

Memorandum

TO: Mr. Pete Gutwald, Director, Department of Planning and Zoning

FROM: Jennifer M. Smith, Geosyntec Consultants, Inc.

DATE: March 5, 2008

SUBJECT: Zoning Code Update Meeting 13 – Meeting Summary
February 11, 2008, Second Floor Conference Room
Harford County Office Building

Attendees

Workgroup Members Present:

Ms. Susie Comer
Col. Charles Day
Ms. Carol Deibel
Mr. Bill Vanden Eynden
Mr. Samuel Fielder, Jr.
Mr. Rowan G. Glidden
Mr. Frank Hertsch
Ms. Susan B. Heselton
Mr. Jeffrey K. Hettleman
Mr. Tim Hopkins
Mr. Douglas Howard
Mr. Gil Jones
Mr. Gregory J. Kappler
Ms. Gloria Moon
Mr. Frank Richardson
Mr. Jim Turner
Mr. Lawrason Sayre
Mr. Chris Swain
Ms. Marisa Willis
Mr. Jay Young

Workgroup Members Absent:

Mr. Michael Leaf
Mr. Torrence Pierce
Mr. Craig Ward

County Representatives Present:

Mr. Pete Gutwald, Director, Department of Planning and Zoning
Mr. Tony McClune, Deputy Director, Department of Planning and Zoning
Ms. Janet Gleisner, Chief, Division of Land Use and Transportation
Ms. Theresa Raymond, Administrative Assistant, Director's Office
Ms. Patricia J. Pudelkewicz, Chief, Environmental Planning Section

Facilitators:

Ms. Jennifer M Smith, Geosyntec
Ms. Christy Ciarametaro, Geosyntec

Geosyntec contact information:

Geosyntec Consultants Office: (410) 381-4333
Email: jsmith@geosyntec.com

Meeting Summary

The thirteenth meeting of the Harford County Zoning Code Update Workgroup was held at 2:00 pm in the second floor conference room at the offices of the Department of Planning and Zoning. A meeting agenda was distributed to each workgroup member. A sign-in sheet was distributed to the group. The Meeting 12 Summary was distributed for review and approved by the workgroup with one editorial revision.

Continued Discussion of Water Source Protection

Mr. Pete Gutwald, Harford County's Director of Planning and Zoning, continued the discussion of the Water Source Protection sections of the proposed Zoning Code. The discussion began where the work group left off at the end of Meeting 12.

Workgroup Discussion – Water Source Protection

A workgroup discussion included the following topics and recommendations presented below:

- 1. Topic:** Non-transient, Non-community Water System - One hundred foot buffer requirement around well

Discussion:

- At Meeting 12, the workgroup agreed to revise the proposed Zoning Code to require a variance for all new district wells when the 100 foot recharge buffer crosses the property line and impacts the placement of any impervious surface on neighboring properties. Mr. Gutwald reminded the workgroup that a standard must exist in the Zoning Code from which to request a variance, and currently, no such standard exists. Mr. Gutwald suggested that the revised Zoning Code include that the 100 foot impervious surface requirement for the well must fall within the limits of the property

being served by the well. If it does not fall within that limit, the property owner must obtain an easement from the adjoining property owner that is affected, or a variance is required.

- Mr. Gutwald suggested that existing impervious surfaces for non-transient non-community wells, and sites on which they are located, be grandfathered from meeting the 100 foot impervious area limitation.
- A workgroup member suggested allowing an amount of pervious area on the property with the well equal to the amount that would be required on the adjoining property.

Results:

- The workgroup agreed that existing impervious surfaces located within 100 feet of an existing non-transient, non-community well will be allowed to remain (grandfathered). However, the landowner cannot increase the impervious surfaces located within 100 feet of the well.
- The majority of the workgroup agreed that if the 100 foot buffer around a new non-transient, non-community well extended off the property containing the well, the well owner must either obtain an easement from the adjacent property, or create an additional pervious area buffer on the well property equal in surface area to the size of the buffer extending off of the property.

2. Topic: One hundred foot buffer requirement for all new wells County-wide.

Discussion:

- One member suggested that the 100 foot buffer and associated impervious area limits should be applied to all wells county-wide.
- Workgroup members expressed concern because wells often extend to common areas, roads, etc. This may result in an increase in the size of lots by at least 50%.
- Comments from the Health Department indicated that this restriction would result in much larger lot area requirements. Most private residential wells are located in the front yards. Requiring the 100 foot buffer would create a minimum lot width of 100 feet. When a new individual private well is established, the Health Department already reviews well proximity to other wells and septic systems.

Result:

- The majority of the workgroup agreed not to require that the 100 foot buffer for all new wells be located entirely on the property containing the well.

3. Topic: Prohibited Uses in Water Source Protection Districts

Discussion:

- One workgroup member suggested that the prohibited uses become permitted by special exception (e.g. if a property owner wishes to construct and operate a facility identified as a prohibited use, then he must obtain a special exception to do so).

- The workgroup discussed the impact of the Water Source Protection requirements on land development in the Village Centers. These areas are on well and septic. One workgroup member stated it would be difficult to permit a new gas station or vehicle maintenance center or even permit an alteration, improvement or expansion to an existing facility. One member of the workgroup expressed that vehicle service stations are often what make Rural Village areas viable.

Result:

- Workgroup members agreed, with dissenting views, to remove motor vehicle repair shops and motor vehicle filling and service stations from the list of prohibited uses. This would allow these facilities to be located within the 1,000 foot water quality buffer of a proposed non-transient, non-community well located within a Rural Village (as designated on the most recent version of the Land Use Plan), as long as the facility's design and location meets other state and local environmental regulations (COMAR).

4. Topic: Public Notification

Discussion:

- One workgroup member mentioned that the reason the discussion on this topic began was the concern that property owners which may be affected by property restrictions from the 100 foot or 1,000 foot buffer of an existing or new well should be notified prior to the well permit approval. The County responded that there are a number of methods for property owner notification. They include the DAC process, the MDE permit notification process, and subdivision regulations community input requirement.

Result:

- The workgroup members agree to require notification of proposed new non-community non-transient well construction as part of the community input requirement of the Subdivision process. This requirement will be included in the Subdivision Regulations of the revised Zoning Code. This requirement will be mentioned in the Water Source Protection section and will reference to the Subdivision Regulations section.

5. Topic: Propane Tanks

Discussion:

- During Meeting 12, one workgroup member requested clarification to §267-66 (C) (1) (a) (5) regarding the reference section of COMAR 26.10.02 and whether it applies to propane tanks. As a result of an investigation by DPZ staff, it was determined that a propane tank is not considered a prohibited use under COMAR 26.10.02.

Result:

- Propane tanks will be added as item [d] under §267-66C(1)9a)[5] regarding new underground storage tanks.

Presentation on the Special Developments Section of the Proposed Zoning Code

Mr. Gutwald presented a summary of Article VIII – Design Standards for Special Developments. The majority of the changes made to this section of the Zoning Code are minor “house keeping” changes. In addition, changes that were recommended by the workgroup during previous meetings will be incorporated into this Section, as applicable.

Workgroup Discussion – Special Developments

A workgroup discussion followed Mr. Gutwald’s presentation. The topics discussed and the committee recommendations are presented below:

1. Topic: Definition of Agricultural Product

Discussion:

- One workgroup member requested a clarification of the definition of “Agricultural Product”, as described the revised Zoning Code under §267-73 Agricultural/ Commercial. Based on pervious workgroup recommendations, DPZ modified the definition of “Agricultural Product” as referenced in §267-73(A)(11). The concern expressed was whether the word “consumption” could potentially prevent the production or management of some agricultural products from being considered an acceptable activity.

Result:

- The work group agreed to replace the word “consumption” with the word “use”.

2. Topic: Conservation Development Standards

Discussion:

- One workgroup member questioned the removal of the RR zone from the areas eligible to apply the Conservation Development Standards (CDS) and was concerned that without the use of the design standards of the CDS in RR zones, the lot yield will be reduced. DPZ staff explained it was an issue of intensification and intended to conserve areas for AG use.
- The definition of “public service use” was questioned by one workgroup member. Mr. Gutwald indicated that these uses, such as libraries and schools, were previously permitted uses in the preservation areas with County Council approval. This change to the Zoning Code eliminates the requirement to get County Council approval.

- A workgroup member questioned why the septic reserve with RR zoning was different. DPZ stated there is now more flexibility with distance from the road and side yard.

At Meeting 14, the workgroup will continue the discussion on Special Developments and Special Exceptions and will begin and complete a discussion on Landfills.

Administrative Issues:

The meeting was adjourned at 3:40 pm.

Note: William E. Goforth, representing Edgewood/Joppatowne Community Council, has formally resigned from the workgroup.

The Harford County Zoning Code website can be accessed at:
<http://www.harfordcountymd.gov/ZCUpdate/index.cfm>.

Meeting Handouts

1. Meeting Agenda
2. Draft Meeting 12 Summary
3. Summary of the proposed Zoning Code Article VIII – Design Standards for Special Developments.

Next Scheduled Meetings

Date: February 25, 2008
Time: 2:00 pm - 4:00 pm
Topic: Meeting 14 – Special Development/Special Exceptions/Landfills
Location: Harford County Administrative Office Building
220 South Main Street, 2nd Floor Conference Room
Bel Air, MD 21014

Date: March 10, 2008
Time: 2:00 pm - 4:00 pm
Topic: Meeting 15 – Historic Preservation and Growth Management
Harford County Administrative Office Building
220 South Main Street 2nd Floor Conference Room
Bel Air, MD 21014