

1 **JOHN P. MCDANIEL,** \* **BEFORE THE**  
 2 **PETITIONER** \* **PLANNING BOARD OF**  
 3 **ZRA-190** \* **HOWARD COUNTY, MARYLAND**

4 \* \* \* \* \*

5 **MOTION: Recommend approval to amend Sections 104.0.G, 105.0.G, and 106.0 as**  
 6 **modified by the Department of Planning and Zoning.**

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 8 **ACTION: *Recommended approval; Vote 5-0.***

9 \* \* \* \* \*

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 11 RECOMMENDATION

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 13 On June 4, 2020, the Planning Board of Howard County, Maryland, considered the petition of John P.  
 14 McDaniel (Petitioner) to amend Sections 104.0.G. and 105.0.G to allow the merger of adjoining preservation  
 15 parcels provided that a separate lot be created with the consent of all easement holders, for an existing  
 16 dwelling or residential development right.

17 The Planning Board considered the petition and the Department of Planning and Zoning (DPZ)  
 18 Technical Staff Report and Recommendation. DPZ recommended approval of ZRA-190, with modifications.  
 19 DPZ concurred that the proposed amendments will provide flexibility for the creation of larger preservation  
 20 parcels in certain situations, without reducing the amount of preserved land or increasing residential density.  
 21 DPZ also acknowledged that clarification is needed for how easements should be modified. DPZ proposed the  
 22 following modifications to the Petitioner’s text to ensure the Zoning Regulations reflect the intent of the ZRA:

- 23 ● A different organizational structure for the regulations in Sections 104.G.1 and 105.G.1.
- 24 ● A reference to Sections 104.0.G.1 and 105.0.G.1 in Sec. 106.0 Density Exchange Option
- 25 Overlay to apply the proposed amendments to preservation parcels created through the
- 26 density sending option, as intended by the Petitioner.
- 27 ● Minor revisions to the Petitioner’s text as shown in Exhibit B.

28  
 29 Joe Rutter testified on behalf of the Petitioner, John McDaniel and agreed with DPZ’s recommended  
 30 modifications. Mr. Rutter explained that the average size of preservation parcels has been getting smaller and  
 31 that this is a good opportunity for farms to start to consolidate rather than fragment. Board Member, Phil  
 32 Engelke, questioned how such a complex ZRA would be administered. Mr. Rutter replied that it would be the  
 33 responsibility of the petitioner to go to each easement holder prior to entering the subdivision process and  
 34 obtain approval from either the Agricultural Board or Homeowner’s Association. Board Member, Ed  
 35 Coleman, asked about unintended consequences of this ZRA. Specifically, whether there are any farm uses

1 that this ZRA would allow that would conflict with adjoining residential uses. Mr. Rutter responded that  
2 permitted uses associated with existing easements would not change. Amy Gowan, Director, DPZ, testified  
3 that anything under the definition of farming (or farming by right) would be allowed regardless of size. In  
4 response to a question about mulching, Ms. Gowan testified that mulching operations are not allowed on  
5 preservation parcels. Ms. Gowan also stated that each case would have to be examined to determine what the  
6 easement permits and what the zoning permits. Mr. Coleman asked if this ZRA could be tailored more to this  
7 specific property to help avoid unintended consequences or if the parcel reconfiguration could be achieved  
8 through a different process. Ms. Gowan explained that it required a change to the zoning regulations and Mr.  
9 Rutter testified that any unintended consequences would be mitigated by the easement language.

10 One member of the public testified in opposition to the ZRA, stating that he shares Mr. Coleman’s  
11 concerns about unintended consequences. He also testified that allowing the merger to create a large  
12 preservation parcel results in smaller preservation parcels that the county historically has not wanted to  
13 purchase. He testified that he hopes that the ZRA is tailored narrowly enough so that it does what it is  
14 intended to do.

15 Board Discussion and Recommendation

16 During work session, the Board recognized that these sections of the regulations have been regularly  
17 updated and that they will need to be continually updated to adapt to the needs of the county. The Board also  
18 discussed allowing more flexibility to make use of existing preservation parcels. The Board supported DPZ’s  
19 proposed text as found in Exhibit B of the Technical Staff Report.

20 Mr. Coleman motioned to recommend approval of ZRA 190 as modified by DPZ. Ms. Adler  
21 seconded the motion, which passed 5-0.

22 For the foregoing reasons, the Planning Board of Howard County, Maryland, on this **23rd** day of  
23 **July, 2020**, recommends that ZRA-190, as modified by the Department of Planning and Zoning, be  
24 **APPROVED.**

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28 HOWARD COUNTY PLANNING BOARD

29 DocuSigned by:  
*Erica Roberts*  
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30 Erica Roberts, Chair  
DocuSigned by:

31 *Edward T. Coleman*  
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32 Ed Coleman, Vice-chair  
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DocuSigned by:  
*Delphine Adler*  
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 Delphine Adler  
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*Phil Engelke*  
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*Kevin McAiley*  
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ATTEST:

DocuSigned by:  
*Amy Gowan*  
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Amy Gowan, Executive Secretary