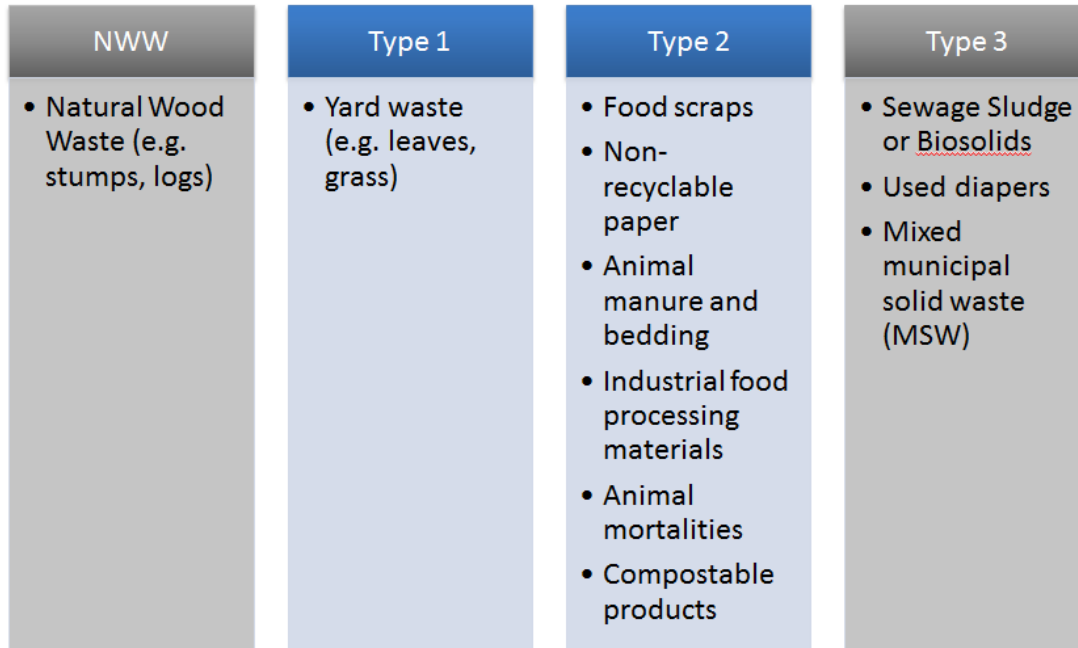
The Task Force met from July 2014 through February 2015 and issued a Report to the County Council (Task Force Report) on March 9, 2015 (updated April 13, 2015). The Report included a table of recommendations pertaining to the Zoning Regulations (Zoning Matrix). It showed 18 different categories of Natural 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 that “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:

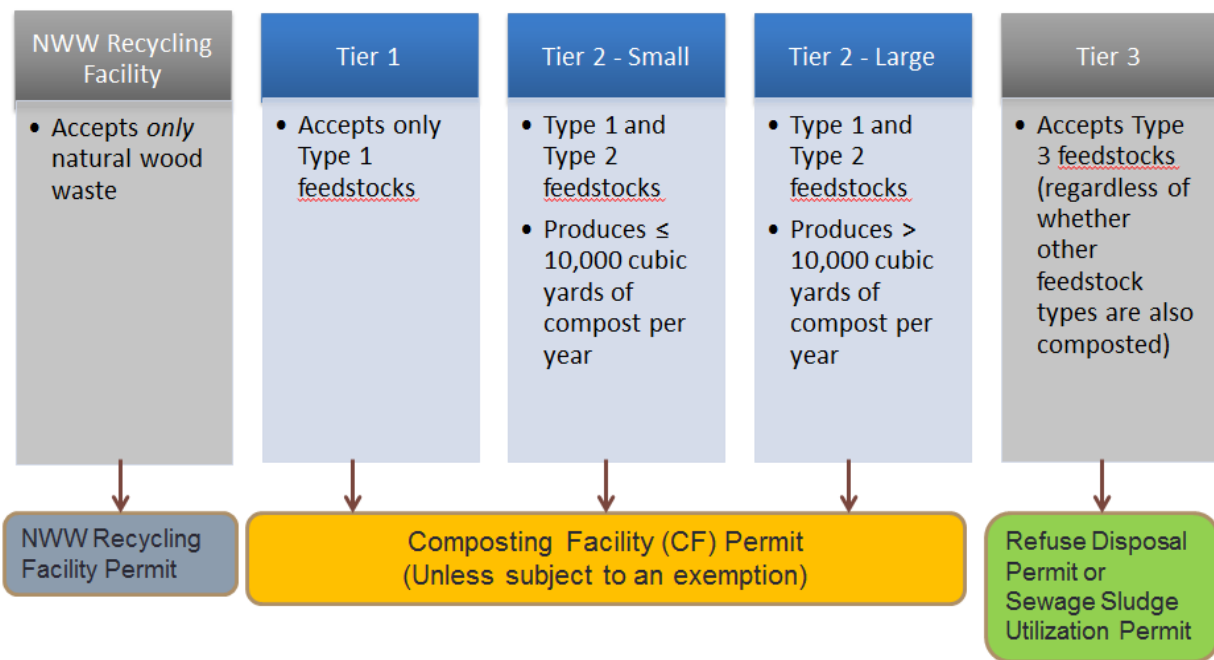
- Water pollution of wells, streams and groundwater,
- Airborne pollutants (dust, mold spores),
- Noise generated by grinding equipment and trucks,
- Road and bridge damage by trucks and hazards to cyclists and pedestrians,
- Visibility of facilities from roads and surrounding properties,
- Fire hazards, 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. The Mulch Work Group (MWG) met from November 2015 through March 2016 and included four Task Force members (two from the farming community and two residents); 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.

DPZ had developed and presented Conditional Use criteria to the MWG that could be enforced for mulch and composting operations requiring an MDE NWWRF or CF permit. 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.

The MWG concluded that “on-the-farm/for-the-farm” mulch operations constituted a bona fide farming activity that did not rise to a level triggering a Conditional Use and could be permitted on ALPP properties. Generally, operations would be considered non-commercial if all materials were produced and used on the farm or another farm with the same ownership. However, consensus could not be reached regarding the sale of mulch or compost operations.

## **II. DESCRIPTION AND EVALUATION OF PROPOSAL**

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

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 the proposed text amendments.

DPZ also assessed MDE regulations and permit requirements to ensure that they were appropriately reflected in the proposed zoning amendments. 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 proposed amendment includes regulations related to land use criteria that can be implemented and enforced and which exceed MDE permit requirements.

The recently enacted 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.

The amendment proposes 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 should be 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 Petitioner proposes to amend eight sections in the HCZR, described as follows:

### **Section 103.0: Definitions**

The amendment includes definitions for Composting, Composting Facilities, Natural Wood Waste Recycling and Natural Wood Waste Recycling Facilities that align local zoning definitions with MDE definitions. Additionally, definitions for sawmills and bulk firewood processing facilities are included as these uses have historically been included in the Conditional Use category with mulch manufacture and are not separately defined.

DPZ does not believe composting operations that do not require an MDE permit constitute a “facility” but considers them ancillary and incidental to farming operations and, therefore, recommends differentiating between these operational types in the proposed definitions.

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

The amendment does not propose regulating composting and mulch activities that do not require an MDE permit and that are accessory to a principal farming use. However, it is recognized 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.

The amendment proposes a Permit for Special Farm Uses be available for facilities up to 3 acres to allow composting operations that primarily support farming operations, yet require an MDE Composting Facility permit. The Permit for Special Farm Uses would allow the County to apply certain criteria and ensure access to operational plans and MDE permitting information. The Permit for Special Farm Uses criteria are listed in Exhibit A of the Petition, Section 128.0.I.9., are cross referenced in the Accessory Use provisions of Sections 104.0 and 105.0.

The amendment proposes a Permit for Special Farm Uses be available for emergency situations requiring tree removal. The Emergency NWWRF Use Category is detailed in Section 128.0.I.10 and cross-

referenced in Section 104.0 and 105.0.

### **Section 106.1: County Preservation Easements**

Currently, mulch and composting activities that are accessory to a farming use are permitted on Agricultural Preservation Properties. The proposed amendment allows Natural Wood Waste Recycling Facilities accessory to a Tree Farm as a Conditional Use on ALPP Purchased and ALPP Dedicated Easements, subject to limitations described in the evaluation of Sec. 131.0. The amendment does not propose allowing NWWRF that require an MDE permit or Tier 2 -Large Composting Facilities on ALPP properties.

Section 106.1 does not apply to MALPF properties. The State regulates activities on MALPF properties and imposes size and use restrictions that meet the intent of the State program. With respect to mulch operations, MALPF requires the majority of products be produced on site, the remainder be of species indigenous to Maryland, and that the facility and parking area must cover no more than 2% of the easement, not to exceed 2 acres. The amendment proposes continuing this practice and not imposing further restrictions.

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

The amendment proposes Natural Wood Waste Recycling Facilities and Tier 1 and Tier 2-Small Composting Facilities as permitted uses and deletes the Mulch Manufacture land use category.

Currently, NWWRF are permitted as a matter of right in M-1 and M-2. The proposal continues to allow the use by-right but revises the category title from Mulch Manufacture to NWWRF.

Additionally, only Yard Waste Composting is currently permitted in M-1. 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.

The proposed amendments to M-I permit Tier 1 and Tier 2 - Small Composting Facilities by right and Tier 2 – Large Composting Facilities as Conditional Uses. In M-2, Tier 1 and Tier 2 Composting Facilities would be permitted by right.

DPZ agree with the proposed amendments to allow Tier I and Tier II- Small CFs and NWWRs by-right in industrial zones. 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. The newly adopted MDE Composting Facility permit requirements regulate many environmental aspects of a composting such as water quality and nutrient management. These uses are appropriate and complimentary to industrial zoning districts.

### **Section 124.0: SW (Solid Waste) Overlay District**

The proposed text amendment adds Composting and 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. The amendment incorporates Tier I, Tier II and Tier III Composting Facilities into the SW Overlay District.

### **Section 128.0: Supplementary Zoning District Regulations**

#### Staff recommends approval of the amendment

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 are allowed; transport is limited to farming vehicles, pickup trucks and other non-commercial vehicles; 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.

Additionally, the proposed text amendment adds a Special Farm Use for Emergency NWWRF that will allow for temporary recycling and sale of wood waste resulting from a natural catastrophe such as a tornado, fire, storm, or disease. The Permit is limited to 90 days, no more than one acre, and the applicant must confirm the cause and extent of damage or disease.

### **Section 131.0.N: Conditional Uses**

Currently, NWWRF are allowed by-right in M-1 and M-2 and 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.

Additionally, Composting Facilities over three acres and NWWRFs would be Conditional Uses in the RC and RR Zoning Districts and Tier II- Large Composting Facilities would be conditionally allowed in M-1. An analysis of proposed Conditional Use criteria follows:

1. Section 131.0.O.1.A and 131.0.O.2.A.- Agricultural Land Preservation Program: The amendment proposes to prohibit CF on ALPP properties that are over 3 acres and all NWWRF on ALPP properties unless the facility is accessory to a principal tree farming use. This allows tree nurseries or similar farming operations to sell and transport mulch as a soil amendment to the tree sales. However, a number of sizes limitations are proposed. The maximum use area cannot exceed 2 acres and cannot exceed 15% of the tree farm area. Additionally, this Conditional Use category is subject to the 2% cumulative use cap, as specified in Section 106.1.D.1.a.
2. Section 131.0.O.1.B and 131.0.O.2.B - Allowable Materials: Only processing of Type 1 and Type 2 feedstock materials is allowed
3. Section 131.0.O.1.C and 131.0.O.2.C - Minimum Lot Size: The amendment proposes

- a 10-acre minimum lot size requirement. Larger lot size restrictions are appropriate in rural districts to ensure compatibility with surrounding residential uses.
4. Section 131.0.O.1.D and 131.0.O.2.D - Maximum Use Area: The amendment proposes a maximum use area of the lesser of 5 acres or 10% of the site. The use area requirement was determined to allow adequate space for storing, processing, buffering, soil and nutrient management and stormwater management.
  5. Section 131.0.O.1.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 documentation for consideration in DPZ's technical analysis and the Hearing Authority's decision. Conditions can be placed on the Conditional Use approval and the approval will be based on this information. 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 approved by the Hearing Authority.
  6. Section 131.0.O.1.H and 131.0.O.2.H – Access: The text proposed for this section is standard within Section 131.0 of the Zoning Regulations and provides flexibility to access facilities from local roads when appropriate.
  7. Section 131.0.O.1.I and 131.0.O.2.I - Setbacks: DPZ reviewed the setback recommendations of the Wood Waste Task Force (Majority and Minority Reports), conducted mapping analysis with various setback distances and had extensive discussions with the Mulch Work Group. ZRA 180's proposed setbacks attempt to address the issues and concerns expressed by residents of western Howard County, while allowing for the Hearing Authority to reduce setbacks to account for individual property constraints if adequate justification is provided. Based on consultation with various environmental professionals and research of State standards and best management practices, a maximum 100 foot setback to streams and wetlands is appropriate for water quality mitigation. Vegetative buffering is a more effective means of mitigating water quality impacts rather than distance. The proposal includes a requirement for an HSCD Supplementary Project Evaluation (SPE). The SPE analyzes soil and sedimentation and provides 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.
  8. Section 131.0.O.1.J. and 131.0.O.2.J - Screening: Uses various means to screen operations including environmental or topographic features that provide a natural screen.
  9. Section 131.0.O.1.K. and 131.0.O.2.K - Site Development Plan (SDP) for all proposed NWWRF or CF will be required and alternative compliance will 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.
  10. Section 131.0.O.1.L and 131.0.O.2.L - Conditional Use petitions will need to identify the proposed methods for disposal of leachate and runoff.
  11. Section 131.0.O.1.M and 131.0.O.2.M - Establishes hours of operation that can be reduced by the Hearing Authority.
  12. Section 131.0.O.1.N and 131.0.O.2.N - Allows for on-site retail sales only if approved by the Hearing Authority.
  13. Section 131.0.O.1.O and 131.0.O.2.O - 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.

14. Section 131.0.O.1.P and 131.0.O.2.P - Lists a number of additional requirements to be depicted on the proposed Conditional Use Plan.
15. Section 131.0.O.1.Q and 131.0.O.2.Q - Establishes requirements for site remediation for NWWRF or CF that cease operations for two years or more.

The proposed Conditional Use criteria attempt to regulate areas that are not already addressed by MDE, apply enforceable regulations, and incorporate other applicable regulations into a decision for approval. The Howard County Fire Code was recently updated (April, 2016) and all of the Wood Waste Task Force recommendations were included in the update. As a matter of common practice, all Conditional Use petitions are reviewed by Howard County Department of Fire and Rescue. In addition, the proposed regulations require that an Emergency Preparedness Plan be submitted with the Conditional Use petition for review by the Fire Marshall.

MDE regulations require that dust be controlled at all times. Most grinding equipment has water spray mechanisms incorporated that provide automatic misting. MDE also regulates pile heights and temperature control. DPZ does not have a mechanism to measure pile heights and therefore, does not recommend additional Zoning restrictions.

Finally, many of the residential concerns identified during the Wood Waste Task Force and Mulch Work Group will be addressed through HSCD's review. The SPE will cover three phases of analysis for potential NWWRF or CF:

- 1) Site selection - During the site selection process an analysis of soil types, slopes and other natural features will determine if a parcel is suitable.
- 2) Site design - Once a parcel is determined to be suitable, HSCD will assist in designing the wood waste or composting operation and identifying the optimal location based on MDE Standards and Specifications. Windbreak standards will be applied to control dust and odors. Riparian or other appropriate buffering will be used to intercept sediment and other nutrients and mitigate potential pollution.
- 3) Operations management - A soil and nutrient management plan will be required to ensure that the operation is managed according to MDE standards. HSCD can review and provide guidance as needed to maintain compliance with the Plan.

HSCD will provide guidance in creating the Conditional Use plan and recommendations that will assist DPZ's evaluation of the petition and the Hearing Authority's ultimate decision. Each site should be reviewed independently and mitigation measures should be site-specific based on MDE best management practices. Therefore, a tailored approach will address potential adverse impacts associated with large-scale wood waste processing or composting over general criteria with limited flexibility that may not consider the unique needs of different parcels and varying soil conditions.

### **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 because DPZ 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 the proposed text amendments.

**IV. RECOMMENDATION**

**APPROVAL.**

For the reasons noted above, the Department of Planning and Zoning recommends that ZRA-180 be APPROVED.



5/11/17

Approved by:

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Valdis Lazdins, Director

\_\_\_\_\_  
Date

**NOTE: The file on this case is available for review 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

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

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

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

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

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

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

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

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

## **SECTION 104.0: RC (Rural Conservation) District**

### **C. Accessory Uses**

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

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

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

## **SECTION 105.0 RR (Rural Residential) District**

### **C. Accessory Uses**

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

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

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



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

### **SECTION 106.1: County Preservation Easements**

#### **C. Accessory Uses**

##### **1. ALPP Purchased Easements and ALPP Dedicated Easements**

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

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

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

**D. Conditional Uses**

1. ALPP Purchased Easements and ALPP Dedicated Easements

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

The following Conditional Uses may be allowed:

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

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<sup>1</sup> This language is the current category title as changed in ZRA 154.

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

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

No proposed changes.

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

No proposed changes.

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

No proposed changes.

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

No proposed changes.

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

**B. Uses Permitted as a Matter of Right**

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

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

[[16.]]17 Concert halls.

17. Conservation areas, including wildlife and forest preserves, environmental management areas, reforestation areas, and similar uses.

18. Contractor's office and outdoor or indoor storage facility, including carpentry, cleaning, construction, electrical, excavation, exterminating, heating/air conditioning, home improvement, landscaping, masonry, painting, paving, plumbing, roofing, septic system, snow removal, well drilling, and other contractors.

19. Data processing and telecommunication centers.

20. Day treatment or care facilities.

21. Farming, provided that on a residential lot or parcel of less than 40,000 square feet no livestock shall be permitted. However, residential chicken keeping is allowed as noted in Section 128.0.

22. Flex-space.

23. Funeral homes and mortuaries.

24. Furniture, appliance and business machine repair, furniture upholstery, and similar services.

25. Furniture stores.

26. Government structures, facilities and uses, including public schools and colleges.

27. Hotels, motels, conference centers and country inns.

28. Kennels.

29. Laundry or dry cleaning establishments or plants.

30. Light Industrial Uses.

31. Material recovery facilities—source separated.

32. Mobile home and modular home sales and rentals, but not including occupancy.

33. Motor vehicle, construction equipment and farm equipment maintenance, repair and painting facilities, including full body repair and incidental sale of parts.

34. Motor vehicle, construction equipment and farm equipment sales and rentals.

35. Motor vehicle inspections station.

36. Motor vehicle towing and storage facility.

[[37. Mulch Manufacture]].

38. NATURAL WOOD WASTE RECYCLING FACILITIES.

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

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

#### **B. Uses Permitted as a Matter of Right**

1. All uses permitted as a matter of right in the M-1 District.

2. Biodiesel Fuel Manufacturing.

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

{Note: Renumber remainder of section accordingly.}

### **SECTION 124.0: SW (Solid Waste) Overlay District**

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

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

### **SECTION 128.0: Supplementary Zoning District Regulations**

#### **I. Permits for Special Farm Uses**

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

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

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

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

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

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

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

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

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

9. COMPOSTING FACILITY

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

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

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

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

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

10. EMERGENCY NATURAL WOOD WASTE RECYCLING FACILITY

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

A. A NWWRF IS DETERMINED TO BE NECESSARY BECAUSE OF A NATURAL CATASTROPHE SUCH AS A MAJOR STORM, WEATHER CONDITION, OR DISEASE.

B. THE NWWRF ALLOWS A PROPERTY OWNER TO DISPOSE OF EXCESS NATURAL WOOD WASTE FROM THEIR PROPERTY ON AN EMERGENCY BASIS, PROVIDED THAT THE USE AREA DOES NOT EXCEED ONE ACRE AND THE USE IS LIMITED TO NO MORE THAN 90 DAYS PER YEAR. A TIME EXTENSION MUST BE REQUESTED IN WRITING PRIOR TO THE EXPRIATION DATE OF THE ORIGINAL PERMIT.

C. THE NWWRF WILL NOT HAVE SIGNIFICANT ADVERSE IMPACTS ON NEIGHBORING PROPERTIES. ADVERSE IMPACTS DO NOT INCLUDE THOSE NORMALLY ASSOCIATED WITH FARMING OPERATIONS THAT FOLLOW GENERALLY ACCEPTED AGRICULTURAL MANAGEMENT PRACTICES OR ANY PERMITTED USES UNDER THIS SECTION.

D. THE REQUEST SHALL INCLUDE A DESCRIPTION OF THE CIRCUMSTANCES THAT NECESSITATE THE USE PERMIT. THE REQUEST SHALL INCLUDE THE APPROXIMATE SIZE OF THE USE AREA AND PHOTOGRAPHS DOCUMENTING THE SCOPE OF THE DAMAGE.

E. THE PETITIONER SHALL SUBMIT A COPY OF THE FOLLOWING DOCUMENTS WITH THE APPLICATION:

(1) THE MARYLAND DEPARTMENT OF THE ENVIRONMENT (MDE) NATURAL WOOD WASTE RECYCLING FACILITY PERMIT APPLICATION.

(2) NATURAL WOOD WASTE RECYCLING FACILITY OPERATIONS PLAN.

(3) EMERGENCY PREPAREDNESS PLAN, AS REQUIRED BY MDE, FOR REVIEW BY THE FIRE MARSHALL.



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

**SECTION 131.0: CONDITIONAL USES**

**N. CONDITIONAL USES AND PERMISSIBLE ZONING DISTRICTS (CHART)**

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

[[60. YARD WASTE COMPOSTING FACILITY]]

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

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

(THE REMAINDER OF THE SECTION TO REMAIN AS IS)

[[60. YARD WASTE COMPOSTING FACILITY]]

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

**O. NEW CONDITIONAL USE CATEGORIES**

**1. COMPOSTING FACILITIES**

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

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

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

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

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

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

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

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

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

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

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

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

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

## **2. NATURAL WOOD WASTE RECYCLING FACILITY**

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

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

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

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

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

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

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

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



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

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

## 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 ft<sup>2</sup> 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 ft<sup>2</sup> 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 ft<sup>2</sup> 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 - Comparison Chart**

**ZRA 160 and ZRA 180**

<b>Composting</b>									
	<b>Current</b>			<b>ZRA 160 *</b>			<b>DPZ Recommendation **</b>		
	MDE Permit Not Required	MDE Tier I	MDE Tier II	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
<b>RC &amp; RR</b>	Accessory to principal use	Conditional Use	Not Permitted	On Farm/For Farm - By Right with restrictions	On Farm/For Farm - By Right - Up to 1 acre or 5% On Farm/For Farm - By Permit - Up to 3 acres or 5%	On Farm/For Farm - By Permit - Up to 3 acres or 5%	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 %
<b>ALPP</b>	Accessory to principal	Not Permitted	Not Permitted	On Farm/For Farm - By Right - with restrictions	On Farm/For Farm - By Right - Up to 1 acre or 5% On Farm/For Farm - By Permit - Up to 3 acres or 5%	On Farm/For Farm - By Permit - Up to 3 acres or 5%	Accessory to principal use	By Permit < 3 acres accessory to a farm	Not Permitted
<b>M-1</b>	Accessory to principal	Conditional Use	Not Permitted	Not addressed	Conditional Use	Conditional Use	Accessory to principal use	By-Right	Conditional Use
<b>M-2</b>	Accessory to principal	Not Permitted	Not Permitted	Not addressed	Conditional Use	Conditional Use	Accessory to principal use	By-Right	By-Right
<b>SW</b>	Accessory to principal	By-Right	Not Permitted	Not addressed	Not Permitted	Not Permitted	Accessory to principal use	By-Right	By-Right
<b>R-20, R-12, R-SC , R-SA-8</b>	Accessory to principal	Not Permitted	Not Permitted	Limited composting- By-right with restrictions	Not Permitted	Not Permitted	Accessory to principal use	Not permitted	Not permitted

<b>Natural Wood Waste Recycling</b>						
	<b>Current</b>		<b>ZRA 160</b>		<b>DPZ Recommendation</b>	
	MDE Permit Not Required	MDE Permit Required	MDE Permit Not Required	MDE Permit Required	MDE Permit Not Required	MDE Permit Required
<b>RC &amp; RR</b>	Accessory to a principal Farm	Conditional Use	On Farm/For Farm - By Right - Up to 1 acre or 5%	Not Permitted	Accessory to a principal Farm	Conditional Use - Up to 5 acres or 10 %
<b>ALPP</b>	Accessory to a principal Farm	Not Permitted	On Farm/For Farm - By Right - Up to 1 acre or 5%	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
<b>M-1</b>	By-Right	By-Right	Not addressed	Conditional Use	By-Right	By-Right
<b>M-2</b>	By-Right	By-Right	Not addressed	Conditional Use	By-Right	By-Right

\* 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.

\*\* DPZ recommended text 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.