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Our Next General Meeting is May 8, 2024 @ 7:00 PM In the Vista Room at the Maryland State Fair

Unheard of

In the development approval process for residential subdivisions, Baltimore County sets the bar pretty low for new projects to gain approval. The county's bureaucracy usually goes out of its way to accommodate new development, and community groups who are opposed to new development lack the resources and/or the knowledge to combat the new development in administrative hearings.

But that scenario did not play out in the matter of the Greenspring Manor development on West Joppa Road, near Falls Road. In that case the developer proposed 61 homes on 33 acres, and the development faced criticism concerning traffic issues, sewer capacity, design aesthetics and the extension of Mays Chapel Road thru the development. Most development hearings last anywhere from one to three days, but this one went for thirteen days. Both sides presented experts on traffic, sewer capacity and other technical challenges. In the end, the Administrative Law Judge ruled to deny development approval on several grounds. As is their right, the developer, thru its attorney, filed a motion for reconsideration, asking the Judge to consider testimony from the County's Public Works officials on the question of sewer capacity. The Judge agreed to the reconsideration motion, and in February both sides again discussed the sewer capacity downstream from this proposed development.

The new hearing featured a novel point of view as evidenced by a letter from County Attorney James Benjamin, Jr. Mr. Benjamin is the top legal officer for County government. In more than thirty years of attending and participating in these development hearings, I have never seen the Baltimore County Attorney interject his or her thoughts into a development hearing. These hearings always include private attorneys representing the developers and citizens interests, not an attorney representing Baltimore County. As Michael Wyatt, an attorney who happens to live near the Greenspring Manor property observed, the County Code that enumerates the duties and responsibilities of the County Attorney does not authorize the County Attorney to present evidence in a development hearing. So why did Mr. Benjamin feel it was necessary to offer opinions and facts regarding future improvements to a sewer system that the Administrative Law Judge had already found to be

inadequate? Did Mr. Benjamin's boss, the County Executive, encourage him to take this unprecedented step to be involved in the development approval process? We will probably never know what motivated Mr. Benjamin but let's hope this does not establish a precedent in the future.

Eric Rockel, V.P.

Money, More Money & Higher Taxes

As the State's legislative session moved forward, our delegates and senators were faced with an unwelcomed reality. The State would be facing a deficit of \$500 million for fiscal year 2025, and the deficit would balloon to \$3 billion by 2028. Unlike the federal government that can print more money to overcome a deficit, the states have just two choices to overcome a deficit-cut spending or raise taxes and/or fees. This legislature chose the latter, to raise taxes and fees. They were also assisted by the governor's decision to apply funds that, in past years, had gone into the rainy-day fund to be applied to cover this year's deficit.

A faction in the House of Delegates wanted to address the future deficits by passing a large series of tax increases, but the Governor and the Senate would not get onboard with the large increases. Instead, both chambers of the legislature agreed to a slim downed program of tax increases and raising fees, an approach that past Governor Martin O'Malley became famous for. Instead of a \$1.3 billion tax increase as envisioned by that House of Delegates faction, the legislature passed a compromise that will produce \$450 million in new revenue with taxes and fees.

Among the new taxes that will be imposed are an increase of the cigarette tax by \$1.25 per pack. The legislature also established a "per-trip tax" on transportation services, like Uber and Lyft. They also raised the auto dealership processing tax from \$500 per vehicle to \$800 per vehicle. An annual surcharge will be levied on all electric vehicles in the amount of \$125 and for \$100 on all hybrid vehicles, such as the Prius. All car owners will see the annual vehicle registration fee increase from \$17 to \$40, and fees will also increase, depending on the weight of each vehicle.

Despite these increase,s the deficit problems will persist in coming years, driven in large part by the need to cover the costs already approved under the Kirwan education bill, by future spending in the transportation budget, and the "green agenda." The outcome is yet to be determined.

The legislative session witnessed hundreds of new laws enacted, too many to capsulize in this newsletter. The Port Act (SB 1188) offered relief to those workers and businesses impacted by the collapse of the Key Bridge. SB 1 altered the regulations related to the marketing and sale of electricity and natural gas from retail suppliers. Included in this legislation are new regulations for residential electricity suppliers, including additional mandates for service marketing, the requirement that the Public Service Commission establish a new division

dedicated to retail supply, and many other provisions. There was a wave of last-minute push back and lobbying against this bill, but the efforts did not slow the legislature. Another notable effort in Annapolis was the pressure for Juvenile Law Reform from HB 814 and other legislation. The reform efforts included changes to aspects of juvenile jurisdiction, intake procedures for offenders, probation, victim services and other requirements. Under these reforms, authority of juvenile court will now include children as young as ten years of age for certain serious crimes, and the state's attorneys will now be notified in instances alleging serious offenses to evaluate for prosecution. The extension of juvenile probationary periods for both misdemeanors and felonies are now a possibility.

The Legislature also authorized the expenditure of \$400 million to keep Pimlico Racecourse in operation. The above-cited efforts and many others took place over the ninety days in the session. For more information about these bills and others, check out the Maryland General Assembly website.

Councilman Patoka Proposes Changes to R.A.E. I

Councilman Izzy Patoka has proposed a significant change to the RAE I zoning category. RAE I zones allow up to 40 residential density units per acre, the second most dense residential category, and are currently allowed only in town centers, such as Towson, and within 1,000 feet of a property with a C.C.C. overlay on it. Under Patoka's proposal, any property that is within one half mile distance of a property with a commercial zoning designation (BL, BR, BM, CB or BLR) that fronts on a State Road would be eligible for the RAE I zoning designation.

The GTCC is highly concerned with this change to the RAE I zoning category. We have issued a Call to Action for all GTCC members, and if you are as concerned as we are, please email the County Council.

County Executive Unveils Budget for FY 2025

County Executive John Olszewski, Jr. released his plans for the coming fiscal year by unveiling a \$5 billion budget. The proposed budget should not result in raising the property tax. Among the many highlights in the budget were that the County Executive met the funding request submitted by the Board of Education by endorsing their desire to spend \$2.58 billion, more than half the County's overall budget. This budget recommendation was also \$41 million above the state-mandated maintenance of effort requirement. Within the education funding are funds to move forward with a new Dulaney High and a like-new Towson High. Starting salaries for new teachers will increase to \$60,000, as mandated by the Kirwan Blueprint for Maryland's Future, and all school system employees will see cost of living and step increases, where appropriate. School Superintendent Dr. Myriam Rogers applauded the County Executive for his continuing commitment to BCPS.

Among other highlights in his budget package, the County Executive plans to spend \$35 million for new library projects and \$30 million in local, state, and federal funds on parks and open space projects. He also plans to invest \$22 million for a new Wilkens Police Precinct station and \$11 million to complete the new Catonsville Fire Station. Additionally, \$3.3 million is allocated in support of affordable housing projects.

The operating budget of slightly over \$5 billion represents a nearly \$178.5 million increase over FY 2024. In FY 2024, public schools, community colleges and libraries represented approximately 43.1 % of the operating budget. Second in line in 2024 was general government expenses, representing approximately 19.9 % of the total; followed by public safety representing 16.8%. For the FY 2025 budget, the alignment of expenses is significantly different. Public schools, community colleges and the library system account for 56.1% of the operating budget. Public safety spending decreases percentagewise to 11.1% of the operating budget, and general government increases to 31.8%.

The County Council will conduct budget hearings during April and May to hear from the public, as well as the department heads of the County's bureaucracy. The public hearing on the budget is scheduled for April 30 at 6:00 PM in the Council's chambers. Hearings for the various departments have yet to be scheduled.

Affordable Housing on the State and Local Levels

Affordable housing bills at both the local and state levels drew attention over the first months of the year. Governor Moore submitted HB 538/SB 484, the Housing Expansion and Affordability Act of 2024. This bill sought to impact affordable housing in three distinct subgroups: on land formerly owned by the State, on land within one mile of a rail station, including light rail, heavy rail, and subway, and on land owned by a non-profit organization. The bill also sought to standardize acceptance of and approval for modular homes by the subdivisions and localities that approve building permits.

Governor Moore's bill as originally written contained many provisions that would have circumvented the authority of local governments. For example, adequate public facilities legislation would have been overridden if it substantially impeded affordable housing efforts. Building height, setbacks, parking requirements and similar requirements could not impose any unreasonable limitation on a qualified affordable housing project. Zoning densities for single family, multi-family and mixed-use affordable housing projects were significantly increased, and land within one mile of a transit station was afforded significant benefits for housing density.

Although it seemed expected that the Governor's bill would pass the General Assembly, both individual delegates and the Maryland Association of Counties (MACO) asked for amendments to the bill. At the end of the day, there were several significant changes to the original legislation. Probably the most significant change was that adequate public facilities legislation can still be used to override an affordable housing project if the project does not comply with the standards in that legislation. Secondly, for projects built on land formerly owned by the State, the percentage of affordable housing units required for a project was reduced

from 50% to 25%, and on projects near a transit station, the required percentage of affordable units was reduced from 25% to 15%. The distance that a project would need to be located away from a transit station in order to receive the density bonus was also reduced from one mile to three-quarters of a mile.

The impacts of Governor Moore's affordable housing bill may seem very abstract to the readers of this newsletter but consider the following:

Back in 2020, Kimco Realty, the owner of the shopping centers where Giant Food is located in Timonium and Hunt Valley, asked for a zoning change that would have allowed apartments to be built at both locations. Councilman Kach denied those two zoning changes. In fact, Kimco made the same request in the current CZMP cycle for the Hunt Valley location. Now, with the passage of Moore's bill, which takes effect on January 1, 2025, Kimco will be able to build apartments at both locations, so long as they include 15% of affordable units in the mix, because each location is within $\frac{3}{4}$ mile of a light rail station.

At the Baltimore County level, the affordable housing efforts began with Bill 3-24, which ultimately received a heavy dose of public criticism, and that criticism caused County Executive John Olszewski, Jr. to withdraw the bill. But many of that bill's underlying principles resurfaced in a new measure sponsored by Councilmen Patoka and Ertel, Bill 9-24.

Bill 9-24, entitled the Mixed-Use Overlay District Bill, created the possibility for Council members to designate an area of land that is zoned as Business Local, Business Roadside, Business Major or Manufacturing Light as a Mixed-Use Overlay District if that land is inside the Urban-Rural Demarcation Line, and is within one of the designated Nodes, as depicted in Master Plan 2030. In essence, the bill allows residential use on pieces of commercially zoned land, where here-to-for residential use was not permitted. The hope of this bill is that, with a mix of residential and commercial use on underutilized properties within many of these nodes, that this mixed use will usher in a new paradigm for land use in Baltimore County.

The GTCC did not oppose this bill because there were fundamental differences between Bill 3-24 and Bill 9-24. The most important difference is that these mixed-use districts are designated by the County Council members (Bill 9-24), not made an inherent right as specified by Bill 3-24. The newer bill was also clearer in its language, while the old bill included certain murky language that could have resulted in the courts interpreting its language.

But the new bill, 9-24, also contained some concepts that GTCC opposed and requested to be changed. The most substantive change we requested concerned the residential density afforded to these mixed-use districts. The bill allows a residential density of 40 D.U./acre. If affordable housing is incorporated into at least 15% of the apartment units, the developer gets a density bonus of 50%. So, the net effect can be a total residential density of 60 D.U. /acre if affordable housing is included in the project.

In the end, this measure passed by a vote of 5 to 2. Councilmen Crandell and Kach voted against the bill, and Councilman Kach indicated that he would be asking for amendments to the bill in the future.

Zoning Hearing for Dulaney Valley Memorial Gardens

Dulaney Valley Memorial Gardens, located at 200 East Padonia Road, wanted to construct a funeral home at its property, but in order to do so, they needed to receive a special exception from the Administrative Law Judge. Special exceptions are normally granted for the use of a funeral home in a residential zone, provided that the petitioner can demonstrate that the health, safety, and general welfare of the community will not be harmed by the use.

The applicant proposes a two-acre special exception area that will house a 16,223 square foot building and 111 parking spaces. The building would be set into a depression created to minimize the building's appearance from Padonia Road, and a row of landscaping would also act as a buffer from the road once the landscaping matures.

John Mitchell, an owner of the cemetery, testified that the current Mitchell-Wiedefeld funeral home conducted 130 visitation last year, and he expected a slightly smaller number of visitations at this new location. Also appearing on behalf of the applicant were a landscape architect who testified about the site design and a traffic expert who testified that this new use would not overly congested Padonia Road.

Residents from the Springlake community testified in opposition to the special exception use. Seven residents spoke against the request. Many expressed concerns that the traffic from a funeral home, in addition to the existing traffic created from the nearby high school and athletic fields, would bring traffic congestion to this section of Padonia Road. One of the residents also expressed concerns that the facility would create stormwater runoff that would impact a nearby stream to the east of the facility, and at least two residents expressed concerns that the facility would be operating 24-7, which could prove annoying to nearby residents.

Administrative Law Judge Andrew Belt ultimately granted the special exception to allow the funeral establishment, but he did place some conditions on the establishment's operation. Judge Belt will require that the funeral home have attendants in the parking lot, and at the Padonia Road entrance, to minimize traffic congestion problems. He also requires the gates to the property be locked each evening after the close of any visitations, to minimize the concerns about 24-7 business activity. After hours use by the cemetery's employees will require a key card or keys to open the facility's gate.

Recreation & Parks Wants Your Feedback

Baltimore County's Department of Recreation and Parks announces that it will hold a series of "Open Houses" to receive citizen comments about the programs and facilities available to the public. You will be able to hear about new capital improvements planned for facilities in our area, and learn about new programs that will be initiated by the department.

The open house and listening session for the central area will take place on Monday, May 6th from 6:30 to 8:00 PM at the Oregon Ridge Lodge, 13401 Beaver Dam Road.

Pinewood Elementary Student Wins Award

Each year, Baltimore County Public Schools bestows awards for the best haikus from elementary, middle school and high school students. This year, Rowan Chipkin, a fourth grader, received the award for the best haiku among all elementary school students. The judges were impressed by Chipkin's choice of referring to jellyfish as "underwater ballerinas." Rowan's haiku reads as follows:

Swirling and twirling

Underwater ballerinas

Moving gracefully

Congratulations Rowan !!

Students Named Semifinalists for Scholars Program

Oluwatoysi Samantha Dada, of Towson High, and Mingni I. Dong, from Dulaney High, have been named semifinalists in the 2024 U.S. Presidential Scholars Program. They are among 625 national semifinalists, 13 of which are from Maryland schools.

School Superintendent Dr. Myriam Rogers congratulated the pair "for their academic prowess and dedication to learning." Each year up to 161 students receive the Presidential Scholars award, which is based on academics, community service and leadership.

Calendar of Events

The 3rd District County Council Hearing for Comprehensive Zoning Map (CZMP) Issues will take place June 4th, starting at 6 PM in the Fasig-Tipton Pavilion at the Maryland State Fair.

1. May 4: Steam Show, Fire Museum of Maryland, 10AM to 2PM, free admission
2. June 1 : Maryland Motor Truck Association Driving Competition at the Exhibition Hall at the Maryland State Fair (MSF).
3. June 1-2: Jackpot Pig Show, 8AM-6PM, Swine Barn at MSF.
4. June 1-2: LAX Splash, all day, Track Infield at MSF

5. June 8: Maryland Toy Expo, 8AM-3PM, Exhibition Hall at MSF
6. June 15: BARCS, Pet Adoption Event, 12 PM, 4H/Home Arts Bldg. at MSF
7. June 29: Baltimore Stamp & Coin Show, 9AM-4PM, Mosner Miller Bldg. at MSF
8. July 13-14: German Festival, starting at 11:30 AM, 4H/Home Arts Bldg. at MSF

Tentative Agenda for GTCC General Meeting on May 8

1. Introductions
2. Report on Public Safety from Precinct 7
3. Featured Speakers on the State Legislative Session, including
Delegate Michele Guyton, Senator Chris West, and Senator Shelly Hettleman
4. Wrap Up on Affordable Housing Legislation on the State and Local Level
5. Old Business
6. New Business, including **change to RAE I zoning proposal**, Planning Board confirmation & APFO legislation, other new matters
7. Adjourn

Don't Forget to Vote in the Primary Election on May 14th !!