

HOWARD COUNTY BOARD OF APPEALS HEARING EXAMINER

In the Matter of

OAK RIDGE FARMS, LLC

Respondent

Civil Citation Nos. CE 13-135 (1a) & (2a),
(1b) & (2b) and (1c) & (2c)
February 10, 2014

CONSENT ORDER

This matter came before the Howard County Board of Appeals Hearing Examiner on November 25, 2014, for a hearing on Department of Planning and Zoning (DPZ) citations for violations of Howard County Zoning Regulations (HCZR) § 101.0.O, §§ 104.0.B, .C & .H, § 128.0.D.2 and § 131.0.N.46, involving the continued operation of a mulch manufacturing, soil processing and/or compro/compost facility/business and storage of two refuse/recycling/shipping containers on RC (Rural Conservation) zoned property known as 2700 Woodbine Road (MD 94). On February 10, 2014, pursuant to Howard County Code (HCC) Title 24, "Civil Penalties," and Subtitle 3 of Title 16 of the HCC, Department of Planning and Zoning Inspector Tamara Frank issued Oak Ridge Farm, LLC (Respondent) HCZR civil citations CE 13-135 (1a) & (2a), (1b) & (2b) and (1c) & (2c). The civil citations were served by certified and regular mail to Respondent, c/o John Hughes, 7810 Woodrow Place, Cabin John, Md., 20818 (CE 13-135 (1a) & (2a)), to resident agent Charles E. Kohlhoss, III, 8120 Woodmont Avenue, Suite 350, Bethesda, Md., 20814 (CE 13-135 (1b) & (2b)) and to resident agent Charles E. Kohlhoss, III, 10561 Metropolitan Avenue, Kensington Avenue, Kensington, Md., 20895 (CE 13-135 (1c) & (2c)).

Nowelle A. Ghahhari, Assistant County Solicitor, represented the Department of Planning and Zoning (DPZ). Thomas Meachum, Esquire, represented Respondent Oak Ridge Farm, LLC (Erich Bonner).

A Preliminary Matter

At the outset of the hearing, DPZ requested the dismissal of CE 13-135 (2a), (2b) & (2c), which DPZ issued for the continued storage of two refuse/recycling/shipping containers on the premises, the violation having been abated. It is therefore **ORDERED** that:

Civil Citations CE 13-135 (2a), (2b) & (2c) are **DISMISSED**.

During the proceeding, Respondent, having been represented by counsel, agreed to enter into an agreement containing a consent order resolving the allegations contained in Civil Citations CE 13-135 (1a), (1b) & (1c), which DPZ issued for the continued operation of a mulch manufacturing, soil processing and/or compro/compost facility/business. Therefore,

IT IS HEREBY AGREED by and between Oak Ridge Farms, LLC, and the Department of Planning and Zoning and so **ORDERED** this day of January 12, 2015, that:

1. Respondent Oak Ridge Farms, LLC, acknowledges being in violation of the Howard County Zoning Regulations as cited in the Civil Citations on or about February 6, 2014.
2. Respondent Oak Ridge Farms, LLC, agrees to pay a one thousand dollar fine.
3. Respondent Oak Ridge Farms, LLC, agrees that it will not manufacture mulch, including importing, grinding or exporting feedstock until such time as the Howard County Zoning Regulations are changed, if they are changed.

HOWARD COUNTY BOARD OF APPEALS

HEARING EXAMINER

MICHELE L. LEFAIVRE

Michele L. LeFavre

Date Mailed: _____

NOTICE TO RESPONDENTS: Respondents are advised that pursuant to Section 16.1608.(c) of the Howard County Code, all fines are due and payable by the date indicated in the citation; and are payable to the Director of Finance of Howard County. Pursuant to Section 16.1609, a final order issued by the Hearing Examiner may be appealed within 30 calendar days of the date of this order by the alleged violator to the Board of Appeals in accordance with Section 16.304 of this title.*

If an alleged violator appeals the final order of the hearing examiner, the alleged violator may request the stay of any civil fine imposed by a final order pending the final resolution of an appeal. Pursuant to Section 16.1610, if a final order of the Hearing Examiner includes a civil fine and the order is appealed to the Board of Appeals, the alleged violator shall post security in the amount of the civil fine to the director in a form acceptable to the Director of Finance. After all appeals are exhausted, if a civil fine is reduced or vacated, the security shall be reduced proportionately; any surplus shall be returned to the alleged violator; and any balance shall be used to satisfy the civil fine; or is not reduced or vacated, the security shall satisfy the fine assessed and accrue to the benefit of the county. Pursuant to Section 16.1611, if a final order issued by a Hearing Examiner assesses a civil fine and the alleged violator does not pay the fine within the time required by the order, the Hearing Examiner shall certify to the Director of Finance the amount owed that shall become a lien on the property on which the violation existed; and be collected in the manner provided for the collection of real estate taxes. Pursuant to Section 16.1612, if an alleged violator fails to comply with an order to correct a violation within the time provided in the order, the county may seek a court order authorizing entry on to the property to correct the violation and may procure the performance of the work by county employees or by contract to correct the violation. The cost and expense of work performed under this section a lien on the property on which the violation exists upon certification to the Director of Finance of the amount owed.

* Howard County Code Sec. 16.304.(a), Appeal to Board of Appeals, provides in pertinent part that the Board will hear the appeal of a citation issued under subtitle 16 of this title on the record in accordance with section 2.210.(b) of this Code (Section 2.210.(b) of the Board of Appeals Rules of Procedure.)