

Introduced \_\_\_\_\_  
Public Hearing \_\_\_\_\_  
Council Action \_\_\_\_\_  
Executive Action \_\_\_\_\_  
Effective Date \_\_\_\_\_

## County Council Of Howard County, Maryland

2013 Legislative Session

Legislative Day No. 1

### Bill No. 1 -2013

Introduced by:  
Greg Fox, Councilmember

AN ACT amending *PlanHoward 2030*, the general plan for Howard County, by defining Growth Tiers, as required by the Maryland Sustainable Growth and Agricultural Preservation Act of 2012; specifying additional designated place types to correspond with the Growth Tiers; revising certain maps to reflect the additional designated place types; adding new text to describe Growth Tiers and adding new maps; and generally relating to planning, zoning and land use in Howard County.

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Introduced and read first time \_\_\_\_\_, 2013. Ordered posted and hearing scheduled.

By order \_\_\_\_\_  
Stephen LeGendre, 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 \_\_\_\_\_, 2013.

By order \_\_\_\_\_  
Stephen LeGendre, Administrator

This Bill was read the third time on \_\_\_\_\_, 2013 and Passed \_\_\_\_, Passed with amendments \_\_\_\_\_, Failed \_\_\_\_\_.

By order \_\_\_\_\_  
Stephen LeGendre, Administrator

Sealed with the County Seal and presented to the County Executive for approval this \_\_\_\_ day of \_\_\_\_\_, 2013 at \_\_\_\_ a.m./p.m.

By order \_\_\_\_\_  
Stephen LeGendre, Administrator

Approved/Vetoed by the County Executive \_\_\_\_\_, 2013

\_\_\_\_\_  
Ken Ulman, County Executive

NOTE: [[text in brackets]] indicates deletions from existing law; TEXT IN ALL CAPITALS indicates additions to existing law; Strike-out indicates material deleted by amendment; Underlining indicates material added by amendment

1           **WHEREAS**, during the 2012 legislative session, the Maryland General Assembly  
2 enacted Senate Bill 236, The Sustainable Growth and Agricultural Preservation Act of 2012, that  
3 requires local jurisdictions to adopt Growth Tiers by December 31, 2012; and  
4

5           **WHEREAS**, the goal of Senate Bill 236 is to limit the disproportionate impacts of large  
6 subdivisions and septic systems on our farm and forest land, streams, rivers and Chesapeake and  
7 Coastal Bays; and  
8

9           **WHEREAS**, for over 30 years Howard County has been a national leader in farmland  
10 preservation and has been a model for many Maryland Counties by:

- 11           • Being one of the earliest Maryland Agricultural Land Preservation Foundation  
12 participants;
- 13           • Being one of the first counties to establish its own local preservation program,  
14 which creates perpetual easements on agricultural parcels;
- 15           • Being the first jurisdiction in the nation to implement innovative installment  
16 purchase agreements as a means to acquire easements;
- 17           • Having over 40,000 acres preserved in the County (including parkland, open  
18 space, Washington Suburban Sanitary Commission property, and obtaining  
19 agricultural easements on over 20,000 acres of farmland);
- 20           • Appropriating approximately \$253 million in funding toward the County’s  
21 preservation efforts; and  
22

23           **WHEREAS**, for over twenty years Howard County’s pace of development has been  
24 governed by its Adequate Public Facilities Ordinance, specifically, the Housing Unit Allocation  
25 Chart, which has slowed the pace of development in the Rural West and reduced the General  
26 Plan annual targets for residential completions by providing an orderly and predictable planning  
27 environment; and  
28

29           **WHEREAS**, Howard County’s Density Exchange Option, a model throughout the

1 nation, will meet the Transfer of Development Rights provision for Senate Bill 236; and

2  
3 **WHEREAS**, Growth Tiers designate certain areas for different types of development  
4 depending on certain characteristics such as sewerage service, agricultural use, forest and green  
5 space, and locally designated growth areas,

6  
7 **WHEREAS**, in July of 2012, by passage of Council Bill No. 26-2012, the Howard  
8 County Council adopted *PlanHoward2030*, a new general plan for Howard County, but deferred  
9 the inclusion of the Growth Tiers; and

10  
11 **WHEREAS**, in December of 2012, the County Council passed an amended Council Bill  
12 No. 37-2012, which sought to adopt new Growth Tiers designations which addressed much of  
13 the public input that was given at the Legislative Public Hearing; and

14  
15 **WHEREAS**, in December of 2012, the County Executive vetoed the amended Council  
16 Bill No. 37-2012, leaving the County out of compliance with Senate Bill 236; and

17  
18 **WHEREAS**, the County Council, in accordance with State law, now wishes to amend  
19 *PlanHoward2030* in order to include Growth Tiers.

20  
21 **NOW, THEREFORE,**

22  
23 ***Section 1. Be It Enacted*** by the County Council of Howard County, Maryland, that  
24 *PlanHoward2030* is hereby amended as follows and as more specifically shown in the attached  
25 pages:

- 26 1. *Text is amended or added on pages ii, 66, 76, 77, and 80;*
- 27 2. *A new Map 6-2, Designated Place Types, is inserted on page 74 to replace Map*  
28 *6-2 as contained in the adopted PlanHoward2030; and*
- 29 3. *A new Map 6-2.1, Uncommitted Land and Preserved Land in Western Howard*  
30 *County, is inserted on page 76; and*

1           4.     *A new Map 6-3, Sustainable Growth and Agricultural Preservation Act Growth*  
2                     *Tiers, is inserted on page 77 to replace Map 6-3 as contained in the adopted*  
3                     *PlanHoward2030.*

4  
5     ***Section 2. And Be It Further Enacted*** *by the County Council of Howard County, Maryland that the*  
6     *Director of the Department of Planning and Zoning may correct obvious errors, capitalization,*  
7     *spelling, grammar, headings and similar matters and may publish this amendment to PlanHoward*  
8     *2030 by adding or amending covers, title pages, a table of contents, and graphics to improve*  
9     *readability.*

10  
11    ***Section 3. And Be It Further Enacted*** *by the County Council of Howard County, Maryland,*  
12    *that this amendment be attached to and made part of PlanHoward2030.*

13  
14    ***Section 4. 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.*

- Workforce development and the promotion of training in science, technology, engineering, and math (STEM) are another focus.
- **Growth.** Addressing new State Smart Growth requirements, the County’s existing pace of housing allocations is maintained but redistributed based on designated place types AND “GROWTH TIERS”. Maintaining adequate public facilities remains a strong focus for the future, so a Fiscal Impact Analysis was prepared as a technical supplement.
- **Transportation.** Transit, bicycle, and pedestrian transportation receive greater emphasis, while also providing for the existing roadway network to be improved. Goals for strategies are proposed for enhancing the existing transit system via new service and increased regional cooperation, and for reducing personal vehicle miles traveled to improve air quality.
- **Public Facilities and Services.** County agencies’ key programs and capital project needs are presented, as well as budget constraints and strategies for coordinated planning, priority setting, and partnerships.
- **Housing.** The County will continue to develop new models to provide sustainably affordable housing in mixed income communities, and to educate both home-seekers and the general public on the many benefits of compact, mixed-use, mixed income, location-efficient homes.
- **Community Design.** The County will encourage well designed, context sensitive redevelopment in revitalization area, as well as selective infill in existing neighborhoods to create more complete communities. Community plans, updates to zoning regulations, and other mechanisms will implement these goals.
- **Implementation and Stewardship.** County government must continue to innovate and provide leadership; however, everyone has a stake in enhancing Howard County’s high quality of life. The foundation is laid for broad stakeholder collaboration and coordination to advance sustainability.

## uComment

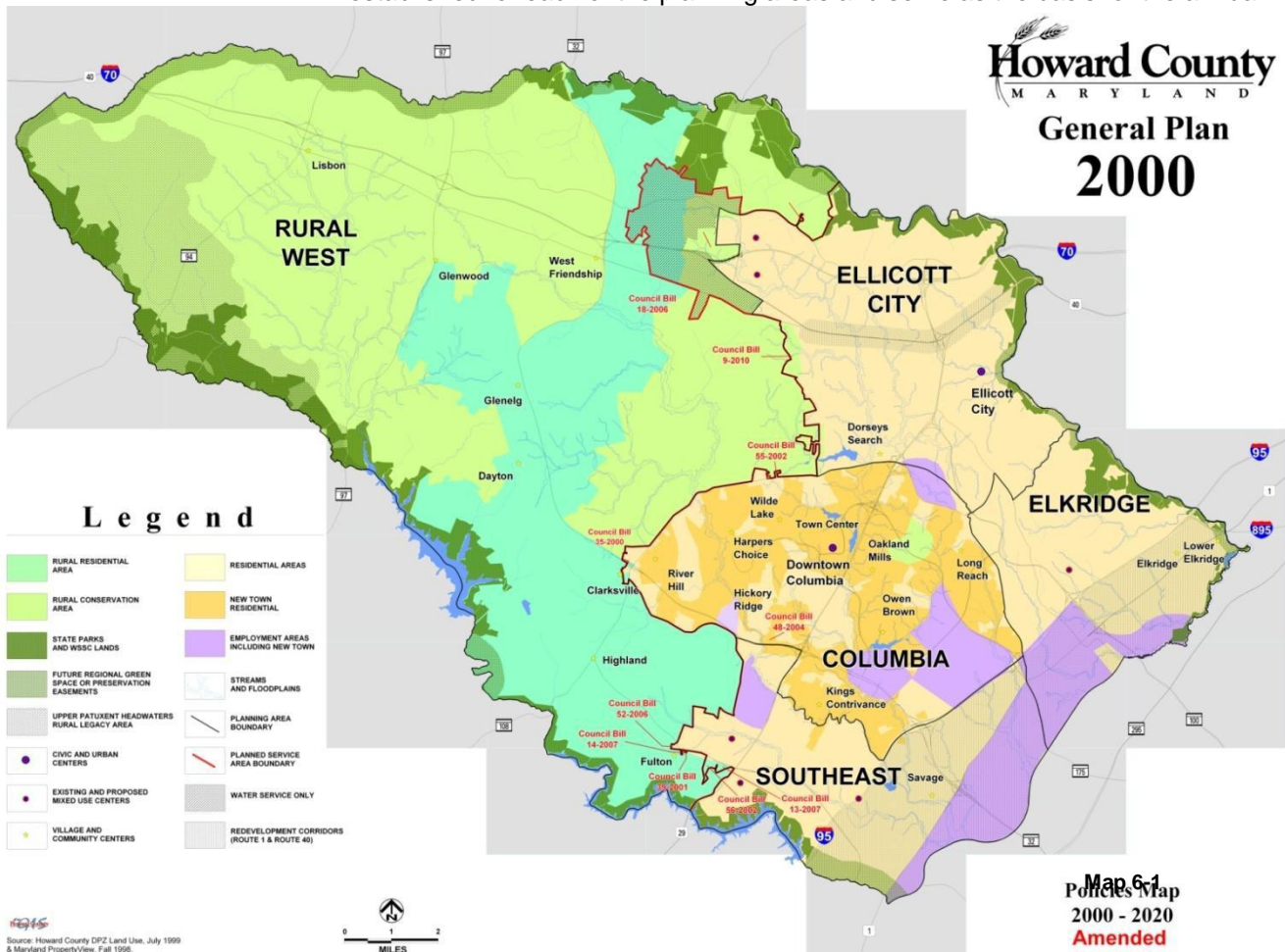
*PlanHoward 2030*’s motto is “Your County. Your Plan.” The County invites your comments and input on this document via a new feedback tool—uComment. uComment allows anyone to read and provide feedback on *PlanHoward 2030* anytime, 24 hours a day, seven days a week. *PlanHoward 2030* will be posted online in uComment for the duration of the public review process, so you may actively participate. Please visit the website and provide feedback at [www.PlanHoward.org](http://www.PlanHoward.org). The *PlanHoward 2030* website will also post notices about meetings and County Council hearings.

*PLANHOWARD 2030* ALSO INCORPORATES THE RECENTLY ADOPTED SENATE BILL 236-2012, KNOWN AS THE SUSTAINABLE GROWTH AND AGRICULTURAL PRESERVATION ACT. THE INTENT OF THIS LEGISLATION IS TWO-FOLD, THE PRESERVATION OF AGRICULTURAL LANDS AND RESOURCES AND OTHER SENSITIVE AREAS AS WELL AS THE PROHIBITION OF MAJOR SUBDIVISIONS OF FIVE OR MORE LOTS IN PRESERVATION AREAS. THIS STATE LAW REQUIRES LOCAL JURISDICTIONS TO CLASSIFY LAND INTO ONE OF FOUR GROWTH TIERS. THE TIERS FOR HOWARD COUNTY ARE DESIGNATED IN ACCORDANCE WITH THIS 2012 LAW AND ARE ALSO SHOWN IN THIS CHAPTER ON MAP 6-3.

## Progress under General Plan 2000

Since adoption of *General Plan 2000*, most residential and nonresidential growth has occurred in the County's PFA. Zoning changes were approved allowing higher-density, mixed-use development in targeted areas, particularly along the Route 1 Corridor where several projects have been completed and others are under construction or planned. Some mixed-use development has also been planned in parts of the Route 40 Corridor. The Downtown Columbia Plan was adopted, establishing the framework for progressive redevelopment and intensification of Howard County's urban center. Regulations allowing revitalization of older Columbia Village Centers have also been adopted.

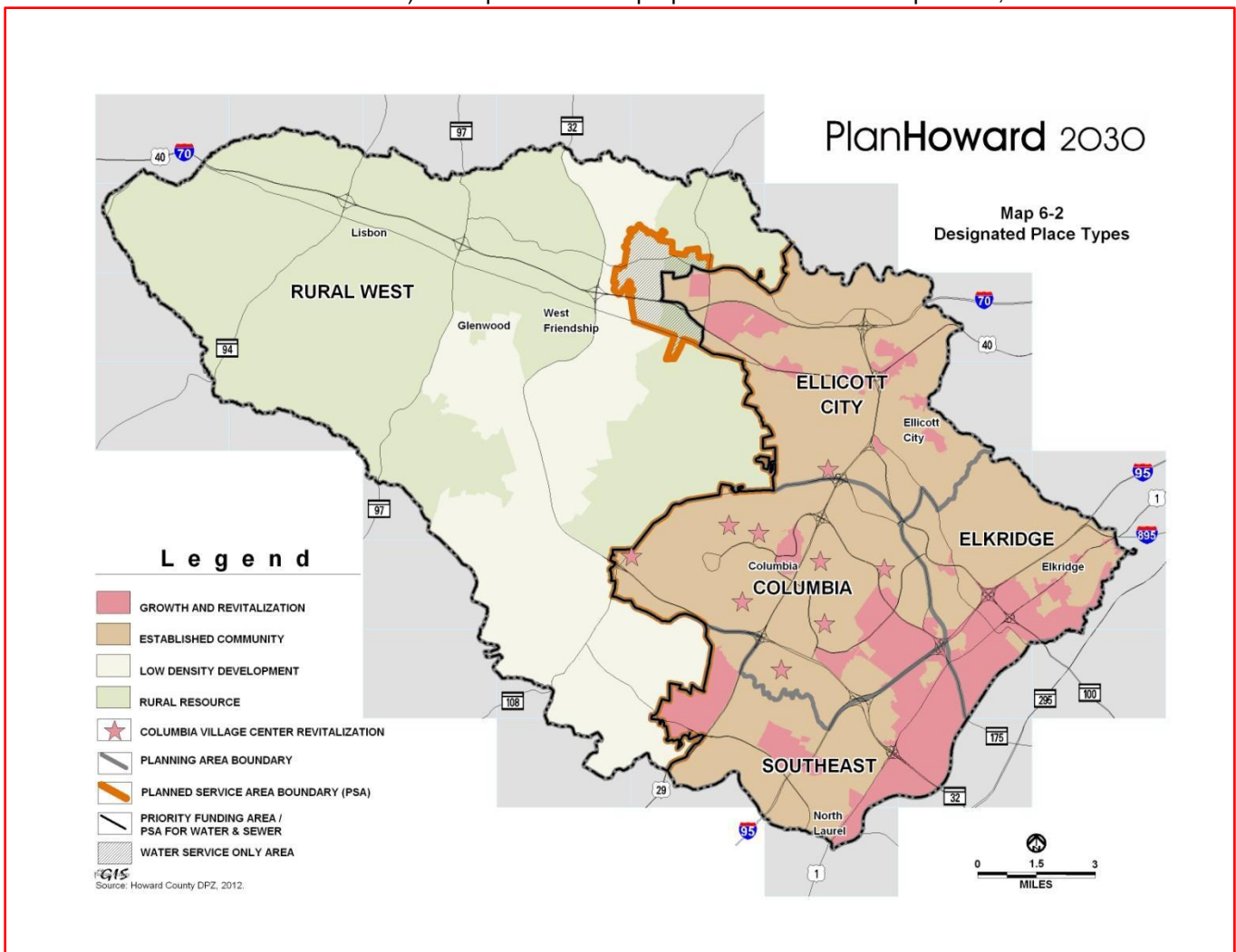
Map 6-1 is the Policies Map from *General Plan 2000* summarizing the major land use policies implemented with that plan. This map shows the five planning areas established under *General Plan 2000*. In that plan growth projections were established for each of the planning areas and serve as the basis for the annual



- 1) The proposed expansion of the Planned Service Area is intended to provide for a public or institutional use such as a religious facility, philanthropic institution, or academic school; or
- 2) The proposed expansion of the Planned Service Area includes a zoning proposal that is consistent with the General Plan and Smart Growth policies. Sewer and water infrastructure capacity and costs must be analyzed to confirm the feasibility and availability of scheduled capacity.

As established in *General Plan 2000* and subsequent amendments, institutional or public use expansions of the Planned Service Area boundary are limited to:

- 1) Properties adjoining the existing PSA boundary without including an intervening privately owned parcel;
- 2) The minimum area necessary to serve the proposed use. Subdivision of the parcel consistent with the PSA boundary amendment is required after approval of the General Plan amendment and prior to the inclusion of the parcel into the Metropolitan District; and
- 3) The particular use proposed at the time of expansion, with a deadline



## 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

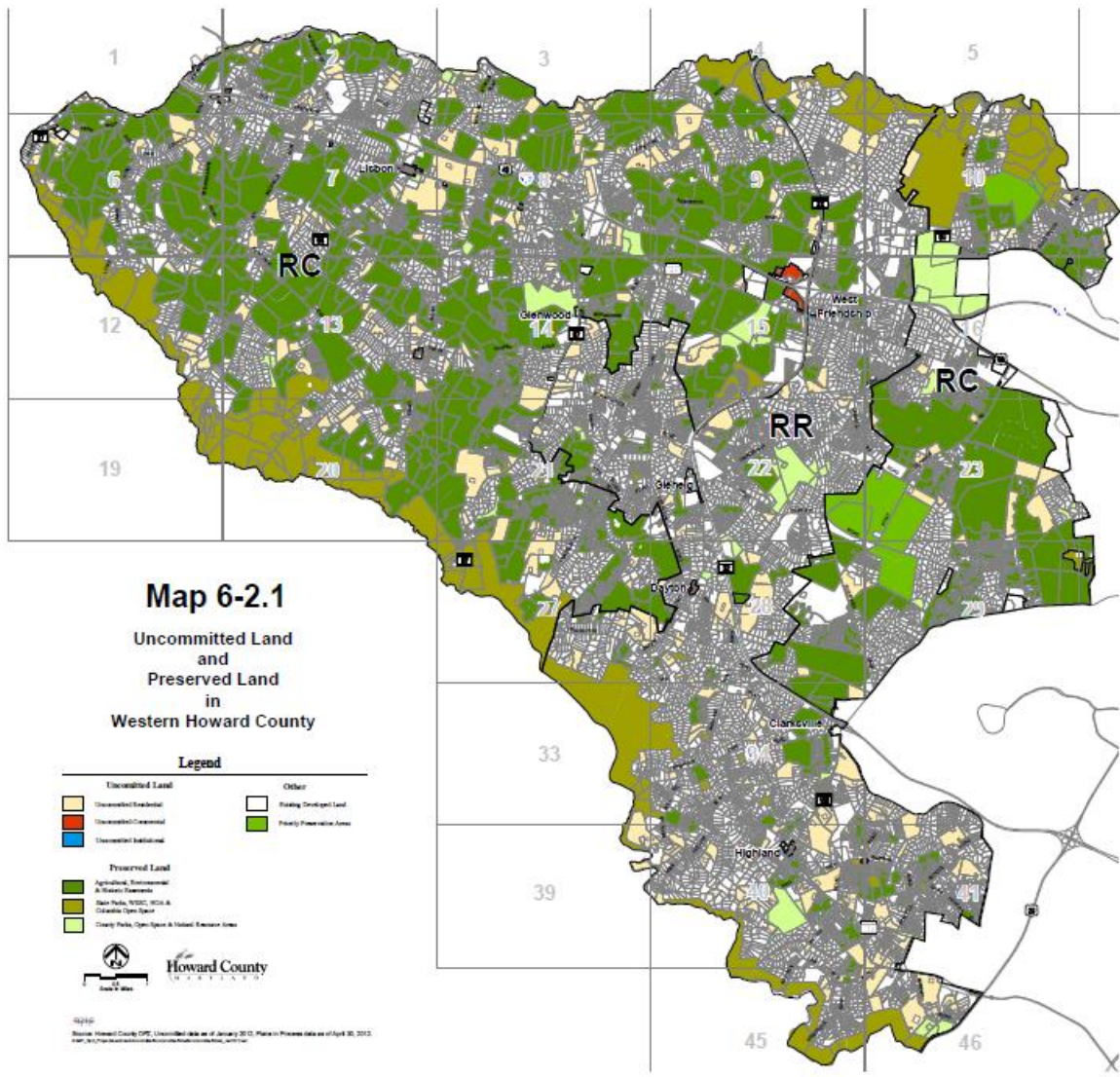
NEW RESTRICTIONS ON THE DEVELOPMENT OF MAJOR SUBDIVISIONS USING SEPTIC SYSTEMS IN RURAL AREAS WERE ADOPTED BY THE MARYLAND GENERAL ASSEMBLY IN APRIL 2012 THROUGH THE SUSTAINABLE GROWTH AND AGRICULTURAL PRESERVATION ACT (SENATE BILL 236). THIS ACT REQUIRES LOCAL JURISDICTIONS TO CLASSIFY LAND INTO ONE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

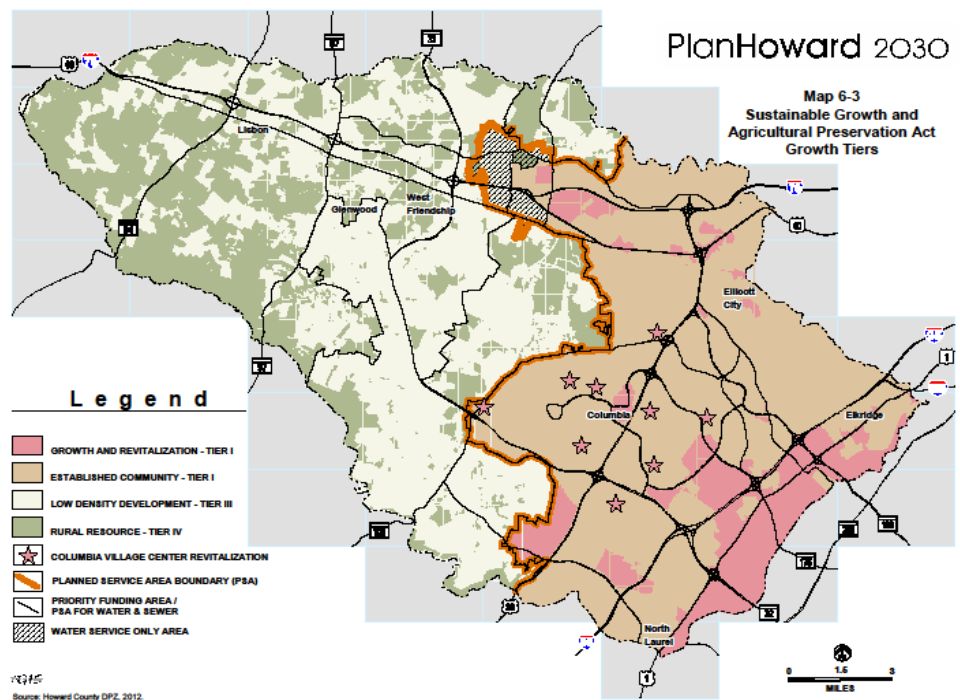
THE INTENT OF THIS LEGISLATION IS TO PROMOTE AGRICULTURAL PRESERVATION AS WELL AS PROHIBIT MAJOR SUBDIVISIONS OR FIVE OR MORE LOTS IN TIER IV AREAS. WHILE LIMITING DEVELOPMENT ON SEPTIC IS IMPORTANT, PRESERVING AGRICULTURAL LANDS AND THEIR PRODUCTIVITY AS WELL AS OTHER SENSITIVE AREAS FOR FUTURE GENERATIONS IS EQUALLY IMPORTANT. THIS GENERAL PLAN RECOGNIZES THE IMPORTANCE OF BALANCING THESE GOALS. AS HOWARD COUNTY IMPLEMENTS THIS LAW, CARE MUST BE TAKEN TO ENSURE THAT THE OPPORTUNITIES FOR GRANDFATHERING EXISTING FARMS AND FORESTS BY REQUESTING PERCOLATION TESTS BY JULY 1, 2012 DOESN’T ADVERSELY IMPACT EITHER OF THE GOALS.



LOCAL JURISDICTIONS MUST ADOPT TIER DESIGNATIONS BY DECEMBER 31, 2012 OR ALL AREAS NOT PLANNED FOR PUBLIC SEWER WILL BE RESTRICTED TO MINOR SUBDIVISIONS OF FOUR OR FEWER LOTS UNTIL TIERS ARE ADOPTED. 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 (LOW DENSITY DEVELOPMENT ON MAP 6-3) EQUATES TO ALL EXISTING DEVELOPED LAND IN THE RC AND RR ZONING DISTRICTS THAT ARE NOT IN THE PLANNED SERVICE AREA AND TIER IV (RURAL RESOURCE ON MAP 6-3) EQUATES TO ALL PRESERVED LAND IN THE RC AND RR ZONING DISTRICTS AS SHOWN ON MAP 6-2.1, UNCOMMITTED LAND AND PRESERVED LAND IN WESTERN HOWARD COUNTY.



TWO AMENDMENTS WERE ADOPTED TO THIS STATE LAW TO MODERATE THE IMPACT OF PROHIBITING NEW MAJOR SUBDIVISIONS IN TIER IV. ONE IS TO PROTECT ANY SUBDIVISION RIGHTS THAT WERE SPECIFICALLY RETAINED IN AN AGRICULTURAL, ENVIRONMENTAL, OR HISTORIC PRESERVATION EASEMENT FOR A PARTICULAR PROPERTY. THE OTHER IS AN ALLOWANCE FOR THE POSSIBILITY OF DENSITY TRANSFER OF DEVELOPMENT RIGHTS FROM TIER IV PROPERTIES. HOWARD COUNTY'S SUCCESSFUL DEO (DENSITY EXCHANGE OPTION) ZONING DISTRICT CURRENTLY ALLOWS FOR DENSITY TRANSFER UNDER CERTAIN CONDITIONS. THE PROVISIONS OF THE DEO DISTRICT SHOULD BE REVIEWED AND UPDATED, IF NECESSARY, DURING THE COMPREHENSIVE ZONING PROCESS TO ENSURE ITS CONTINUED USE AS ONE OF THE STRATEGIES TO ACCOMPLISH THE GOALS OF SB 236.



### Amount & Phasing of Future Residential Development

Howard County adopted Adequate Public Facility (APF) Regulations in 1992 in response to growth that exceeded 4,000 new homes per year in the late 1980s. The APF regulations control the pace of residential development and ensure the adequacy of school and road capacity in relation to growth. The pace of residential growth is set by the General Plan and controlled by a system of annual housing allocations that limit the amount of new residential development that is allowed to be processed through the plan review process each year. The APF Housing Allocation chart, which controls how allocations are distributed geographically to achieve General Plan policies, is adopted annually by the County Council. Currently allocations are distributed among the five planning

## Policies and Implementing Actions

### **POLICY 6.1 – Maintain adequate facilities and services to accommodate growth.**

#### **Implementing Actions**

- a. **Limited Planned Service Area Expansion.** Zoning requirements for approved PSA expansions should include a development proposal that is consistent with the General Plan and establishes a transition that is compatible with and enhances surrounding communities and provides an environmental benefit.
- b. **Place Types and Tiers.** Obtain State concurrence on *PlanHoward 2030* place designations and tiers in accordance with *PlanMaryland's* final criteria and procedures and the Sustainable Growth and Agricultural Preservation Act on or before December 31, 2012.
- c. **Revise APF Regulations.** Amend the current Adequate Public Facilities regulations to reduce allocation categories and reflect designated places.
- d. **APF Housing Allocations.** Incorporate the *PlanHoward 2030* housing forecasts into the Adequate Public Facilities Housing Allocation Chart.
- e. **Zoning.** Reduce competition for land resources by promoting more compact development in appropriate targeted growth and revitalization areas
- f. **Density Exchange Option.** Review and, as appropriate, amend the density exchange provisions of the DEO zoning district during the Comprehensive Zoning process to help mitigate RURAL subdivision [[restriction]] RESTRICTIONS DUE TO GROWTH TIERS.
- g. **Targeted Funding.** Optimize the use of State and County infrastructure funding and program resources targeted to County-designated place types.
- h. **Schools.** Make efficient use of existing school capacity avoiding unnecessary capital outlays.

### **POLICY 6.2 – Ensure that the County's needs for land for government facilities and land preservation are met in light of competing needs for housing and economic development.**