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TECHNICAL STAFF REPORT

Petition Accepted on March 5, 2014
Planning Board Meeting of April 17, 2014
County Council Hearing to be scheduled

Case No./Petitioner: **ZRA-148 – Dayton Rural Preservation Society, LLC**

Request: Zoning Regulation Amendment to amend Section 103.0, Definitions to revise the definition for "Composting Facility".

To amend Section 106.1, County Preservation Easements, to revise Section 106.1.D.1 to specify that Conditional Uses on ALPP Purchased Easements and ALPP Dedicated Easements are limited to a maximum of 1 acre, to add "Compost Facility" as an allowable Conditional Use subject to the 2% of the easement and 1 acre maximum cap, and to delete "Composting Facility" as an allowable Conditional Use that is not subject to the 2% of the easement and 1 acre maximum cap. Also to revise Section 106.1.D.2 for Other Dedicated Easements to add "Compost Facility" as an allowable Conditional Use subject to the 2% of the easement and 1 acre maximum cap, and to delete "Composting Facility" as an allowable Conditional Use that is not subject to the 2% of the easement and 1 acre maximum cap.

To amend Section 122.0, M-1 (Manufacturing: Light) District to revise Section 122.0.B, Uses Permitted as a Matter of Right, to add "Mulch Manufacture" as a permitted use in the current Section 122.0.B.54 for "Sawmills", and to add "Compost Facility" as a new Section 122.0.B.67.

To amend Section 131.0, Conditional Uses, to revise the specific criteria for the use category for Sawmills, Bulk Firewood Processing, Mulch Manufacture, or Soil Processing in Section 131.0.N.46 to delete the Hearing Examiner authorization to allow access to a local road, to set a maximum truck size, and to specify that on ALPP Purchased Easements and ALPP Dedicated Easements properties impervious roads are included in the calculation of the cumulative use cap, that the cumulative use cap area has a maximum area of 1 acre, and that only materials from the farm may be mulched or cut for firewood.

Department of Planning and Zoning Recommendation: **DENIAL. REPLACE WITH ALTERNATE**

I. DESCRIPTION OF PROPOSAL

- **The Petitioner proposes several amendments to the Zoning Regulations. Each proposed amendment is generally described as follows:**

  1. The current specific definition for the term "Composting Facility is "A facility where organic material, specifically limited to vegetation, food waste, and manure, that is obtained principally from off-site locations is

I. DESCRIPTION OF PROPOSAL

processed to generate a product through the microbiological degradation of this organic material under aerobic conditions." The Petitioner proposes to add a stipulation that facilities required to have a Natural Wood Waste Recycling Facility Permit issued by the Maryland Department of the Environment are not considered to be composting facilities.[Please note that in this amendment proposal, as well as throughout the other proposed amendments, the Petitioner uses the term "Compost Facility" rather than the defined term "Composting Facility.]

2. In Section 106.1, County Preservation Easements, Section 106.1.D concerns the issue of Conditional Uses on ALPP Purchased Easements and ALPP Dedicated Easements and on Other Dedicated Easements. Currently, Composting Facilities are allowed as potential Conditional Uses on all three easement types, without any set use area cap, and the Petitioner proposes to delete Composting Facilities from being allowed this way. The Petitioner then adds "Compost Facility" as a potential Conditional Use on all three easement types, but under the categories for such uses that have a maximum use area cap, adding a limit of 1 acre.

3. Prior to the 2013 Comprehensive Zoning Plan (the "2013 CZP"), the manufacture of mulch was permitted as a matter of right in the M-1 District, but this use category was unintentionally eliminated when the simplified use category of Light Industrial Uses was created. The Petitioner proposes to revise Section 122.0.B. to add "Mulch Manufacture" as a permitted use along with the current Sawmills use category, and to add "Compost Facility" as a new permitted use category.

4. Currently, the Conditional Use category for Sawmills, Bulk Firewood Processing, Mulch Manufacture, or Soil Processing includes a specific criterion regarding vehicular access that ordinarily requires access to an arterial or collector highway, but allows the Hearing Examiner to permit access to a local road. The Petitioner proposes to eliminate allowing access to a local road. The Petitioner proposes to establish a maximum truck size at a1.5 ton, two axle pick-up truck. For Conditional Uses on ALPP Purchased Easements and ALPP Dedicated Easements, the Petitioner proposes to add additional criteria to establish that impervious roads are included in the calculation of the cumulative use cap, that this cumulative use cap area has a maximum area of 1 acre, and that the processing of mulch or firewood can only be done using materials existing on-site, rather than from off-site locations.

- **The subsections proposed to be amended and the amendment text is attached as Petitioner's Proposed Text (CAPITALS indicates text to be added; text in [[brackets]] indicates text to be deleted).**

- **ZRA-148 and the somewhat similar proposal for ZRA-149 are apparently reactions to preliminary proposals for potential Conditional Use applications for new mulching/composting operations on certain properties in western Howard County. However, this petition refers to issues related to mulching and composting uses in a general manner, rather than to any specific proposed use.**

I. DESCRIPTION OF PROPOSAL

- **The Petitioner explains that the proposed amendments will allow farmers to "...maintain their farms through additional economic services...", but would limit large industrial-scale mulching and composting uses of a non-farming nature, and prevent "...associated health and safety concerns..." in rural areas.**

  In the petition justification regarding how the proposed amendments are in harmony with the Zoning Regulations purpose of preserving the health, safety and public welfare of the community, the Petitioner states that the amendments do this "...by limiting nuisance to the immediate surrounding area [of such a mulching or composting use] due to potential releases from fuel storage tanks, vehicles, airborne particulate matter, including exhaust, dust and organic matter, commercial traffic, equipment noise, entrainment of mud and dirt to the roadways, odors, litter, habitat for vermin, potential surface and groundwater issues, reduction of property values, and the potential for fire hazards from the mulch piles with limited rural water resources."

- **The Petitioner also emphasizes that heavy metals and pathogens are now known to cause potential environmental risks when they are released from composting facilities by water leaching through the composting materials and into the soil.**

  It is for this reason, the Petitioner notes, that the Maryland Department of the Environment ("MDE") is currently in the process of revising its regulations applied to mulching and composting operations.

- **The proposed amendments would reestablish the manufacture of mulch as a permitted use in the M-1 and M-2 Districts, as was permitted prior to the 2013 CZP, and would also add Composting Facility as a new permitted use in those districts.**

  The Petitioner states that allowing such uses in industrial areas is more appropriate because such areas are "...where other similar industrial operations occur and where infrastructure is compatible."

II. EXISTING REGULATIONS

- **The definition for Composting Facility and the associated Conditional Use category in Section 131.0 were established in the 2013 CZP. The old Conditional Use category for Yard Waste Composting Facility was deleted, and its criteria were revised to some extent to create the new Composting Facility category, and the definition was devised to include the potential for using food waste and manure as composting materials.**

- **Prior to the 2013 CZP, there was a Conditional Use category for Sawmills and Mulch Manufacture, which was allowed in the RR and RC Districts.**

  This category was significantly revised in the 2013 CZP by adding bulk firewood processing and soil processing as potential uses, and by establishing more restrictive criteria such as making the minimum lot size 10 acres.

II. EXISTING REGULATIONS

- **As noted above, prior to the 2013 CZP the manufacture of mulch was permitted as a matter of right in the M-1 District, but this use category was unintentionally eliminated when the simplified use category of Light Industrial Uses was created by eliminating a relatively long list of different types of light industrial uses.**

III. BACKGROUND INFORMATION

A. Scope of Proposed Amendments

- **The proposed amendments would potentially affect all ALPP Purchased Easement, ALPP Dedicated Easement, and Other Dedicated Easement properties in the RC District by eliminating the potential for large composting facilities on such properties, while allowing much smaller facilities.**

- **The amendments potentially affect all M-1 and M-2 properties by allowing mulch manufacturing and composting facilities as permitted uses in those districts.**

- **The amendments affect any potential new Conditional Use proposal for the Sawmills, Bulk Firewood Processing, Mulch Manufacture, or Soil Processing use category by eliminating the possibility for commercial bulk firewood processing or mulch manufacture because taking in and processing materials from off-site locations for these purposes would be prohibited.**

IV. EVALUATIONS AND CONCLUSIONS

A. Relation to the General Plan

- **The stated purpose of the amendments to address the environmental risks that can be associated with composting facilities due to the leaching of potential heavy metals and pathogens into the soil and groundwater are in harmony with the General Plan Policy 3.2 to "Reduce pollution loads to surface and groundwater" and Policy 3.5 to "Promote individual environmental stewardship."**

- **The amendments would reduce the potential for commercial-level mulch manufacturing and composting facilities on farm properties in western Howard County, relatively shortly after the new Zoning Regulations approved in the 2013 CZP expressly expanded such a potential.**

  ZRA 148 is therefore not in harmony with the part of Policy 4.5 to "Refine the Rural Conservation (RC) and the Rural Residential (RR) zoning regulations to provide greater flexibility for the agricultural community…". It can be viewed as somewhat being in harmony with the rest of Policy 4.5, "… as well as appropriate protections for rural residents", but as such protections are already incorporated into the Conditional Use approval process, and because MDE will be proposing new State permit requirements for such facilities, such additional protections as proposed in ZRA 148 are unnecessary.

IV. EVALUATIONS AND CONCLUSIONS

B. Relation to the Zoning Regulations

- **Similarly while ZRA 148 would be in harmony with the Zoning Regulation Legislative Intent to "ensure that all development and land uses protect or enhance the natural, environmental, historic, architectural and other landscape resources of the County, especially highly fragile and environmentally important features such as floodplains, wetlands or steep slopes", ZRA 148 is contrary to the Legislative Intent to "preserve agricultural land" due to the proposal to reduce the potential use of agricultural preservation parcels for commercial purposes that can help to support farms from an economic perspective.**

C. Other Issues

- **As mentioned previously in this Technical Staff Report, the State regulations governing Composting Facilities are in the process of being revised by MDE. The Department of Planning and Zoning has discussed the direction MDE is taking with these new regulations, and the Department is confident that many of the environmental concerns expressed by the Petitioner will be adequately addressed without the need to revise the Zoning Regulations as proposed.**

  In its conversations with MDE, the Department determined that the State will regulate "Composting Facilities" under COMAR 26.04.11 in three levels, or tiers, based on the types of materials processed and the relative potentials for environmental risks. For that reason, the Department no longer views such Composting Facilities as being appropriate for rural areas, no matter how designed or operated.

  MDE regulations, however, distinguish "Natural Wood Waste Recycling Facilities" from "Composting Facilities". Natural Wood Waste Recycling Facilities are regulated under COMAR 26.04.09, which MDE finds effective and is not proposing to revise.

  Composting Facilities therefore appear to rightfully belong only as permitted uses in the SW (Solid Waste) Overlay District, because of the level of evaluation required for such a designation. Natural Wood Waste Recycling Facilities, however, are permitted under a different section of the MDE regulations (COMAR 26.04.09) because these facilities have a lower environmental risk. Such Natural Wood Waste Recycling Facilities may be appropriate in rural areas if properly evaluated through the Conditional Use process. On a similar basis, Natural Wood Waste Recycling Facilities could be appropriate in the M-1 and M-2 Districts as permitted uses, to replace the old mulch manufacturing use that was deleted in the 2013 CZP.

- **In addition, the General Standards for evaluating Conditional Use proposals were revised in the 2013 CZP, and now include a standard requiring a finding that the "proposed use will not have a greater potential for adversely impacting environmentally sensitive areas in the vicinity than elsewhere", which is now applied to all Conditional Use proposals, and would be a factor in determining if the facility design and operational procedures of a mulching facility would be appropriate in a particular location from an environmental perspective.**

IV. EVALUATIONS AND CONCLUSIONS

D. Alternate Proposal for Zoning Regulation Amendments

- **The issues noted in Section C above make revising the proposed text for ZRA 148 very complicated. It is recommended that completely new alternate zoning amendments be considered instead. Please refer to the attached DPZ Recommended Alternate Regulation Amendments for all of the details of the recommended text.**

  In these alternate amendments, Natural Wood Waste Recycling Facilities would allowed as Conditional Uses on ALPP Purchased Easement and ALPP Dedicated Easement properties with certain size restrictions, the definition for Composting Facilities would be made more specific and Composting Facilities would be deleted as a Conditional Use category and deleted from being allowed as a Conditional Use anywhere, but allowed under the SW (Solid Waste) Overlay regulations. A new definition and Conditional Use category would be established for Natural Wood Waste Recycling Facilities in the RC District, and such facilities would also be added as permitted uses in the M-1 and M-2 districts.

  It was also determined that the use categories for Sawmills and Bulk Firewood Processing should be made more specific so that the making of mulch and similar products can only be a minor accessory use rather than being a much more principal use. For this purpose, the alternate regulations also include new definitions for these two types of facilities.

V. RECOMMENDATION *DENIAL*

For the reasons noted above, the Department of Planning and Zoning recommends that ZRA-148 as noted above, be DENIED, and replaced with the attached Alternate Regulation Amendments.

Marsha S. McLaughlin, Director — Date 4/3/14

MM/JRL/jrl

NOTE: The file on this case is available for review at the Public Service Counter in the Department of Planning and Zoning.

ZRA 148 – Petitioner's Proposed Text

SECTION 103.0: Definitions

Composting Facility: A facility where organic material, specifically limited to vegetation, food waste, and manure, that is obtained principally from off-site locations is processed to generate a product through the microbiological degradation of this organic material under aerobic conditions. A COMPOST FACILITY DOES NOT INCLUDE A FACILITY THAT IS REQUIRED TO OBTAIN A NATURAL WOOD WASTE RECYCLING FACILITY PERMIT.

SECTION 106.1: County Preservation Easements

D. Conditional Uses

1. ALPP Purchased Easements and ALPP Dedicated Easements

   a. Conditional Uses shall not be allowed on agricultural preservation easements unless they support the primary agricultural purpose of the easement property, or are an ancillary business which supports the economic viability of the farm, and are approved by the hearing authority in accordance with the applicable provisions of Sections 130.0 and 131.0 of these regulations. On an ALPP purchased or dedicated easement property, the area devoted to Conditional Uses may not exceed a cumulative use cap equal to 2% of the easement UP TO A MAXIMUM OF 1 ACRE MAY BE ALLOWED.

   The following Conditional Uses may be allowed:

   (1) Animal hospitals
   (2) Barber shop, hair salon and similar personal services facilities
   (3) Bottling of spring or well water
   (4) Communication Towers
   (5) Farm tenant house on a parcel of at least 25 acres but less than 50 acres
   (6) Historic building uses
   (7) Home based contractors
   (8) Home occupations
   (9) Kennels and/or pet grooming establishments
   (10) Landscape contractors
   (11) Limited outdoor social assemblies
   (12) Sawmills, bulk firewood, mulch manufacture and/or soil processing

(13) School buses, commercial service
(14) Small wind energy systems, freestanding tower
(15) Solar Facilities, commercial
(16) COMPOST FACILITY

b. In addition, the following Conditional Uses which may require additional land area may be permitted on agricultural preservation easements:

(1) Agribusiness, limited to uses itemized in Section 131.0.N.
(2) Farm winery – class 2
[[(3) Composting Facility]]

2. Other Dedicated Easements

a. Conditional Uses shall not be allowed on other dedicated easements unless they support the primary purpose of the easement property and are approved by the hearing authority in accordance with the applicable provisions of Sections 130.0 and 131.0 of these regulations. On these dedicated easements, the following Conditional Uses which do not require the construction of new principal structures or use of an outdoor area that is more than 2% of the preservation parcel acreage up to a maximum of 1 acre may be allowed:

(1) Animal hospitals
(2) Antique shops, art galleries and craft shops
(3) Barber shop, hair salon and similar personal service facilities
(4) Bottling of spring or well water
(5) Child day care centers and nursery schools, day treatment and care facilities
(6) Communication towers
(7) Country inns
(8) Historic building uses
(9) Farm tenant house on a parcel of at least 25 acres but less than 50 acres
(10) Home based contractors
(11) Home occupations
(12) Kennels and/or pet grooming establishments
(13) Landscape contractors
(14) Limited outdoor social assemblies
(15) Museums and libraries
(16) Retreats
(17) Sawmills, bulk firewood, mulch manufacture and/or soil processing
(18) School buses, commercial service
(19) Shooting ranges – outdoor rifle, pistol, skeet and trap
(20) Small wind energy systems, freestanding tower
(21) Solar Facilities, commercial

(22) Two family dwellings, accessory apartments and multi-plex dwellings
(23) COMPOST FACILITY

b. In addition, the following Conditional Uses which may require additional land area may be permitted on other dedicated easements:

(1) Agribusiness, limited to uses itemized in Section 131.0.N.2
(2) Charitable or philanthropic institutions dedicated to environmental conservation
[[(3) Composting Facility]]
[[(4)]] (3) Farm winery – Class 2
[[(5)]] (4) Golf Courses

SECTION 122.0: M-1 (Manufacturing: Light) District

B. Uses Permitted as a Matter of Right

1. Ambulance services.
2. Ambulatory health care facilities.
3. Athletic facilities, commercial
4. Banks, savings and loan associations, investment companies, credit unions, brokers and similar financial institutions.
5. Biodiesel fuel manufacturing from vegetable-based oils.
6. Biomedical laboratories.
7. Blueprinting, printing, duplicating or engraving services.
8. Breweries that manufacture 22,500 barrels or less of fermented malt beverages per year.
9. Bus terminals.
10. Carpet and floor covering stores.
11. Car wash facilities.
12. Carnivals and fairs sponsored by and operated on a nonprofit basis for the benefit of charitable, social, civic or educational organizations, subject to the requirements of Section 128.0.D.
13. Carpet and rug cleaning.
14. Catering establishments and banquet facilities.
15. Child day care centers and nursery schools.
16. Concert halls.
17. Conservation areas, including wildlife and forest preserves, environmental management areas, reforestation areas, and similar uses.
18. Contractor's office and outdoor or indoor storage facility, including carpentry, cleaning, construction, electrical, excavation, exterminating, heating/air conditioning, home improvement, landscaping, masonry, painting, paving,

plumbing, roofing, septic system, snow removal, well drilling, and other contractors.

19. Data processing and telecommunication centers
20. Day treatment or care facilities.
21. Farming, provided that on a residential lot or parcel of less than 40,000 square feet no livestock shall be permitted. However, residential chicken keeping is allowed as noted in Section 128.0.
22. Flex- space
23. Funeral homes and mortuaries.
24. Furniture, appliance and business machine repair, furniture upholstering, and similar services.
25. Furniture stores.
26. Government structures, facilities and uses, including public schools and colleges.
27. Hotels, motels, conference centers and country inns.
28. Kennels.
29. Laundry or dry cleaning establishments or plants.
30. Light Industrial Uses.
31. Material recovery facilities - source separated.
32. Mobile home and modular home sales and rentals, but not including occupancy.
33. Motor vehicle, construction equipment and farm equipment maintenance, repair and painting facilities, including full body repair and incidental sale of parts.
34. Motor vehicle, construction equipment and farm equipment sales and rentals.
35. Motor vehicle inspections station.
36. Motor vehicle towing and storage facility.
37. Nonprofit clubs, lodges, community halls.
38. Offices, professional and business.
39. Pawn Shops.
40. Pet grooming establishments and daycare, completely enclosed.
41. Photographic processing plants.
42. Pizza delivery services and other services for off-site delivery of prepared food.
43. Printing, lithography, bookbinding or publishing.
44. Public utility uses, limited to the following:
    a. Utility substations, provided that all uses are set back at least 50 feet from lot lines.
    b. Above ground pipelines.
    c. Pumping stations and compression stations.
    d. Telecommunication equipment facilities.
    e. Commercial communications antennas.
    f. Commercial communication towers, subject to the requirements of Section 128.0.E.2. and 128.0.E.3.
45. Recreation facilities, commercial
46. Recycling collection facilities.

47. Religious facilities, structures and land used primarily for religious activities.
48. Research and development establishments.
49. Restaurants, carryout.
50. Restaurants, standard, and beverage establishments, including those serving beer, wine and liquor for consumption on premises only.
51. Retail centers. Retail centers to serve the employees and users of projects within this zoning district are permitted within projects of at least 200 acres when such centers conform to the requirements set forth below.
    a. Purpose: The purpose of such retail centers is to provide employees and users of development in this zoning district with conveniently located commercial, retail and personal services; to reduce the need for vehicle trips off and onto the site to obtain such services; to provide employees and users with the useable open space and amenities associated with such services (e.g., outdoor eating areas); and to make more efficient use of the site by clustering together related retail, commercial and service activities in retail centers which typically would not exceed 40,000 square feet of gross floor area.
    b. Uses permitted by right in such retail centers include any combination of the retail, commercial or service uses permitted by right in this district plus the following uses:
        (1) Newsstand.
        (2) Convenience store.
        (3) Personal service establishments.
        (4) Specialty stores.
        (5) Telegraph offices, express mail, and messenger services.
        (6) Travel bureaus.
        (7) Drug and cosmetic stores.
    c. Minimum requirements and conditions: Retail centers incorporating the uses cited in paragraph b. above shall be permitted within this zoning district when they meet the following conditions:
        (1) Minimum project size shall be 200 gross acres and such projects shall have a continuous internal road system.
        (2) The retail center(s) lot shall not occupy, in the aggregate, more than 2% of the gross acreage of the project.
        (3) Development of the retail center(s) shall be phased in with the development of permitted uses within the project so that at no time shall the aggregate floor area of the improvements in the retail center(s) exceed 10% of the total aggregate floor area of improvements for permitted uses either constructed or being constructed pursuant to approved Site Development Plans.
        (4) Retail center(s) may not be located on a lot that fronts on or abuts any street or highway unless such street or highway is internal to the project. All access to the retail center(s) shall be from interior streets within the project. The distance from any lot line of the retail center lot to the nearest street or highway right-of-way

external to the project shall be no less than 500 feet and signage for the center shall not be oriented to such external streets.

52. Retail, limited:
For any manufacturing plant or warehouse permitted in the M-1 District, retail sales may be permitted, provided that:
   a. The products sold are either manufactured on the site, sold as parts or accessories to products manufactured on the site, or stored or distributed on the site;
   b. Not more than 30% of the floor space of the first floor of the main structure may be devoted to the retail sales of articles made, stored or distributed on the premises; and
   c. Any service facilities are limited to the repair and/or service of products manufactured, stored or distributed by the owner or lessee of the site.

   Nothing herein contained shall be construed to permit the operation of general retail sales businesses.
53. Seasonal sales of Christmas trees or other decorative plant materials, subject to the requirements of Section 128.0.D.
54. Sawmills, AND MULCH MANUFACTURE.
55. School bus, boat and recreational vehicle storage facilities.
56. Schools, commercial.
57. Schools, private academic, including colleges and universities.
58. Self storage facilities.
59. Sign making shops.
60. Special Hospitals – Psychiatric.
61. Taxicab businesses, including facilities for dispatch and maintenance of related vehicles.
62. Taxidermies.
63. Underground pipelines; electric transmission and distribution lines; telephone, telegraph and CATV lines; mobile transformer units, telephone equipment boxes; and other similar public utility uses not requiring a Conditional Use.
64. Volunteer fire departments.
65. Warehouses, truck terminals, and moving and storage establishments.
66. Wholesale sale and storage of building materials and supplies, including storage yards for lumber, bricks, masonry blocks, construction equipment, plumbing and electrical supplies.
67. COMPOST FACILITY

SECTION 131.0: Conditional Uses

N. Conditional Uses and Permissible Zoning Districts

46. Sawmills, Bulk Firewood Processing, Mulch Manufacture, or Soil Processing

A Conditional Use may be granted in the RC or RR Districts for sawmills, the cutting of firewood in bulk, mulch manufacture, or soil processing provided that:

a. Buildings and structures used for processing activities, equipment and outdoor uses associated with the operation shall be at least 500 feet from existing residences on different lots and at least 300 feet from property lines. Buildings or structures which are principally used for storage and which are not used for processing activities shall be at least 100 feet from property lines.

b. Parking, storage areas and equipment shall be screened from adjoining properties and public roads by landscaping or other appropriate means.

c. Hours of operation shall be established by the Hearing Authority.

d. Retail sales of materials produced on-site may be permitted if specifically approved by the Hearing Authority.

e. The minimum lot size is 10 acres.

f. The vehicular access to the use shall be from an arterial of collector highway and not from a local road [[unless authorized by the Hearing Examiner]] AND TRUCK SIZE IN AND OUT OF THE FACILITY WILL BE LIMITED TO A 1.5 TON, 2 AXLE PICK UP TRUCK.

g. On an ALPP purchased or dedicated easement property, the following additional criteria are required:
   (1) The use shall not interfere with farming operations or limit future farming production.
   (2) Any new building or building addition associated with the use, including any outdoor storage [[and]] parking area AND IMPERVIOUS ROAD shall count towards the cumulative use cap 2% AND UP TO A MAXIMUM OF 1 ACRE of the easement.
   (3) ONLY MATERIAL FROM THE FARM MAY BE MULCHED OR CUT FOR FIREWOOD.

DPZ Recommended Alternate Regulation Amendments

Section 103.0 Definitions

Composting Facility: A facility [[where organic material, specifically limited to vegetation, food waste, and manure, that is obtained principally from off-site locations is processed to generate a product through the microbiological degradation of this organic material under aerobic conditions]] REQUIRED TO HAVE A PERMIT FROM THE MARYLAND DEPARTMENT OF THE ENVIRONMENT UNDER COMAR 26.04.11 FOR CONTROLED AEROBIC BIOLOGICAL DECOMPOSITION OF HYGENIC WASTE MATERIALS.

FIREWOOD PROCESSING, BULK: A COMMERCIAL FACILITY WHICH PRINCIPALLY PROCESSES BRANCHES AND LOGS BY CHOPPING, CUTTING, SAWING, OR SPLITTING TO PRODUCE FIREWOOD FOR SALE, AND WHICH MAY INCLUDE THE ACCESSORY PROCESSING OF THE WOOD WASTE SOLELY PRODUCED BY THE PRINCIPAL PROCESSING TO CREATE HUMUS, MULCH OR WOOD CHIPS. THIS TERM DOES NOT INCLUDE THE PRODUCTION OF FIREWOOD AS AN ACCESSORY USE TO FARMING OR RESIDENTIAL PARCELS FOR LAND CLEARING OR PRIVATE USE PURPOSES.

NATURAL WOOD WASTE RECYCLING FACILITY: A PRIVATELY OPERATED COMMERCIAL FACILITY THAT RECYCLES BRANCHES, LEAVES, LIMBS, LOGS, ROOT MATS, TREE STUMPS AND OTHER SIMILAR PREVIOUSLY UNPROCESSED NATURAL ORGANIC WOOD MATERIALS BY PROCESSING THESE MATERIALS INTO RAW MATERIAL OR PRODUCTS, AND WHICH OPERATES UNDER A PERMIT FROM THE MARYLAND DEPARTMENT OF THE ENVIRONMENT UNDER COMAR 26.14.09.

SAWMILL: A COMMERCIAL FACILITY WHICH PRINCIPALLY PROCESSES LOGS BY SAWING, SPLITTING, SHAVING, OR STRIPPING TO PRODUCE LUMBER OR OTHER WOOD PRODUCTS FOR SALE, AND WHICH MAY INCLUDE THE ACCESSORY PROCESSING OF THE WOOD WASTE SOLELY PRODUCED BY THE PRINCIPAL PROCESSING TO CREATE HUMUS, MULCH OR WOOD CHIPS. THIS TERM DOES NOT INCLUDE THE PRODUCTION OF LUMBER AS AN ACCESSORY USE TO FARMING OR RESIDENTIAL PARCELS FOR LAND CLEARING OR PRIVATE USE PURPOSES.

SECTION 106.1: County Preservation Easements

D. Conditional Uses

1. ALPP Purchased Easements and ALPP Dedicated Easements

a. Conditional Uses shall not be allowed on agricultural preservation easements unless they support the primary agricultural purpose of the easement property, or are an ancillary business which supports the economic viability of the farm, and are approved by the hearing authority in accordance with the applicable provisions of Sections 130.0 and 131.0 of these regulations. On an ALPP purchased or dedicated easement property, the area devoted to Conditional Uses may not exceed a cumulative use cap equal to 2% of the easement.

The following Conditional Uses may be allowed:

(1) Animal hospitals
(2) Barber shop, hair salon and similar personal services facilities
(3) Bottling of spring or well water
(4) Communication Towers
(5) Farm tenant house on a parcel of at least 25 acres but less than 50 acres
(6) Historic building uses
(7) Home based contractors
(8) Home occupations
(9) Kennels and/or pet grooming establishments
(10) Landscape contractors
(11) Limited outdoor social assemblies
(12) Sawmills[[,]] OR bulk firewood PROCESSING [[, mulch manufacture and/or soil processing]]
(13) School buses, commercial service
(14) Small wind energy systems, freestanding tower
(15) Solar Facilities, commercial

b. In addition, the following Conditional Uses which may require additional land area may be permitted on agricultural preservation easements:

(1) Agribusiness, limited to uses itemized in Section 131.0.N.
(2) Farm winery – class 2
[[(3) Composting Facility]]
(3) NATURAL WOOD WASTE RECYCLING FACILITY, NOT TO EXCEED A CUMULATIVE USE CAP OF 10% OF THE EASEMENT.

2. Other Dedicated Easements

a. Conditional Uses shall not be allowed on other dedicated easements unless they support the primary purpose of the easement property and are approved by the hearing authority in accordance with the applicable provisions of Sections 130.0 and 131.0 of these regulations. On these dedicated easements, the following Conditional Uses which do not require the construction of new principal structures or use of an outdoor area that

is more than 2% of the preservation parcel acreage up to a maximum of 1 acre may be allowed:

(1) Animal hospitals
(2) Antique shops, art galleries and craft shops
(3) Barber shop, hair salon and similar personal service facilities
(4) Bottling of spring or well water
(5) Child day care centers and nursery schools, day treatment and care facilities
(6) Communication towers
(7) Country inns
(8) Historic building uses
(9) Farm tenant house on a parcel of at least 25 acres but less than 50 acres
(10) Home based contractors
(11) Home occupations
(12) Kennels and/or pet grooming establishments
(13) Landscape contractors
(14) Limited outdoor social assemblies
(15) Museums and libraries
(16) Retreats
(17) Sawmills[[,]] OR bulk firewood PROCESSING [[, mulch manufacture and/or soil processing]]
(18) School buses, commercial service
(19) Shooting ranges – outdoor rifle, pistol, skeet and trap
(20) Small wind energy systems, freestanding tower
(21) Solar Facilities, commercial
(22) Two family dwellings, accessory apartments and multi-plex dwellings

b. In addition, the following Conditional Uses which may require additional land area may be permitted on other dedicated easements:

(1) Agribusiness, limited to uses itemized in Section 131.0.N.2
(2) Charitable or philanthropic institutions dedicated to environmental conservation
[[(3) Composting Facility
(4) Farm winery – Class 2
(5) Golf Courses]]
(3) FARM WINERY – CLASS 2
(4) GOLF COURSES

SECTION 122.0: M-1 (Manufacturing: Light) District

B. Uses Permitted as a Matter of Right

1. Ambulance services.
2. Ambulatory health care facilities.
3. Athletic facilities, commercial
4. Banks, savings and loan associations, investment companies, credit unions, brokers and similar financial institutions.
5. Biodiesel fuel manufacturing from vegetable-based oils.
6. Biomedical laboratories.
7. Blueprinting, printing, duplicating or engraving services.
8. Breweries that manufacture 22,500 barrels or less of fermented malt beverages per year.
9. Bus terminals.
10. Carpet and floor covering stores.
11. Car wash facilities.
12. Carnivals and fairs sponsored by and operated on a nonprofit basis for the benefit of charitable, social, civic or educational organizations, subject to the requirements of Section 128.0.D.
13. Carpet and rug cleaning.
14. Catering establishments and banquet facilities.
15. Child day care centers and nursery schools.
16. Concert halls.
17. Conservation areas, including wildlife and forest preserves, environmental management areas, reforestation areas, and similar uses.
18. Contractor's office and outdoor or indoor storage facility, including carpentry, cleaning, construction, electrical, excavation, exterminating, heating/air conditioning, home improvement, landscaping, masonry, painting, paving, plumbing, roofing, septic system, snow removal, well drilling, and other contractors.
19. Data processing and telecommunication centers
20. Day treatment or care facilities.
21. Farming, provided that on a residential lot or parcel of less than 40,000 square feet no livestock shall be permitted. However, residential chicken keeping is allowed as noted in Section 128.0.
22. Flex- space
23. Funeral homes and mortuaries.
24. Furniture, appliance and business machine repair, furniture upholstering, and similar services.
25. Furniture stores.
26. Government structures, facilities and uses, including public schools and colleges.
27. Hotels, motels, conference centers and country inns.
28. Kennels.

29. Laundry or dry cleaning establishments or plants.
30. Light Industrial Uses.
31. Material recovery facilities - source separated.
32. Mobile home and modular home sales and rentals, but not including occupancy.
33. Motor vehicle, construction equipment and farm equipment maintenance, repair and painting facilities, including full body repair and incidental sale of parts.
34. Motor vehicle, construction equipment and farm equipment sales and rentals.
35. Motor vehicle inspections station.
36. Motor vehicle towing and storage facility.
[[37. Nonprofit clubs, lodges, community halls.
38. Offices, professional and business.
39. Pawn Shops.
40. Pet grooming establishments and daycare, completely enclosed.
41. Photographic processing plants.
42. Pizza delivery services and other services for off-site delivery of prepared food.
43. Printing, lithography, bookbinding or publishing.
44. Public utility uses, limited to the following:
    a. Utility substations, provided that all uses are set back at least 50 feet from lot lines.
    b. Above ground pipelines.
    c. Pumping stations and compression stations.
    d. Telecommunication equipment facilities.
    e. Commercial communications antennas.
    f. Commercial communication towers, subject to the requirements of Section 128.0.E.2. and 128.0.E.3.
45. Recreation facilities, commercial
46. Recycling collection facilities.
47. Religious facilities, structures and land used primarily for religious activities.
48. Research and development establishments.
49. Restaurants, carryout.
50. Restaurants, standard, and beverage establishments, including those serving beer, wine and liquor for consumption on premises only.
51. Retail centers. Retail centers to serve the employees and users of projects within this zoning district are permitted within projects of at least 200 acres when such centers conform to the requirements set forth below.
    a. Purpose: The purpose of such retail centers is to provide employees and users of development in this zoning district with conveniently located commercial, retail and personal services; to reduce the need for vehicle trips off and onto the site to obtain such services; to provide employees and users with the useable open space and amenities associated with such services (e.g., outdoor eating areas); and to make more efficient use of the site by clustering together related retail, commercial and service activities

in retail centers which typically would not exceed 40,000 square feet of gross floor area.

b. Uses permitted by right in such retail centers include any combination of the retail, commercial or service uses permitted by right in this district plus the following uses:
   (1) Newsstand.
   (2) Convenience store.
   (3) Personal service establishments.
   (4) Specialty stores.
   (5) Telegraph offices, express mail, and messenger services.
   (6) Travel bureaus.
   (7) Drug and cosmetic stores.

c. Minimum requirements and conditions: Retail centers incorporating the uses cited in paragraph b. above shall be permitted within this zoning district when they meet the following conditions:
   (1) Minimum project size shall be 200 gross acres and such projects shall have a continuous internal road system.
   (2) The retail center(s) lot shall not occupy, in the aggregate, more than 2% of the gross acreage of the project.
   (3) Development of the retail center(s) shall be phased in with the development of permitted uses within the project so that at no time shall the aggregate floor area of the improvements in the retail center(s) exceed 10% of the total aggregate floor area of improvements for permitted uses either constructed or being constructed pursuant to approved Site Development Plans.
   (4) Retail center(s) may not be located on a lot that fronts on or abuts any street or highway unless such street or highway is internal to the project. All access to the retail center(s) shall be from interior streets within the project. The distance from any lot line of the retail center lot to the nearest street or highway right-of-way external to the project shall be no less than 500 feet and signage for the center shall not be oriented to such external streets.

52. Retail, limited:

For any manufacturing plant or warehouse permitted in the M-1 District, retail sales may be permitted, provided that:

a. The products sold are either manufactured on the site, sold as parts or accessories to products manufactured on the site, or stored or distributed on the site;

b. Not more than 30% of the floor space of the first floor of the main structure may be devoted to the retail sales of articles made, stored or distributed on the premises; and

c. Any service facilities are limited to the repair and/or service of products manufactured, stored or distributed by the owner or lessee of the site.

Nothing herein contained shall be construed to permit the operation of general retail sales businesses.

53. Seasonal sales of Christmas trees or other decorative plant materials, subject to the requirements of Section 128.0.D.
54. Sawmills.
55. School bus, boat and recreational vehicle storage facilities.
56. Schools, commercial.
57. Schools, private academic, including colleges and universities.
58. Self storage facilities.
59. Sign making shops.
60. Special Hospitals – Psychiatric.
61. Taxicab businesses, including facilities for dispatch and maintenance of related vehicles.
62. Taxidermies.
63. Underground pipelines; electric transmission and distribution lines; telephone, telegraph and CATV lines; mobile transformer units, telephone equipment boxes; and other similar public utility uses not requiring a Conditional Use.
64. Volunteer fire departments.
65. Warehouses, truck terminals, and moving and storage establishments.
66. Wholesale sale and storage of building materials and supplies, including storage yards for lumber, bricks, masonry blocks, construction equipment, plumbing and electrical supplies.]]

37. NATURAL WOOD WASTE RECYCLING FACILITY
38. NONPROFIT CLUBS, LODGES, COMMUNITY HALLS.
39. OFFICES, PROFESSIONAL AND BUSINESS.
40. PAWN SHOPS.
41. PET GROOMING ESTABLISHMENTS AND DAYCARE, COMPLETELY ENCLOSED.
42. PHOTOGRAPHIC PROCESSING PLANTS.
43. PIZZA DELIVERY SERVICES AND OTHER SERVICES FOR OFF-SITE DELIVERY OF PREPARED FOOD.
44. PRINTING, LITHOGRAPHY, BOOKBINDING OR PUBLISHING.
45. PUBLIC UTILITY USES, LIMITED TO THE FOLLOWING:
    A. UTILITY SUBSTATIONS, PROVIDED THAT ALL USES ARE SET BACK AT LEAST 50 FEET FROM LOT LINES.
    B. ABOVE GROUND PIPELINES.
    C. PUMPING STATIONS AND COMPRESSION STATIONS.
    D. TELECOMMUNICATION EQUIPMENT FACILITIES.
    E. COMMERCIAL COMMUNICATIONS ANTENNAS.
    F. COMMERCIAL COMMUNICATION TOWERS, SUBJECT TO THE REQUIREMENTS OF SECTION 128.0.E.2. AND 128.0.E.3.
46. RECREATION FACILITIES, COMMERCIAL
47. RECYCLING COLLECTION FACILITIES.
48. RELIGIOUS FACILITIES, STRUCTURES AND LAND USED PRIMARILY FOR RELIGIOUS ACTIVITIES.
49. RESEARCH AND DEVELOPMENT ESTABLISHMENTS.
50 RESTAURANTS, CARRYOUT.

51. RESTAURANTS, STANDARD, AND BEVERAGE ESTABLISHMENTS, INCLUDING THOSE SERVING BEER, WINE AND LIQUOR FOR CONSUMPTION ON PREMISES ONLY.

52. RETAIL CENTERS. RETAIL CENTERS TO SERVE THE EMPLOYEES AND USERS OF PROJECTS WITHIN THIS ZONING DISTRICT ARE PERMITTED WITHIN PROJECTS OF AT LEAST 200 ACRES WHEN SUCH CENTERS CONFORM TO THE REQUIREMENTS SET FORTH BELOW.

A. PURPOSE: THE PURPOSE OF SUCH RETAIL CENTERS IS TO PROVIDE EMPLOYEES AND USERS OF DEVELOPMENT IN THIS ZONING DISTRICT WITH CONVENIENTLY LOCATED COMMERCIAL, RETAIL AND PERSONAL SERVICES; TO REDUCE THE NEED FOR VEHICLE TRIPS OFF AND ONTO THE SITE TO OBTAIN SUCH SERVICES; TO PROVIDE EMPLOYEES AND USERS WITH THE USEABLE OPEN SPACE AND AMENITIES ASSOCIATED WITH SUCH SERVICES (E.G., OUTDOOR EATING AREAS); AND TO MAKE MORE EFFICIENT USE OF THE SITE BY CLUSTERING TOGETHER RELATED RETAIL, COMMERCIAL AND SERVICE ACTIVITIES IN RETAIL CENTERS WHICH TYPICALLY WOULD NOT EXCEED 40,000 SQUARE FEET OF GROSS FLOOR AREA.

B. USES PERMITTED BY RIGHT IN SUCH RETAIL CENTERS INCLUDE ANY COMBINATION OF THE RETAIL, COMMERCIAL OR SERVICE USES PERMITTED BY RIGHT IN THIS DISTRICT PLUS THE FOLLOWING USES:

(1) NEWSSTAND.
(2) CONVENIENCE STORE.
(3) PERSONAL SERVICE ESTABLISHMENTS.
(4) SPECIALTY STORES.
(5) TELEGRAPH OFFICES, EXPRESS MAIL, AND MESSENGER SERVICES.
(6) TRAVEL BUREAUS.
(7) DRUG AND COSMETIC STORES.

C. MINIMUM REQUIREMENTS AND CONDITIONS: RETAIL CENTERS INCORPORATING THE USES CITED IN PARAGRAPH B. ABOVE SHALL BE PERMITTED WITHIN THIS ZONING DISTRICT WHEN THEY MEET THE FOLLOWING CONDITIONS:

(1) MINIMUM PROJECT SIZE SHALL BE 200 GROSS ACRES AND SUCH PROJECTS SHALL HAVE A CONTINUOUS INTERNAL ROAD SYSTEM.
(2) THE RETAIL CENTER(S) LOT SHALL NOT OCCUPY, IN THE AGGREGATE, MORE THAN 2% OF THE GROSS ACREAGE OF THE PROJECT.
(3) DEVELOPMENT OF THE RETAIL CENTER(S) SHALL BE PHASED IN WITH THE DEVELOPMENT OF PERMITTED USES WITHIN THE PROJECT SO THAT AT NO TIME SHALL

THE AGGREGATE FLOOR AREA OF THE IMPROVEMENTS IN THE RETAIL CENTER(S) EXCEED 10% OF THE TOTAL AGGREGATE FLOOR AREA OF IMPROVEMENTS FOR PERMITTED USES EITHER CONSTRUCTED OR BEING CONSTRUCTED PURSUANT TO APPROVED SITE DEVELOPMENT PLANS.

(4) RETAIL CENTER(S) MAY NOT BE LOCATED ON A LOT THAT FRONTS ON OR ABUTS ANY STREET OR HIGHWAY UNLESS SUCH STREET OR HIGHWAY IS INTERNAL TO THE PROJECT. ALL ACCESS TO THE RETAIL CENTER(S) SHALL BE FROM INTERIOR STREETS WITHIN THE PROJECT. THE DISTANCE FROM ANY LOT LINE OF THE RETAIL CENTER LOT TO THE NEAREST STREET OR HIGHWAY RIGHT-OF-WAY EXTERNAL TO THE PROJECT SHALL BE NO LESS THAN 500 FEET AND SIGNAGE FOR THE CENTER SHALL NOT BE ORIENTED TO SUCH EXTERNAL STREETS.

53. RETAIL, LIMITED:
FOR ANY MANUFACTURING PLANT OR WAREHOUSE PERMITTED IN THE M-1 DISTRICT, RETAIL SALES MAY BE PERMITTED, PROVIDED THAT:

A. THE PRODUCTS SOLD ARE EITHER MANUFACTURED ON THE SITE, SOLD AS PARTS OR ACCESSORIES TO PRODUCTS MANUFACTURED ON THE SITE, OR STORED OR DISTRIBUTED ON THE SITE;

B. NOT MORE THAN 30% OF THE FLOOR SPACE OF THE FIRST FLOOR OF THE MAIN STRUCTURE MAY BE DEVOTED TO THE RETAIL SALES OF ARTICLES MADE, STORED OR DISTRIBUTED ON THE PREMISES; AND

C. ANY SERVICE FACILITIES ARE LIMITED TO THE REPAIR AND/OR SERVICE OF PRODUCTS MANUFACTURED, STORED OR DISTRIBUTED BY THE OWNER OR LESSEE OF THE SITE.

NOTHING HEREIN CONTAINED SHALL BE CONSTRUED TO PERMIT THE OPERATION OF GENERAL RETAIL SALES BUSINESSES.

54. SEASONAL SALES OF CHRISTMAS TREES OR OTHER DECORATIVE PLANT MATERIALS, SUBJECT TO THE REQUIREMENTS OF SECTION 128.0.D.

55. SAWMILLS.

56. SCHOOL BUS, BOAT AND RECREATIONAL VEHICLE STORAGE FACILITIES.

57. SCHOOLS, COMMERCIAL.

58. SCHOOLS, PRIVATE ACADEMIC, INCLUDING COLLEGES AND UNIVERSITIES.

59. SELF STORAGE FACILITIES.

60. SIGN MAKING SHOPS.

61. SPECIAL HOSPITALS – PSYCHIATRIC.

62. TAXICAB BUSINESSES, INCLUDING FACILITIES FOR DISPATCH AND MAINTENANCE OF RELATED VEHICLES.

63. TAXIDERMIES.

64. UNDERGROUND PIPELINES; ELECTRIC TRANSMISSION AND DISTRIBUTION LINES; TELEPHONE, TELEGRAPH AND CATV LINES; MOBILE TRANSFORMER UNITS, TELEPHONE EQUIPMENT BOXES; AND OTHER SIMILAR PUBLIC UTILITY USES NOT REQUIRING A CONDITIONAL USE.

65. VOLUNTEER FIRE DEPARTMENTS.

66. WAREHOUSES, TRUCK TERMINALS, AND MOVING AND STORAGE ESTABLISHMENTS.

67. WHOLESALE SALE AND STORAGE OF BUILDING MATERIALS AND SUPPLIES, INCLUDING STORAGE YARDS FOR LUMBER, BRICKS, MASONRY BLOCKS, CONSTRUCTION EQUIPMENT, PLUMBING AND ELECTRICAL SUPPLIES.

SECTION 124.0: SW (Solid Waste) Overlay District

B. Uses Permitted as a Matter of Right if the Underlying District is M-2:

[[1. Land clearing debris landfills.

2. Rubble landfills.

3. Solid waste processing facilities.

4. Underground pipelines; electric transmission and distribution lines; telephone, telegraph and CATV lines; mobile transformer units; telephone equipment boxes; and other, similar public utility uses not requiring a Conditional Use.]]

1. COMPOSTING FACILITY.

2. LAND CLEARING DEBRIS LANDFILLS.

3. RUBBLE LANDFILLS.

4. SOLID WASTE PROCESSING FACILITIES.

5. UNDERGROUND PIPELINES; ELECTRIC TRANSMISSION AND DISTRIBUTION LINES; TELEPHONE, TELEGRAPH AND CATV LINES; MOBILE TRANSFORMER UNITS; TELEPHONE EQUIPMENT BOXES; AND OTHER, SIMILAR PUBLIC UTILITY USES NOT REQUIRING A CONDITIONAL USE.

SECTION 131.0: Conditional Uses

N. Conditional Uses and Permissible Zoning Districts

[[15. Composting Facility

A Conditional Use may be granted in the RC District for a waste composting facility provided that:

a. All materials received on the site meet the definition of compost as defined in these regulations.

b. In addition to the bulk regulations of the applicable zoning district, the following structure and use setbacks shall apply:

(1) From adjacent residential lots or parcels .....300 feet
(2) From public street rights-of-way .....100 feet
(3) From existing streams and wetlands .....100 feet
(4) From existing farms .....50 feet

c. A landscaped buffer area with a minimum width of 100 feet shall be maintained around the perimeter of the site except adjoining a farm. The landscaped buffer shall be used only for planting, fencing, and driveways for ingress and egress to the site.

d. The operation shall not result in odors which are detectable on surrounding properties.

e. The operation shall be conducted in a safe and environmentally sound manner, as prescribed by law or regulations and with respect to the likelihood of hazard to persons or damage to lands, natural resources, streets, bridges, and public rights-of-way.

f. The operation shall be conducted in a manner which will prevent insect and/or rodent infestation.

g. The facility shall be maintained in a clean and sanitary condition.

h. All liquid, including leachate and storm water runoff, generated from the composting facility shall be collected and treated prior to disposal, in accordance with applicable regulations.

i. The hours of operations shall be restricted to between 7:00 a.m. and 6:00 p.m., and no operation shall be permitted on Sundays except repairs to equipment and improvements, unless other days and hours are approved by the Hearing Authority.

j. On-site retail sales of finished compost shall be permitted if specifically approved by the Hearing Authority.

k. The structural elements of the roads serving the site shall be adequate for the truck traffic to be generated by the composting facility. The petition shall include a road condition study to allow the Hearing Authority to make this determination.

l. The Conditional Use plan submitted with the petition shall show the following:

(1) Survey boundaries of the subject property.
(2) Existing natural features including streams, ponds, springs, and wetlands.
(3) Existing and proposed topography.
(4) Setback and buffer area, including type of screening and fencing.
(5) Portion of tract to be used for composting operations, including the location and layout of:
(a) Waste unloading, receiving and storage areas;
(b) Waste processing areas, including areas for grinding, screening, mixing and other operations to prepare waste for composting;
(c) Composting areas;
(d) Compost curing areas;
(e) Compost final product preparation areas (screening and other operations); and
(f) Finished compost storage and loading areas.
(6) Existing and proposed structures and major mechanical equipment.
(7) Existing and proposed access driveways
(8) Water supply (including quantity requirements) and sewage disposal.
(9) Stormwater management for quantity and quality control.
(10) Facilities for storage and treatment for leachate and any other liquids generated by the operation.
(11) Other existing or proposed uses on the site

m. The operations plan shall be submitted by the applicant to enable the Hearing Authority to evaluate the potential impacts of the proposed use. If the petition is approved, substantial changes to the operations plan shall not be implemented without prior approval of the Hearing Authority. The plan shall provide the following information:

(1) Types, anticipated quantities and sources of waste.
(2) Methods by which unacceptable wastes delivered to the facility will be identified, segregated, and handled for removal and disposal.
(3) Off-site location where unacceptable wastes delivered to the composting facility will be disposed of.
(4) Methods by which waste quantities delivered will be determined including weighing facilities to be provided.
(5) A description of major items of equipment and associated capacities.

(6) A description of proposed buildings and pads for storage, composting and processing.

(7) A description of delivery methods and requirements.

(8) A description of incoming material handling and processing methods including processing capacity and storage volume to be provided.

(9) A description of the composting process to be utilized including composting capacity to be provided, composting technology, required composting time, and assurance of acceptable level of pathogen reduction.

(10) A description of compost curing, handling and processing methods including processing capacity and storage volume to be provided.

(11) A description of finished compost storage, distribution and delivery methods and requirements.

(12) Methods of controlling odors, dust, litter, noise, and insect or rodent infestation; methods of insuring public safety; methods of preventing and, if necessary, controlling fires; and methods of collecting and treating liquids generated by the use.

(13) Procedures for cleaning and maintaining the appearance of the facility, including collection of litter and waste which falls from transport vehicles in the vicinity of the site, including adjacent private properties and public roads.

n. A rehabilitation plan shall be submitted at the time of the Conditional Use application for approval by the Hearing Authority. The plan shall provide for the following minimum rehabilitation program:

(1) All structures and machinery shall be completely removed and underlying excavations filled to grade and planted in grass except structures or machinery that are to be continued in operation for a use permitted under the zoning classification.

(2) All impervious surfaces shall be removed and properly disposed of. The areas from which the surfaces are removed shall be backfilled with suitable soil and regraded as necessary to provide adequate drainage. All such areas shall be planted in grass which shall be maintained through one year's growth.

(3) All waste, composting material, and finished compost shall be removed from the site and shall be disposed of in conformance with applicable laws or regulations.]]

{Renumber subsequent Conditional Use categories accordingly}
{Revise Conditional Use chart accordingly}

O. New Conditional Use Categories

Completely new Conditional Use categories established after the effective date of the current Zoning Regulations are listed below along with the zoning districts in which the Conditional Use category is permitted and the specific criteria required for approval.

1. NATURAL WOOD WASTE RECYCLING FACILITY

A CONDITIONAL USE MAY BE GRANTED IN THE RC DISTRICT FOR A NATURAL WOOD WASTE RECYCLING FACILITY, PROVIDED THAT:

A. ONLY NATURAL WOOD WASTE AS SPECIFIED IN THE DEFINITION FOR A NATURAL WOOD WASTE RECYCLING FACILITY SHALL BE RECEIVED FOR RECYCLING ON THE SITE.

B. IN ADDITION TO THE BULK REGULATIONS OF THE APPLICABLE ZONING DISTRICT, THE FOLLOWING STRUCTURE AND USE SETBACKS SHALL APPLY:

(1) FROM RESIDENTIAL PARCELS OR LOTS ..... 500 FEET
(2) FROM PUBLIC STREET RIGHTS-OF-WAY ..... 100 FEET
(3) FROM EXISTING STREAMS AND WETLANDS..... 100 FEET
(4) FROM EXISTING FARMS ..... 50 FEET

C. A LANDSCAPED BUFFER AREA WITH A MINIMUM WIDTH OF 100 FEET SHALL BE MAINTAINED AROUND THE PERIMETER OF THE USE BOUNDARY. THE LANDSCAPED BUFFER SHALL BE USED ONLY FOR PLANTING, FENCING, AND DRIVEWAYS FOR INGRESS AND EGRESS TO THE SITE.

D. THE OPERATION SHALL NOT GENERATE OFFENSIVE ODORS WHICH ARE DETECTABLE ON SURROUNDING PROPERTIES.

E. THE OPERATION SHALL BE CONDUCTED IN A SAFE AND ENVIRONMENTALLY SOUND MANNER, AS REQUIRED BY STATE LAW OR REGULATIONS, AND WITH RESPECT TO THE LIKELIHOOD OF HAZARD TO PERSONS OR DAMAGE TO LANDS, NATURAL RESOURCES, STREETS, BRIDGES, AND PUBLIC RIGHTS-OF-WAY.

F. THE OPERATION SHALL BE CONDUCTED IN A MANNER WHICH WILL PREVENT INSECT AND/OR RODENT INFESTATION.

G. AREAS WHERE THE WOOD WASTE IS PROCESSED, LOADED, OR UNLOADED SHALL BE DESIGNED AND CONSTRUCTED TO

DRAIN FREELY TO PREVENT THE ACCUMULATION OF STANDING LIQUID.

H. ALL LIQUID, INCLUDING LEACHATE AND STORMWATER RUNOFF, GENERATED FROM THE FACILITY SHALL BE COLLECTED AND TREATED PRIOR TO DISPOSAL, IN ACCORDANCE WITH APPLICABLE REGULATIONS.

I. THE HOURS OF OPERATION SHALL BE RESTRICTED TO BETWEEN 7:00 A.M. AND 6:00 P.M., AND NO OPERATION SHALL BE PERMITTED ON SUNDAYS EXCEPT REPAIRS TO EQUIPMENT AND IMPROVEMENTS. THE HOURS OR DAYS OF OPERATION MAY BE REDUCED BY THE HEARING AUTHORITY.

J. ON-SITE RETAIL SALES OF FINISHED PRODUCTS SHALL BE PERMITTED IF SPECIFICALLY APPROVED BY THE HEARING AUTHORITY.

K. THE STRUCTURAL ELEMENTS OF THE ROADS SERVING THE SITE SHALL BE ADEQUATE FOR THE TRUCK TRAFFIC TO BE GENERATED BY THE FACILITY. THE PETITION SHALL INCLUDE A STUDY OF AFFECTED ROAD AND BRIDGE CONDITIONS TO ALLOW THE HEARING AUTHORITY TO MAKE THIS DETERMINATION.

L. THE CONDITIONAL USE PLAN SUBMITTED WITH THE PETITION SHALL SHOW THE FOLLOWING:
   (1) SURVEY BOUNDARIES OF THE SUBJECT PROPERTY.
   (2) EXISTING NATURAL FEATURES INCLUDING STREAMS, PONDS, SPRINGS, AND WETLANDS.
   (3) EXISTING AND PROPOSED TOPOGRAPHY.
   (4) SETBACK AND BUFFER AREA, INCLUDING TYPE OF SCREENING AND FENCING.
   (5) PORTION OF TRACT TO BE USED FOR ALL OPERATIONS, INCLUDING THE LOCATION AND LAYOUT OF:
      (A) UNLOADING, RECEIVING AND STORAGE AREAS;
      (B) PROCESSING AREAS;
      (C) FINAL PRODUCT PREPARATION AREAS; AND
      (D) FINISHED PRODUCT STORAGE AND LOADING AREAS.
   (6) EXISTING AND PROPOSED STRUCTURES AND ALL MECHANICAL EQUIPMENT.
   (7) EXISTING AND PROPOSED ACCESS DRIVEWAYS.
   (8) WATER SUPPLY (INCLUDING QUANTITY REQUIREMENTS) AND SEWAGE DISPOSAL.

(9) STORM WATER MANAGEMENT FACILITIES FOR QUANTITY AND QUALITY CONTROL.

(10) FACILITIES FOR STORAGE AND TREATMENT OF LEACHATE AND ANY OTHER LIQUIDS GENERATED BY THE OPERATION.

(11) OTHER EXISTING OR PROPOSED USES ON THE SITE.

M. AN OPERATIONS PLAN SHALL BE SUBMITTED BY THE APPLICANT TO ENABLE THE HEARING AUTHORITY TO EVALUATE THE POTENTIAL IMPACTS OF THE PROPOSED USE. IF THE PETITION IS APPROVED, SUBSTANTIAL CHANGES TO THE OPERATIONS PLAN SHALL NOT BE IMPLEMENTED WITHOUT PRIOR APPROVAL OF THE HEARING AUTHORITY. THE PLAN SHALL PROVIDE THE FOLLOWING INFORMATION:

(1) TYPES, ANTICIPATED QUANTITIES AND SOURCES OF WOOD WASTE.

(2) METHODS BY WHICH UNACCEPTABLE WASTES DELIVERED TO THE FACILITY WILL BE IDENTIFIED, SEGREGATED, AND HANDLED FOR REMOVAL AND DISPOSAL.

(3) OFF-SITE LOCATION WHERE UNACCEPTABLE WASTES DELIVERED TO THE FACILITY WILL BE DISPOSED OF.

(4) METHODS BY WHICH WASTE QUANTITIES DELIVERED WILL BE DETERMINED INCLUDING WEIGHING FACILITIES TO BE PROVIDED.

(5) A DESCRIPTION OF ALL ITEMS OF EQUIPMENT AND ASSOCIATED CAPACITIES.

(6) A DESCRIPTION OF PROPOSED BUILDINGS AND PADS FOR STORAGE AND PROCESSING.

(7) A DESCRIPTION OF WOOD WASTE DELIVERY METHODS AND REQUIREMENTS.

(8) A DESCRIPTION OF INCOMING WOOD WASTE HANDLING AND PROCESSING METHODS INCLUDING PROCESSING CAPACITY AND STORAGE VOLUME TO BE PROVIDED.

(9) A DESCRIPTION OF THE PROCESSES TO BE UTILIZED.

(10) A DESCRIPTION OF CURING, HANDLING AND PROCESSING METHODS INCLUDING PROCESSING CAPACITY AND STORAGE VOLUME TO BE PROVIDED.

(11) A DESCRIPTION OF FINISHED PRODUCT STORAGE, DISTRIBUTION AND DELIVERY METHODS AND REQUIREMENTS.

(12) METHODS OF CONTROLLING ODORS, DUST, LITTER, NOISE, AND INSECT OR RODENT INFESTATION; METHODS OF INSURING PUBLIC SAFETY; METHODS OF PREVENTING AND, IF NECESSARY, CONTROLLING

FIRES; AND METHODS OF COLLECTING AND TREATING LIQUIDS GENERATED BY THE USE.

(13) PROCEDURES FOR CLEANING AND MAINTAINING THE APPEARANCE OF THE FACILITY, INCLUDING COLLECTION OF LITTER AND WASTE WHICH FALLS FROM TRANSPORT VEHICLES IN THE VICINITY OF THE SITE, INCLUDING ADJACENT PRIVATE PROPERTIES AND PUBLIC ROADS.

N. A REHABILITATION PLAN SHALL BE SUBMITTED AT THE TIME OF THE CONDITIONAL USE APPLICATION FOR APPROVAL BY THE HEARING AUTHORITY. THE PLAN SHALL PROVIDE FOR THE FOLLOWING MINIMUM REHABILITATION PROGRAM:

(1) ALL STRUCTURES AND MACHINERY SHALL BE COMPLETELY REMOVED AND UNDERLYING EXCAVATIONS FILLED TO GRADE AND PLANTED IN GRASS EXCEPT STRUCTURES OR MACHINERY THAT ARE TO BE CONTINUED IN OPERATION FOR A USE PERMITTED UNDER THE ZONING CLASSIFICATION.

(2) ALL IMPERVIOUS SURFACES SHALL BE REMOVED AND PROPERLY DISPOSED OF. THE AREAS FROM WHICH THE SURFACES ARE REMOVED SHALL BE BACKFILLED WITH SUITABLE SOIL AND RE-GRADED AS NECESSARY TO PROVIDE ADEQUATE DRAINAGE. ALL SUCH AREAS SHALL BE PLANTED IN GRASS WHICH SHALL BE MAINTAINED THROUGH ONE YEAR'S GROWTH.

(3) ALL WOOD WASTE, MATERIALS, AND FINISHED PRODUCTS SHALL BE REMOVED FROM THE SITE AND SHALL BE DISPOSED OF IN CONFORMANCE WITH APPLICABLE LAWS OR REGULATIONS.

(4) ALL ACCESS ROADS SHALL BE SUITABLY BARRICADED TO PREVENT THE PASSAGE OF VEHICLES EITHER INTO OR OUT OF THE ABANDONED AREA, EXCEPT SUCH ACCESS AS NEEDED FOR VEHICLES USED IN REHABILITATION WORK, UNTIL THE PLAN FOR REHABILITATION HAS BEEN COMPLETED AND A DIFFERENT USE NECESSITATING ACCESS HAS COMMENCED ON THE PROPERTY.