

**Amendment 30 to Council Bill No. 28 -2023**

**BY: The Chairperson at the Request  
of the County Executive**

**Legislative Day 11  
Date: October 2, 2023**

**Amendment No. 30**

*(This Amendment amends an implementing action to provide that the Green Neighborhood program will be used to advance other General Plan polices and will result in more innovative demonstration projects for future green development.)*

- 1 In the *HoCo By Design* General Plan, attached to this Act as Exhibit A, amend the following
- 2 pages as indicated in this Amendment:
- 3     • Chapter 3, Ecological Health – page 20
- 4     • Chapter 11, Implementation – page 17
- 5
- 6 Correct all page numbers, numbering, and formatting within this Act to accommodate this
- 7 amendment.

# INCENTIVIZING NATURAL RESOURCE PROTECTION AND RESTORATION

The County currently has few incentives to encourage resource protection and restoration measures that go beyond the minimum requirements of the Subdivision and Land Development and Zoning Regulations.

## Green Neighborhood Program

The Subdivision and Land Development Regulations include the Green Neighborhood Program, which is a voluntary, point-based program that provides housing allocations as an incentive for more environmentally friendly and sustainable development. Under PlanHoward 2030, up to 150 housing unit allocations were set aside annually for projects that meet Green Neighborhood requirements. HoCo By Design continues this important incentive.

The Green Neighborhood Program is divided into separate Site and Home requirements. Applicants earn Site points for a wide variety of green practices, such as designing a walkable community; exceeding minimum requirements for stormwater management, stream and wetland buffers, or forest conservation; using native plants for landscaping; restoring and creating wetlands; and restoring in-stream habitat. Applicants earn Home points for green practices such as using energy and water efficient appliances and fixtures, providing on-site renewable energy, and building with wood from sustainably managed forests.

Only two developments with a total of 1,458 dwelling units have qualified as Green Neighborhoods since the program's inception in 2008. Program participation has been limited by a major national recession that slowed development shortly after the program's inception, and the wide availability of housing allocations, which has reduced their value as an incentive. In addition, the development community has reported the need for greater flexibility and options for earning points to qualify for the program. The County has also experienced challenges in enforcing long-term implementation and maintenance for some of the Green Neighborhood features, such as habitat management plans and native landscaping. The program would benefit from an evaluation and update to address these issues and to incorporate new options, such as protecting the Green Infrastructure Network and/or increasing moderate income housing units.



## Zoning Regulations

The Zoning Regulations include a Density Exchange Overlay (DEO) District for the RC and RR Districts, which provides an opportunity and incentive to preserve significant blocks of farmland and rural land in the West. An overlay district is a district established to respond to special features or conditions of an area, such as historic value, physical characteristics, or location. An overlay district may also supplement or provide an alternative to the regulations of the underlying zoning district. The DEO District allows residential density in the RC and RR Districts to be exchanged between parcels. Density exchanges are intended to preserve large parcels in perpetuity, while residential development is directed toward parcels that can more readily accommodate the additional dwellings. Use of this district has been successful in permanently preserving large tracts of open space and environmental and agricultural land, and should be continued under any new zoning regime. Additionally, an overlay district may be an appropriate approach to further protect watersheds with unique conditions or resources, as well as the Green Infrastructure Network.

## Additional Incentives

Additional incentives could be employed to supplement changes to the Subdivision and Land Development Regulations and Zoning Regulations for enhanced resource protection and restoration. These could include density bonuses, tax credits, housing allocations, and private-public partnerships.

### EH-4 Policy Statement

Incentivize additional resource protection and restoration measures within new development and redevelopment.

### Implementing Actions

1. Consider increased use of a density exchange overlay district, in both the West and the East, to protect sensitive resources in areas with unique conditions or resources.
2. Consider incentives to encourage environmental protection and restoration when properties are developed or redeveloped, such as tax credits, density bonuses, housing allocations, and public-private partnerships.
3. Evaluate and strengthen the Green Neighborhood Program to ensure adequate incentives will increase program use, advance other General Plan policies and incorporate new options, such as increased moderate income housing units, and result in more innovative demonstration projects for future green development.

Table 10-1: Implementation Matrix		
Policy and Implementing Actions	Lead Agency	Timeframe (Mid-Term five-year, Long-Term six+ years, Ongoing)
<b>EH-3 - Ensure the Subdivision and Land Development Regulations and Zoning Regulations provide adequate protection for sensitive environmental resources within new development and redevelopment.</b>		
1. Evaluate and enhance protections, including sediment and erosion control, where needed for sensitive environmental resources, such as water resources, steep slopes, and rare, threatened, and endangered species, in the Subdivision and Land Development Regulations.	DPZ HSCD	Mid-Term
2. Explore whether cluster development may also be appropriate in other residential zoning districts during the zoning regulation update process.	DPZ	Mid-Term
<b>EH-4 - Incentivize additional resource protection and restoration measures within new development and redevelopment.</b>		
1. Consider increased use of a density exchange overlay district, in both the West and the East, to protect sensitive resources in areas with unique conditions or resources.	DPZ	Mid-Term
2. Consider incentives to encourage environmental protection and restoration when properties are developed or redeveloped, such as tax credits, density bonuses, housing allocations, and public-private partnerships.	DPZ HCEDA Private Partners	Mid-Term
3. Evaluate and strengthen the Green Neighborhood Program to ensure adequate incentives will increase program use, <u>advance other General Plan policies and incorporate new options</u> , such as increased moderate income housing units, <u>and result in more innovative demonstration projects for future green development.</u>	DPZ DILP OCS	Mid-Term

Table 10-1: Implementation Matrix		
Policy and Implementing Actions	Lead Agency	Timeframe (Mid-Term five-year, Long-Term six+ years, Ongoing)
<b>EH-5 - Evaluate and improve stormwater management requirements to enhance climate change resilience.</b>		
1. Conduct a flooding vulnerability assessment to determine which watersheds are susceptible to chronic flooding under current and expected future precipitation patterns.	DPW	Ongoing
2. Update stormwater management design standards to address current and expected future precipitation patterns. Consider adding quantity management requirements, including management for short-duration, high-intensity storms in vulnerable watersheds.	DPZ DPW OCS	Mid-Term
3. Evaluate opportunities to further reduce stormwater runoff and pollutant loadings when redevelopment occurs.	DPZ DPW OCS	Mid-Term
4. Continue to use a nature-based or green stormwater infrastructure approach (bioretention, swales) in combination with a built or gray infrastructure approach (pipes, ponds) to address flood mitigation and adaptation, to maximize ecological benefits.	DPW DPZ OCS Private Partners	Ongoing
5. Evaluate alternatives for improving, enforcing, and funding long-term inspection and maintenance of stormwater management facilities, particularly those facilities located on private residential lots.	DPW Private Partners	Mid-Term