BEFORE THE
MARY KAY SIGATY,  
GREG FOX, PETITIONERS  
ZRA-183

MOTION: To recommend approval of the petition in accordance with the Department of Planning and Zoning recommendation and to add criteria to verify ongoing compliance with Special Farm Permits

ACTION: Recommended approval; Vote 5 to 0.

RECOMMENDATION

On January 11, 2018, and March 1, 2018, the Planning Board of Howard County, Maryland, considered the petition of 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, Department of Planning and Zoning (DPZ) Technical Staff Report, public testimony, and DPZ's recommendation to approve the petition. Councilmember Sigaty introduced the item and explained that when Council approved Council Bill 60-2017 (CB-60) in November, 2017 they miscounted days resulting in an invalid bill and triggering the need to go through the process again. The proposed ZRA 183 is the same as ZRA 180 with ten amendments that were adopted by Council in the final CB-60. The Planning Board's review should focus on the ten amendments, which represent the changes to ZRA 180.

Testimony

Councilmember Sigaty testified that ZRA 183 balances needs of the farming community to operate viable farms and manages risks, while protecting neighbors. ZRA 183 promotes environmental sustainability and sound waste management; supports agriculture and the County’s investment in the Agricultural Preservation Program; protects residential communities in or adjacent to the RC, RR, M-1 and M-2 zones; and limits the size of facilities and sale of product. Councilmember Sigaty informed the Planning Board that the Council heard expert testimony during the work sessions on CB 60. It included Maryland Department of the Environment composting staff, a University of Maryland specialist who certifies composting operations and teaches composting programs; a US Department of Agricultural contractor who specializes in the use of composting to meet Clean Air and Water Act requirements; and a Meteorologist/Soil Scientist with expertise
in air pollution. Both Councilmembers Sigaty and Fox discussed Council Bill 78-2017, which requires the County to apply state regulatory standards for wood waste pile heights and distances between piles even if a state permit is not required. It also provides additional enforcement opportunities through the Fire Department to address potential health and safety issues.

Councilmember Fox mentioned that the County’s landfill is surrounded by residential. Jeffery Dannis, Bureau of Environmental Services, Alpha Ridge Manager, testified that the County has not received any complaints about the Alpha Ridge Landfill operation.

The Board heard public testimony on ZRA 183. The agricultural community, including the Farm Bureau, testified in general support of ZRA 183. However, they expressed concerns with the proposed restrictions on sales and discussed state initiatives to encourage counties to find other outlets for waste disposal. Residential homeowners testified in support of some aspects of ZRA 183 and also expressed concerns about a number of issues including: the need for additional limits on the sale of excess product; compliance with agriculture preservation easements, potential health and safety impacts, ground water contamination, safety concerns with tractor trailer traffic, and ability of the County to enforce regulations. Mr. McAliley motioned to close the public hearing and continue the work session to a future meeting. Mr. Coleman seconded the motion, which passed by a vote of 4-0.

Board Discussion and Recommendations

On March 1, 2018, the Planning Board convened in a work session to discuss ZRA 183. Mr. Engelke stated for the record that while he did not attend the January 11, 2018, Public Hearing he has reviewed the video and materials and is prepared to participate in the work session. He recommended that the Board focus their discussion on the items that changed from the last hearing on ZRA 180. Board members commented that the amendment was well thought out and commended the sponsors for their effort. Misters Engleke and Coleman remarked that the approach is balanced and reasonable. Ms. Adler expressed support for protecting and encouraging farming in Howard County and also raised a concern that compliance monitoring for Special Farm Composting Permits should extend beyond two years. The board agreed monitoring beyond the first two years should occur and they recommended the County determine a consistent approach and timeframe to confirm ongoing compliance.

Mr. Coleman motioned to recommend approval of ZRA 183 and include a measure to ensure there is consistent and continuing compliance of Special Farm Composting Permits. Ms. Adler and Ms. Roberts seconded the motion. The motion passed by a vote of 5 to 0.
For the foregoing reasons, the Planning Board of Howard County, Maryland, on this 15th day of 2018, recommends that ZRA-183, as described above, be APPROVED.

Howard County Planning Board

Phillips Engels, Chair

Erica Roberts, Vice-chair

Delphine Adler

Ed Coleman

Kevin McAliley

ATTEST:

Valdis Lazdins, Executive Secretary