

Introduced	<u>3/6/17</u>
Public Hearing	<u>3/20/17</u>
Council Action	<u>4/3/17</u>
Executive Action	<u>4/16/17</u>
Effective Date	<u>6/6/17</u>

**County Council of Howard County, Maryland**

2017 Legislative Session

Legislative Day No. 5

**Bill No. 23-2017**

Introduced by: Mary Kay Sigaty

Co-Sponsored by: Calvin Ball and Jon Weinstein

AN ACT amending the Howard County Code to clarify that parcels may be eligible for the County's Agricultural Land Preservation Program notwithstanding the effect of the Growth Tier designation of the parcel on the County's General Plan; and generally relating to the Howard County Agricultural Land Preservation Program.

Introduced and read first time March 6, 2017. Ordered posted and hearing scheduled.

By order Jessica Feldmark  
 Jessica Feldmark, Administrator

Having been posted and notice of time & place of hearing & title of Bill having been published according to Charter, the Bill was read for a second time at a public hearing on March 20, 2017.

By order Jessica Feldmark  
 Jessica Feldmark, Administrator

This Bill was read the third time on April 3, 2017 and Passed , Passed with amendments \_\_\_\_\_, Failed \_\_\_\_\_.

By order Jessica Feldmark  
 Jessica Feldmark, Administrator

Sealed with the County Seal and presented to the County Executive for approval this 4<sup>th</sup> day of April, 2017 at 12 a.m./p.m.

By order Jessica Feldmark  
 Jessica Feldmark, Administrator

Approved/Vetoed by the County Executive April 6, 2017

Allan H. Kittleman  
 Allan H. Kittleman, County Executive

NOTE: [[text in brackets]] indicates deletions from existing law; Text in small capitals indicates additions to existing law; Strike-out indicates material deleted by amendment; Underlining indicates material added by amendment.

1 **Section 1. Be it enacted by the County Council of Howard County, Maryland, that the Howard County**  
2 **Code is hereby amended as follows:**

3 *By Amending:*

4 *Title 15 - NATURAL RESOURCES*

5 *Subtitle 5. - AGRICULTURAL LAND PRESERVATION*

6 *Section 15.506. – Eligibility criteria.*

7 *Subsection (a). Buying Easements.*

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10 **TITLE 15 - NATURAL RESOURCES**

11 **SUBTITLE 5. - AGRICULTURAL LAND PRESERVATION**

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13 **Sec. 15.506. - Eligibility criteria.**

14 (a) Buying Easements. Howard County may buy the development rights on a parcel provided  
15 that the purchase is consistent with the intentions and policies of the general plan and the parcel  
16 meets each of the criteria listed below:

17 (1) Developable. The parcel shall be capable of being further developed to a greater  
18 residential density than presently exists or for nonagricultural uses. To meet this criteria,  
19 the parcel shall:

20 (i) Be in a zoning district which permits development to a higher residential  
21 density than presently exists; and

22 (ii) A. Be capable of being subdivided or developed for nonagricultural uses by  
23 right[[.]], NOTWITHSTANDING THE EFFECT OF THE GROWTH TIER  
24 DESIGNATION OF THE PARCEL ON THE COUNTY’S GENERAL PLAN IN TERMS OF  
25 THE PARCEL'S MAJOR SUBDIVISION CAPABILITY WHEN THE LANDOWNER

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APPLIES TO SELL DEVELOPMENT RIGHTS TO THE COUNTY UNDER THE  
HOWARD COUNTY AGRICULTURAL LAND PRESERVATION ACT.

(2) Size. The parcel contains at least 20 contiguous acres.

(3) Soils. The parcel shall meet the following soils criteria:

(i) More than 50 percent of the parcel shall be U.S. Department of Agriculture capability Class I, II and III soils, and more than 66 percent of the parcel shall be Class I through IV soils; and

(ii) The parcel shall have:

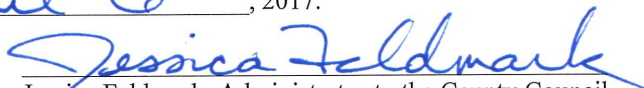
a. A complete soil conservation and water quality plan approved by the local soil conservation district; and

b. Verification by the local soil conservation district that the plan reflects current conditions and activities on the land.

***Section 2. And Be It Further Enacted*** by the County Council of Howard County, Maryland that *this Act shall become effective 61 days after its enactment.*

BY THE COUNCIL

This Bill, having been approved by the Executive and returned to the Council, stands enacted on April 6, 2017.

  
\_\_\_\_\_  
Jessica Feldmark, Administrator to the County Council

BY THE COUNCIL

This Bill, having been passed by the yeas and nays of two-thirds of the members of the Council notwithstanding the objections of the Executive, stands enacted on \_\_\_\_\_, 2017.

\_\_\_\_\_  
Jessica Feldmark, Administrator to the County Council

BY THE COUNCIL

This Bill, having received neither the approval nor the disapproval of the Executive within ten days of its presentation, stands enacted on \_\_\_\_\_, 2017.

\_\_\_\_\_  
Jessica Feldmark, Administrator to the County Council

BY THE COUNCIL

This Bill, not having been considered on final reading within the time required by Charter, stands failed for want of consideration on \_\_\_\_\_, 2017.

\_\_\_\_\_  
Jessica Feldmark, Administrator to the County Council

BY THE COUNCIL

This Bill, having been disapproved by the Executive and having failed on passage upon consideration by the Council stands failed on \_\_\_\_\_, 2017.

\_\_\_\_\_  
Jessica Feldmark, Administrator to the County Council

BY THE COUNCIL

This Bill, the withdrawal of which received a vote of two-thirds (2/3) of the members of the Council, is withdrawn from further consideration on \_\_\_\_\_, 2017.

\_\_\_\_\_  
Jessica Feldmark, Administrator to the County Council