

Amendment 2 to Council Bill No. 37 -2012

**BY: Chairperson at the request
of the County Executive**

**Legislative Day No. 15
Date: December 3, 2012**

Amendment No. 2

(This amendment reflects that permanently protected farms and forests are included in Tier IV instead of Tier III.)

- 1 Remove page 76, as attached to the Bill as prefiled, and substitute a revised page 76 as attached
- 2 to this Amendment.

Designated Place Types – Future Residential Development

As indicated at the beginning of this chapter, *PlanMaryland* asks local jurisdictions to refine their Priority Funding Areas (PFA) by identifying more focused target areas for future growth. These include three designated place types within the PFA: Targeted Growth and Revitalization areas, Established Community areas, and Future Growth areas. The Future Growth area is not proposed for Howard County as this place type applies to large areas of rural land outside the PFA/PSA that are planned for extension of public water and sewer service in the future. An example of this would be a Maryland county that has municipalities with future annexation potential. The other two place types are for rural areas outside the PFA: Low Density Development areas and Rural Resource areas where agricultural land preservation has priority [, which are combined on Map 6-2 “Designated Place Types” as the “Rural West until the Sustainable Growth and Agricultural Preservation Act Growth Tiers are established in the Fall of 2012”]. These correspond to the County’s RR (Rural Residential) and RC (Rural Conservation) zoning districts. *PlanMaryland* place designations are intended both to decrease sprawl via compact development and to focus local and State resources to support smart growth. Map 6-2 designates the relevant FOUR place types for Howard County.

Map 6-2 also shows the five planning areas that were introduced and have been utilized since the adoption of *General Plan 2000* (also shown in Map 6-1). These five planning areas will continue to be used for some development tracking and statistical purposes, coordination with other County master plans such as the Howard County Land Preservation, Recreation and Parks Plan, and potential small area planning efforts.

SUSTAINABLE GROWTH AND AGRICULTURAL PRESERVATION ACT OF 2012

NEW RESTRICTIONS ON THE DEVELOPMENT OF MAJOR SUBDIVISIONS USING SEPTIC SYSTEMS IN RURAL AREAS WERE ADOPTED BY THE MARYLAND GENERAL ASSEMBLY IN APRIL 2012 THROUGH THE SUSTAINABLE GROWTH AND AGRICULTURAL PRESERVATION ACT (SENATE BILL 236). THIS ACT REQUIRES LOCAL JURISDICTIONS TO CLASSIFY LAND INTO ONE OF FOUR “GROWTH TIERS” BASED ON THE FOLLOWING:

- **TIER I** - DESIGNATED GROWTH AREA SERVED BY PUBLIC SEWER;
- **TIER II** - DESIGNATED FOR FUTURE EXTENSION OF PUBLIC SEWER SERVICE;
- **TIER III** - NOT PLANNED FOR SEWER SERVICE, NOT DOMINATED BY AGRICULTURAL OR FOREST, AND PLANNED FOR LARGE LOT DEVELOPMENT WITH SEPTIC SYSTEMS;
- **TIER IV** - NOT PLANNED FOR SEWER SERVICE, DOMINATED BY AGRICULTURAL AND FOREST LAND PLANNED FOR RESOURCE PROTECTION.

THE INTENT OF THIS LEGISLATION IS TO PROHIBIT MAJOR SUBDIVISIONS OR FIVE OR MORE LOTS IN TIER IV AREAS. LOCAL JURISDICTIONS MUST ADOPT TIER DESIGNATIONS BY DECEMBER 31, 2012 OR ALL AREAS NOT SERVED BY PUBLIC SEWER WILL BE RESTRICTED TO MINOR SUBDIVISIONS OF FOUR OR FEWER LOTS. MAP 6-3 SHOWS THE GROWTH TIERS FOR HOWARD COUNTY. TIER I IS OUR PRIORITY FUNDING AREA, WHICH IS THE PLANNED PUBLIC WATER AND SEWER SERVICE AREA. NO AREAS ARE DESIGNATED FOR TIER II, SINCE THERE ARE NO PLANS FOR FURTHER EXTENSION OF THE PUBLIC WATER AND SEWER SERVICE AREA IN THE FUTURE. TIER III EQUATES TO THE RR ZONING DISTRICT AND EXCLUDING SOME AREAS OF FARM AND FOREST LANDS THAT ARE PERMANENTLY PROTECTED. TIER IV IS THE RC ZONING DISTRICT AS WELL AS THE PERMANENTLY PROTECTED FARMS AND FOREST EXCLUDED FROM TIER III THE RR ZONING DISTRICT. ~~THE PURPOSE STATEMENTS IN THESE TWO ZONING DISTRICTS CLEARLY REFLECT THE PLANNING OBJECTIVES FOR THESE TWO TIERS.~~