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

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

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

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RECOMMENDATION

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

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

Testimony

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

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

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

Board Discussion and Recommendations

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

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

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

HOWARD COUNTY PLANNING BOARD

Phillips Engelke /LB
Phillips Engelke, Chair

Absent
Erica Roberts, Vice-chair

Delphine Adler /LB
Delphine Adler

Ed Coleman /LB
Ed Coleman

ATTEST:

Valdis Lazdins, Executive Secretary