



Committee: PHED
Staff: Livhu Ndou, Legislative Attorney
Purpose: Final action – vote expected
Keywords: #AdministrativeSubdivision,
#BiohealthPriorityCampus

AGENDA ITEM #3B
February 15, 2022
Action

SUBJECT

Subdivision Regulation Amendment (SRA) 21-02, Administrative Subdivision – Biohealth Priority Campus

Lead Sponsor: Councilmember Friedson
Co-Sponsor: then-Council President Hucker

EXPECTED ATTENDEES

- Casey Anderson, Chair, Montgomery County Planning Board
- Gwen Wright, Director, Planning Department
- Robert Kronenberg, Deputy Director, Planning Department
- Jason Sartori, Chief, Countywide Planning and Policy, Planning Department
- Benjamin Berbert, Planner Coordinator, Countywide Planning and Policy, Planning Department

COUNCIL DECISION POINTS & COMMITTEE RECOMMENDATION

The PHED Committee unanimously recommends approval of SRA 21-02 with amendment.

DESCRIPTION/ISSUE

Subdivision Regulation Amendment (SRA) 21-02, Administrative Subdivision – Biohealth Priority Campus, will create a “Biohealth Priority Campus” category under which an applicant can file an administrative subdivision plan in place of a preliminary plan for a Biohealth Priority Campus.

SUMMARY OF KEY DISCUSSION POINTS

- Zoning Text Amendment (ZTA) 21-09, Office and Professional – Biohealth Priority Campus was introduced on October 19, 2021. ZTA 21-09 will create a streamlined regulatory process for biohealth facilities.
- SRA 21-02 is an accompanying SRA that will allow the Planning Director to approve an administrative subdivision plan for biohealth facilities under an expedited process.
- Without an accompanying SRA, a Biohealth Priority Campus will be subject to the preliminary plan of subdivision, which takes additional time and may conflict with the expedited process created for this use by ZTA 21-09.

This report contains:

Staff Report
SRA 21-02
Planning Board recommendation
Planning Staff memorandum

Circle

Pages 1-3
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Worksession/Action

MEMORANDUM

February 10, 2022

TO: County Council

FROM: Livhu Ndou, Legislative Attorney

SUBJECT: SRA 21-02, Administrative Subdivision – Biohealth Priority Campus

Committee recommendation (3-0): approval of the ZTA as amended.
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Expected Participants

- Casey Anderson, Chair, Montgomery County Planning Board
- Gwen Wright, Director, Planning Department
- Robert Kronenberg, Deputy Director, Planning Department
- Jason Sartori, Chief, Countywide Planning and Policy, Planning Department
- Benjamin Berbert, Planner Coordinator, Countywide Planning and Policy, Planning Department

Introduction

Subdivision Regulation Amendment (SRA) 21-02, Administrative Subdivision – Biohealth Priority Campus, lead sponsor Councilmember Friedson and co-sponsor then-Council President Hucker, was introduced on October 26, 2021. SRA 21-02 would create a “Biohealth Priority Campus” category under which an applicant can file an administrative subdivision plan in place of a preliminary plan for a Biohealth Priority Campus.

Background

Zoning Text Amendment (ZTA) 21-09, Office and Professional – Biohealth Priority Campus, introduced on October 19, 2021, will create a streamlined regulatory process for biohealth facilities. SRA 21-02 is an accompanying SRA that will allow the Planning Director to approve an administrative subdivision plan for biohealth facilities under an expedited process. Without an accompanying SRA, a Biohealth Priority Campus will be subject to the preliminary plan of

subdivision, which takes additional time and may conflict with the expedited process created for this use by ZTA 21-09.

Public Hearing

A public hearing was held on November 30, 2021. Two speakers testified in support—the County Executive’s office and the Planning Board Chair.

Discussion

Subdivision is needed when small parcels need to be combined or larger parcels need to be divided. All subdivision of land must be recorded by plat. A preliminary plan is a drawing for a proposed subdivision submitted for approval before the preparation of a plat. Administrative subdivision plans are similar to preliminary plans but they can be acted on by the Planning Director instead of the Planning Board. They have a 90-day review period instead of 120 days, simplified procedures, and generally require less time to issue a decision. A Biohealth Priority Campus may want to take advantage of the subdivision process to, for example, combine smaller parcels in dense urban areas or create smaller parcels for different campus uses. Planning Staff notes that the administrative subdivision process does not result in a less detailed review and allows certain approvals from County and State agencies to be done at a later point (during record plat).

Planning Board Recommendation

The Planning Board unanimously recommended approval of SRA 21-02 on November 18, 2021. Planning recommended amendments to be consistent with wording in other sections of Chapter 50.

- F. Subdivision application for property to be used as Biohealth Priority Campus under Section 3.5.8.E of the Zoning Ordinance. A lot [[or lots]]created for a Biohealth Priority Campus may be approved if:

Lines 11-13. Under Section 50.2.1. of the Subdivision Regulations, the singular includes the plural and the plural includes the singular.

- 3. forest conservation plan approval, stormwater management, and environmental protection requirements, if applicable, are satisfied before approval of the plat;

Lines 19-21. This amendment is to maintain consistency with the language in other types of administrative subdivisions.

- 4. when located in a special protection area, all applicable special protection area requirements and guidelines are satisfied before approval of the plat[[, if the subject property is located in a special protection area]].

Lines 22-25. This amendment is to maintain consistency with the language in other types of administrative subdivisions.

PHED Committee

The PHED Committee held a worksession on SRA 21-02 on January 31, 2022. The PHED Committee unanimously recommended approval of SRA 21-02 with the above amendments.

This packet contains:

SRA 21-02
Planning Board recommendation
Planning Staff memorandum

Circle:

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Subdivision Regulation Amendment No.: 21-02
Concerning: Administrative Subdivision –
Biohealth Priority Campus
Draft No. & Date: 3 – 2/8/2021
Introduced: October 26, 2021
Public Hearing: November 30, 2021
Adopted:
Effective:
Ordinance No.:

**COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND
SITTING AS THE DISTRICT COUNCIL FOR THAT PORTION OF
THE MARYLAND-WASHINGTON REGIONAL DISTRICT WITHIN
MONTGOMERY COUNTY, MARYLAND**

Lead Sponsor: Councilmember Friedson
Co-Sponsor: then-Council President Hucker

AN AMENDMENT to:

- create an administrative subdivision process for a Biohealth Priority Campus.

By amending

Montgomery County Code
Chapter 50. “Subdivision of Land”
DIVISION 50.6. “Administrative Subdivision Plan”
Section 6.1. “Applicability”

Boldface	<i>Heading or defined term.</i>
<u>Underlining</u>	<i>Added to existing law by introduced Subdivision Regulation Amendment.</i>
[Single boldface brackets]	<i>Deleted from existing law by introduced Subdivision Regulation Amendment.</i>
<u>Double underlining</u>	<i>Added to the Subdivision Regulation Amendment by amendment.</i>
[[Double boldface brackets]]	<i>Deleted from existing law or the Subdivision Regulation Amendment by amendment.</i>
* * *	<i>Existing law unaffected by Subdivision Regulation Amendment.</i>

OPINION

Subdivision Regulation Amendment (SRA) 21-02, Administrative Subdivision – Biohealth Priority Campus, lead sponsor Councilmember Friedson and co-sponsor then-Council President Hucker, was introduced on October 26, 2021. SRA 21-02 would create a “Biohealth Priority Campus” category under which an applicant can file an administrative subdivision plan in place of a preliminary plan for a Biohealth Priority Campus.

SRA 21-02 accompanies Zoning Text Amendment (ZTA) 21-09, Office and Professional – Biohealth Priority Campus, introduced on October 19, 2021, which will create a streamlined regulatory process for biohealth facilities. SRA 21-02 will allow the Planning Director to approve an administrative subdivision plan for biohealth facilities under an expedited process, so that approvals may run concurrently.

In its report to the Council, the Montgomery County Planning Board recommended approval of SRA 21-02 with minor amendments to make the language consistent with other parts of the Code.

The Council’s public hearing was conducted on November 30, 2021. Two speakers testified in support, from the County Executive’s Office and the Planning Board.

The Council referred the text amendment to the Planning, Housing, and Economic Development (PHED) Committee for review and recommendation. The PHED Committee held a worksession on January 31, 2022. The PHED Committee unanimously recommended approval of SRA 21-02 with the amendments recommended by Council Staff and the Planning Board.

The Council held a worksession and action on February 15, 2022. The Council agreed with the recommendation of the Committee.

For these reasons, and because to approve this amendment will assist in the coordinated, comprehensive, adjusted, and systematic development of the Maryland-Washington Regional District located in Montgomery County, Subdivision Regulation Amendment No. 21-02 will be approved as amended.

ORDINANCE

The County Council for Montgomery County, Maryland, sitting as the District Council for that portion of the Maryland-Washington Regional District in Montgomery County, Maryland, approves the following Ordinance:

1 **Sec. 1. Chapter 50 is amended as follows:**

2 * * *

3 **DIVISION 50.6. Administrative Subdivision Plan**

4 * * *

5 **Section 6.1. Applicability**

6 The subdivider may file an administrative subdivision plan application ~~[[instead of~~
7 a preliminary plan ~~]]~~under the following circumstances. ~~[[The Director must~~
8 review the necessary technical requirements of the administrative subdivision plan
9 under Section 4.3.]]Administrative subdivision plans may only be used to create
10 lots, as expressly described below.

11 * * *

12 F. Subdivision application for property to be used as Biohealth Priority
13 Campus under Section 3.5.8.E of the Zoning Ordinance. A lot ~~[[or lots~~
14]]created for a Biohealth Priority Campus may be approved if:

- 15 1. the Planning Board approves a Biohealth Priority Campus plan under
16 Section 59-7.3.6, including a finding of adequate public facilities
17 under the standards of Section 50-4.3.J, before approval of the plat;
- 18 2. any required road dedications, or covenants for future dedications, and
19 associated public utility easements are shown on the record plat;
- 20 3. forest conservation plan approval, stormwater management, and
21 environmental protection requirements, if applicable, are satisfied
22 before approval of the plat; and
- 23 4. when located in a special protection area, all applicable special
24 protection area requirements and guidelines are satisfied before
25 approval of the plat~~[[, if the subject property is located in a special~~
26 protection area]]].

27 * * *

28 **Sec. 2. Effective Date.** This amendment takes effect 20 days after the date of
29 Council adoption.



MONTGOMERY COUNTY PLANNING BOARD
THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

November 29, 2021

TO: The County Council for Montgomery County, Maryland, sitting as the District Council for the Maryland-Washington Regional District in Montgomery County, Maryland

FROM: Montgomery County Planning Board

SUBJECT: Subdivision Regulation Amendment 21-02

BOARD RECOMMENDATION

The Montgomery County Planning Board of The Maryland–National Capital Park and Planning Commission reviewed Subdivision Regulation Amendment (SRA) No. 21-02, Administrative Subdivision – Biohealth Priority Campus, at its regular meeting on November 18, 2021. By a vote of 5:0, the Planning Board supports the SRA with the following comments. The Board appreciates the Council’s desires to prioritize and expedite the regulatory review process for the Biohealth industry and believes the Administrative Subdivision process is an appropriate way to achieve those results using a thorough and tested review process.

SRA 21-02 is a companion to Zoning Text Amendment 21-09, Biohealth Priority Campus, and addresses the subdivision process, which is controlled through Chapter 50. The SRA creates a new type of Administrative Subdivision application for property to be used as a Biohealth Priority Campus under section 3.5.8.E of the Zoning Ordinance. The requirements are similar to those of the Signature Business Headquarter Plan and still require all of the basic elements of a subdivision review to be performed, but allow certain approval elements to be resolved after plan approval but before record plat.

The Board does offer a few minor adjustments to the proposed language which can be found in the attached markup, to be consistent with the wording in other sections of Chapter 50, but believe the policy and intent remain unchanged. The Board appreciates the Council’s consideration of these comments and looks forward to implementing this new Administrative Subdivision if the SRA is adopted.

CERTIFICATION

This is to certify that the attached report is a true and correct copy of the technical staff report and the foregoing is the recommendation adopted by the Montgomery County Planning Board of The Maryland-National Capital Park and Planning Commission, at its regular meeting held in Wheaton, Maryland, on Thursday, November 18, 2021.

Casey Anderson
Chair

CA:BB:aj



Subdivision Regulation Amendment 21-02, Administrative Subdivision – Biohealth Priority Campus

- Benjamin Berbert, Planner Coordinator, CP&P, Benjamin.berbert@montgomeryplanning.org , 301-495-4644
 - Jason Sartori, Chief, CP&P, jason.sartori@montgomeryplanning.org, 301-495-2172
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Completed: 11/10/2021

Description

Subdivision Regulation Amendment (SRA) 21-02 would amend Section 6.1 of Chapter 50 Subdivision of Land to add a new type of administrative subdivision for property to be used as a Biohealth Priority Campus under Section 3.5.8.E of the Zoning Ordinance.

Summary

Staff recommends the Board transmit comments to the District Council supporting SRA 21-02 with minor revisions for consistency with other sections of Chapter 50. The SRA was introduced by Councilmember Friedson on October 26, 2021. The Public Hearing date is set for November 30, 2021.

Background/Analysis

SRA 21-02 was introduced as a companion to ZTA 21-09. Collectively these proposed code amendments establish a new use for a Biohealth Priority Campus (BPC), and this SRA establishes a new regulatory Administrative Subdivision process that a BPC can use. The requirements for filing a BPC Administrative Subdivision are the same as for the Signature Business Headquarters. While most Administrative Subdivisions are intended to be for small, simple applications, the county has identified advancing the Biohealth industry as an economic development priority deserving a streamlined review process. The review of subdivisions under the Administrative Process does not result in any less detail of review by Planning Staff, but does shorten the review time from 120 days to 90 days, and allows certain approvals from county and state agencies to be put off until record plat.

Modification to the SRA

While staff is supportive of the goals and framework of the SRA, there are a few suggested modifications to keep this new Administrative Subdivision section consistent with others. Following is the entire content of the proposed SRA, as amended by Staff:

DIVISION 50.6. Administrative Subdivision Plan

* * *

Section 6.1. Applicability

The subdivider may file an administrative subdivision plan application instead of a preliminary plan under the following circumstances. The Director must review the necessary technical requirements of the administrative subdivision plan under Section 4.3.

* * *

F. Subdivision application for property to be used as Biohealth Priority Campus under Section 3.5.8.E of the Zoning Ordinance. A lot ~~[[or lots]]~~ created for a Biohealth Priority Campus may be approved if:

1. the Planning Board approves a Biohealth Priority Campus plan under Section 59-7.3.6, including a finding of adequate public facilities under the standards of Section 50-4.3.J, before approval of the plat;
2. any required road dedications, or covenants for future dedications, and associated public utility easements are shown on the record plat;
3. forest conservation ~~plan approval~~, stormwater management, and environmental protection requirements, if applicable, are satisfied before approval of the plat; and
4. ~~[[all special protection area requirements are satisfied before approval of the plat, if the subject property is located in a special protection area.]] when located in a special protection area, all applicable special protection area requirements and guidelines are satisfied before the Board approves the plat.~~

* * *

First, staff recommends removing “or lots” from the introductory statement, because the rules of interpretation under 50.2.1 are clear that singular and plural forms of a term are interchangeable. The other two changes under subsections 3 and 4 are to be consistent with other sections that already include this language.

Conclusion

Staff supports SRA 21-02 to add a new Administrative Subdivision process for the Biohealth Priority Campus use and recommends the Planning Board transmit comments of support with the modifications staff has recommended above.

Attachments

- A – SRA 21-02 – introduction packet.
- B – Proposed modifications to SRA 21-02