ACTION: Recommended denial; Vote 3 to 0.

RECOMMENDATION

On May 25, 2017, the Planning Board of Howard County, Maryland, considered the petition of the Dayton Rural Preservation Society to amend Sections 103.0, 104.0, 105.0, 106.1, 108.0, 111.0, 122.0, 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, R-20, R-12, R-SC, R-SA-8, 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 deny the petition and approve a companion item—ZRA 180. 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

John Tegeris, President of Dayton Rural Preservation Society testified on behalf of the Petitioner. Mr. Tegeris stated that ZRA 160 protects preserved Maryland agricultural land and Howard County agricultural land from industrial mulch operations and that ZRA 180 creates opportunities for industrial mulching on farmland. He further stated that these operations should be located on M-1 and M-2 properties, given the safety, health and environmental concerns associated with industrial mulching. Mr. Tegeris noted that Dayton Rural Preservation Society opposes trucking of mulch materials and expressed concerns with DPZ’s enforcement of related zoning violations. Mr. Tegeris provided a number of exhibits to the Board documenting areas of concern. The exhibits contained materials related to tractor trailer traffic and child safety; carcinogenic effects, including release of endospores from mulch dust; groundwater contamination from mulch leachate; risk of fire and limited water supply. Finally, Mr. Tegeris encouraged the Board to consider applying regulations to the Maryland Agricultural Land Foundation Program (MALFP) properties.
The Board heard public testimony both on ZRA 160 and ZRA 180. 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. Chairperson Engelke noted that ZRA 160 was highly complex and that the metrics for both ZRA 160 and ZRA 180 would be difficult to enforce. 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.

Mr. Coleman motioned to recommend denial of the petition and Ms. Adler 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-160, as described above, be DENIED.

HOWARD COUNTY PLANNING BOARD

Phillips Engelke, Chair

Absent

Erica Roberts, Vice-chair
Delphine Adler
Delphine Adler

Ed Coleman
Ed Coleman

ATTEST:

Valdis Lazdiņš, Executive Secretary