

Introduced _____
Public hearing _____
Council action _____
Executive action _____
Effective date _____

County Council of Howard County, Maryland

2018 Legislative Session

Legislative day # 10

BILL NO. 59 – 2018

Introduced by:

The Chairperson at the request of Erickson Living Properties II, LLC

AN ACT amending the General Plan for Howard County (“PlanHoward 2030”) by adjusting the Planned Service Area boundary for water and sewer service to include approximately 61 acres of property located west of Clarksville Pike (MD Route 108) and south of Sheppard Lane, in Clarksville, Howard County, Maryland; to adjust the Growth Tier Maps of Howard County to reflect the incorporation of said property into the Planned Service Area and the designation of said property within the Growth Tier 1 area of Howard County; and further designating said property as a Targeted Growth and Revitalization Designated Place Type; and providing that certain adjustments will be null and void unless certain conditions are met; and generally relating to PlanHoward 2030.

Introduced and read first time _____, 2018. Ordered posted and hearing scheduled.

By order _____
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 _____, 2018.

By order _____
Jessica Feldmark, Administrator

This Bill was read the third time on _____, 2018 and Passed ____, Passed with amendments _____, Failed _____.

By order _____
Jessica Feldmark, Administrator

Sealed with the County Seal and presented to the County Executive for approval this ___ day of _____, 2018 at ___ a.m./p.m.

By order _____
Jessica Feldmark, Administrator

Approved/Vetoed by the County Executive _____, 2018

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 **WHEREAS**, the General Plan for Howard County (“PlanHoward 2030”) establishes the Planned
2 Service Area, which is the area within which the County provides public water and sewer
3 service; and
4

5 **WHEREAS**, PlanHoward 2030 also establishes the Growth Tier Maps of Howard County which
6 maps were adopted by Howard County in fulfillment of its obligations under the Sustainable
7 Growth and Agricultural Preservation Act of 2012 (Senate Bill 236); and
8

9 **WHEREAS**, PlanHoward 2030 further establishes the Designated Place Type Maps of Howard
10 County which maps were also adopted by Howard County in fulfillment of its obligations under
11 the Sustainable Growth and Agricultural Preservation Act of 2012 (Senate Bill 236); and
12

13 **WHEREAS**, PlanHoward 2030 provides that any requests for a General Plan amendment for the
14 expansion of the Planned Service Area for water and sewer service should be denied unless the
15 following minimum criteria are met: the proposed expansion of the Planned Service Area is part
16 of a zoning proposal and is consistent with the General Plan and Smart Growth policies; or the
17 proposed expansion of the Planned Service Area is intended to provide for a public or
18 institutional use such as a religious facility, charitable or philanthropic institution, or academic
19 school; and
20

21 **WHEREAS**, the proposed expansion of the Planned Service Area boundary to include
22 approximately 61 acres of property located west of Clarksville Pike (MD Route 108) and south
23 of Sheppard Lane, in Clarksville, Howard County, Maryland is further identified as Tax Map 34,
24 Parcel 185 and a part of Tax Map 28, Parcel 100 (the “Property”), as shown on attached **Exhibit**
25 **A** and **Exhibit B**; and
26

27 **WHEREAS**, the proposed expansion of the Planned Service Area is a part of a specific zoning
28 proposal to rezone the Property from RC-DEO to CEF-M for the stated purpose of providing a
29 continuing care retirement community (“CCRC”) to consist of independent living units; assisted
30 living; and skilled nursing care; and
31

32 **WHEREAS**, the establishment of a CCRC on the Property in accordance with the Petitioner’s
33 stated purpose advances a number of stated land use policies within the General Plan and will
34 satisfy in part a growing and well documented need for continuing care retirement communities

1 within Howard County for people over the age of 62.

2
3 **WHEREAS**, the establishment of such a CCRC at the proposed location will afford the County’s
4 senior population much needed additional flexibility to age in place within the County; and

5
6 **WHEREAS**, Chapter 6 (Growth) of the Howard County General Plan notes the following:

7
8 *[w]hereas the total U.S. population grew by 9.7% from 2000 to*
9 *2010, those entering the 45 to 64 year age cohort, the approximate*
10 *ages of the baby boomers, increased by 31.5% during that time*
11 *period. Baby boomers currently make up about 29% of the*
12 *countywide population and are starting to move into the 65-plus age*
13 *cohort.*

14
15 *PlanHoward, Chapter 6 (Growth), pg. 66*

16
17 In addition, Chapter 6 (Growth) of the Howard County General Plan makes the following
18 pertinent finding:

19
20 *[w]hereas the overall County population increased by 16%, those*
21 *65 and over increased by 57%. There are now 10,577 more*
22 *residents 65 and older compared to ten years ago – 29,045 total in*
23 *2010 compared to 18,468 in 2000. Almost 27% of the total increase*
24 *of 39,243 residents over the decade was comprised of those aged 65*
25 *and older. The very old, 85 and over, increased by 47%. This trend*
26 *will continue as the baby boomers continue to age.*

27
28 *PlanHoward, Chapter 6 (Growth), pg. 66*

29
30 Furthermore, Policy 9.4 of the Howard County General Plan aims to “expand housing options to
31 accommodate the County’s senior population who prefer to age in place and people with special
32 needs.” In support of that Policy Goal, the Howard County General Plan finds that the

33
34 *County’s housing stock should support the aging population and*
35 *will need to continue General Plan 2000 policies to promote diverse*
36 *senior housing for those that wish or need to downsize to more easily*
37 *maintained units as they age. The policies should also continue to*
38 *support seniors who choose to age in place in their own homes or in*
39 *their own communities...The County also recognizes that as older*
40 *residents’ ability to live independently diminishes, they often need*
41 *to move to housing that provides support services. There are both*

1 nursing and assisted living options for seniors in the County,
2 offering a continuum of services, from acute care to congregate and
3 group housing to in-home services. In order to accommodate the
4 projected 19% of residents age 65 or older by 2030, the County's
5 support of continuing care housing and services must be
6 maintained.

7
8 PlanHoward, Chapter 9 (Housing), pp. 130-131; and
9

10 **WHEREAS**, the Property is adjacent to the existing boundary of the Planned Service Area and
11 that the inclusion of the Property will continue the linear boundary of the Planned Service Area
12 without including an intervening privately owned parcel currently not located in the Planned
13 Service Area; and

14
15 **WHEREAS**, the Planning Board has reviewed and recommended approval of the proposed
16 expansion.

17
18 **Now, Therefore,**

19
20 **Section 1. Be It Enacted** by the County Council of Howard County, Maryland that the
21 PlanHoward 2030 policy maps identified below are amended to expand the Planned Service
22 Area, the Growth Tier I Area, and the Growth and Revitalization Designated Place Type area to
23 include approximately 61 acres of property located west of Clarksville Pike (Md Route 108) and
24 south of Sheppard Lane, in Clarksville, Howard County, Maryland and further identified as Tax
25 Map 34, Parcel 185 and a part of Tax Map 28, Parcel 100 (the "Property"), as shown on attached
26 **Exhibit A** and **Exhibit B**. Amended Policy Maps include: Map 4-1; Map 5-1; Map 6-2; Map 6-
27 3; and Map 8-1.

28
29 **Section 2. Be It Further Enacted** by the County Council of Howard County, Maryland that the
30 provisions of this Act providing for expansion of the Planned Service Area and amendments to
31 the Growth Tier Maps and Designated Place Types for Howard County shall be null and void
32 and the Planned Service Area, Growth Tier Map, and Designated Place Type as it relates to this
33 Property, shall revert to the Planned Service Area, Growth Tier, and Designated Place Type in
34 place prior to this Act without any additional action of the County Council if:

1 (1) The Howard County Zoning Board shall fail to issue a Decision and Order approving a
2 Petition to Amend the Zoning Maps of Howard County to rezone the Property to CEF-M
3 for the stated purpose of developing a CCRC community within 3 years from the
4 effective date of this Act; or

5 (2) The connection between the Property and the public water and sewer infrastructure ~~are~~
6 for the purpose of serving a CCRC development is not made within 10 years of the effective date of
7 this Act.

8

9 **Section 3. Be It Further Enacted** by the County Council of Howard County, Maryland that this
10 amendment be attached to PlanHoward 2030.

11

12 **Section 4. Be It Further Enacted** by the County Council of Howard County, Maryland that if
13 any provision of this Act or the application thereof to any person or circumstance is held invalid
14 for any reason in a court of competent jurisdiction, the invalidity shall not affect other provisions
15 or any other application of this Act which can be given effect without the invalid provisions or
16 application, and for this purpose the provisions of this Act are severable.

17

18 **Section 5. Be It Further Enacted** by the County Council of Howard County, Maryland that this
19 Act shall become effective 61 days after its enactment.

20