

1 VALDIS LAZDINS, BEFORE THE
 2 MARY KAY SIGATY, * PLANNING BOARD OF
 3 GREG FOX, PETITIONERS * HOWARD COUNTY, MARYLAND
 4 ZRA-180 *

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6 MOTION: *To recommend approval of the petition in accordance with the Department*
 7 *of Planning and Zoning recommendation and to add a definition for*
 8 *Feedstock.*

9 ACTION: *Recommended approval; Vote 3 to 0.*

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11 RECOMMENDATION

12 On May 25, 2017, the Planning Board of Howard County, Maryland, considered the petition of
 13 Planning Director Valdis Lazdins and Councilmembers Mary Kay Sigaty and Greg Fox to amend Sections
 14 103.0, 104.0, 105.0, 106.1, 122.0, 123.0, 124.0, 128.0, 131.0 of the Howard County Zoning Regulations
 15 (HCZR). The proposed amendments address wood waste processing and composting activities in the RC, RR,
 16 M-1, M-2 zoning districts and Solid Waste Overlay district.

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

22 Testimony

23 Councilmember Sigaty testified first about the role of the Wood Waste Task Force, why it was
 24 established, and the desire to enlist experts to look at the impact mulch and composting activities have on the
 25 economy. Ms. Sigaty stated that ZRA 180 would allow farmers to compost as part of their agricultural
 26 operations and that it supports the agricultural economy; especially in western Howard County. It allows
 27 farmers to mulch and compost as needed in relation to their property, but does not allow industrial activities,
 28 since everything must be accessory to farming. Further, it allows farmers to deal with materials that are used
 29 daily, bring in materials as needed, and to sell excess finished products that are not used on the farm. This
 30 approach is part of the ecology of farming and supportive of a 'use and reuse' process. Ms. Sigaty
 31 disseminated the Maryland Department of the Environment (MDE) General Permit requirement, which
 32 contains additional rules and regulations that must be followed. Ms. Sigaty also requested that the Planning
 33 Board consider including a definition for the term feedstock, as suggested by the Hearing Examiner.

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2 Councilmember Fox discussed the recent history of mulch and composting discussions in Howard
3 County. He explained that the task force was established to explore concerns and unintended consequences of
4 previous regulations regarding what could occur on agricultural land. The task force also considered whether
5 common practices that have not drawn complaints could still be in violation of previously enacted laws. At
6 the same time, MDE was finalizing state regulations, which impacted local decisions. ZRA 180 considered
7 the task force recommendations, as well as the updated MDE regulations. Mr. Fox stated that in addition to
8 zoning other regulations apply, such as MDE land management permits; Maryland Department of Agriculture
9 regulations; other federal regulations; various Howard County code sections, including fire regulations and
10 Section 15.502; individual easement requirements; and Internal Revenue Service (IRS) rules.

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

20 Board Discussion and Recommendations

21 The Board discussed both ZRA 160 and ZRA 180; however, the discussion focused mostly on ZRA
22 180. Boardmember Adler stated that in general, the comments by farmers suggested that ZRA 180 is needed
23 so they can operate their farms efficiently. However, she was concerned about someone taking advantage of
24 the regulations. The Board also discussed whether ZRA 180 would allow for large scale facilities and
25 concluded that they were satisfied with its restrictions on size. They further suggested that the co-sponsors
26 consider relaxing restrictions that are not health and safety related, if the resulting products are used on the
27 farm. Their goal is to provide more flexibility for individual farming operations. Chairperson Engelke also
28 requested to better define certain issues that were raised, such as enforcement and size distinctions.
29 Boardmember Coleman suggested a chart that shows the most restrictive, applicable regulations, for example
30 fire regulations. Finally, the Board acknowledged public comments regarding enforcing zoning violations and
31 determined that such issues should be addressed outside this ZRA.

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33 Ms. Alder motioned to recommend approval of the petition and recommended including a definition for the
34 term feedstock. Mr. Coleman seconded the motion. The motion passed by a vote of 3 to 0.

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2 For the foregoing reasons, the Planning Board of Howard County, Maryland, on this 25th day of
3 May, 2017, recommends that ZRA-180, as described above, be APPROVED.
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5 HOWARD COUNTY PLANNING BOARD

6 Phillips Engelke 1/AB
7 Phillips Engelke, Chair

8 Absent

9 Erica Roberts, Vice-chair

10 Delphine Adler 1/AB
11 Delphine Adler

12 Ed Coleman 1/AB
13 Ed Coleman

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17 ATTEST:

18 Valdis Lazdins
19 Valdis Lazdins, Executive Secretary
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