

1 **Amendment 1 to Council Bill No. 37-2012**

2
3 **BY: Mary Kay Sigaty**

Legislative Day No: 15

Date: December 3, 2012

4
5
6 **Amendment No. 1**

7
8 *(This amendment would:*

- 9 1. *Create “Whereas” clauses in the bill which clarifies the intent of the Council; and*
10 2. *Change the tier map to designate all parcels not subject to preservation easements*
11 *outside the Planned Service Area as Tier III properties and all encumbered parcels*
12 *would be designated Tier IV properties).*

13
14
15 On page 1, immediately following line 4, insert the following:

16 “WHEREAS, the goal of Senate Bill 236 is to limit the disproportionate impacts of large
17 subdivisions and septic systems on our farm and forest land, streams, rivers and Chesapeake and
18 Coastal Bays; and

19
20 WHEREAS, the Howard County Council supports the intent of Senate Bill 236 to
21 minimize the impact that septic systems have on our environment and to protect and preserve our
22 farmlands and other sensitive areas; and

23
24 WHEREAS, for over 30 years Howard County has been a national leader in farmland
25 preservation and has been the a model for many Maryland Counties by:

- 26 • Being one of the earliest Maryland Agricultural Land Preservation Foundation
27 participants;
28 • Being one of the first counties to establish its own local preservation program,
29 which creates perpetual easements on agricultural parcels;
30 • Being the first jurisdiction in the nation to implement innovative installment
31 purchase agreements as a means to acquire easements;
32 • Having over 40,000 acres preserved in the County (including parkland, open
33 space, Washington Suburban Sanitary Commission property, and obtaining
34 agricultural easements on over 20,000 acres of farmland);

- Appropriating approximately \$253 million in funding toward the County’s preservation efforts; and

WHEREAS, for over twenty years Howard County’s pace of development has been governed by its Adequate Public Facilities Ordinance, specifically, the Housing Unit Allocation Chart, which has slowed the pace of development in the Rural West and reduced the General Plan annual targets for residential completions by providing an orderly and predictable planning environment; and

WHEREAS, Howard County’s Density Exchange Option, a model throughout the nation, will meet the Transfer of Development Rights provision for Senate Bill 236; and”.

On page 1, in line 23, strike “and” and immediately following line 23, insert:

“3. A new Map 6-2.1, Uncommitted Land and Preserved Land in Western Howard County, is inserted on page 76; and”.

On page 1, in line 24, strike “3” and substitute “4”.

On page 66 of PlanHoward 2030, as attached to the Bill, make the following changes:

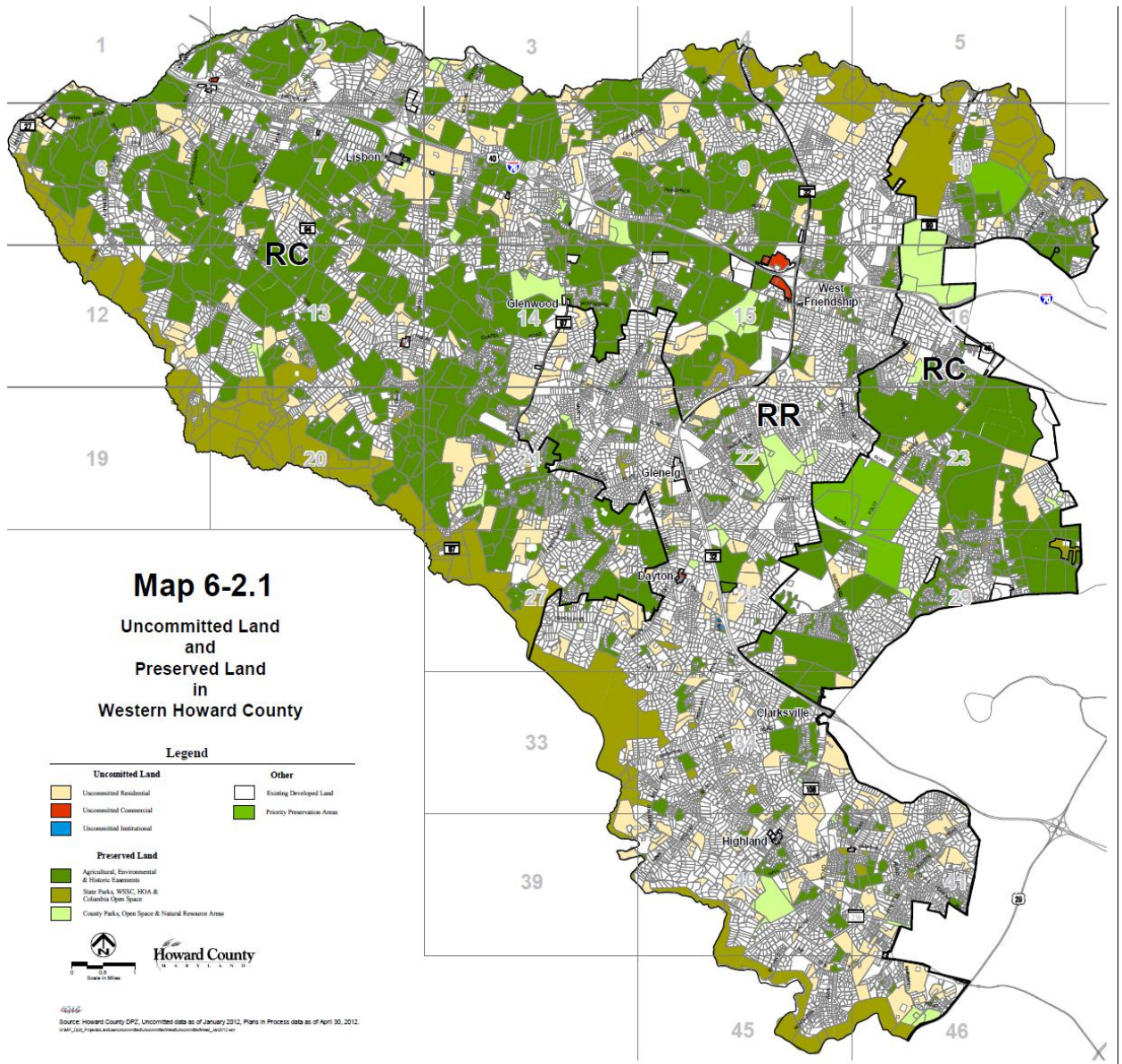
Strike the first paragraph, in its entirety and substitute:

“PLANHOWARD 2030 ALSO INCORPORATES THE RECENTLY ADOPTED SENATE BILL 236-2012, KNOWN AS THE SUSTAINABLE GROWTH AND AGRICULTURAL PRESERVATION ACT. THE INTENT OF THIS LEGISLATION IS TWO-FOLD, THE PRESERVATION OF AGRICULTURAL LANDS AND RESOURCES AND OTHER SENSITIVE AREAS AS WELL AS THE PROHIBITION OF MAJOR SUBDIVISIONS OF FIVE OR MORE LOTS IN PRESERVATION AREAS. THIS STATE LAW REQUIRES LOCAL JURISDICTIONS TO CLASSIFY LAND INTO ONE OF FOUR GROWTH TIERS. THE TIERS FOR HOWARD COUNTY ARE DESIGNATED IN ACCORDANCE WITH THIS 2012 LAW AND ARE ALSO SHOWN IN THIS CHAPTER ON MAP 6-3.”.

1 On page 76 of PlanHoward 2030, as attached to the Bill, make the following changes:
2 Strike the last paragraph, in its entirety and substitute:

3 “THE INTENT OF THIS LEGISLATION IS TO PROMOTE AGRICULTURAL PRESERVATION AS WELL
4 AS PROHIBIT MAJOR SUBDIVISIONS OR FIVE OR MORE LOTS IN TIER IV AREAS. WHILE
5 LIMITING DEVELOPMENT ON SEPTIC IS IMPORTANT, PRESERVING AGRICULTURAL LANDS
6 AND THEIR PRODUCTIVITY AS WELL AS OTHER SENSITIVE AREAS FOR FUTURE GENERATIONS
7 IS EQUALLY IMPORTANT. THIS GENERAL PLAN RECOGNIZES THE IMPORTANCE OF
8 BALANCING THESE GOALS. AS HOWARD COUNTY IMPLEMENTS THIS LAW, CARE MUST BE
9 TAKEN TO ENSURE THAT THE OPPORTUNITIES FOR GRANDFATHERING EXISTING FARMS AND
10 FORESTS BY REQUESTING PERCOLATION TESTS BY JULY 1, 2012 DOESN’T ADVERSELY
11 IMPACT EITHER OF THE GOALS.

12
13 LOCAL JURISDICTIONS MUST ADOPT TIER DESIGNATIONS BY DECEMBER 31, 2012 OR ALL
14 AREAS NOT PLANNED FOR PUBLIC WATER AND SEWER WILL BE RESTRICTED TO MINOR
15 SUBDIVISIONS OF FOUR OR FEWER LOTS. MAP 6-3 SHOWS THE GROWTH TIERS FOR HOWARD
16 COUNTY. TIER I IS OUR PRIORITY FUNDING AREA, WHICH IS THE PLANNED PUBLIC WATER
17 AND SEWER SERVICE AREA. NO AREAS ARE DESIGNATED FOR TIER II, SINCE THERE ARE NO
18 PLANS FOR FURTHER EXTENSION OF THE PUBLIC WATER AND SEWER SERVICE AREA IN THE
19 FUTURE. TIER III (LOW DENSITY DEVELOPMENT ON MAP 6-3) EQUATES TO ALL EXISTING
20 DEVELOPED LAND AND UNCOMMITTED LAND IN THE RC AND RR ZONING DISTRICTS THAT
21 ARE NOT IN THE PLANNED SERVICE AREA AND TIER IV (RURAL RESOURCE ON MAP 6-3)
22 EQUATES TO ALL PRESERVED LAND AND PRIORITY PRESERVATION AREAS IN THE RC AND RR
23 ZONING DISTRICTS AS SHOWN ON MAP 6-2.1, UNCOMMITTED LAND AND PRESERVED LAND
24 IN WESTERN HOWARD COUNTY.



1
 2
 3
 4
 5
 6
 7
 8
 9

”.

On page 77 of PlanHoward 2030, as attached to the Bill, make the following changes:
 Strike the first paragraph, in its entirety and substitute:

“TWO AMENDMENTS WERE ADOPTED TO THIS STATE LAW TO MODERATE THE IMPACT OF PROHIBITING NEW MAJOR SUBDIVISIONS IN TIER IV. ONE IS TO PROTECT ANY SUBDIVISION RIGHTS THAT WERE SPECIFICALLY RETAINED IN AN AGRICULTURAL, ENVIRONMENTAL, OR HISTORIC PRESERVATION EASEMENT FOR A PARTICULAR PROPERTY.”

1 THE OTHER IS AN ALLOWANCE FOR THE POSSIBILITY OF DENSITY TRANSFER OF
2 DEVELOPMENT RIGHTS FROM TIER IV PROPERTIES. HOWARD COUNTY’S SUCCESSFUL DEO
3 (DENSITY EXCHANGE OPTION) ZONING DISTRICT CURRENTLY ALLOWS FOR DENSITY
4 TRANSFER UNDER CERTAIN CONDITIONS. THE PROVISIONS OF THE DEO DISTRICT SHOULD BE
5 REVIEWED AND UPDATED, IF NECESSARY, DURING THE COMPREHENSIVE ZONING PROCESS TO
6 ENSURE ITS CONTINUED USE AS ONE OF THE STRATEGIES TO ACCOMPLISH THE GOALS OF SB
7 236.”

8
9 The attached Map 6-3 “Sustainable Growth and Agricultural Preservation Act Growth Tiers”,
10 replaces Map 6-3 on page 77 attached to the Bill, and reflects changes made to Tier III and Tier
11 IV.
12

