

COUNTY COMMISSIONERS OF CAROLINE COUNTY, MARYLAND

LEGISLATIVE BILL #2022-1

INTRODUCED BY: COMMISSIONERS PORTER, FRANKLIN, AND
LEVENGOOD

INTRODUCED ON: JANUARY 4, 2022

ATTEST: 
LARRY C. PORTER, PRESIDENT

PUBLIC HEARING: JANUARY 11, 2022 BEGINNING AT 9:05 AM
COURTHOUSE, 109 MARKET STREET, ROOM
106, DENTON, MARYLAND

THIRD READING: JANUARY 18, 2022

ENACTED: JANUARY 18, 2022

EFFECTIVE: MARCH 4, 2022

Chapter 175 Zoning, Article II – Definitions

AN Act to repeal and reenact with amendments the definition of Composting Facilities in Chapter 175 Zoning, Article II, Section 175-8 B, of the Code of Public Local Laws of Caroline County, to repeal and reenact with amendments Section 175-28 of Chapter 175 Zoning, and to amend the Table of Use Regulations of Chapter 175.

FOR the purposes of: (1) changing the definition of Composting Facility to require that such a facility biologically decompose organic solid matter into solid compost; (2) requiring that compost feedstock not contain more than 25% animal processing by-products or carcass materials; (3) requiring that the entrance onto any public road of an access road to a Composting Facility be constructed in accordance with the standards set forth in an entrance permit obtained from the Department of Public Works or other approving authority, such as the State Highway Administration; and (4) providing that a Composting Facility is a permitted use subject to special use exception in the R-Rural Zoning District.

WHEREAS, the County Commissioners of Caroline County, Maryland (the

"County Commissioners") are authorized under Article XI-F of the Maryland Constitution and § 9-308 of the Local Government Article of the Annotated Code of Maryland (the "Local Government Article") to adopt public local laws in general;

WHEREAS, the County Commissioners have determined this Bill is necessary and appropriate to protect and improve the general health, safety, and welfare of the County and its residents;

WHEREAS, this Bill may also be known by its short title "Chapter 175 Zoning - Composting Facilities."

NOW, THEREFORE, be it enacted by the County Commissioners of Caroline County, Maryland, that:

SECTION 1. The definition of Composting Facility in Section 175-8, Chapter 175 Zoning, Article II, Definitions, of the Code of Public Local Laws of Caroline County be and is hereby repealed.

SECTION 2. A NEW DEFINITION OF COMPOSTING FACILITY IN SECTION 175-8, SUBSECTION B, CHAPTER 175, Article II, BE and is hereby enacted in lieu thereof, to read as follows:

COMPOSTING FACILITY

An area of land, structures and/or facilities where organic solid wastes are biologically decomposed into solid compost that may be safely applied to land, excluding any individually owned compost operation that does not accept waste or materials generated by persons not related to such individual or generated on premises not owned, used or operated by such individual. Compost feedstock may not contain more than 25% animal processing by-products or carcass materials.

SECTION 3. Section 175-28 of Chapter 175 Zoning, of the Code of Public Local Laws of Caroline County be and is hereby repealed.

SECTION 4. A NEW SECTION 175-28 BE and is hereby enacted in lieu thereof, to read as follows:

§ 175-28 Composting facilities, natural wood waste recycling facilities, resource recovery facilities, solid waste disposal facilities and solid waste processing facilities.

A. Special use exception. A collection site, composting facility, natural wood waste recycling facility, resource recovery facility, solid waste disposal facility or solid waste processing facility may be permitted as a special use exception in the zoning districts as designated in the Table of Use Regulations and in addition subject to the requirements of this section, Article XIV and Article XVI of this chapter.

B. Minimum setbacks. The following minimum setbacks shall be required:

1) Solid waste disposal facility:

- a) Six hundred feet between any driveway, parking area, private road, structure or active recreation area of any church, golf course, park or recreation complex, daycare, hospice or health care facility, public library, public or private school and any driveway, parking area, private road, structure or solid waste deposit or disposal area of the solid waste disposal facility.
- b) Six hundred feet between any driveway, dwelling, parking pad, patio, pool, porch or similar structure of any dwelling or residential facility and any driveway, parking area, private road, structure or solid waste deposit or disposal area of the solid waste disposal facility.
- c) One hundred feet between any intermittent or perennial stream, tidal or non-tidal wetlands or one-hundred-year floodplain and any solid waste deposit or disposal area of the solid waste disposal facility.
- d) Fifty feet between any public road and any driveway, parking area, private road, structure or solid waste deposit or disposal area of the solid waste disposal facility.
- e) Fifty feet between any adjoining property line and any driveway, parking area, private road, structure or solid waste deposit or disposal area of the solid waste disposal facility.

- 2) Compost facility, natural wood waste recycling facility, resource recovery facility and solid waste processing facility:
 - a) One hundred feet between any intermittent or perennial stream, tidal or nontidal wetlands or one-hundred-year flood plain and any solid waste deposit area of such facilities.
 - b) Fifty feet between any public road and any driveway, parking area, private road, structure or solid waste deposit area of such facilities.
 - c) Fifty feet between any adjoining property line and any driveway, parking area, private road, structure or solid waste deposit area of such facilities.

C. Height

- 1) The maximum height of any landfill shall be 40 feet.
- 2) The maximum height of any stockpile of material shall be 20 feet.
- 3) The maximum height of any structure or building shall be the maximum height permitted in the zoning district.

D. Screening. All activities shall be appropriately and effectively screened from public view, in light of existing or planned surrounding land uses, by any combination of structural, topographical or vegetative means. The Board may require a monetary guarantee that all screening will be established and maintained.

E. Fencing. Every facility shall install a perimeter security fence that is at least six feet in height. The fence shall be constructed to effectively prohibit entrance at unauthorized times and locations. The fence shall be of sturdy construction and unobtrusively painted or finished and shall be maintained in good condition at all times.

F. Lighting. Adequate low mast lighting shall be provided for each site for nighttime security. Lighting shall be shielded from adjoining properties.

G. Access.

- 1) Access roads should be a minimum of 20 feet in width, with adequate drainage. The entrance onto a public road of an access road to a compost facility shall be constructed in accordance with standards set forth in an entrance permit obtained from the Department of Public Works or other approving authority, such as the State Highway Administration.
- 2) No vehicular access to any facility may be gained from or through any residential subdivision or residential neighborhood. Whenever possible, access shall occur by way of arterial or major arterial roads.
- 3) Applicant shall submit a traffic and road condition study to determine off-site road and intersection impacts, adequacy of off-site roads and intersections, adequacy of on-site access roads and parking areas, adequacy of the public road network and other infrastructure serving the site to safely accommodate traffic, including truck traffic, to be generated by the facility and adequacy of existing infrastructure, including traffic control devices, to protect the traveling public. Applicant shall provide, at its expense, necessary infrastructure improvements to maintain vehicular traffic at its current level of service or no less than a B level of service as defined in the most recent edition of Highway Capacity Manual, Transportation Research Board.
- 4) Applicant shall provide a map showing the geographic areas to be served by the facility and the anticipated routes of ingress and egress to the facility. Applicant shall pay for any signs deemed necessary to direct vehicular traffic accessing the facility to use approved routes of ingress and egress.
- 5) The Board may require applicant to provide a monetary guarantee and/or may require applicant to deposit funds sufficient to pay for all required access improvements and any other infrastructure improvements necessary to meet and maintain the adequacy standards of all existing public roads.

H. Emergency services. Applicant shall submit the proposed operational plan, including all precautions being undertaken to minimize the chance of fire and other potential emergency situations, to the Board and to the Director of the Caroline County Department of Emergency Management. The Director of the Caroline County Department of Emergency Management shall advise the Board as to whether local emergency response agencies will have adequate equipment and personnel for any reasonably anticipated emergency at the site.

I. Additional criteria. The Board shall also consider:

- 1) The noise generated by the vehicular traffic entering and exiting the site and the machinery that will be operated at the site on a regular basis. Any technology, procedures and/or devices applicant represents will be employed to control or eliminate noise shall be made conditions to any special use exception granted by the Board;
- 2) The dust and particulate matter that will be generated by operations at the site. Any technology, procedures and/or devices applicant represents will be employed to control or eliminate dust or particulate matter shall be made conditions to any special use exception granted by the Board;
- 3) The mud and debris that may be deposited on public roads by vehicles entering and exiting the site. Any wheel washer, road sweeper, road cleaner, policing or other devices or procedures that will be used to maintain the integrity of public roads shall be made conditions to any special use exception granted by the Board;
- 4) The visual impact of the facility and proposed operations on surrounding properties. Any buffers, setbacks, screens, earth berms, vegetative plantings and other devices or structures that applicant represents will be used to make the site and the operations at the site compatible with adjacent and adjoining lands shall be made conditions to any special use exception granted by the Board;
- 5) The noxious odors that may emanate from the site and any facility or operations at the site. Any technology, procedures and/or devices applicant represents will be employed to control or eliminate noxious odors shall be made conditions to any special use exception granted by the Board; and
- 6) The rodents, insects or other vectors that may populate or escape the site. Any technology, devices and procedures that will be utilized to prevent and control rodents, insects and other vectors shall be made conditions to any special use exception granted by the Board.

J. Site plan. The application for a special use exception shall be accompanied by a site plan that complies with this section and Article XIV of this chapter.

K. Additional site plan requirements. The required site plan shall include the following additional information. If any of the following are inapplicable to the proposed facility, the applicant shall provide descriptive explanation for exclusion with the site plan:

- 1) Types, origin and anticipated quantities of materials to be accepted for disposal and/or processing;
- 2) Types of materials not to be accepted and procedures to be utilized to determine whether unacceptable materials are received and the procedures that will be followed in the event unauthorized materials are received;
- 3) Days and hours of operation;
- 4) The location and acreage of the property to be excavated in conjunction with any landfill operations;
- 5) Existing and proposed topographic contours;
- 6) Stockpile areas, including the size and height of any stockpiles, any breaks in stockpiles and procedures that will be employed to control the spread of fire, in the event of fire;
- 7) Major items of equipment, including manufacturer, type, model, capacity, noise levels and number of units;
- 8) Noise control devices and procedures;
- 9) Devices and procedures used to control the escape of dust and particulates;
- 10) A descriptive statement of all operational processes to be used, including all devices and procedures, to maintain the cleanliness of public or private roads and to preclude vehicles parking along or clogging public or private roads prior to the daily opening of the facility;
- 11) All devices that will be used to control windblown debris and matter from leaving the site;

- 12) All technologies, devices and procedures that will be utilized to prevent and control rodents, insects and other vectors from populating or escaping from the site;
 - 13) The zoning districts of all adjoining property;
 - 14) The size and location of any driveways, roads, structures or buildings on adjoining properties;
 - 15) The location of any property containing a church, dwelling, residence, daycare, hospice or health care facility, library, park, golf course, active recreation complex or school that is within 1,500 feet of any boundary of the site;
 - 16) Any stormwater management plan required in accordance with Chapter 158 of the Caroline County Code; and
 - 17) Any forest conservation plan required in accordance with Chapter 109 of the Caroline County Code/
- L. Conformity with the Solid Waste Management Plan. In reviewing a special use exception application filed pursuant to this section, the Board shall consider the criteria in the Caroline County Solid Waste Management Plan. If a facility is in conformance with the Plan, the Board shall so find. If the facility is not in conformity with the Plan, and conditions may be imposed that will bring the facility into conformance with the Plan, the Board shall impose those conditions necessary to bring the facility into conformance with the Plan. If conditions cannot be imposed to bring the facility into conformance with the Plan, a special use exception shall be denied, and the Board shall find that the facility is not in conformance with the Solid Waste Management Plan.
- M. Permission to operate. Approval by the Board of a special use exception does not confer permission to operate. Prior to operation, a facility shall meet all standards of this chapter and all applicable local, state and federal regulations.
- N. Hazardous waste disposal facility. A hazardous waste disposal facility is not a permitted use in any area of the County subject to this chapter.
- O. Monetary guarantee. The Board may require applicant to post a performance bond, a letter of credit and/or any other monetary guarantee that the Board deems necessary to guarantee and to secure the performance of any and all

conditions and undertakings required of applicant to comply with the requirements and conditions of this section of the Zoning Code and/or any conditions lawfully imposed by the Board pursuant to any special use exception granted by the Board.

SECTION 5. ATTACHMENT 3 TO CHAPTER 175 ZONING, ENTITLED TABLE OF USE REGULATIONS, BE AND THE SAME IS HEREBY AMENDED BY INTERLINEATION TO PROVIDE THAT COMPOSTING FACILITIES ARE A PERMITTED USE SUBJECT TO SPECIAL USE EXCEPTION IN THE R-RURAL ZONING DISTRICT. THE PUBLISHERS OF THE CODE OF PUBLIC LOCAL LAWS OF CAROLINE COUNTY, MARYLAND (THE “CODE”) SHALL MAKE THE CHANGE IN THE TABLE BY PLACING THE LETTER “E” IN THE FIELD WHICH APPEARS ON THE SAME LINE AS “COMPOSTING FACILITIES” AND IN THE COLUMN BELOW “R”, WHICH SIGNIFIES RURAL ZONING DISTRICT.

SECTION 6. The Recitals to this Bill are incorporated herein and deemed a substantive part of this Bill.

SECTION 7. The provisions of this Bill are declared to be severable. If any section, subsection, sentence, clause, phrase, or portion of this Bill is for any reason held invalid or unconstitutional by any court or competent jurisdiction, the same shall be deemed separate, distinct, and independent from, and such holding shall not affect the validity of, the remaining portions of this Bill, it being the intent of the County that this Bill shall stand, notwithstanding the invalidity of any section, subsection, sentence, clause, phrase, or portion hereof.

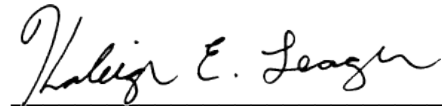
SECTION 8. The Publishers of the Code of Public Local Laws of Caroline County, Maryland (the “Code”), in consultation with and subject to the approval of the County, shall make non-substantive corrections to codification, style, capitalization, punctuation, grammar, spelling, organization, and any internal or external reference or citations to the Code that are incorrect or obsolete, with no further action required by the County Commissioners. All such corrections shall be adequately referenced and described in the editor's note following the section affected.

SECTION 9. The title of this Bill, or a condensed version thereof, shall be deemed to be, and is, a fair summary of this Bill for publication and all other purposes.

SECTION 10. This Bill shall take effect on March 4, 2022.

Enacted this 18th day of January, 2022.

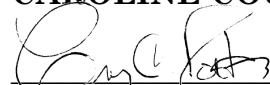
ATTEST:




Kaleigh Leager, Executive Assistant

(SEAL)

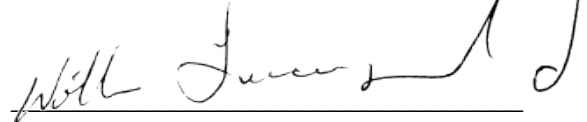
COUNTY COMMISSIONERS OF
CAROLINE COUNTY, MARYLAND



Larry C. Porter, President

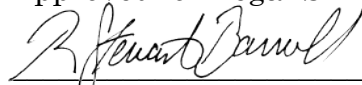


Daniel J. Franklin, Vice President



Wilbur Levengood, Jr., Member

Approved for Legal Sufficiency:



Stewart Barroll, County Attorney