



Statement of Nancy Oliver  
Regarding Bill 82-16  
An Ordinance Concerning Zoning – General Development Plan – Rural Conservation Line  
December 4, 2016

The Advocates for Herring Bay commend the county for taking a proactive approach to land use planning in rural areas. Bill 82-16 would harmonize the zoning for areas that have common features and similar needs, making it possible to manage rural resources on a holistic rather than piecemeal basis. For the program to succeed, however, at least four shortcomings in the bill must be addressed:

**First, it needs written criteria for determining the contours of rural conservation areas.** Figure 7-4 outlines possible conservation areas, but that map will expire when the county adopts a new GDP in 2018. To have any lasting effect, the bill must identify the features that warrant conservation zoning such as: lands in Growth Tiers 3 or 4, greenways, rural legacy areas, parcels protected by easements, land adjoining scenic and historic roads, Critical Areas mapped as RCA, and any other lands identified as a priority for protection under other local, state, or federal policies.

**Second, changes are needed to make the policy guidelines in Section 3 a permanent—instead of temporary—feature of the GDP process.** As drafted, those provisions also will expire when the next County Council adopts a new GDP in 2018. We recommend codifying the policy provisions in Section 3 as a new, independent provision under subsection (5) in Article 18-2-103.

**Third, the bill needs to clarify the types of rezoning actions that would be allowed in rural conservation areas.** Section 3 uses terms that are open to judicial and political challenges, such as increases in “density,” “intensity,” and “purpose.” Alternative benchmarks could include references to specific zoning categories or metrics tied to increases in population density, impervious surfaces, infrastructure demands, traffic levels, or other indicators of social or environmental conditions.

**Finally, we are concerned about the inconsistency in the use of the term “rural area.”** For example, Figures 7-3 and 7-4 delineate different land areas as “rural areas.” “Rural area” either needs to be defined in this bill or, if the definition exists elsewhere, the bill should reference the source of the definition upon which the county relies. Without a definition and consistent application of the term, the policy of preserving 50 percent of the county’s total acreage as a “rural area” under 18-2-102(12) is ambiguous and difficult to implement.