

### County Council of Howard County, Maryland

2018 Legislative Session

Legislative day # 8

BILL NO. 40-2018

Introduced by: Jennifer Terrasa

An Act amending the Howard County Code to require presubmission community

meetings for projects on publicly owned land and for projects that abut open space <u>certain nonresidential developments</u>; and generally relating to presubmission community meetings.

Introduced and read first tim , 2018. Ordered posted and hearing scheduled. By order Jessica Feldmark, Administrator to the County Council Having been posted & notice of time & place of hearing and title of Bill having been published according to Charter, the Bill was read for a second time at a public hearing on 2018 By orde Jessica Feldmark, Administrator to the County Council This Bill was read the third tim 2018 and Passed Passed with amendments Failed By orde. Jessica Feldm nistrator to the inty Council Sealed with the County Seal and presented to the County Executive for approval this 2018 at By order Jessica Feldmark, Administrator to the Jouncil Approved vetoed by the County Executive on

NOTE: [[text in brackets]] indicates deletions from existing law; TEXT IN ALL CAPITALS indicates additions to existing law. Strikeout indicates material deleted by amendment; <u>Underlining</u> indicates material added by amendment.

Allan Kittleman, County Executive

	$\bigcirc$
1	Section 1. Be it enacted by the County Council of Howard County, Maryland, that the Howard
2	County Code is hereby amended as follows:
3	
4	By Amending:
5	
6	Title 16. "Planning, Zoning and Subdivisions and Land Development Regulations"
7	Subtitle 1. "Subdivision and Land Development Regulations"
8	Article I. "General"
9 10	Section 16.108. "Rules of Construction; Definitions." and
10	Article V. "Procedures for Filing and Processing Site Development Plan Applications"
12	Section 16.156. "Procedures."
13	
14	Title 16. Planning, Zoning and Subdivisions and Land Development Regulations
15	Subtitle 1. Subdivision and Land Development Regulations
16	
17	Article I. General
18	
19	Section 16.108. Rules of Construction; Definitions.
20	
21	(b) Definitions. As used in these regulations, the following terms shall be defined as
22	follows:
23	(28.1) <i>Initial plan submittal</i> . For required presubmission community meetings,
24	the initial plan submittal is the:
25	(i) Zoning petition, if it includes a site plan or a preliminary development plan;
26	(ii) Conditional use petition, if required;
27	(iii) Sketch plan or preliminary equivalent sketch plan for a major subdivision;
28	(iv) Final plan for a minor subdivision or resubdivision; {{or}}
29	(v) Site development plan for single-family units on deeded parcels, or for
30	condominium or rental units on a parcel which is not part of a recorded
31	subdivision that authorized an equal or greater number of residential units
32	than proposed on the site development plan <del>[[.]];</del>

1	(VI) SITE DEVELOPMENT PLAN FOR A PROJECT THAT ABUTS PROPERTY OWNED BY
2	ANY GOVERNMENTAL UNIT; OR
3	(VII) SITE DEVELOPMENT PLAN FOR A PROJECT THAT ABUTS OPEN SPACE.
4	
5	Article V. Procedures for Filing and Processing Site Development Plan Applications
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7	Section 16.156. Procedures.
8	
9	(a) Presubmission Community Meetings, Required. Presubmission community
10	meetings in accordance with section 16.128 of this subtitle are required for the
11	following site plan submittals:
12	(1) If the initial plan submittal for a residential development is a site development
13	plan; or
14	(2) If the site development plan submittal is for:
15	a. A new nonresidential development located within 200 feet of a residential
16	zoning district EXCEPT THAT A PRESUBMISSION COMMUNITY MEETING IS NOT
17	REQUIRED FOR COUNTY CAPITAL PROJECTS FOR WHICH A COMMUNITY
18	OUTREACH MEETING HAS BEEN HELD BY THE COUNTY OR THE HOWARD
19	COUNTY PUBLIC SCHOOL SYSTEM; ffor]]
20	b. An existing nonresidential development which is located within 200 feet of
21	a residential zoning district and proposed for a floor area expansion of more
22	than 25 percent EXCEPT THAT A PRESUBMISSION COMMUNITY MEETING IS NOT
23	REQUIRED FOR COUNTY CAPITAL PROJECTS FOR WHICH A COMMUNITY
24	OUTREACH MEETING HAS BEEN HELD BY THE COUNTY OR THE HOWARD
25	COUNTY PUBLIC SCHOOL SYSTEM;
26	C. A DEVELOPMENT THAT ABUTS PROPERTY OWNED BY ANY GOVERNMENTAL
27	UNIT; OR
28	D. A DEVELOPMENT THAT ABUTS OPEN SPACE.
29	A A A A A A A A A A A A A A A A A A A

1 Section 2. And be it further enacted by the County Council of Howard County,

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- 2 Maryland, that this Act shall become effective 61 days after its enactment.
- 3
- 4

#### BY THE COUNCIL

This Bill, having been approved by the Executive and returned to the Council, stands enacted on

,2018.

Jessica Feldmark, Administrator to the County Council

#### BY THE COUNCIL

This Bill, having been passed by the yeas and nays of two-thirds of the members of the Council notwithstanding the objections of the Executive, stands enacted on \_\_\_\_\_, 2018.

Jessica Feldmark, Administrator to the County Council

#### BY THE COUNCIL

This Bill, having received neither the approval nor the disapproval of the Executive within ten days of its presentation, stands enacted on \_\_\_\_\_, 2018.

Jessica Feldmark, Administrator to the County Council

#### BY THE COUNCIL

This Bill, not having been considered on final reading within the time required by Charter, stands failed for want of consideration on \_\_\_\_\_, 2018.

Jessica Feldmark, Administrator to the County Council

#### BY THE COUNCIL

This Bill, having been disapproved by the Executive and having failed on passage upon consideration by the Council stands failed on \_\_\_\_\_, 2018.

Jessica Feldmark, Administrator to the County Council

#### BY THE COUNCIL

This Bill, the withdrawal of which received a vote of two-thirds (2/3) of the members of the Council, is withdrawn from further consideration on \_\_\_\_\_, 2018.

Jessica Feldmark, Administrator to the County Council

# Amendment <u>2</u> to Council Bill No. 40-2018

**BY:** The Chairperson at the request of the County Executive

Legislative Day 10 Date: July 2, 2018

## Amendment No. \_ Z

(This amendment requires presubmission community meetings for certain nonresidential developments.)

In the title, in the second line, strike "projects on publicly owned land and for projects that abut
 open space" and substitute "certain nonresidential developments".

3

4 On page 1, in line 28, strike both sets of double brackets around "or".

5

On page 1, in line 32, strike both sets of double brackets around the period and strike thesemicolon.

8

9 On page 2, strike lines 1 through 4, inclusive and in their entirety.

10

11 On page 2, in line 15 down through line 16, strike "located within 200 feet of a residential zoning

12 district" and substitute "EXCEPT THAT A PRESUBMISSION COMMUNITY MEETING IS NOT REQUIRED

13 FOR COUNTY CAPITAL PROJECTS FOR WHICH A COMMUNITY OUTREACH MEETING HAS BEEN HELD

14 BY THE COUNTY OR THE HOWARD COUNTY PUBLIC SCHOOL SYSTEM".

15

16 On page 2, in line 16, strike both sets of double brackets around "or".

17

On page 2, in line 17 down through line 18, strike "which is located within 200 feet of a
residential zoning district and"

20

21 On page 2, in line 19, after "percent" insert "EXCEPT THAT A PRESUBMISSION COMMUNITY

22 MEETING IS NOT REQUIRED FOR COUNTY CAPITAL PROJECTS FOR WHICH A COMMUNITY OUTREACH

23 MEETING HAS BEEN HELD BY THE COUNTY OR THE HOWARD COUNTY PUBLIC SCHOOL SYSTEM;".

- 1 On page 2, in line 19, strike both sets of double brackets around the period and strike the
- 2 semicolon.
- 3
- 4 On page 2, strike lines 20 through 22 inclusive and in their entirety.

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Amendment	to Council	Bill 4	0-201	8
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BY: Jennifer Terrasa

Legislative Day No: DDate: 7/2/16

Amendment No.

1	(This amendment corrects the title, creates an exemption for roads and road rights-of-way,
2	and changes the word "abut" to "adjoin" throughout the bill.)
3	
4	
5	On the title page, strike line 2 of the title in its entirety, and substitute "meetings for
6	projects that adjoin publicly owned land or open".
7	
8	On page 2, strike line 1, in its entirety and substitute:
9	"(IV) SITE DEVELOPMENT PLAN FOR A PROJECT THAT ADJOINS PROPERTY, OTHER THAN
10	A ROAD OR ROAD RIGHT-OF-WAY, OWNED IN FEE-SIMPLE BY".
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12	On page 2, in line 3, strike "ABUTS" and substitute "ADJOINS".
13	
14	On page 2, strike line 20, in its entirety, and substitute:
15	"(C) A DEVELOPMENT THAT ADJOINS PROPERTY, OTHER THAN A ROAD OR ROAD RIGHT-
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## County Council of Howard County, Maryand

2018 Legislative Session

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Introduced\_\_\_\_\_ Public hearing\_\_\_ Council action\_\_ Executive action Effective date

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Allan Kittleman, County Executive

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Am	end	m	en	t	

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BY:	Jenn	ifer	Terrasa
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Legislative Day  $\frac{|O|}{Date: July 2, 2018}$ 

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From:	dombek4@verizon.net
Sent:	Saturday, June 16, 2018 10:04 AM
То:	CouncilMail
Subject:	CB40-2018; Patuxent Branch Trail

Dear Honorable Council Members and Executive Kittleman,

On June 11th, 2018 Council Member Terrasa wrote an email/letter to County Executive Kittleman regarding the storage facility at 9201 Guilford Rd. Like Ms. Terrasa, I was alarmed to hear of the site violations identified by MDE. These were not minor infractions; all were a threat to the immediate habitat of the LPR watershed, and therefore the water quality of the Chesapeake.

It remains staggering to me that the use of 100 yards or so of asphalt, a crucial stretch linking Savage Park with Lake Elkhorn, Owen Brown, Stevens Forest and beyond, cannot be resolved in a manner which enables it to remain the defacto trail it has become over many years now. I am shocked that no one involved in this whole process (especially CA, County DPZ, and even myself as I jogged and biked past this property thousands of times over many years) apparently ever took a step back to consider the broader picture of what the trail could *permanently* become, namely an exceptional vehicle-free outdoor recreational trail/park.

Earlier this winter when I first learned of the development, I wrote a letter to Mr. Kittleman myself, urging him to "...bring these (above) parties together for a safer solution than what is presently on the table...". Ms. Terrasa has outlined a practical blueprint for proceeding with the developer once the property is in compliance. In her letter she writes, "Going forward, I believe that the only way to address the myriad of concerns raised here is for the County to work proactively with the developer to find an acceptable entrance away from the trail and offer assurances to the developer that the process will be expedited as much as possible. The County should also consider waiving all fees."

I concur with Councilwoman Terrasa, and I expect that this valuable recreational resource would be given back to the community unharmed by development interests. Furthermore, I support the bill (CB40-2018) she authored to prevent this kind of foolish result in the future.

Thank you,

Jeff Dombek Huntington

From:Stephanie Blades <stephanie.blades@gmail.com>Sent:Friday, June 15, 2018 8:19 PMTo:CouncilMailCc:Terrasa, JenSubject:Testimony in FAVOR of Bill 40

Hello Howard County Council,

I am writing in support of the proposed Bill 40, by Councilperson Terrasa. This act would amend the Howard County Code to require pre-submission community meetings for projects on publicly owned land and for projects that abut open space; and generally relating to pre-submission community meetings.

We just experienced a project on the Patuxent Branch Trail this past year that would have greatly benefited in my mind with this Bill. This project, a 4-story storage unit was designed and ground has broken on the project just adjacent to the Patuxent Branch Trail off of Guilford Road in Kings Contrivance. Since the property is not immediately adjacent to a residential property, the community was not solicited for feedback or made aware until the project was well underway. This trail is HEAVILY used during the warmer months as a running, biking, walking trail.

This is of great concern to me personally as during the warmer months I am on those trails several times a week-and not alone by any stretch. Not only do I run solo but I also run with an organization called, Athletes Serving Athletes that trains with people with disabilities in main stream running and multi-sport events. Many of our "Athletes" (those we push in joggers because they have limited to no mobility) go to the Humanim Center just up the road on Gerwig Lane. If the trail is disrupted as proposed and as we have already experienced during the initial construction phases, I will not safely be able to run with them. We can not traverse the trail over the bridge towards Vollmerhausen and Savage because it's too rocky and not paved AND running that stretch of Guilford Road in the road is not entirely safe either with people with disabilities so unfortunately we might find this not to be a viable option.

After we first learned of this project, a friend of mine created a <u>change.org petition</u> in the hopes that we could show support for discussions with the Columbia Association and the owner of the property to perhaps change the design of the entrance (that petition currently stands at 2,323 supporters). We have since learned that it's too late in the process and neither party is interested. Perhaps community input earlier in the project would have been more successful in a more agreeable outcome for those using the trail.

This is just one recent occurrence where this Bill could have changed the outcome and perhaps led to a more win-win for all sides.

I thank Ms. Terrasa for doing all she could in this particular situation, but for looking to future potential projects as well and introducing this Bill.

Thanks for your consideration in supporting this Bill.

Stephanie Blades 7506 Red Cravat Court Columbia, MD 21046

 From:
 Fred Dorsey <fdorsey1130@verizon.net>

 Sent:
 Friday, June 15, 2018 12:10 PM

 To:
 CouncilMail

 Subject:
 CB 40-2018

 Attachments:
 CB 40-2018 001.jpg

Attached is Preservation Howard County's testimony supporting CB 40-2018.

Fred Dorsey President, Preservation Howard County



## June 14, 2018

My name is Fred Dorsey and I live at 10774 Judy Lane in Columbia, 20144. I am President of Preservation Howard County and on behalf of our Officers and Board of Directors support CB 40-2018 requiring presubmission community meetings for projects on publicly owned land and for projects that abut open space; and generally relating to presubmission meetings.

The passage of this bill will provide a much needed recognition for community notification and an opportunity to express their comments in such situations.

#### Board

Martha Clark Fred Dorsey Virginia Frank Jacque Galke Barbara Kellner Laura Manning-Attridge William Miller Allan Shad

From: Sent:	grace kubofcik <gracek8@verizon.net> Friday, June 15, 2018 11:35 AM</gracek8@verizon.net>	
То:	CouncilMail	4
Cc:	james kubofcik	
Subject:	CB40 Presubmission meeting for projects on publicly owned land etc	

I will be out of town on June 18th. I am in support of CB40-2018 introduced by Jennifer Terrasa.

Grace Kubofcik Ellicott City Md

From:	Susan Garber <buzysusan23@yahoo.com></buzysusan23@yahoo.com>
Sent:	Monday, June 18, 2018 5:28 PM
To:	CouncilMail
Subject:	CB-40-2018

#### Re: CB 40-2018

Dear Council Chair Sigaty and County Council members,

I greatly appreciate Council Member Terrasa's continuing efforts to safeguard citizens by strengthening rules dealing with pre-submission meetings. There have clearly been recent incidents which warrant such improvements. I would like to suggest the following additions or changes to the bill.

1. I'm concerned that use of the term 'abut' excludes properties directly across the street from the subject property.

2. If part of a residential or commercial structure is to be placed on County property as part of a land swap, insist that the County hold its own pre-submission meeting to explain the conditions of that swap and how it relates to what will be developed there, as well as clearly describing and illustrating exactly which property the county is receiving in exchange.

3. Separate from the pre-submission meetings themselves, further improvements to the posting of all signage related to new construction is in order. In the event a property has more than one pre-submission meeting, then some additional way of distinguishing the new pre-submission sign from the previous one (which may have been left in place for an extended period of time) is warranted. This would assure citizens are not just acclimated to the presence of a sign and fail to appreciate that there is a new date.

4. While Ms. Terrasa implemented legislation previously to improve the location of pre-submission signs, I believe those same improvements should apply to all other signs provided by the Department of Planning and Zoning. This comment is prompted by having seen a sign requesting an Administrative Adjustment placed at the obscure future entry place for a development rather than at a major road entrance location being used during construction.

I greatly appreciate your consideration of these issues,

Susan Garber

Address on file

From:	Lisa Markovitz <lmarkovitz@comcast.net></lmarkovitz@comcast.net>
Sent:	Monday, June 18, 2018 9:24 PM
To:	CouncilMail
Subject:	People's Voice positions on Bills June 2018

The People's Voice

Positions on current legislation:

CB40 - Support - glad to see these additions to requirements of pre-submission meetings.

CB 44 - Support with amendment - We would like to see a longer term than one year for the prohibition of representing a party for compensation that was a subject of legislation. The "subject" of legislation should also be more strongly defined to include an entity that financially benefits from legislation.

CR 82 - Oppose - seek significant amendment - The allocation chart could be used to plan development by region. When things are crowded in a certain area, allocations could be lowered. When there is room to grow in another area they could be raised. Instead of leaving it to APFO which has limited wait times, to pace growth with infrastructure, allocation waits are unlimited, and therefore, this could be used as a real tool for planning and not just countywide but with regional oversight and analysis.

I also believe new regions should be created for watersheds, with small numbers of units allowed That way there is more time between developments to make sure adequate runoff planning is taking place between changes, without too many affects at once.

We do realize that changing the General Plan requires a ballot question, but even having this tool for bi-annual use could be helpful to analyze what DPZ says is being used, if there are any wait times for allocations, and if not, then if an area is crowded and there is no allocation wait, they should be lowered.

Date: 18 June 2018

Subject: Howard County Citizens Association, HCCA Testimony on CB40-2018

Good evening. My name is Stu Kohn and I am the President of the Howard County Citizens Association, HCCA testifying on their behalf. We first and foremost want to thank Councilwoman, Jen Terrasa for her continued efforts to try and ensure "transparency" is not just a word, but has meaning which is the case of CB40-2018. We are in favor of the proposed Bill. Had this Bill been in vogue prior to the Planning Board hearing regarding the Settlement of Savage Mills case the public would have been much better off? The public would have had an opportunity to get educated and perhaps have their questions answered at a given Pre-submission Meeting as defined in this Bill.

Another case in point is the proposed 4-story storage unit on Guilford Road which is in the M1 district. We learned at a recent meeting organized by the Administration, because the residents within the area were quite concerned and irate about the prospects. Unfortunately there is currently no requirement for the public to formally discuss the issue with the petitioners, because there are no requirements to conduct a Pre-submission Meeting in either the M1 or M2 districts. This needs to be changed immediately. We recommend you consider an Amendment to this Bill simply stating that Pre-submission Meetings shall be conducted in the M1 and M2 districts.

One last suggested amendment is as follows: Whenever a Pre-submission Meeting is revised from the original heard Pre-submission Meeting on the same property because DPZ considers the revised plans to be substantial then the notification signs around the property shall have the word "NEW" or "REVISED" attached to the top of the original signs. This would ensure the public is fully aware of the change and perhaps would eliminate thinking that the sign is in place because it is old news. This amendment is a direct result of the Milk Producers property on Leisure and Gorman Road. The original meeting was held on 10 April and now the Petitioner has revised his plans and is conducting a scheduled Pre-submission Meeting this Thursday, 20 June. I have spoken to the Applicant's lawyer, Bill Erskine and he has no problem with the suggestion as he told me to tell you this is a good idea. He did go one step further by placing yellow tape around the signs to try and distinguish for the public that something has changed.

Your attention in this matter would be appreciated. Let the passing of this Bill be a part of your legacy as it would benefit your constituents. Again Councilwoman, Terrasa thank you for attempting to do something positive by providing a little more transparency to the Presubmission process.

Thank You HCCA, President



## HOWARD COUNTY COUNCIL AFFIDAVIT OF AUTHORIZATION TO TESTIFY ON BEHALF OF AN ORGANIZATION

I, Stu Kohn, have been duly authorized by
(name of individual)
How ARD County Citizens Association to deliver testimony to the
(name of nonprofit organization or government board, commission, or task force)
County Council regarding <u>CB-46</u> to express the organization's <i>(bill or resolution number)</i>
support for / opposition to / request to amend this legislation. (Please circle one.)
Printed Name: Stu Kohw
Signature: HKC
Date: 18 JUN 18
Organization: HC(A
Organization Address: P.O. Bex 40 ELLICOTT CITY MD
Chair/President: Stu Kohw

Good evening. My name is Sandy Roschli. I live at 6130 Hunt Club Road in Elkridge. Thank you for allowing public testimony in regards to Council Bill 40-2018, as proposed by Ms. Terrasa. I believe that I speak not only on behalf of myself, but also the many members of my community in Elkridge, as well as the larger community of Howard County, in support of this bill.

As you are aware, the citizens of Howard County have become increasingly concerned by what many view as the over development of several communities within our county, and the impacts this swift increase in development has both on our communities, and the infrastructure that supports it. In light of these concerns, I believe that ANY efforts to increase opportunities for the public to be involved within the planning process should be applauded.

Members of the public are stakeholders in this planning process. We have a vested interest, not only through those projects occurring in our neighborhoods and communities, but also those projects that are proposed within close proximity to open space or government-owned land. Certainly, such projects will have a direct impact not only the site on which the development occurs, but also the adjoining land and the communities that surround this development.

By requiring a pre-submission meeting prior to approval of site development, it allows for not only project transparency to public, but also gives members of the community a voice in the process BEFORE plans are finalized. When community members - those who know the area best - have the opportunity to ask questions, raise concerns, and give feedback from both a current and historical perspective regarding proposed development, this may lead to valuable improvements to the overall project that the developer may not have thought of on their own. These are significant benefits in the context of any development within a community, but they are perhaps even more important and necessary in the context of projects impacting public land.

As public servants, I urge you to pass this bill on behalf of your most important interests in this county, the individuals and families you represent.

Thank you.

Good evening. My name is Angela Shiplet and I live at 6250 Summer Home Terrace in Elkridge. I am here tonight testifying in support of Council Bill 40. I believe requiring pre-submission meetings for any project abutting a government owned property or open space is not only in the best interest of the wider community, but also in the best interest future owners and residents of that project. I am the neighbor of a government owned property- the Elkridge Elementary School/Elkridge Landing Middle School campus. As a neighbor I can attest that living near a government facility comes with many advantages and disadvantages. Having public input at pre-submission meetings can help minimize the disadvantages and foster a positive relationship with the public property and its new neighbors. Government properties should be accessible to the communities they serve. Having public input before plans are finalized can help maintain current levels of access and maybe even enhance public access to a facility. For example, community members can pinpoint where sidewalks or walking paths are needed to better connect the new project and existing communities to the facility or open space.

Pre-submission meetings are an important part of the development process because community members often know the surrounding area best. They can help pinpoint areas of concern or provide insights that may enhance the project. Citizens should also have the opportunity to voice any concerns they have that may impact a public space. As many of you are aware there are concerns with overdevelopment. I have seen firsthand how this over development has already impacted our parks. I am a regular user of both the Avalon area of Patapsco State Park and Rockburn Branch Park. Much of the runoff from surrounding communities is making its way into many of streams and tributaries that feed into the Patapsco. This runoff and the changes it has brought to the streams in park has effected many popular trails. As average fall amounts intensify we need to be more mindful of how surrounding development impacts our parks and open spaces. If given the opportunity at a pre-submission meeting users of a public space can provide valuable insights that may prevent detrimental impacts.

I urge the council to pass CB40-2018. The input a pre-submission meeting can bring will be of great benefit to not only the community that uses the public land or open space but also to the new project. Thank you for your time. Good evening. My name is Angela Shiplet and I live at 6250 Summer Home Terrace in Elkridge. Fam here tonight testifying in support of Council Bill 40, 1 believe requiring pre-submission meetings for any project abutting a government owned property or open space is not only in the best interest of the wider community, but also in the best interest future owners and residents of that project. Fam the neighbor of a government owned property- the Elkridge glaementary School/Elkridge Landing Middle School campus. As a neighbor I can attest that living near a government facility comes with many advantages and disadvantages. Having public input at pre-submission meetings can help minimize the disadvantages and foster a positive relationship with the public property and its new neighbors. Government properties should be accessible to the maintain current levels of access and maybe even enhance public access to a facility. For example, community members can pingoint where sidewalks or walking paths are needed to better connect the new project and existing walking paths are needed to better connect the new project and existing communities to the facility or open space.

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I urge the council to pass CB40-2018. The input a pre-submission meeting can bring will be of great benefit to not only the community that uses the public land or open space but also to the new project. Thank you for your time.