



HOWARD COUNTY DEPARTMENT OF PLANNING AND ZONING

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Voice/Relay

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MEMORANDUM

Subject: Testimony for a General Plan Amendment (GPA) to revise the Growth Tiers

To: Lonnie Robbins, Chief Administrative Officer, Department of Administration

From: ✓ Valdis Lazdins, Director, Department of Planning and Zoning

Date: January 26, 2017

The Department of Planning and Zoning (DPZ) supports Council Bill No. 16-2017. This bill amends the growth tier designations and tiers map established in *PlanHoward* 2030, through Council Bill No. 1-2013. The current growth tier designations restricted development rights for properties designated as Tier IV. The proposed GPA restores those rights for properties that are not otherwise preserved through easements or part of the Rural Legacy Area. Currently, Tier IV equates to the Rural Conservation (RC) zoning district and Tier III equates to the Rural Residential (RR) zoning district, with the exception of parcels preserved through some type of easement (i.e. environmental, agricultural, historic, etc.).

The Planning Board reviewed an amendment to the growth tiers on February 18, 2016. In response to concerns from the public about including Maryland Agricultural Land Preservation Foundation (MALPF) properties into Tier III, the proposal was subsequently revised and presented to the Planning Board on April 7, 2016. A summary of the proposed amendments, along with the associated impact data, is attached as Appendix A.

The impact data in Appendix A include and show properties that would regain major subdivision rights (five or more lots), which are those properties over 21.25 acres. If every property proposed to move from Tier IV to Tier III develops to the full extent possible, the net increase county-wide would not exceed 215 additional units. This increase in developable land equates to 1.7 percent (1,615 acres) of the acreage in the rural west. Over the past 35 years, the county has preserved over 22,000 acres in the rural west and continues to receive requests to enter the Agricultural Land Preservation Program. According to *PlanHoward* 2030, the county has met its agricultural land preservation goals; therefore, DPZ does not believe the proposed GPA will adversely impact *PlanHoward* 2030 preservation goals.

Additionally, it is unlikely that all 36 parcels will develop to the maximum allowable density, since they may be constrained by such things as steep slopes, wetlands, and septic requirements. The impact data chart also does not consider that some property owners may opt to sell density through the Density Exchange Option.

Finally, the proposed growth tier designations would allow properties to develop according to their existing zoning. The RC and RR zoning districts, as well as the Adequate Public Facility Ordinance (APFO) limit growth in the west and ensure that housing development is paced according to infrastructure availability. This bill has no fiscal impact.

Given the reasons stated above, DPZ support Council Bill 16-2017 and appreciates Council's consideration.

cc: Jennifer Sager, Legislative Coordinator, Department of Administration
B. Diane Wilson, Chief of Staff
Gary W. Kuc, County Solicitor, Office of Law

APPENDIX A- SUMMARY OF GROWTH TIER PROPOSALS AND IMPACT ANALYSIS

Proposed GPA	Tier IV	Tier IIIⁱ	Potential Additional Capacityⁱⁱ		
February 18, 2016 Planning Board	<p>RR: Permanentlyⁱⁱⁱ preserved parcels</p> <p>RC: Permanently preserved parcels</p>	<p>RR: Parcels not permanently preserved</p> <p>RC: Parcels not permanently preserved</p> <ul style="list-style-type: none"> • includes MALPF^{iv} properties 	53 parcels	2,330 acres	294 units
April 7, 2016 Planning Board ^v	<p>RR: preserved parcels</p> <p>RC:</p> <ul style="list-style-type: none"> • Preserved parcels (includes MALPF properties) or: • Parcels without major subdivision potential (<21.25 acres). 	<p>RR: parcels not preserved</p> <p>RC:</p> <ul style="list-style-type: none"> • Non-preserved parcels • Parcels with major subdivision potential (>21.25 acres) 	49 parcels	2,181 acres	293 units
Council Bill 16-2017	<p>RR: preserved parcels</p> <p>RC:</p> <ul style="list-style-type: none"> • Preserved parcels (includes MALPF properties) and; • Parcels inside the Rural Legacy Area and; • Parcels without major subdivision potential (<21.25 acres). 	<p>RR: parcels not preserved</p> <p>RC:</p> <ul style="list-style-type: none"> • Non-preserved parcels or; • Parcels with major subdivision potential (>21.25 acres) and; • Outside the Rural Legacy Area 	36 parcels	1,615 acres	215 units

ⁱ Under Senate Bill 236 properties that applied for septic “perc” testing prior to July 1, 2012 or which initiated the development process prior to July 1, 2012 are “grandfathered” from the provisions of Senate Bill 236 and included in Tier III.

ⁱⁱ Assumes maximum development capacity if all properties that move into Tier III development to the full extent. This figure does not account for development constraints that limit unit yield or sending of density.

ⁱⁱⁱ Parcels permanently preserved include: County Agricultural Land Preservation Easement, Rural Legacy Easements, Agricultural and Environmental Parcels, Maryland Environmental Trust Easements, Conservation Easements, Maryland Historical Trust Easements and Park and Open Space Land. These parcels do not include Maryland Agricultural Land Preservation Foundation Easements.

^{iv} MALPF properties were not factored into the capacity calculation since state easement would need to be terminated. It would be difficult to estimate the possibility of occurrence.

^v Bon Secours and Franciscan Friar at Folly Quarter properties were included in Tier III in the April 7, 2016 proposal and Council Bill 16-2017. However, these two properties are not included in the capacity calculation. They have been classified as longstanding institutional uses and a Tier III designation is not anticipated to create future development impacts.