

MINUTES

Baltimore County Planning Board Meeting

April 6, 2017

Contents

Call to Order, Introduction of Board Members, Pledge of Allegiance, and Announcements

Review of Today's Agenda

Minutes of the March 2, 2017 and March 16, 2017 Meetings

Introduction

1. Amendment Baltimore County Master Plan 2020 – [Growth Tiers](#), Overview**
2. Amendment Baltimore County Master Plan 2020 – 2017 Land Preservation, Parks and Recreation Plan (LPPRP), Overview**

Item for Vote

3. Res. 28-17 – Planning Board – Review of Regulations on Development Plans and Plats

Other Business

4. Recent County Council Legislation of Interest to the Board
 - a. Bill 11-17 – Zoning Regulations – Bakery

Adjournment of the Board Meeting



Appendices

- Appendix A** Growth Tiers overview with Growth Tier map
- Appendix B** Letter from Legislative Council/Secretary to Chairman Concerning Resolution 28-18
- Appendix C** Memorandum to Administrative Officer from Director of Planning on Resolution 28-18
- Appendix D** County Council Legislation Research

Note: A copy of the appendices is located in the official Planning Board file.

Minutes
April 6, 2017

Call to Order, Introduction of Board Members

Chairman Phillips called the meeting to order at 4:03 p.m. The following members were:

<u>Present</u>	<u>Absent</u>
1. Mr. N. Scott Phillips	1. Ms. Christina Berzins
2. Mr. Howard Perlow	2. Mr. Jeffrey Gordon
3. Mr. Scott Jenkins	3. Ms. Lori Graf
4. Ms. Cathy Wolfson	
5. Mr. Wayne McGinnis	
6. Dr. Chris Haffer	
7. Mr. Rick Yaffe	
8. Mr. Jon Herbst	
9. Ms. Nancy Hafford	
10. Mr. Mark Schlossberg	
11. Mr. Todd Warren	
12. Ms. Michelle Lipkowitz	

County staff present included Andrea Van Arsdale, Jeff Mayhew, Kathy Schlabach, Lloyd Moxley, Jeff DelMonico, Kristopher Weaver, and Pat McDougall from the Department of Planning. Mr. Warren arrived at 4:13

Review of Today’s Agenda

Chairman Phillips asked staff if any changes were made to the agenda. Mr. DelMonico confirmed that no changes were made to the agenda after being sent to each Board member the week prior.

Minutes of the March 2, 2017 and March 16, 2017 Meetings

Chairman Phillips asked the Planning Board members if they had any questions regarding the minutes from the March 2nd, and March 16th, 2017 meetings. No questions were posed and the Chair entertained a motion to accept both of the draft minutes. Ms. Wolfson made the motion and Mr. Schlossberg seconded the motion, which passed unanimously at 4:05 p.m. Absent for the vote were Ms. Berzins, Mr. Gordon, and Ms. Graf.

Introduction

1. Amendment Baltimore County Master Plan 2020 – [Growth Tiers](#), Overview**

Chairman Phillips introduced Mr. Lloyd Moxley from the Department of Planning to present on the Growth Tiers. Mr. Moxley provided an overview beginning with the Board’s authorization to prepare a comprehensive plan, ensure its implementation and make amendments as necessary. Such a plan shall, “serve as a guide for the development and economic and social well-being of the local jurisdiction”. Baltimore County has had a formal Master Plan since 1972.

The Sustainable Growth and Agricultural Preservation Act of 2012, also known as Senate Bill 236, or the Act, prompts the amendment to our Master Plan.

The Baltimore County Growth Tiers and Map have been in an official capacity for over 4 years. Baltimore County administratively adopted its Growth Tiers and Map the last week of December 2012. The County fulfilled the implementation requirements required by the Act and avoided the consequences of noncompliance. The Act further required Baltimore County to officially incorporate the Growth Tiers into our Master Plan 2020 at the next periodic review of said plan. In failing to adopt the Growth Tiers into the Master Plan, Baltimore County would lose the authority to approve any residential subdivision plat that is not served by an existing public sewer system. Additionally, other state funding made available to the county may be jeopardized.

The Act requires the Board to hold a public hearing on the matter and upon consideration make recommendation to the County Council. The Baltimore County Growth Tiers were introduced to the Board in April of last year as part of its recommendations on three separate major residential developments that were mapped Growth Tier III. Those actions also required public hearings.

The Sustainable Growth and Agricultural Preservation Act of 2012 was passed by the Maryland General Assembly in the 2012 session and became effective July 1, 2012. The goal of the Act is to address the disproportionate impact that large subdivisions served by individual on-site systems have upon farm and forest lands, streams, rivers, the Chesapeake Bay and coastal bays. The Baltimore County Department of Planning executed an implementation strategy wherein information was provided to the public via mass e-mailings. Additionally, public informational meetings were held by the Department soliciting input from the various stakeholders within the county along with follow-up meetings held when requested. Stakeholders contacted in that effort were representatives from the legal, engineering, home-building and environmental communities, and the many community organizations existent throughout the county. Of note, there was no requirement for public notification within the Act. Significant amounts of localized and State data was collected, organized and analyzed from which a set of defined growth tiers appropriate to Baltimore County was developed. The Department's implementation effort resulted in a functioning Growth Tiers Map which was first presented to the public on the Department of Planning's web page as a draft form in September of 2012, prior to any adoption. The Growth Tier information has continually been available on that web page since the Growth Tiers were adopted in 2012 and which has been kept current through the years.

The Baltimore County Growth Tiers and Map received favorable response from both State and private interests upon that initial 2012 official adoption. The Department of Planning has since been consistent in applying the Growth Tiers and Map in its review of residential development projects now for over four years. These Growth Tiers reflect the unique natural environment, extensive conservation efforts and the pattern of agricultural and residential development within Baltimore County. The Growth Tiers support the responsible land use policy Baltimore County has historically established through its Master Plan, a Master Plan that is recognized on a national level for its achievements and foresight.

The Department advises that the official Baltimore County Growth Tiers and Map perform in a way that meets the spirit and intent of the Sustainable Growth and Agricultural Preservation Act of 2012 and are integral to attaining the goals and objectives of the Master Plan 2020. Staff recommends they be adopted into the Master Plan 2020 in their current official form.

Mr. Moxley requested that the Planning Board set a Public Hearing for Thursday, April 20, 2017 at 5 p.m. regarding the amendment to the Master Plan 2020 to adopt the Baltimore County Growth Tiers and Map.

There were no questions from the Board on the Growth Tier amendment. Mr. Phillips called for a motion to set a public hearing. Ms. Hafford made a motion to request that a public hearing be set for the Baltimore County Master Plan 2020 amendment to include the Baltimore County Growth Tiers on April 20, 2017 at 5 p.m. Ms. Lipkowitz seconded the motion, which passed unanimously at 4:13 p.m. Absent for the vote were Ms. Berzins, Mr. Gordon, and Ms. Graf.

2. Amendment Baltimore County Master Plan 2020 – 2017 Land Preservation, Parks and Recreation Plan (LPPRP), Overview**

Chairman Phillips introduced Mr. Jeff Mayhew, Deputy Director of Planning, to provide an overview of the Master Plan amendment to include the 2017 Land Preservation, Parks and Recreation Plan (LPPRP). Mr. Mayhew explained that this plan focuses on recreation and parks with components of land preservation and natural resources. The plan is a requirement from the State for the County to participate in Program Open Space (POS). The LPPRP identifies recreation and parks objectives and policies. This works as a foundation for the State to compile their State plan which combines components of plans from different jurisdictions.

This plan is required in order for the County to have access to money from POS. The County has benefitted from this program by receiving nearly \$120 million which helps with acquisition, park development and large scale maintenance. This program is funded by 0.5% of most of residential real estate transactions which the State collects and distributes.

There are three components to the plan, the recreation and parks piece, the land preservation piece, and the natural resources piece. Mr. Pat McDougall has been assisting with the recreation and park portion of the plan, the Department of Planning has been overseeing land preservation, while the Department of Environmental Protection and Sustainability have been working on the natural resources section. The input that was provided to help the Department draft the plan came from the Citizen Input Meeting (CIM) for the capital budget. The plan has been advertised on the Department of Recreation and Parks web page and a solicitation was made to community associations, along with the Recreation Councils.

The original geographic analysis boundaries were drawn by the rec council but those borders have morphed over the years. In an effort to create some consistency, the Department switched to regional planning districts which are based on census tracts. These districts do not change and allow for greater dependability for comparing past and future geographic data.

Mr. Perlow inquired how the money from Program Open Space is distributed and asked if the Department knows what percentage of that money comes back to Baltimore County. Mr. McDougall explained that the real-estate transfer tax utilization has changed over the years. This tax not only funds local POS but state POS as well, which is used for state park acquisition and limited development projects. There are also land preservation programs that use POS funds. Examples include the Natural Heritage and Rural Legacy programs. Dollar for dollar, the money does not come back to the County. The State utilizes a funding formula which incorporates the population of a jurisdiction and the total sum of revenue provided by that jurisdiction to determine what portion of the POS local share goes to each county. The Department of Natural Resources does not provide POS funding to the counties up front. Counties must submit project applications to capture funding reimbursement for eligible projects.

Mr. McGinnis stated that when he was Chairman, there was \$30 million removed to cover other deficiencies in the State budget. Each county is entitled to a certain portion but the amount requested and the money provided do not always match. In the second request, you can bid for another county's allocation. It was supposed to be a dedicated tax but was robbed from twice and used for other purposes.

Mr. Phillips asked if anyone had signed up to speak for either of the Master Plan amendments. There were no speakers for either topic. One gentleman, Linwood Jackson, did write his name down on the Growth Tiers Amendment sign-up sheet but wanted to ask a question about another unrelated matter.

Mr. McGinnis asked if adding the Growth Tiers to the Master Plan would affect how development and business operations would be conducted in Baltimore County. Mr. Mayhew clarified that the Growth Tiers impact County property owners. The Growth Tier IV prevents major subdivisions from taking place. Mr. Moxley followed up by stating that the Growth Tiers do not impact commercial properties, zoning, or density. The Growth Tiers regulate the intensity of residential development of a property depending on if the development utilizes well and septic or public water and sewer.

Mr. Haffer asked if the Pedestrian and Bicycle Advisory Committee (PBAC) was involved with the LPPRP. Mr. Mayhew indicated that they were not involved. Mr. Phillips added that the Department should make sure that all of the potential stakeholders are made aware of the public hearing postings and be sure to post them on the County's website. Mr. Mayhew concurred that he would follow up about this request. (Mr. McDougall followed up with Mr. Haffer and indicated the PBAC was solicited for input.)

Mr. Phillips called for a motion to set a public hearing. Ms. Hafford made a motion to request that a public hearing be set for the Baltimore County Master Plan 2020 amendment to include the 2017 Land Preservation, Parks and Recreation Plan on April 20, 2017 at 5 p.m. Mr. Warren seconded the motion, which passed unanimously at 4:30 p.m. The motion passed unanimously; absent for the vote were Ms. Berzins, Mr. Gordon, and Ms. Graf.

Item for Vote

Res. 28-17 – Planning Board – Review of Regulations on Development Plans and Plats

Mr. Phillips introduced Resolution 28-17 to the Planning Board. Mr. Phillips stated that on March 20th, 2017, the Baltimore County Council passed Resolution 28-17 requesting the Planning Board to review relevant County laws and regulations relating to the applicability of current federal, state, and local standards and regulations to development plans or plats which were approved under previous standards and regulations that have been abrogated or superseded. At this time we are voting to request approval from the Baltimore County Administrative Officer for assistance by other departments or bureaus in reviewing these regulations.

Ms. Hafford made a motion to refer County Council Resolution 28-17 to the Administrative Officer for approval of assistance by any other County department or bureau. Mr. Schlossberg seconded the motion, which passed unanimously at 4:32 p.m. Absent for the vote were Ms. Berzins, Mr. Gordon, and Ms. Graf.

Other Business

Mr. Phillips call on Ms. Andrea Van Arsdale, Director of Planning and Secretary to the Planning Board, to share a report that was made in response to a discussion from the last meeting. Ms. Van Arsdale provided the Board with details on all legislative items from the County Council that directed the Planning Board to respond since 2011. The research gave individualized details on the status of each resolution and bill.

Mr. Phillips indicated his belief that the Board should still provide a report back to the County Council even in instances where the Council has already taken action on a legislation to bring full closure on record keeping. Ms. Van Arsdale suggested that the Department could summarize the information for the

Council and send that information in place of a report if the Board's recommendations are no longer requested. Mr. Phillips concurred and inquired about the status of Bill 73-16. Ms. Van Arsdale indicated that the Department should be able to present on that in May.

3. Recent County Council Legislation of Interest to the Board

a. Bill 11-17 – Zoning Regulations - Bakery

Mr. DelMonico gave a report on the recent County Council legislation. The only legislation of interest was Bill 11-17. Ms. Wolfson asked about what size bakery was being permitted. Mr. Moxley stated that this bill permits the use of a bakery with a retail operation which would suggest a smaller scale business. Bakeries are typically a manufacturing operation which would be restricted to a manufacturing zone. Ms. Van Arsdale indicated that the Department had explored the need for this permitted usage in the Liberty Road corridor. The Department felt that this was a positive amendment for businesses across the County.

Mr. Phillips asked if Mr. Linwood Jackson would now like to ask his question to the Planning Board. Mr. Jackson, a resident of the Turner Station area for 45 years and a Vietnam veteran, asked if there was a community plan for Turner Station. Ms. Van Arsdale explained that Turner Station had a charrette in 2011 which the County Council voted on.

Mr. Warren asked if the Board would like to hear a presentation on what Towson University is planning for future development. Ken Ulman, former Howard County Executive, who now works for the University of Maryland system, is heading that project and is open to doing this presentation. Ms. Hafford agreed that the Board should hear about this plan but that the plan is still in its early stages and that it may be best to have him speak at a later date.

Mr. Perlow thanked Mr. Haffer for suggesting that the Board visit Trade Point Atlantic the week prior. Mr. Perlow expressed his optimism about the job opportunities that will be garnered from the new businesses moving in.

Mr. McGinnis wanted to make the Board aware of an agricultural preservation program issue. Early adopters of the program agreed to certain parameters of what an easement covers but over the years the County makes changes as problems come about. People who had easements before these changes are not grandfathered into the easements that they originally agreed to. Mr. McGinnis will ask the County attorneys and County Council to look at these situations.

Adjournment of the Board Meeting

Chairman Phillips called for a motion to adjourn the Board meeting. Ms. Wolfson made the motion and Mr. Warren seconded the motion, which passed unanimously at 5:01 p.m. Absent for the vote were Ms. Berzins, Mr. Gordon, and Ms. Graf.
