

# *Friends of Harford*

Citizens' Voice for Responsible Land Use

Vol. XI, No. 1

Spring , 2010

## Annual Meeting

We invite you to enjoy the beautiful Liriodendron mansion in Bel Air with us while we have a short business meeting. We will also supply the best dessert table in the County after the meeting. This year we will be bringing some ancient history along with us for your enjoyment. The 2010 Master Plan is coming, so we thought you'd enjoy looking at all the Plans the County has made in the past.

Drop in – we'd love to talk land use with you.

County Council has the crucial responsibility of deciding whether to accept, modify or reject the Executive Branch's bill as it was presented to them. Two elements are missing: expertise in the subject at hand, and time to understand all of the bill's immediate and long range impacts. The Council has very limited time to understand, research and analyze a highly complex bill in this short time frame (or get an outside expert to look at it from another point of view). Unfortunately, the Council budget is inadequate to provide sufficient expertise independent of the Executive Branch.

### Time For A Change

It is time for a change in the process which turns a proposal into law. Assuming all the players are interested in the best for the County, it is still impossible to insure quality with the 45-day clock on all bills introduced by the Council – regardless of their importance or complexity.

For the most part, bills are generated in the Executive Branch, fined tuned by their lawyers and sent to the Council. As the Legislative Branch of our County Government, the

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**Annual Meeting**  
**Sunday, June 13<sup>th</sup>**  
**4:30 p.m.**  
**Liriodendron**  
**502 West Gordon Street**  
**Bel Air**

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Friends of Harford can help provide expertise on some issues. Our volunteers can find knowledgeable sources, but on a volunteer schedule, it takes time to do the proper due diligence. However, putting the bill on the Council website has made it available to all in a much more timely manner.

Somewhere in the 45 days, a public hearing is held. Unfortunately that has been known to happen on the very day that the Council votes. Where is the time for thoughtful consideration, or is the bill a done deal by this time?

Another problem is the amendments. They are usually applied to the bill after the public hearing but without any public exposure except for the Council's reading of it just prior to its adoption or dismissal. What if something was raised in the public hearing that could improve the bill? What if the amendments significantly change the basic bill? Sorry, it is too late; the 45 days are up and there is no time for public discussion of amendments before the vote.

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Friends of Harford recognizes and appreciates the

vital importance of the Legislative branch and the dedication and hard work of the Council members. We will continue to provide our input, information and expertise to them on issues. On behalf of the citizens, we would ask the Council to modify procedures so as to provide adequate review time for bills and amendments. Also, if the Council believes they would benefit from independent legal, financial, and technical expertise of their own, separate from the Executive's staff, Friends of Harford would strongly support such a budget request. The County could only benefit by independent analyses and double checks.

### **The People Fight State Highways**

The following is a letter to County Executive David Craig about the Route 24 proposal to blast in The Rocks State Park to correct Deer Creek undercutting the road. These folks were successful in halting the immediate plans as promoted by the State Highway Administration. An advisory board of 24 representatives of the community, highway, parks and environmental government employees and local officials are currently meeting to solve this problem. Future meetings are listed on the Facebook page listed below.

<http://www.facebook.com/pages/Save-The-Rocks/241109564416?ref=ts>

The project has been tabled until the Fall of 2010 when it will be studied anew. The opponents of this decidedly draconian measure know to remain vigilant. Even better, they have harnessed Facebook and have 9,046 fans to help them make their point.

“Dear County Executive Craig:

I am writing as a concerned citizen of North Harford regarding the State Highway Administration’s (SHA) proposal to reconfigure Rt. 24 through Rocks State Park. SHA has held two public meetings about this project whose purported aim is to protect the road from being undermined by Deer Creek. The proposal has three options, to move the road 0, 10, or 20 feet back from the creek; these options entail, variously, erecting retaining walls and blasting the rocks on the west side of Rt. 24. At the meeting held December 17, 2009, at North Harford High School, SHA presenters favored the 20-foot setback that would remove

rock faces along the road and an estimated 1.7 acres of trees.

The sections under discussion were labeled “A,” located just south of the bridge at St. Clair Bridge Road, and “G,” south of Sharon Acres Road. According to SHA Project Newsletter, these two sections were deemed “most in need of repair,” but it notes that SHA’s 2003 study identified “seven distinct sections along the roadway in need of slope remediation.” Thus, it appears that Sections B through F will also be “reconstructed and re-aligned” in due course.

This project is unacceptable on many fronts. First, and most important, it won’t work. Moving the road does not address the cause of the problem, namely that Deer Creek is undercutting the road. There was no evidence that SHA considered streambank stabilization, a well established method that has been used with success in similar situations elsewhere. Simply moving the road does nothing to keep the creek from continuing to cut through the silt/loam soils that underlie the road. This means that, in short order, we will face the same problem again.

The SHA newsletter says that their proposal is designed “to minimize the impact on Deer Creek,” as though not stepping in the creek guaranteed no impact to the creek. This statement ignores the effect of operating heavy equipment on unstable soils, blasting and fissuring rock faces, removing trees and bracken, and increasing contaminated run-off from more impervious surface.

Second, this project costs too much. SHA estimates that Sections A and G will cost 9.2 million dollars. The projected cost of the entire project (A through G) is likely several times this amount. Surely, in these financially constrained times, the taxpayers of Maryland can find a better use for these dollars than to deface a natural and cultural landmark.

The loss of this unique viewscape imposes a direct cost on Harford County. DNR’s map of Maryland state forests and parks states, “Dense forests and massive boulders flanking Deer Creek characterize this park....” If the proposed project is carried out, Marylanders are unlikely to spend their tourism dollars to travel to admire the dynamited remains of natural beauty, constrained by retaining walls and guard rails.

## Stormwater Management Plan

Third, under this proposal, more traffic—and faster moving traffic—will be able to access North Harford easily. The result will be the de facto expansion of the Development Envelope up the Rt. 24 corridor, nullifying the strenuous efforts and many dollars taxpayers and local officials have devoted to preserving farmland and open space in the north.

Because we think the current proposal is so misguided, we have launched a Save The Rocks campaign. In one week, our Save The Rocks Facebook page has attracted close to 2000 friends. Our goal is to stop this project going forward until the cost and effectiveness of streambank restoration and stabilization have been evaluated. We ask, in light of your demonstrated commitment to preservation, that you join us in seeking a more measured response to the repair of Rt. 24, one that does not destroy the unique area it traverses.”

### Elections

This September and November brings elections for all county offices. Some races will be won and lost in the September Primary voting. The victors will square off in November. In order to give our readers a fair picture of who is running and what they believe, Friends of Harford will once again provide the candidates for County Executive and County Council an opportunity to answer several written questions from FOH. As before, we will not edit their responses in any way. We limit each answer to a maximum of 50 words and will stop the answer on word number 51 and we tell them that in advance.

We will publish their answers for you both in a written newsletter and on our website, [www.FriendsofHarford.com](http://www.FriendsofHarford.com) in August so you have plenty of time to read what they have to say. We'll also provide you with their addresses so you can follow up and ask them any questions you may have in addition to the ones we ask.

Our Comments to the County Council in public testimony March 16, 2010:

Friends of Harford is concerned about stormwater runoff because it is the only source of nutrient pollution to the Chesapeake Bay that has increased in the past 2 years. The statements that I make represent the position of Friends of Harford on the proposed ordinance.

Friends of Harford believes the proposed ordinance prepared by the Department of Public Works is good and that the Department deserves credit for its efforts. However, Friends of Harford has some concerns about the ordinance we would like to bring to your attention.

**To keep tabs on what's going on in the County, check our website frequently. [www.FriendsofHarford.com](http://www.FriendsofHarford.com) posts the latest bills, resolutions and votes along with our thoughts on what our local government has in mind. Drop in and let us know what you think.**

First, we have two major concerns that are closely related. We find that there is no opportunity provided in the ordinance for public review and comment on the phased stormwater management (SWM) plans that are required for any development as described in section 214-32. We ask that the SWM Plan be provided for the public on the County website much as the Site Plans are now

available by the Department of Planning & Zoning. This omission is important because of our second major concern.

The ordinance provides many opportunities for variances, waivers and exemptions. FOH understands the need for many of these exceptions, but not all, and even for those with which we agree, there is still the need for public review and comment if only to avoid error and the appearance of any impropriety.

Thirdly, FOH also has some technical recommendations that we believe will be beneficial, but in light of the constraints on Council's time, we will submit all of our suggestions in writing later and are willing to meet with Council members to discuss these inputs. (Note: These technical suggestions are available at [www.FriendsofHarford.com](http://www.FriendsofHarford.com))

**Been to your Community Council Lately?  
You Should**

These councils are where you find out what’s been planned for your neighborhood. Go this month and ask them what the Transportation Plan has done for your roads. Ask them what new developments have been planned. Ask them what they are going to advise their County Council member to do in the upcoming Master Plan - make it more urban? More rural? More shopping Centers? More schools? If you have the interest, these Councils will find you the answers.

These are volunteer groups of residents who asked the County Executive if they might serve the local area. The Community Council acts as a liaison with the County Administration. It is a grass roots group where you can tell the County how you want your neighborhood to be now and in the future. It’s also a place where neighbors can ask for help solving problems like traffic control for speeding, problems with crime or pot holes. A group has more impact than a lone individual.

Why not attend one this month? 410-638-3355 If you don’t have one in your area, call and ask for help setting one up.

- ✓ Darlington/Dublin - 3<sup>rd</sup> Wednesday - 7pm, Wilson Center, 1024 Main Street, Darlington
- ✓ Edgewood - 2<sup>nd</sup> Wednesday - 7pm, 1980 Brookside Drive, Edgewood
- ✓ Fallston - 4<sup>th</sup> Tuesday - 6:30pm, Fallston Fire Station Meeting Room, Carrs Mill Road, Fallston
- ✓ Jarrettsville/Norrisville - Last Wednesday - 7pm - Jarrettsville Library Meeting Room - 3722 Norrisville Rd. Jarrettsville
- ✓ Joppa/Joppatowne - First Monday - 7pm, Joppatowne High School, 555 Joppa Farm Road, Joppa
- ✓ Whiteford/Cardiff/Pylesville/Street - 3<sup>rd</sup> Thursday - 7pm, Highland Senior Center, 708 Highland Road, Street

**ScoreCard - Miss It?**

It isn’t gone. It went electronic – onto our website. Look for immediate vote results there.

<http://www.friendsofharford.com/scorecard.html>

**Harford County Residential Preliminary Plan  
Acreage**

YEAR	APPROVED PRELIMINARY PLAN ACREAGE OUTSIDE ENVELOPE*	APPROVED PRELIMINARY PLAN ACREAGE INSIDE ENVELOPE
2009	451	118
2008	1,132	569
2007	1,120	568
2006	1,538	155
2005	1,306	257
2004	1,128	706
<b>TOTAL</b>	<b>6,674 ACRES</b>	<b>2,374 ACRES</b>

This chart is from the Department of Planning & Zoning. It illustrates how much agricultural acreage is developed outside the Development Envelope. The County’s Rural Residential Infill areas in Jarrettsville, Fallston, Joppa and Forest Hill promote this Outside-the-Envelope building. The Zoning Code with its new requirement to convert Agricultural (AG) zoned land to RR-zoned land to satisfy a Transfer of Development Rights, will increase residential use of agricultural land.

In 2004, the American Farmland Trust had this to say in their study of Harford County: “In other words, on average, for [Residential development] every \$1 of revenue generated by the residential sector, the county spent \$1.11 to provide county-level services this sector.” ....

[For Commercial and industrial development] on average, for every \$1 of revenue generated by commercial/industrial land uses, the county spent 40 cents to provide its services to businesses and industries.

And for [Farm and open lands] for every \$1 of revenue generated by farm/open lands, the county spent 91 cents to provide these lands with its services.

## 2010 Transportation Element Plan (TEP) Sets Policies and Goals

The Transportation Element Plan, like all "elements" of Harford's Master Plan, must be periodically updated by the County Executive, with the new Plan being approved by the County Council. Bill #09-46 was the required update to the 2003 Transportation Element Plan and ended in January 2010 with the approval of the 2010 Transportation Element Plan, a 79-page bill with over 60 amendments. FOH worked closely with the County Council - this participation took many hours of reading, discussions, meetings, knowledge of existing roadways, and an understanding of transportation and zoning related jargon. Friends of Harford requested a number of amendments; some went forward and were approved while others, well... we will keep working on those.

"The role of the press is to keep a wary eye on the gentlemen who run this great nation and only too often slip into the assumption that they own it." H. L. Mencken.

The TEP set policies for five areas:

1. Highways
2. Bicycle, Pedestrian and Trails Network
3. Transit, Commuter Rail and Transportation Demand Management
4. Aviation
5. Air Quality

The highway section was the most contentious. While Friends of Harford supports the policies put forth, it was in the details, road expansion and prioritization, that we requested important improvements. The Council members did act on a number of our concerns, and drafted amendments which they later approved.

Councilmen Dion Guthrie (District A) and Joe Woods (District B) protected a large number of southwest rural county roads from being turned into 'Urban Collector' roads. Unlike Rural Collectors, Urban Collectors have 5' sidewalks and curbs on both sides of the road. Urban collector roads consume much more land on both sides of the road – an unneeded and expensive waste of land and money in rural areas. Councilman Jim McMahan (District C) protected three additional roads and Council President Billy Boniface protected one more.

Councilman Chad Shrodes (District D) added even more protection for roads in or near parks, historic and environmentally sensitive areas by establishing eight new

policies and requiring the County's Historic Preservation Planner to work closely with the Department of Public Works and the State Highway Administration to ensure preservation of our County's unique historic and environmentally fragile areas. These amendments will help to protect and 'Save the Rocks' on Route 24 in Rocks State Park for example.

Over 30 amendments were submitted by Councilwoman Mary Ann Lisanti (District F) to improve the Bicycle, Pedestrian, and Trails Network policies. Key to these amendments was the establishment of a bike/pedestrian advisory board, gaining capital funding in cooperation with existing organization to complete the missing links by 2015, which includes the Ma & Pa Trail and the Lower Susquehanna.

This bill also supports "evaluating the potential for public ownership and financial support for privately owned airports." and using Phillips Army Air Field for public and commercial use. FOH believes these positions should have been more fully explained and publicly discussed before such a blanket statement of approval. Matters of this weight and impact on the citizens deserve more than a couple of sentences within a 79-page document. Similarly, the Air Quality Policy should explain how goals will be achieved. This Aviation Policy should be a stand alone resolution which would then be fully discussed by the public. We will continue to work with the Council to find a solution. We also supported expanding rail and bus transit, especially for commuters and Harford Community College students.

### TIF - What Kind of Deal Is It?

The County Council passed Bill 10-10, a finance bill to underwrite a bond for \$14 million to build a housing development on the Beechtree Golf Course in Aberdeen. County Councilman District D, Chad Shrodes, was the lone dissenter on the vote to pass this bill. The owner is Clark Turner a local developer doing business as Beechtree Properties, LLC. The term for the bond is 30 years with a coupon rate of 7.5%. It may be used to create onsite infrastructure, off-site road improvements, off-site sewer

extension, land purchase and engineering, legal and required amenities, such as street signs, fences and sidewalks. This 94-acre property within the Development Envelope will yield 371 single family homes and 397 townhouses when completed. The payment for the bond over its 30-year life will amount to over \$30 million dollars.

The County will continue to receive the base assessment of a little over \$16 million a year for the bare 98 acres throughout the 30 years. However, the added value of the property with the houses built on it will be used to retire the bond. A Special Tax Increment Fund will be set up to cover the cost of payments in the first few years of the bond when there are few houses from which property tax revenue can be used to pay off the bond. The developer's corporation is not required to pay any money towards the bond unless the project fails and the bond cannot be paid from the taxes. Should the LLC declare bankruptcy, the bond holders would no doubt be primary creditors.

Much of this information is from a fiscal impact analysis received 2 days before the vote. FOH obtained a copy the night of the vote.

These Tax Increment Finance bills are customarily used for redevelopment or development which benefits an entire community. Examples given in testimony to the County Council included several large commercial and retail projects in blighted areas and only one residential project in Baltimore City.

Below is a copy of FOH's public testimony to the County Council during the public hearing. The bill was passed an hour after testimony ended.

Testimony by Morita Bruce, President FOH

Before I begin, I'd like to make it clear that FOH has no objection to the development or developer of Beechtree Estates. The reason we disapprove of Bill 10-10 is that we believe it is inappropriate for Harford County to give this development special treatment in the form of a TIF.

TIFs are supposed to support unique projects that benefit the County AND are unlikely to occur without government support. Beechtree Estates is not redevelopment nor is it unique. If the market wants this development, it will be built -- without a government-sponsored TIF.

It also seems unfair to give one developer a TIF and not others. If Beechtree is given a TIF, how will the

County refuse other developers without being accused of bias and favoritism?

This bill gives the Developer a cheap \$14,000,000 loan in Harford's name. But what does Harford get in exchange for risking our financial reputation? Just because Harford isn't liable if the project doesn't meet its bond obligations doesn't mean we emerge unscathed. The market will take note, and we will pay higher interest rates on future bonds.

Loss of income to the County is another concern. Beechtree currently pays a certain amount of real estate taxes. If Beechtree were developed without TIF bonds, Harford would receive significant amounts of new, unrestricted-use property taxes. This is the "tax increment", and it's based on the increased value of the land, buildings, etc. due to development. These unrestricted-use taxes can be used for road maintenance, teachers, library supplies, and other services. As we understand it, this Bill redirects the property "tax increment" to the TIF bonds rather than into Harford County's normal budget. So who pays for the services that Harford is still obligated to provide to the new Beechtree residents? The answer is "other Harford taxpayers will subsidize Beechtree."

Please note that the special taxes listed in this bill are only collected when real estate taxes are inadequate to cover TIF bond's payments.

FOH believes this one-sided deal should be rejected. We would be happy to meet with members of this Council to provide further information.

### **The Master Plan - Are You Ready?**

In 2004, the County wrote the current Master Plan for development and preservation. 2010 is the promised time for the next version of the Plan. After the election, the newly sitting County Council will receive the Plan being written now by the Department of Planning & Zoning. The Master Plan is comprised of many Element Plans including the Land Use Plan, which accompanies it. This year has produced the Transportation, Natural Resource, Stormwater Management and Historic Plans, as prelude to the Master. The Water & Sewer Plan is updated every 6 months.

Instead of waiting for this new Plan to drop down

on us and then acting on what it says, we have a better idea. This year, we will ask communities to gather and discuss what they want, not be told what they will get.

The ideal way to learn is to read what your current plan is for your community. We have copied each Community Plan on [www.FriendsofHarford.com](http://www.FriendsofHarford.com) so you can easily find it. Read what was legislated in 2004. If you disagree with it, make notes. If you want to change something or if you like the way it is written, make a note of that too. You can send us your comments by email to [Comments@friendsofharford.com](mailto:Comments@friendsofharford.com) or by mail to PO Box 1005, Abingdon, MD 21009.

Friends of Harford would enjoy speaking with community groups and sharing our experiences with previous Master Plans. We'll also offer tips on how you can communicate your wishes with your County Council representative in a positive and engaging way.

### **What Is the Master Plan?**

The Master Plan is the Plan which gives direction to future growth in the County. It is created as a legislative action. The first Plan was written in 1969. It was overly ambitious in scope for the small population. In 1977, the second Plan introduced the Development Envelope concept concentrating future growth into an area which could be supported easily with an infrastructure of roads, water and sewer, schools and other necessities for dense populations.

The Development Envelope has increased in size through each Plan. The 1988 plan widened the Envelope to include the land between Route 40 and I-95 in what is known as a "midnight amendment". The County Council introduced and voted on this increased area late in the evening of the last day to enact the legislation – without any public input. Residents received notice by mail that their zoning was changed from Agricultural (AG) to Residential (R1). With the exception of the amendment process, today the plan is much more open and wholesale rezoning is done in plain view. Friends of Harford intends to make every part of the plan easily available for your review.

In the 2004 Plan, the Development Envelope was widened along all of its boundaries excepting Winters Run

and I-95 south of Winters Run. The Department of Planning & Zoning explained that they would be cleaning up boundary lines along the envelope's border, which substantially increased the Envelope acreage along most of the borders. The size of some of the Rural Villages which are a part of the Designated Growth Areas along with the Development Envelope, were doubled in some cases. The "map," which is the official legislation was redrawn after the Council vote showing people for the first time, the breadth of the "boundary line" clarifications.

The Master Plan includes the Land Use Element Plan, which lists the County's numbers of people, land, zoning, and what the land can hold for new business and residential development. It has the most important legislation article within it - The Land Use Map.

### **County Council Contacts**

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