

Amendment 1 to Council Bill No. 1-2013

**BY: Chairperson at the request
of the County Executive**

**Legislative Day No. 2
Date: February 4, 2013**

Amendment No. 1

(This amendment substitutes several pages reflecting a change in the designation of properties as Tier III or Tier IV as follows:

- 1. Language is amended at the top of page 66;*
- 2. Language is amended on page 76 as it relates to the Sustainable Growth and Agricultural Preservation Act of 2012;*
- 3. Proposed map 6-2.1 is removed from page 76;*
- 4. A new page 76.1 is inserted;*
- 5. A new Map 6-3 is inserted on Page 77; and*
- 6. Language on page 80, related to the DEO and Agricultural Land Preservation Program policies, are amended.)*

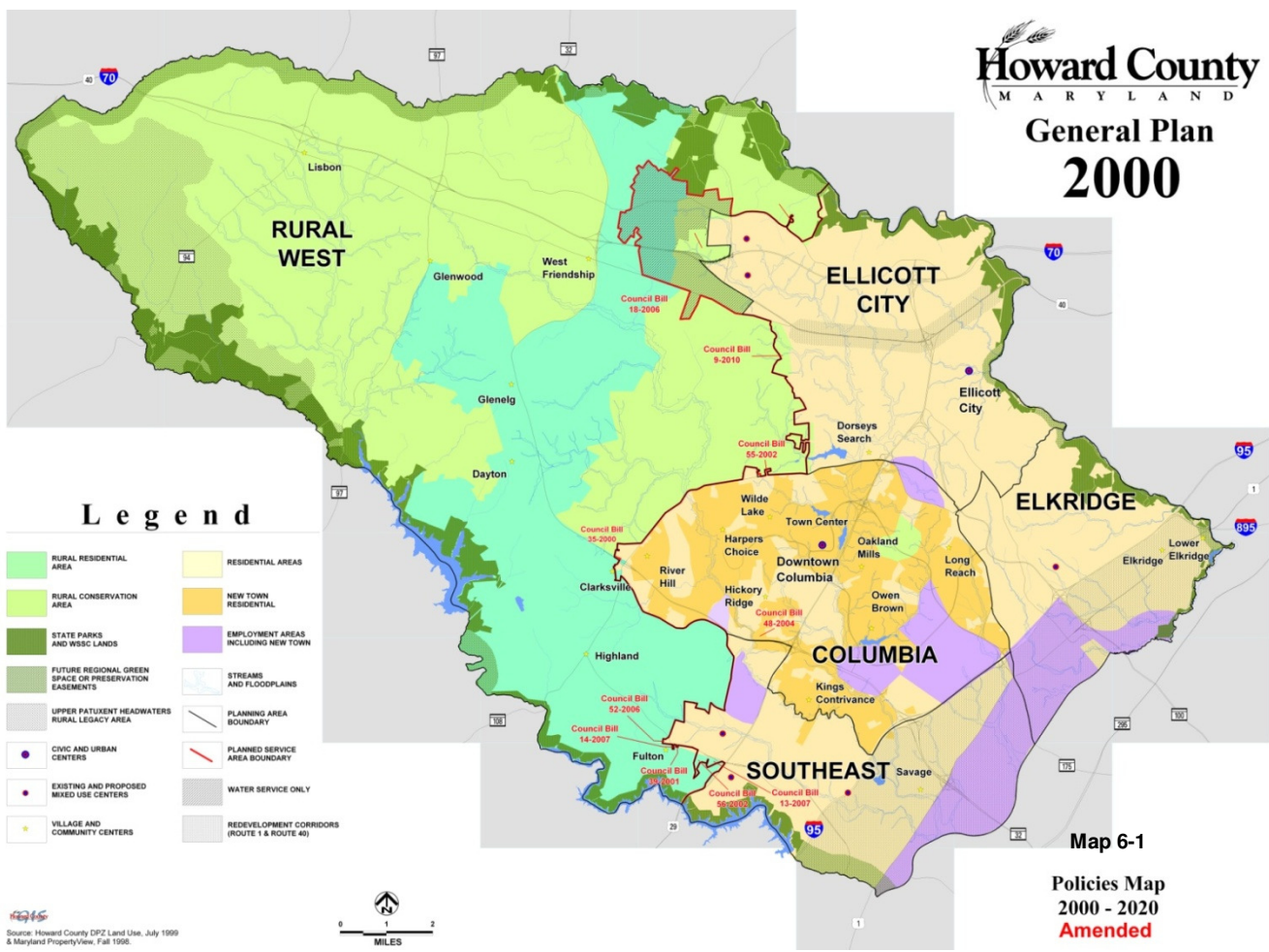
- 1 Remove pages 66, 76 (both pages 76), 77 and 80 as attached to the Bill is introduced and
- 2 substitute revised pages 66, 76, 77 and 80 as attached to this amendment.
- 3
- 4 Insert new page 76.1 after page 76.

PLANHOWARD 2030 ALSO INCORPORATES THE RECENTLY ADOPTED STATE LEGISLATION THAT IMPLEMENTS NEW RESTRICTIONS ON MAJOR SUBDIVISIONS USING SEPTIC SYSTEMS IN RURAL AREAS. THIS LEGISLATION, KNOWN AS THE SUSTAINABLE GROWTH AND AGRICULTURAL PRESERVATION ACT, REQUIRES LOCAL JURISDICTIONS TO CLASSIFY LAND INTO ONE OF FOUR “GROWTH TIERS.” THE INTENT OF THIS LEGISLATION IS TO PROHIBIT MAJOR SUBDIVISIONS OF FIVE OR MORE LOTS IN TIER IV AREAS. 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



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 PROHIBIT MAJOR SUBDIVISIONS OR FIVE OR MORE LOTS IN TIER IV AREAS. LOCAL JURISDICTIONS MUST ADOPT TIER DESIGNATIONS BY DECEMBER 31, 2012 OR ALL AREAS NOT SERVED BY PUBLIC SEWER WILL BE RESTRICTED TO MINOR SUBDIVISIONS OF FOUR OR FEWER LOTS. MAP 6-3 SHOWS THE GROWTH TIERS FOR HOWARD COUNTY. TIER I IS OUR PRIORITY FUNDING AREA, WHICH IS THE PLANNED SERVICE AREA FOR BOTH PUBLIC WATER AND SEWER. 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 EQUATES TO THE RR (RURAL RESIDENTIAL) ZONING DISTRICT WITH THE EXCEPTION OF ALREADY PRESERVED PARCELS THAT ARE DESIGNATED AS TIER IV; AND, TIER IV IS THE RC (RURAL CONSERVATION) ZONING DISTRICT WITH THE EXCEPTION OF 13 PARCELS

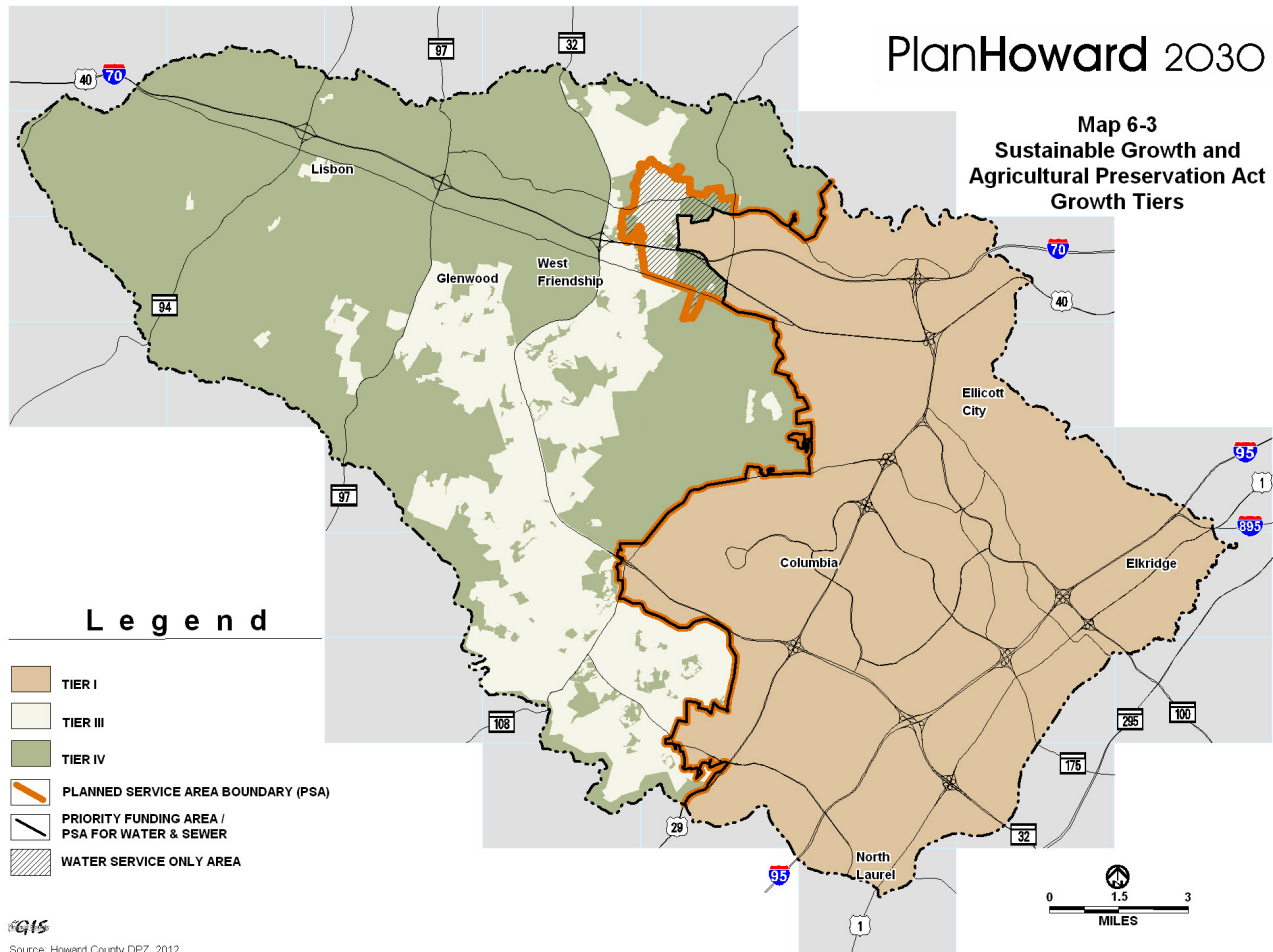
THAT HAVE INITIATED "GRANDFATHERING" UNDER SENATE BILL 236 BY APPLYING FOR SEPTIC "PERC" TESTING PRIOR TO JULY 1, 2012.

THE PURPOSE STATEMENTS IN THE RR AND THE RC ZONING DISTRICTS CLEARLY REFLECT THE PLANNING OBJECTIVES FOR THESE TWO GROWTH TIERS, AND THE EXCEPTIONS RELATE TO SPECIFIC EXEMPTIONS AND INCLUSIONS ENVISIONED BY SENATE BILL 236.

WHILE TIER IV PROPERTIES WILL NO LONGER BE ALLOWED TO SUBDIVIDE MORE THAN FOUR LOTS, REMAINING DEVELOPMENT RIGHTS MAY CONTINUE TO BE TRANSFERRED UNDER THE DEO (DENSITY EXCHANGE OPTION) TO THE TIER III DISTRICT, OR THEY MAY BE SOLD TO THE COUNTY IF A PROPERTY ENTERS THE COUNTY'S AGRICULTURAL LAND PRESERVATION PROGRAM. THE REGULATIONS FOR THE COUNTY'S AGRICULTURAL LAND PRESERVATION PROGRAM SHOULD BE REVIEWED AND AMENDED AS NEEDED TO FACILITATE OPEN ENROLLMENT.

PlanHoward 2030

Map 6-3
Sustainable Growth and
Agricultural Preservation Act
Growth Tiers



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 and Agricultural Land Preservation Program.** Review and, as appropriate, amend the density exchange provisions of the DEO zoning district during the Comprehensive Zoning process AS WELL AS THE REGULATIONS FOR THE AGRICULTURAL LAND PRESERVATION PROGRAM 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.