

Introduced	<u>3/6/17</u>
Public Hearing	<u>3/20/17</u>
Council Action	<u>4/3/17</u>
Executive Action	<u>4/6/17</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 4th 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.*

8

9

10

TITLE 15 - NATURAL RESOURCES

11

SUBTITLE 5. - AGRICULTURAL LAND PRESERVATION

12

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

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

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

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

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

8 (ii) The parcel shall have:

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

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

13
14 ***Section 2. And Be It Further Enacted*** by the County Council of Howard County, Maryland that
15 *this Act shall become effective 61 days after its enactment.*
16
17
18
19
20

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

Reply all |

Delete

Junk |

CB23 - 2017 Testimony

FILE COPY

RT Richard Tufts <tuftsdaisy@verizon.net>

Reply all |

Yesterday, 1:31 PM

CouncilMail ...

Keep

Council members,

The purpose of my testimony is to add to the overwhelming support for Council Bill 23-2017 and state I also support the proposed legislation.

I believe Council Bill 23 - 2017 demonstrates the Council's ability and willingness to search for and agree on an alternative to previously proposed legislation that did not work. As our county continues to build out, I believe our Council will be challenged to look "outside the box" for Alternative Solutions especially to zoning issues.

More to CB23-2017, it provides a smart alternative to previously proposed legislation, which would have been very harmful to our environment. I continue to support relief for land owners adversely impacted by property devaluation. Moreover, I support via this legislation, their ability to now participate in our Howard County Agricultural Land Preservation Program and encourage them to do so.

I support Council Bill 23 - 2017 and strongly encourage the Council to vote YES and consider Alternatives as an appropriate in future zoning considerations.

Thank you for your kind consideration of my sincerely submitted testimony.

Respectfully,
Richard G. Tufts
Duvall Rd.
Daisy

FILE COPY

Reply all | Delete Junk |

Comments In Support of CB-23

K krschwa1@verizon.net
Today, 9:40 AM
CouncilMail

Reply all |

This message was sent with high importance.

MOS-HCBC-Support CB...
390 KB

Download

Dear Howard County Council:

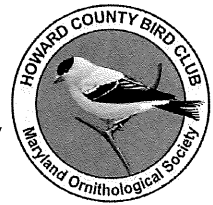
Please find attached the comments of the Maryland Ornithological Society and Howard County Bird Club (a chapter of MOS) in support of CB-23-2017. We look forward to tonight's hearing on the bill.

Kurt R. Schwarz
Conservation Chair
Maryland Ornithological Society
www.mdbirds.org
9045 Dunloggin Ct.
Ellicott City, MD 21042
410-461-1643
krschwa1@verizon.net



MARYLAND ORNITHOLOGICAL SOCIETY

Howard County Bird Club A Chapter of the Maryland Ornithological Society



March 20, 2017

Howard County Council
3400 Courthouse Dr.
Ellicott City, MD 21043
akittleman@howardcountymd.gov

Dear Council Members Weinstein, Ball, Terrasa, Sigaty, and Fox:

The Maryland Ornithological Society and its Howard County chapter, the Howard County Bird Club, support CB-23-2017. This bill will restore equity to property devalued under the current County Tier Map. This is just the creative solution we called for when opposing CB-18. The argument at the time for opening 1615 acres to development was that Tier IV designation disqualified farms from preservation programs because Tier IV eliminated the possibility of subdivision. CB-23 takes into account the subdivision potential of a farm based on its underlying zoning, not its tier classification, solely for the purpose of eligibility for agricultural preservation. We might also suggest that the bill be expanded to allow the underlying zoning to determine the landowner's Density Exchange Option as well.

The Maryland Ornithological Society (MOS) is a statewide nonprofit organization established in 1945 and devoted to the study and conservation of birds. Currently we have 15 county-based chapters and 1,600 members. The Howard County Bird Club (HCBC) was established in 1975, and has over 200 members. We will detail other concerns with the Amendment below.

We believe that CB-23 will keep farmland as farmland, rather than housing developments. We encourage the preservation of farmland, which in turn preserves irreplaceable wildlife habitat, green open space, and water quality, not to mention the iconic rural landscape as depicted on our County Seal. Please support and pass CB.23.

Sincerely,

Kurt R. Schwarz
Conservation Chair
Maryland Ornithological Society
9045 Dunloggin Ct.
Ellicott City, MD 21042
443-538-2370
443-538-2370 (cell)
krschwal@verizon.net

John Harris
President

Howard County Bird Club
6400 Ripe Apple Ln
Columbia MD 21044
(240) 755-0183
(703) 772-4501
jaybee.harris@gmail.com



MARYLAND ORNITHOLOGICAL SOCIETY



Howard County Bird Club A Chapter of the Maryland Ornithological Society

March 20, 2017

Howard County Council
3400 Courthouse Dr.
Ellicott City, MD 21043
akittleman@howardcountymd.gov

Dear Council Members Weinstein, Ball, Terrasa, Sigaty, and Fox:

The Maryland Ornithological Society and its Howard County chapter, the Howard County Bird Club, support CB-23-2017. This bill will restore equity to property devalued under the current County Tier Map. This is just the creative solution we called for when opposing CB-18. The argument at the time for opening 1615 acres to development was that Tier IV designation disqualified farms from preservation programs because Tier IV eliminated the possibility of subdivision. CB-23 takes into account the subdivision potential of a farm based on its underlying zoning, not its tier classification, solely for the purpose of eligibility for agricultural preservation. We might also suggest that the bill be expanded to allow the underlying zoning to determine the landowner's Density Exchange Option as well.

The Maryland Ornithological Society (MOS) is a statewide nonprofit organization established in 1945 and devoted to the study and conservation of birds. Currently we have 15 county-based chapters and 1,600 members. The Howard County Bird Club (HCBC) was established in 1975, and has over 200 members. We will detail other concerns with the Amendment below.

We believe that CB-23 will keep farmland as farmland, rather than housing developments. We encourage the preservation of farmland, which in turn preserves irreplaceable wildlife habitat, green open space, and water quality, not to mention the iconic rural landscape as depicted on our County Seal. Please support and pass CB.23.

Sincerely,

Kurt R. Schwarz
Conservation Chair
Maryland Ornithological Society
9045 Dunloggin Ct.
Ellicott City, MD 21042
410-461-1643
443-538-2370(cell)
krschwal@verizon.net

John Harris
President

Howard County Bird Club
6400 Ripe Apple Ln
Columbia MD 21044
(240) 755-0183
(703) 772-4501
jaybee.harris@gmail.com



Howard County Group

Alan Schneider
Vice Chair
12598 Clarksville Pike
Clarksville, Md. 21029

**Howard County Council
Testimony on CB24-2017 On-site sewage disposal system
Position: Support with Amendments**

The Sierra Club supports CB24-2017 with amendments. Protecting our drinking water and Chesapeake Bay is easily achieved with new technology. Amendments requiring the new technology in all new septic systems will benefit small businesses, and county taxpayers.

A leading indicator of damage to Chesapeake Bay is the nitrogen released from septic systems. Best Available Technology substantially reduces the nitrogen levels released from septic systems. Many systems are available to reduce the nitrogen levels which are harmful to our oysters, crab and fish in Chesapeake Bay.

http://www.chesapeake.org/stac/presentations/224_3BRubin_Overview%20of%20Best%20Available%20Technologies%20for%20Onsite%20Septic.pdf.

Protection of our underground drinking water is also critical. Water from septic systems becomes part of our underground water supply. Those in areas using septic systems also use well water for drinking. New technology will protect the drinking water of existing residents when there is any new house. Alternative septic technologies are used in other states. States using Alternative Septic Technologies for drinking water protection include New Hampshire and Oregon.

Public water and sewer are alternatives to adopting new technologies; however Howard County's budget and bond funding limitations are insufficient to extend water and sewer to Western Howard County. The cost of the new technology is better incorporated into new home prices rather than by increasing taxes for all residents to pay for costs from new development.

The cost of new technology is not excessive for new home buyers. Financing is spread over many years. My septic tank upgrade cost only \$800.

Recommended Amendments:

1. Delete "installed within a major subdivision in the rural conservation (RC) zoning district". Deletion means that any new septic system would must use new technology.
2. Add to the definition of Best Available Technology: "or any Alternative Septic Technology approved by the Chesapeake Bay Foundation which achieves the best sewage treatment considering future development in the affected area".

Sierra Club supports this bill provided that certain amendments are adopted.

Alan Schneider
Vice Chair
Sierra Club Howard County Group

Founded in 1892, the Sierra Club is America's oldest and largest grassroots environmental organization. We have more than 14,000 members in the Maryland Chapter along with an additional 30,000 supporters, and there are over 650,000 Sierra Club members nationwide.