

COUNTY COUNCIL
OF
TALBOT COUNTY, MARYLAND

2025 Legislative Session, Legislative Day No.: June 10, 2025

Bill No.: 1617

Expiration Date: August 14, 2025

Introduced by: Mr. Callahan, Ms. Haythe, Mr. Leshner, Ms. Mielke, Mr. Stepp

A BILL TO AMEND CHAPTER 190 (ZONING, SUBDIVISION, AND LAND DEVELOPMENT) OF THE TALBOT COUNTY CODE FOR THE PURPOSES OF ENACTING REGULATIONS REGARDING DISSOLVED AIR FLOTATION (DAF) RESIDUALS, FOOD PROCESSING RESIDUALS, AND LIQUID ORGANIC SOIL AMENDMENTS, PROVIDING THAT THE STORAGE OF SUCH MATERIALS IS A PERMITTED USE IN THE AGRICULTURAL CONSERVATION ("AC"), COUNTRYSIDE PRESERVATION ("CP"), WESTERN RURAL CONSERVATION ("WRC"), AND RURAL CONSERVATION ("RC") ZONING DISTRICTS, AND DEFINING TERMS ASSOCIATED THEREWITH

By the Council: June 10, 2025

Introduced, read first time, ordered posted, and public hearing scheduled on Tuesday, July 8, 2025, at 5:30 p.m. in the Bradley Meeting Room, South Wing, Talbot County Courthouse, 11 North Washington Street, Easton, Maryland 21601.

By Order: Susan W. Moran
Susan W. Moran, Secretary

A BILL TO AMEND CHAPTER 190 (ZONING, SUBDIVISION, AND LAND DEVELOPMENT) OF THE TALBOT COUNTY CODE FOR THE PURPOSES OF ENACTING REGULATIONS REGARDING DISSOLVED AIR FLOTATION (DAF) RESIDUALS, FOOD PROCESSING RESIDUALS, AND LIQUID ORGANIC SOIL AMENDMENTS, PROVIDING THAT THE STORAGE OF SUCH MATERIALS IS A PERMITTED USE IN THE AGRICULTURAL CONSERVATION (“AC”), COUNTRYSIDE PRESERVATION (“CP”), WESTERN RURAL CONSERVATION (“WRC”), AND RURAL CONSERVATION (“RC”) ZONING DISTRICTS, AND DEFINING TERMS ASSOCIATED THEREWITH

SECTION ONE: BE IT ENACTED BY THE COUNTY COUNCIL OF TALBOT COUNTY, MARYLAND that Chapter 190 (Zoning, Subdivision, and Land Development) of the Talbot County Code shall be and is hereby amended as follows:

KEY	
Boldface	Heading or defined term
<u>Underlining</u>	Added to law by Bill
Strikethrough	Deleted from law by Bill
* * *	Existing law unaffected

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§ 190-25.2 Table of Land Uses

Amend Table IV-1. Table of Land Uses as indicated on Exhibit 1 attached hereto and incorporated herein.

26.4 Poultry and hog houses, livestock feeding lots and agricultural lagoons other than for the storage of DAF Residuals, Food Processing Residuals, and Liquid Organic Soil Amendments.

- A. Minimum setback from property lines: 200 feet.
- B. Minimum lot size: 20 acres for poultry and hog houses larger than 1,500 square feet.
- C. In the VM District:
 - 1. Limited to poultry houses.
 - 2. Poultry houses must be located outside the Chesapeake Bay Critical Area.

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33.2 Agriculture uses and structures, accessory.

- A. Includes farm buildings, barns, dairy barns, cribs, sheds, stables, tool rooms, workshops, farm-related offices, tanks, silos; open or enclosed storage of farm materials, products, equipment or vehicles; petroleum storage, not for resale, subject to County, state, and federal regulations; and grain flow and field blending and packaging including milling, drying and storing. Excludes the storage of DAF Residuals, Food Processing Residuals, and Liquid Organic Soil Amendments except as permitted in § 190-33.25.
- B. Minimum setback for structures for animal manure, composting and similar purposes: 200 feet.
- C. Minimum setback for stables and dairy barns: 100 feet.
- D. Value-added production of farm products is permitted, subject to the following:
 - 1. The primary product being processed is grown on or produced by the farm doing the processing.
 - 2. The processing use is subordinate to and supports the agricultural use of the property.

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33.25 Storage of DAF Residuals, Food Processing Residuals, and Liquid Organic Soil Amendments.

- A. DAF Residuals, Food Processing Residuals, or Liquid Organic Soil Amendments stored in Talbot County before the enactment of this bill shall cease operations and apply any remaining DAF Residuals, Food Processing Residuals, or Liquid Organic Soil Amendments no later than [the effective date of the legislation].
- B. Requires Major Site Plan Approval. See Article VII.
- C. Minimum setback from property lines: 500 feet from the lot lines of any properties approved for residential uses unless consent to reduce the setback is obtained from the owners of all such properties; provided, however, that in no event shall the setback be reduced to less than 200 feet.
- D. The use must be located on a property that is and remains actively farmed and is granted agricultural assessment value by the Maryland Department of Assessments and Taxation.
- E. Must have a current and approved nutrient management plan.

- F. Any liquid organic soil amendments must be approved by the State of Maryland Chemist as a soil conditioner.
- G. Closed-top structure storage and land application of DAF Residuals, Food Processing Residuals, and/or Liquid Organic Soil Amendments as defined in § 190-78 is permitted, provided that the property on which such materials are stored and/or applied is in a permitted zoning district, and further provided that such materials are applied to the same properties included on the farmer's current, approved nutrient management plan.
- H. Effective [effective date of the legislation], open-top structure storage of DAF Residuals, Food Processing Residuals, and/or Liquid Organic Soil Amendments as defined in § 190-78 is prohibited in all zoning districts. Such prohibition shall not be construed to prohibit storage at the location where such materials are lawfully created, nor shall it prohibit a farmer or farming business from temporarily storing such materials in a mobile, closed container for a period of not more than 90 consecutive days during the application process, subject to the requirements set forth in (G) above.

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§ 190-60 Site plans

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60.2 Type of approval required

A. Development requiring site plan approval. A site plan shall be required for the following:

1. The development, establishment or enlargement of any nonagricultural use except the uses listed in Subsection B below.
2. Any uses or structures which require a site plan as listed in Article IV.
3. Agriculturally related commercial or industrial uses or structures.
4. Agricultural structures over 6,000 square feet in gross floor area if located within 500 feet of a town boundary.
5. Livestock or poultry houses, or waste storage lagoons or structures, if located within 1,500 feet of a town boundary, except that a site plan shall not be required for expansion of an existing livestock or poultry house, or waste storage lagoon or structure, provided that:
 - a. The use or structure was in existence as of July 1, 2003;
 - b. The use or structure has been continuous and has not been abandoned or discontinued for more than one year; and

- c. The municipal boundary in existence as of July 1, 2003, has been changed through annexation to now include a parcel within 1,500 feet of the existing agricultural facility subject to this requirement.

6. Structures for storage of DAF Residuals, Food Processing Residuals, or Liquid Organic Soil Amendments.

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§ 190-78 Terms Defined

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AGRICULTURAL PROCESSING

- A. The processing of a locally produced agricultural product in order to increase its market value, including such processes as canning, milling, grinding, freezing, heating, and pasteurizing, and including the use of incidental ingredients that are not locally produced. Locally produced products include those grown or produced in Maryland or on the Delmarva Peninsula. (See also definitions of “agricultural production”, ~~and~~ “farm alcohol production facility”, “DAF Residuals”, “Food Processing Residuals”, and “Liquid Organic Soil Amendment.”)

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AGRICULTURAL PRODUCTION

- A. Includes growing field and indoor or hydrophytic crops and vegetation, grazing, livestock raising, hay production, orchards, vegetable growing, sod farming, vineyards, Christmas tree growing and similar uses.
- B. Includes value-added production: the processing of an agricultural product grown or raised on site in order to increase its market value, including such processes as canning, milling, grinding, freezing, heating and fermenting, and including the use of incidental ingredients produced off-site. (See also definitions of “farm alcohol production facility”, ~~and~~ “agricultural processing”, “DAF Residuals”, “Food Processing Residuals”, and “Liquid Organic Soil Amendment.”)

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DISSOLVED AIR FLOTATION (DAF) RESIDUALS

Organic by-product material created at an animal processing facility or organic resource recovery facility, including material collected by means of a dissolved air flotation process.

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FOOD PROCESSING RESIDUALS

An organic material that is generated by processing agricultural commodities for human or animal consumption and includes food residuals, food coproducts, food processing wastes, food processing sludges, or any other incidental material whose characteristics are derived from processing agricultural products for human consumption or animal consumption. Food Processing Residuals used for livestock feed are exempt from this definition.

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LIQUID ORGANIC SOIL AMENDMENT

A State of Maryland-approved material produced from poultry or animal processing or rendering process, including DAF Residuals and Food Processing Residuals, via a dissolved air flotation process.

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OPEN-TOP STORAGE STRUCTURE

An open or partially open structure, whether above ground, partially above or below ground level, or a lagoon-type structure, used for the storage of DAF Residuals, Food Processing Residuals, or Liquid Organic Soil Amendment.

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CLOSED-TOP STORAGE STRUCTURE

A fully closed above ground structure used for the storage of DAF Residuals, Food Processing Residuals, or Liquid Organic Soil Amendment.

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SECTION TWO: AND BE IT FURTHER ENACTED, that if any provision of this Bill or the application thereof to any person or circumstance is held invalid for any reason in a court of competent jurisdiction, the invalidity does not affect other provisions or any other application of this Bill which can be given effect without the invalid provision or application, and for this purpose the provisions of this Bill are declared severable.

SECTION THREE: AND BE IT FURTHER ENACTED, that the Publishers of the Talbot County Code and the Talbot County Office of Law, in consultation with and subject to the approval of the County Manager, may make non-substantive corrections to codification, style, capitalization, punctuation, grammar, spelling, and any internal or external reference or citation included in this Bill, as finally adopted, that are incorrect or obsolete, with no further action required by the County Council. All such corrections shall be adequately referenced and described in an editor's note following the section affected.

SECTION FOUR: AND BE IT FURTHER ENACTED, that this Bill shall take effect sixty (60) days from the date of its passage.

PUBLIC HEARING

Having been posted and Notice of time, date, and place of hearing, and Title of Bill No. 1617 having been published, a public hearing was held on Tuesday, July 8, 2025, at 5:30 p.m. in the Bradley Meeting Room, South Wing, Talbot County Courthouse, 11 North Washington Street, Easton, Maryland 21601.

BY THE COUNCIL

Read the third time.

ENACTED: July 22, 2025

By Order *Susan W. Moran*
Susan W. Moran, Secretary

Callahan	-	Aye
Stepp	-	Aye (via Absentee Ballot)
Leshner	-	Aye
Mielke	-	Aye
Haythe	-	Absent

EFFECTIVE DATE: September 20, 2025

EXHIBIT 1

Table IV-1. Table of Land Uses

Use Type	Section Cross- Refere nce	Conservation Districts					Resid ential Distri cts		Village Districts			Commercial Industrial Districts		
		AC	CP	WR C	TC	RC	R R	T R	V R	V H	VM	LC	GC	LI
25.2.A. Agriculture and Related Uses														
Agriculture Production														
* * *														
Poultry and hog houses, livestock feeding lots and agricultural lagoons <u>other than for the storage of DAF Residuals, Food Processing Residuals, and Liquid Organic Soil Amendments</u>	26.4	P	P	P		P					S			
* * *														
25.2.H. Accessory Uses														
* * *														
<u>Storage of DAF Residuals, Food Processing Residuals, and Liquid Organic Soil Amendments</u>	<u>33.25</u>	<u>P</u>	<u>P</u>	<u>P</u>		<u>P</u>								
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