

Priority Jobs For 2007

One of the most important tasks facing the new County Council is the County Executive’s call for a revised, updated Zoning Code. Friends of Harford agrees that one harmonious code would be more beneficial than our current chopped-up, amended code.

No one has intimated exactly what a “new” code will entail or how deeply it will change current law. Never content to adopt a sit and wait policy, Friends of Harford has offered some revisions we would like to see in an amended code. Copies of this position paper have been presented to the County Executive, Director of Planning & Zoning and the County Council members. This is just a start of the changes we would make. But the theme of our proposal is the need for more openness and involvement of the citizens as we plan our future.

GROWTH MANAGERMENTS – ADEQUATE PUBLIC FACILITIES ORDINANCE (APFO)

The projected school enrollment figures are generated by a complex formula designed by the State which includes present population, birth rate trends, etc. These projections work fairly accurately for the County, but not for specific school districts subject to rapid build-out. The projections used for APF must include the preliminary plan approvals already in the pipeline for each specific school district and economic and zoning changes that would affect population.

Friends of Harford Recommends:

- The annual growth report include the number of new lots approved for development in any given area and calculations of the number of elementary, middle, and high school students expected to result from the housing to be built on these lots.

- The “grandfathering” provision of Section 267-104B(1)(a)[4] of the Code be eliminated. All existing approvals be counted. “Grandfathered” residential approvals shall be treated in the same manner as other “non-conforming uses, with an expiration date if not used within a specified period of time.
- APFO moratoriums be extended to include hospital, ambulance, fire, police, parks and recreation, and open space requirements. With good planning, they will not be used.

SCHOOL ADEQUACY STANDARDS – SCHOOLS

Crowded conditions cannot serve the needs of individual students. If our teachers are to be held accountable for the students’ success under state and national mandates, the government must insure adequate classroom space. Both the letter and spirit of the school section of the APFO must be honored.

Friends of Harford recommends:

- Planning for School Space must precede any need for a moratorium. Developers of large tracts (designate large, possibly 400 units) provide property suitable for schools and parks. Lesser development tracts must give proportional land for parks. Impact Fees should be large enough to cover the construction costs.
- Moratoriums on new subdivisions which are caused by projected school enrollment levels exceeding 105% of school capacity must not be lifted until (1) the actual count is below 105% and (2) projected enrollment counts are also below 105%.
- School Capacity limits must never be more than that which the State mandates, but Harford County must have additional discretion to make a lower capacity limit to provide the quality education we profess.

TRAFFIC IMPACT STUDIES

New developments intensify traffic on both the immediate access roads and the connector roads. The mandatory studies which determine the traffic impact are now left to the developer. This creates a conflict of interest.

Friends of Harford Recommends:

- Traffic Impact Analyses be contracted by the

Inside this Issue

Zoning Code p. 1-4
Contact Your County Officials p. 5
Wetlands - What are they? p. 7
The Next Four Years p.7

County on a bid basis, and the cost be borne by the developer.

- Police and fire department representatives review all Traffic Impact Analyses so that public safety is considered before approvals are given for development. Their recommendations will have the legal authority to delay or withhold approvals in the DAC process.

NATURAL RESOURCE DISTRICT – CONSERVATION REQUIREMENTS (267-41D(7))

Friends of Harford finds enough problems in this category to require urgent review. Present practices leave Natural Resource Districts (NRDs) relatively unprotected and could have crucial long term effects on our water supply, our streams and rivers, our natural environment, and our way of life.

Currently, a development adjustment or “bump-up” to the next most dense residential district’s design requirements is offered if more than 30% of a parcel is within the Natural Resource District. This is nothing more than a gift, and an incentive for developers to purchase property with NRD constraints at a lesser cost to them, but with the ability to increase the units on the rest of the parcel. This invariably comes as a surprise to the community and even to the lawmakers. Furthermore, it does not fairly consider the density that the plot should support. In most cases, less density - not more - is desirable adjacent to or adjoining Natural Resource Districts.

Friends of Harford recommends:

- The laws be changed to eliminate the concept of “Development Adjustment” on any property designated as Natural Resource District.
- Regulations be tightened on water quality. Increase protection of critical areas and NRDs.
- Standards for approval of variances and special exceptions in the NRD be tightened. Refrain from recommending approval in the majority of cases.
- The word “unique” be defined in the Code as it relates to the justification for a variance.
- NRD be prohibited on new individual lots, and be required in the common areas and protected by permanent easement in accordance with the recommendations of Builders of the Bay.
- Sediment Ponds and storm water management facilities no longer be considered “open space” in development plans.
- Driveways or roads be prohibited from NRD as “public utilities.”

CONSERVATION DEVELOPMENT STANDARDS – CLUSTER DEVELOPMENT IN AG/RR (267-46.1)

The intent of clustering houses together is to minimize their impact on cropland, pasture, forest and areas of significant value, such as streams, wetlands and steeply sloping areas. However, cluster development has been abused. Land that has used all its development rights is getting lost in the system and coming up for re-use or rezoning. If this is only a problem of record keeping, a good computerized tracking system for all land must be mandated by law.

Friends of Harford recommends:

- A computerized tracking system for all land, especially to record family conveyances and the use or sale of development rights. The information from this tracking will be placed in the development folder and available to the public.

WETLANDS

Wetlands are critical to our welfare and are now under stress from development. Building on wetlands also risks flooding both the new building(s) and the surrounding properties. At times the responsibility for wetlands is bounced between the county and the state. Friends of Harford has discovered that once a local entity has given permission to use wetlands, MDE will not overturn it. Therefore, Harford County’s laws and permitting agencies must take primary responsibility. Wetland mitigation is still unproven as a means of restoring and moving wetlands.

Friends of Harford Recommends:

- Wetlands be protected pursuant to the recommendations of the Susquehanna River Basin Commission.
- Wetlands should not be considered “build-able areas”, and should be subtracted from the size of the property before calculating the number of residential units allowable on the site.
- Wetland mitigation (where allowed, and only as a last resort) be implemented on the site where the wetlands were damaged or destroyed, or in the same sub-watershed.
- Wetlands be restored where threatened by surrounding impacts.

FEES-IN-LIEU

Fees-in-lieu is an escape option that allows one to ignore the law while allowing government agencies to realize an influx of cash. This is wrong. The citizens are being short-changed because the intent of the original law is

nullified. In addition, if the money is not used in three years, it is returned to the developer. The public is left ignorant of the entire process. Fee-in-lieu financial accounting is currently not in one accessible area for public view and scrutiny which leads us to wonder if the fees are used, how they are used and when they are used – if at all.

Friends of Harford Recommends:

- No fee-in-lieu be allowed for open space requirements (Open Space 267-29).
- No fee-in-lieu be allowed for Afforestation and Reforestation (267-30.9).
- Reforestation be calculated on an acre-for-acre basis on the affected property, not on the number of trees removed. Native plants reflecting the varieties and composition of the forest area destroyed shall be required to be used. Additionally, afforestation plantings must be approved by the Harford County Forestry Board.

BUFFERYARDS

Buffers offer a beautiful possibility of mitigating the effect of incompatible uses. At the same time, they can upgrade value of the land on both sides.

Friends of Harford Recommends:

- A significant increase in the minimum required bufferyard to fully screen incompatible uses, particularly where residential uses adjoin or are in direct vision of commercial or industrial uses.
- No variance be granted with regard to the minimum bufferyard when it is adjacent to residential property, a business, commercial, industrial or higher residential density zoning category. This restriction applies only to “competing use buffers,” not “setbacks” between same use lots.

MINERAL EXTRACTION

The effects of surface mining are devastating to any community. By setting a reasonable limit, Harford County may allow both the community and the mining operation to plan for the future.

Friends of Harford Recommends:

- All areas in which extraction, washing, crushing, processing, blasting, overburden storage or disposal or similar activities occur be at least 2000 feet from the property line of any parcel with an RR, RI, R2, R3, R4, RV, or RO zoning classification.

GRANDFATHERED SUBDIVISIONS

We are still feeling the effects of the era before the original zoning code was enacted in 1957. A fair amount of

time has now elapsed for all previous approvals to have been used or to have expired in the same manner as other non-conforming uses are treated in the Code.

Friends of Harford Recommends:

- Non conforming use plats and sub-division plans which pre-date the Zoning Code, but which were never built expire within one year.

NEW CONCEPT PLANS

A most critical need in Harford County is a citizen’s right to have input into a change of his neighborhood. The political mood throughout this last election reflects a frustration with a perceived connection between elected officials and developers. A greater openness is badly needed. Therefore, the entire process of handling subdivision concept plans must be adjusted with this in mind.

Friends of Harford Recommends:

- New Concept Plans for five or more lots be advertised as they are submitted to Planning and Zoning.
- A Community Input Meeting be required (preferably within 10 miles of the proposed location and during the evening hours) to examine the proposal and solicit public comments at the beginning of the process.
- The role of the Development Advisory Committee provide its members with the legal authority to delay or withhold approval of development plans until all development requirements are met, consensus with the adjoining community has been reviewed, and the communities’ concerns have been mediated.
- Any decision by a Zoning Administrator may be appealed through the People’s Counsel.

TRANSFER OF DEVELOPMENT RIGHTS (TDR)

We need Solomon to help us find a good way to save our farmland and open spaces and still be fair to the farmers who rely on their land to provide retirement income.

Friends of Harford Recommends

- A TDR Program be created which will require all future up-zoning of any parcel within Harford County require the purchase of an equivalent number of development rights on the open market.
- No up-zoning or rezoning be granted to any property from which development rights have been transferred. An easement shall be placed upon any property from which development rights have been transferred in proportion to the number of rights

transferred. E.g., for every development right transferred from a parcel zoned agricultural, 10 acres of the parcel shall be placed in a permanent easement for preservation or conservation. For every development right transferred from a parcel zoned RR, 2 acres shall be placed in an easement, etc.

- Family conveyances shall be allotted by property owners to allowable family members at the ratio of only one family conveyance each. No individual may have any further conveyances to his/her name for any other plat within Harford County.

WATER SOURCE PROTECTION

House Bill 11:41 mandates water source protection. It is not that we need to be told; we know we must protect our water sources first –before we accommodate any build up for BRAC.

Friends of Harford recommends:

- All wells serving more than 5 building units must be studied to determine protection areas similar to the Perryman Well-head Study.
- No more than 40% impervious surface be allowed in any of the three protection areas over the Perryman well-heads.
- Permitted uses and chemicals be severely limited in the well-head protection areas.
- Permitted uses and chemicals be severely limited on land draining into streams from which area water is drawn.

MIXED OFFICE (MO) ZONING CATEGORY

The new Mixed Office Zoning must be revisited to restore a promise: the MO was to be a campus of offices and mixed uses. Borrowing the permeable surface proportions from the Light Industry zoning designation destroyed the promise and the hope for something new and beautiful. Also, allowing significant building and occupancy of retail businesses on the site before the offices are built and occupied betrays the intent of MO, since the purpose of the retail businesses was supposed to be to service the office workers.

Friends of Harford recommends:

- Pervious Surface in the Mixed Office zoning category be no less than 30%.
- The required ratio of office space to retail space be maintained throughout both construction and operation of all buildings within the MO district.
- Storm water management facilities not be considered in calculations of open space

RIDGE LAW

Saving viewsapes is economically valuable. Friends of Harford suggests a ridge law (in place in other jurisdictions) because it could preserve the rural aspect of the countryside by asking that structures not be built on the tops of hills.

HOUSING FOR THE ELDERLY

The present law allows deceit by letting housing for the elderly bypass both the APFO legislation’s moratoriums and the impact fees for schools. This is wrong on both counts. Multistory townhomes without elevators are inappropriate for elderly, for example, yet are specifically listed as “elderly housing.” Current laws have no mechanism for enforcement, leaving that very controversial role to home owner associations. In addition, the elderly are still responsible citizens and should not, if moving to a new unit, be able to avoid the impact fees which support education.

Friends of Harford recommends:

- All “housing for the elderly” comply with the Americans with Disabilities Act
- Only nursing homes and continuing care retirement centers be exempt from school impact fees.
- All “housing for the elderly” housing must have public water and sewer.
- All “housing for the elderly must adhere to that zoning category’s housing density.
- Traffic signals must be at one elderly housing entrance/exit.

OPEN SPACE

As the population of Harford County becomes denser, it is all the more critical that open spaces be provided inside the development envelope. People need walking access to green areas. If the open spaces are only outside the envelope, communities will smother from too much density. Even New York has Central Park. Proper planning for new development could require open space contiguous with adjacent development open space. Tot lots should be scattered throughout the development using the school yield formula to insure adequate playing grounds easily walkable. To require one to drive to active open space (ballfields) is defeating the purpose of open space for developments.

CITIZEN INPUT

The American Planning Association’s Policy Guide on Smart Growth which was adopted by the organization in April of 2002, sets forth several Core Principles, which

include the following: "Recognition that all levels of government, and the non-profit and private sectors, play an important role in creating and implementing policies that support smart growth." They would require "INCREASED CITIZEN PARTICIPATION IN ALL ASPECTS OF THE PLANNING PROCESS AND AT EVERY LEVEL OF GOVERNMENT. Appropriate citizen participation ensures that planning outcomes are equitable and based on collective decision-making. Planning processes must involve comprehensive strategies that engage meaningful citizen participation and find common ground for decision-making."

Friends of Harford recommends:

- Significant citizen participation in writing the zoning code.
- Continued citizen participation in the planning and permitting processes.
- Citizen appointment to DAC

Contacts

We have elected the following for the next four years to create and uphold the laws of the county. Why not give them a call, write a letter, email or visit with them so they know what concerns you.

County Council

Meets the first three Tuesdays of the month at 8:00 pm.
With abbreviated schedule during the summer.

Harford County Council
212 South Bond Street Bel Air, Maryland 21014
410-638-3343 or 410-879-2000 or TTY 410-638-3491
Fax 410-893-4972

Billy Boniface, Council President
410-638-3525 Council Office
wkboniface@harfordcountymd.gov

Dion Guthrie, District A
410-638-3521 Council Office
dfguthrie@harfordcountymd.gov

Veronica Chenowith, District B
410-638-3520 Council Office
410-877-7034 Home Office
vlchenowith@harfordcountymd.gov

James McMahan, District C
410-638-3523 Council Office
jvmcmahan@harfordcountymd.gov

Chad Shrodes, District D
410-638-3524 Council Office
cshrodes@harfordcountymd.gov

Richard Slutzky, District E
410-638-3522 Council Office
rcslutzky@harfordcountymd.gov

Mary Ann Lisanti, District F
410-638-3526 Council Office
malisanti@harfordcountymd.gov

Administrative Branch

David R. Craig, County Executive
410-638-3350
drcraig@harfordcountymd.gov

The following are the department heads of various government branches who have been selected by the County Executive and approved by the County Council.

Aaron Tomarchio, Chief of Staff
410-638-3350
antomarchio@harfordcountymd.gov

N. Roxanne Lynch, Director of Government and Community Relations
410-638-3354
nrlynch@harfordcountymd.gov.

Mary C. Chance, Director of Community Services
410-638-3389
mfchance@harfordcountymd.gov

C. Peter Gutwald, Director of Planning and Zoning
410-638-3228
cpgutwald@harfordcountymd.gov

Shawn A. Kingston, Director of Housing
410-638-3045
sakingston@harfordcountymd.gov

Richard D. Lynch, Director of Inspections, Licenses & Permits
410-638-3344
rdlynch@harfordcountymd.gov

Robert S. McCord, County Attorney
410-638-3205
rsmccord@harfordcountymd.gov

Lorraine T Costello, Director of Administration
410-638-3211
ltcostello@harfordcountymd.gov

Joseph E. Pfaff, Director of Parks and Recreation
410-638-3570
jepfaff@harfordcountymd.gov

James C. Richardson, Director of Economic Development
410-638-3059
jcrichardson@harfordcountymd.gov

John R. Scotten, Treasurer
410-638-3314
jrscotten@harfordcountymd.gov

Deborah L. Henderson, Director of Procurement
410-638-3550
dlhenderson@harfordcountymd.gov

Robert B. Cooper, Director of Public Works
410-638-3285
rbcooper@harfordcountymd.gov

State Legislature
DISTRICT 7

Sen. Andrew P. Harris, District 7
James Senate Office Building, Room 414
11 Bladen St., Annapolis, MD 21401 - 1991
(410) 841-3706
e-mail: andrew.harris@senate.state.md.us

Del. Richard K. Impallario, District 7
Lowe House Office Building, Room 310
6 Bladen St., Annapolis, MD 21401 - 1991
(410) 841-3334
email: rick.impallario@house.state.md.us

Del. J. B. Jennings, District 7
Lowe House Office Building, Room 303
6 Bladen St., Annapolis, MD 21401 - 1991
(410) 841-3698
e-mail: jb.jennings@house.state.md.us

Del. Patrick L. McDonough, District 7
Lowe House Office Building, Room 310
6 Bladen St., Annapolis, MD 21401 - 1991
(410) 841-3334
e-mail: pat.mcdonough@house.state.md.us

DISTRICT 34

Sen. Nancy Jacobs, District 34
James Senate Office Building, Room 403
11 Bladen St., Annapolis, MD 21401 - 1991
(410) 841-3158
e-mail: nancy.jacobs@senate.state.md.us

Del. Mary-Dulany James, District 34A
Lowe House Office Building, Room 326
6 Bladen St., Annapolis, MD 21401 - 1991
(410) 841-3289
e-mail: mary.dulany.james@house.state.md.us

Del. B. Daniel Riley, District 34A
Lowe House Office Building, Room 326
6 Bladen St., Annapolis, MD 21401 - 1991
(410) 841-3518
e-mail: daniel.riley@house.state.md.us

DISTRICT 35

Sen. J. Robert Hooper, District 35
James Senate Office Building, Room 320
11 Bladen St., Annapolis, MD 21401 - 1991
(410) 841-3603
e-mail: robert.hooper@senate.state.md.us

Del. Barry Glassman, District 35A
Lowe House Office Building, Room 326
6 Bladen St., Annapolis, MD 21401 - 1991
(410) 841-3289
e-mail: barry.glassman@house.state.md.us

Del. Donna Stifler, District 35A
Lowe House Office Building, Room 326C
6 Bladen St., Annapolis, MD 21401 - 1991
(410) 841-3540
e-mail: donna.stifler@house.state.md.us

Del. Susan K. McComas, District 35B
Lowe House Office Building, Room 326
6 Bladen St., Annapolis, MD 21401 - 1991
(410) 841-3289
e-mail: susan.mccomas@house.state.md.us

What are Wetlands?

They are WET LAND. They are squishy—you're not swimming, but you're not on terra firma either. Wetlands come in different flavors—they can be salty or fresh, upland or lowland, but the bottom line is that wetlands lie at the margin of water and land.

What's the Value of a Wetland?

They are myriad, but we'll mention 3 principal values:

The first is Habitat. Lots of creatures live or spawn in wetlands. This means wetlands support commercial fisheries and recreation—both of which are big sources of revenue in Maryland.

Wetlands are valuable to those of us who live in low lying areas because of Flood Control. They provide a physical buffer against the sea. If you live in Havre de Grace for example, you may remember Isabel. A major reason why Isabel caused so much damage so far up the Bay is that bulkheads have replaced wetlands along a lot of shoreline. Instead of absorbing the storm surge as wetlands would have, bulkheads just passed it along. More recently, Katrina taught New Orleans a powerful lesson in the protection that wetlands afford coastal dwellers.

A third Value of a Wetland is Filtration. Whether you live in Aberdeen or North Harford, your wetlands hold water that runs off the land. They filter and clean the water before it enters the nearby stream, and ultimately the Chesapeake Bay. Wetlands also slow the water down, allowing it to seep into the ground to replenish ground water that we tap with our wells. If you are on a 70-foot well, and there are houses going in around you with wells to 300 feet, replenishment of ground water may be of interest to you.

How does Land Use affect Wetlands?

Development affects wetlands when we fill, drain, dredge, and dam them. We use drain tiles, for example, to turn wetlands into arable, grazable land. Development affects wetlands when rain carries POLLUTANTS off the land (think golf courses in close proximity to streams, or the RV storage facility next to Winter's Run, a source of water for Bel Air). Development affects wetlands via the quantity of STORM WATER RUN OFF. When roofs, parking lots and roads cover the earth, it can't absorb water. When it rains, the water sheets off the impervious surface and floods the adjacent wetland. There's more water than the wetland can process—so the water floods the adjacent stream, eroding its banks, and sending precious topsoil into the Bay. When a watershed has 10% impervious surface, water quality downstream plummets. When the wetland spills excess water, less of it is reabsorbed to replenish our ground water.

How do Wetlands affect Land Use?

In so many ways, a better question would be, "Is there any way in which wetlands do not affect land use?" Water and land are intimately and inextricably intertwined—wetlands are at the interface. We often speak of wetlands as though they were passive, a barometer of how well we use the land. This is true, but it's only half the story. Ultimately, wetlands decide how and whether we use the land. They decide land use when they protect us—or fail to—from the ravages of storms; they determine land use when they provide a breeding ground and refuge for creatures that feed us; they determine land use when they replenish and purify—or fail to—the water we drink. In short, if you think that we can develop the land without regard to wetlands, think again. Meanwhile, to get to know a wetland near you, just walk out the door and head downhill. Remember to wear your waterproof boots.

The Plan for the Next Four Years

Friends of Harford sat down with County Executive Craig and the Director of Planning & Zoning recently and were given the County's goals and work schedule for the next four years. At the top of the list is a rewrite of the Agricultural Preservation Program. They have no plans to implement a Transfer of Development Rights (TDR) program.

The Zoning code rewrite will start in about six months and will continue for a year or so. The zoning code will be discussed by various work groups. It will be taken in sections for ease of discussion. Consensus will occur over a 2-year period. The design, sign, NRD, landscaping, subdivision and other sections of the regulations will also be included.

The State of Maryland has mandated two code revisions. The Preservation Priority Plan must be completed by July 2008. This will designate an area of the county to be eligible for state preservation funds. A Water Source Element Plan will be required by October 2009. This is not a Well-head protection plan or a water resource protection plan but is mainly a gathering of scattered Water source legislation into one plan.

The Transportation Element Plan as well as the Historic Preservation Plan revisions are also planned. Comprehensive Rezoning may be revisited, but there is nothing firm about it.

FOH thanks County Executive Craig and Planning & Zoning Director Gutwald for the information to share with our readers.

Friends of Harford, Inc.
P. O. Box 1005
Abingdon, MD 21009

U. S. POSTAGE PAID
ABINGDON, MD
PERMIT NO. 31

IS THE SKY FALLING?

To put BRAC in perspective, Harford's 2005 Growth Report shows the following:

Population = 237,165

Households = 88,410

Employment = 105,100

BRAC will bring a maximum of 8,200 new Army positions, many of which will probably be filled by people already in Harford County (40% of the workers who live in Harford County don't work in this county) or may not be filled at all. It's unlikely that the tens of thousands of contractor positions will materialize. Engineering, labs, testing facilities and fabrication facilities are not mobile and there's no reason for most of them to move here. Only a small percentage are likely to come. Harford County may expect reasonable growth over the next 10 to 20 years, but should prepare wisely and prudently --not with a crisis mentality.

“The county’s in good shape, and the development envelope has enough capacity for BRAC,” said Deputy Director of Planning and Zoning Anthony McClune.

The Examiner
December 8, 2006

Friends of Harford
P.O. Box 1005
Abingdon, MD 21009

The purpose of this publication is to communicate with our members and the public at large about issues critical to the future of Harford County. The views herein are consistent with the stated goals of *Friends of Harford*. *Friends of Harford* is published quarterly and supported by donations to *Friends of Harford, Inc.*, a non-profit Maryland Corporation.

Officers and Directors

Judy Blomquist ~President
Patti Dallam ~ Vice-President
Lee Crush ~ Secretary
Pat Barth ~ Recording Secretary
Rich Norling ~ Treasurer
Val Twanmoh ~ Past President

Board

Jeff Conti ~ Glenn Dudderar
Janet Hardy ~ Ron Henry ~David Miller Gloria Moon ~
Morita Bruce
Stephanie Stone ~ Arend Reid ~ Sue Rice
Alan Sweatman ~ Sally LaBarre
Mark Joslin ~ Susan Joslin

Vol. VIII, No.1
Editor: Gloria Moon

Phone: (410) 838-7333 www.friendsofharford.com
Email: comments@friendsofharford.com