



FREDERICK COUNTY PLANNING COMMISSION
October 10, 2018 9:30 a.m.

TITLE: **Bill #18-22 Limited Food Waste Composting**

FILE NUMBER: **N/A**

REQUEST: **Bill #18-22 Limited Food Waste Composting Public Hearing**

PROJECT INFORMATION: **N/A**

APPLICANT/REPRESENTATIVES: **Council President Bud Otis
on behalf of County
Executive Jan Gardner**

STAFF: **Steve Horn, Director, Division of Planning & Permitting**

RECOMMENDATION: **That the Planning Commission provide a
recommendation to the Frederick County
Council regarding the Text Amendment.**

ATTACHMENTS:
Proposed Bill
Summary Memorandum



FREDERICK COUNTY GOVERNMENT
DIVISION OF PLANNING & PERMITTING

Jan H. Gardner
County Executive

Steven C. Horn, Division Director

To: Frederick County Planning Commission

From: Steven C. Horn, Director, Planning & Permitting Division *SCH*

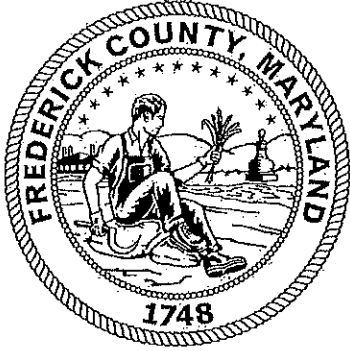
Date: September 12, 2018

Subject: Bill #18-22 Limited Food Waste Composting (By: Council President Bud Otis on behalf of County Executive Jan Gardner)

Attached, please find the proposed Bill and summary memorandum from Steve Horn, Director, Division of Planning & Permitting.

Thank you for your attention to this matter.

Attachment
Proposed Bill
Summary Memorandum



Bill No. 18-22

Concerning: Limited Food Waste Composting

Introduced: September 4, 2018

Revised: _____ Draft No. _____

Enacted: _____

Effective: _____

Expires: October 31, 2018

Frederick County Code, Chapter 1-19

Section(s) 5.310; 8.408; 11.100

COUNTY COUNCIL FOR FREDERICK COUNTY, MARYLAND

By: Council President Bud Otis on behalf of County Executive Jan Gardner

AN ACT to: allow food waste compost processing, with certain conditions, for agricultural and commercial uses.

Executive: _____ Date Received: _____

Approved: _____ Date: _____

Vetoed: _____ Date: _____

By amending:

Frederick County Code, Chapter 1-19 Section(s) 5.310; 8.408; 11.100

Other: _____

Boldface

Underlining

[Single boldface brackets]

Heading or defined term.

Added to existing law.

Deleted from existing law.

Existing law unaffected by bill.

Bill No. 18-22

This Bill amends the County Zoning Code with the intent of facilitating “limited” food waste composting on farms without requiring approval of the solid waste overlay floating zone. The Bill proposes two categories of users: (1) *Limited Food Waste Composting: Agricultural Activity*; and, (2) *Limited Food Waste Composting: Commercial Activity*.

The Agricultural Activity designation allows food waste composting as a principal permitted use (no site plan required) for processing activities in an area between 5,000 square feet and 5 acres of land. Land owners may accept food waste for the purpose of applying the composted material to their land for strictly agricultural activities, with no resale of the composted product allowed.

The Commercial Activity designation allows food waste composting, with site plan approval, in an area between 5,000 square feet and 10 acres. Land owners under this designation may accept food waste for the purposes of applying the material to their farms. The composted product may also be made commercially available to others.

Agricultural food waste compost processing activities that exceed 5 acres of land will require site plan approval. Any food waste compost processing activities that exceed 10 acres of land will require application of a solid waste floating zone designation.

NOW, THEREFORE, BE IT ENACTED BY THE COUNTY COUNCIL OF FREDERICK COUNTY, MARYLAND, that the Frederick County Code be, and it is hereby, amended as shown on the attached Exhibit 1.

Harold F. (Bud) Otis, President
County Council of Frederick County,
Maryland

ARTICLE V: ZONING MAP AND DISTRICTS

DIVISION 3. USE TABLE

§ 1-19-5.310 USE TABLE.

(A) Permitted uses and required development review.

- P Principal permitted use subject to design regulations
 - PS Principal permitted use subject to site development plan approval. See §§ 1-19-2.160, and 1-19-3.300 through 1-19-3.300.4
 - E Principal permitted use as a special exception with site development plan approval. See §§ 1-19-8.320 and following
 - T Permitted as temporary use as a special exception. See § 1-19-8.300
 - X Permitted as temporary use only. See § 1-19-8.700
 - SW Solid Waste Floating Zone
- A blank indicates that the use is not permitted under any situation

| Uses | Zoning Districts | | | | | | | | | | | | | |
|--|------------------|-----------|----|----|----|----|-----|-----|----|--------|----|-----|----|----|
| | RC | A | R1 | R3 | R5 | R8 | R12 | R16 | VC | M X | GC | ORI | LI | GI |
| <i>Solid Waste Operations</i> | | | | | | | | | | | | | | |
| ***** | | | | | | | | | | | | | | |
| Composting: | | | | | | | | | | | | | | |
| <u>Limited Food Waste Composting:</u> <u>Agricultural Activity ****</u> | | <u>P</u> | | | | | | | | | | | | |
| <u>Limited Food Waste Composting:</u> <u>Commercial Activity ****</u> | | <u>PS</u> | | | | | | | | | | | | |
| ***** | | | | | | | | | | | | | | |

* Townhouses will be permitted only within MPDU developments; however, in no event shall the number of townhouses exceed 50% of the total number of units within the MPDU project.

** Communication towers not permitted in residential districts, PUD, or MXD districts with a residential component

*** A zoning certificate is required to be obtained prior to the initiation of the processing operation and/or prior to any building construction related to farm winery, farm brewery, farm winery tasting room, or farm brewery tasting room.

**** These uses are prohibited within wellhead protection areas; outside of WHPA the location and containment of hazardous substance for these uses must meet the requirements of § 1-6-50.

***** A limited accessory apartment may be approved as an accessory use where the provisions in § 1-19-8.212 are met (see also § 1-19-8.240, and § 1-19-8.321)

{(B) Remains Unchanged}

Underlining indicates matter added to existing law.
 [Single boldface brackets] indicates matter deleted from existing law.
 *** - indicates existing law unaffected by bill.

ARTICLE VIII: SPECIFIC USE REGULATIONS
DIVISION 4. PERMITTED USES

§ 1-19-8.408. LIMITED FOOD WASTE COMPOSTING IN THE A DISTRICT.

The following provisions shall apply to limited food waste composting activities and operations in the A District that are greater than 5,000 square feet in size.

(A) All limited food waste composting activities and operations shall be located on land zoned agriculture. Food waste composting activities and operations shall be limited in size as follows:

1. 10-acre Limit: Limited food waste composting activities and operations that exceed 10 acres must obtain approval of a solid waste floating zone designation.

2. Limited Food Waste Composting: Agricultural Activity. Activities and operations up to 5 acres in size shall not require site plan approval.

3. Limited Food Waste Composting: Commercial Activity. Activities and operations require site plan approval and shall not exceed 10 acres in size.

(B) No portion of the limited food waste composting activity or operation shall be located within the floodplain district as defined in section 1-19-9.100.

(C) All limited food waste composting activities and operations shall be set back a minimum of 25 feet from the floodplain district and 100 feet from the banks of rivers, streams, or other bodies of water.

(D) Limited food waste composting activities and operations shall not cause any odor, dust, smoke, vibration, or unreasonable noise which can be detected at or beyond any property line.

(E) All activities and operations associated with the limited food waste composting facility shall be located a minimum of 150 feet from the property lines and at least 300 feet from a dwelling not owned or operated by the operator of the composting facility.

(F) The subject property must have road frontage and access on a minimum 20-foot-wide paved public road. Commercial/Industrial entrance standards shall be utilized in the design of any point of access to a public road as determined to be necessary by the Frederick County traffic engineer.

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(G) The applicant shall submit a vehicle circulation plan indicating that adequate turn radius is provided both to and from the subject property. Adequate space for the safe movement of all proposed vehicles and equipment being utilized on site shall be provided.

(H) Limited food waste composting activities may include delivery and incorporation of off-site generated food waste into the on-site composting operation.

(I) The applicant shall maintain records detailing the date and source of off-site generated food waste. The records must be made available to the Zoning Administrator upon request.

(J) All materials at the limited food waste composting facility shall be sorted and processed in a manner that prevents harboring or breeding of insects or animals, and prevents creation of odor, litter, or other nuisances that may be harmful to the public health or the environment.

(K) All incoming materials associated with food waste must be incorporated into the composting processes within 24 hours. Liquids must be controlled to prevent run off during offloading, storage, and processing of all received wastes.

(L) Commercial sales of on-site generated compost to the general public are allowed only for the Limited Food Waste Composting: Commercial Activity use. Such commercial sales shall not be allowed for the Limited Food Waste Composting: Agricultural Activity use.

(M) Limited food waste composting activities and operations shall comply with all applicable federal, state, and local regulations and shall conform to the requirements of all Federal and State of Maryland permits and other approvals.

ARTICLE XI: DEFINITIONS
DIVISION 1. DEFINITIONS

§ 1-19-11.100. DEFINITIONS.

LIMITED FOOD WASTE COMPOSTING: AGRICULTURAL ACTIVITY. The use of property for the purpose of food waste composting (including associated paper products) where off-site food waste is imported to the site and processed for use in conjunction with an *agricultural activity* as defined in section 1-19-11.100 of the zoning ordinance.

LIMITED FOOD WASTE COMPOSTING: COMMERCIAL ACTIVITY. The use of property for the purpose of commercial food waste composting (including associated paper products) where

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off-site food waste is imported to the site, processed, and sold. The composted product may also be used on the property in conjunction with an agricultural activity.

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Bill No. 18-22



FREDERICK COUNTY GOVERNMENT

DIVISION OF PLANNING & PERMITTING

Jan H. Gardner
County Executive

Steven C. Horn, Division Director

To: County Executive Jan Gardner

From: Steve Horn, Director, Division of Planning and Permitting *sch*
Kevin Demosky, Director, Division of Utilities and Solid Waste Management *AD*

Date: August 14, 2018

Subject: Food Waste Composting

Issue:

Should the attached Bill, creating options for farmers to participate in food waste composting activities under certain specific conditions, be forwarded to the County Council?

Background:

Staff from the Divisions of Planning and Permitting (DPP) and Utilities and Solid Waste Management (DUSWM) have drafted an amendment to the Zoning Code with the intent of facilitating 'limited' food waste composting in the Agricultural District without requiring that they obtain the solid waste overlay floating zone. Toward that end, the attached Bill proposes two categories of users: (1) *Limited Food Waste Composting: Agricultural Activity*; and, (2) *Limited Food Waste Composting: Commercial Activity*.

The Agricultural Activity designation allows food waste composting as a principal permitted use (i.e., no site plan required) for processing activities taking place on between 5,000 square feet and 5 acres of land. Land owners may accept food waste for the purpose of applying the material to their land for strictly agricultural activities, with no resale of the composted product allowed. Use of land between 5 and 10 acres for this agricultural purpose will require site plan approval.

The Commercial Activity designation allows food waste composting, with site plan approval, on land between 5,000 square feet and 10 acres. Land owners under this designation may accept food waste for the purposes of applying the material to their property with the intent of making the composted product commercially available to others. Land owners in this category may also use the composted product for their own agricultural activities.

Once any limited food waste compost processing activities exceed 10 acres of land, irrespective of the intended use for the composted product, the solid waste floating zone requirement will apply.

With respect to targeted outreach efforts, the drafted amendment to the Zoning Code was presented to the Solid Waste Advisory Committee (SWAC) on February 7, 2018. Subsequently, SWAC sent a letter of support to the Zoning Administrator (Tolson DeSa) dated February 10, 2018 (see

Attachment 2). Similarly, DPP staff presented the draft amendment to the Sustainability Commission on February 21, 2018.

With assistance from Office of Economic Development's Agriculture Business Development Specialist, staff from the DPP and DUSWM attended an Agricultural Business Council meeting on March 13, 2018, and a Frederick County Farm Bureau meeting on May 15, 2018.

At each meeting the amendment was presented and answers to various questions were provided. While no formal action was taken by either body, the proposed legislation was reviewed and neither offered objections to allowing limited voluntary food waste composting activities in the Agricultural District.

A Roundtable discussion, convened by the County Executive, was conducted on Monday, August 6, 2018. The meeting was well attended, the participants considered the merits of the Bill as drafted, and suggested changes were discussed. Staff considered the suggestions offered and determined that the Bill as drafted should be moved forward through the legislative process as written.

Recommendation:

Staff is recommending that the Limited Food Waste Composting Bill be submitted to the County Council for their consideration, review and adoption.

Approve? Yes No



Jan H. Gardner, County Executive
Frederick County, Maryland



Date

Funding Implication:

No

Attachments:

- Attachment 1 - Draft Bill -- Limited Food Waste Composting
- Attachment 2 - SWAC Letter of Support