

Amendment 65 to Council Bill No. 28 -2023

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Legislative Day 11

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Amendment No. 65

(This Amendment makes the following changes to HoCo By Design Chapter 3, Chapter 10, and Chapter 11:

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| <i>Chapter 3: Ecological Health</i> | <ul style="list-style-type: none">- <i>Removes the entire section titled “Incentivizing Natural Resource Protection and Restoration,” including the subsections titled “Green Neighborhood Program,” “Zoning Regulations,” and “Additional Incentives”;</i>- <i>Removes the EH-4 Policy Statement and Implementing Actions;</i> |
| <i>Chapter 10: Managing Growth</i> | <ul style="list-style-type: none">- <i>Removes references to and the description of the Green Neighborhood Program;</i>- <i>Removes the Green Neighborhood Program and all the Green Neighborhood Allocations from Table 10-1: Howard County APFO Allocations Chart – HoCo By Design;</i>- <i>Removes a narrative section that compares HoCo By Design housing goals to PlanHoward 2030 housing goals; and</i> |
| <i>Chapter 11: Implementation</i> | <ul style="list-style-type: none">- <i>Removes the EH-4 Policy Statement and Implementing Actions.)</i> |

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: 19 and 20;
- 4 • Chapter 10: Managing Growth: 7 and 8;
- 5 • Chapter 11: Implementation: 17.

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7 Correct all page numbers, numbering, and formatting within this Act to accommodate this
8 amendment.

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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 Plan Howard 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 and incorporate new options, such as increased moderate income housing units.

Adequate Public Facilities Ordinance (aPFO)

Housing Unit Allocations

APFO sets the pace of new residential development through an annual housing allocation chart, which caps the number of new units that can be built each year by geographic region. Once the annual cap is reached, subdivision plans are placed “on hold” until the next year when more allocations are made available.

The allocation chart for HoCo By Design is shown in Table 10-1 and includes the years 2026-2040. This allocation chart is based on the approximately ~~1,580~~ **1,430** housing units targeted per year over the 15-year timeframe of this chart. Allocations are granted, if available, once the initial subdivision or site development plan is approved. Given that it typically takes several years for the development review process to be completed (to final plat recordation and site development plan approval), allocations are granted three years ahead of when the new units are expected to be built. Since HoCo By Design has been presented for adoption in 2023, the first year on the allocation chart is 2026.

There are four geographic regions in the HoCo By Design allocation chart: Downtown Columbia, Activity Centers, Other Character Areas, and Rural West. Allocations amount to an average total of approximately ~~1,580~~ **1,430** new residential units per year over the 15 years in the chart, including ~~Green Neighborhood~~ and Affordable Housing units. The number of units in each region is tied to the future land use capacity as modeled and estimated in the Future Land Use Map (FLUM). ~~In addition to the four geographic regions, the allocation chart for HoCo By Design maintains the set-aside incentive of 150 units per year for Green Neighborhood developments. Projects using Green Neighborhood allocations must meet the Green Neighborhood requirements, as specified in the Howard County Subdivision and Land Development Regulations. The total annual average of approximately 1,580 units is significantly less than the 2,084 units targeted in the allocation chart of the previous General Plan, Plan Howard 2030. However, since the County has only realized an annual average of about 1,500–1,600 units per year over the past decade, the revised target of 1,580 units is a realistic measure given the remaining land available and multiple factors influencing growth.~~

~~Just as the housing allocation chart offers a set aside incentive for the Green Neighborhoods program,~~ HoCo By Design proposes an Affordable Housing set aside incentive as well. These additional allocations could help increase the supply of affordable housing units above and beyond what is required under the County’s Moderate Income Housing Unit (MIHU) program, and could assist the County with reaching the affordability and accessibility targets recommended in the Housing Opportunities Master Plan. As noted in the Dynamic Neighborhoods chapter, ideal locations for these set asides could be in mixed-use activity centers, redeveloped multi-family communities, and within the Affordable Housing Overlay Zoning District.

Table 10-1: Howard County APFO Allocations Chart - HoCo By Design

Year	Downtown Columbia (1)	Activity Centers	Other Character Areas	Rural West	Total	Green Neighborhood	Affordable Housing
2026	335	600	365	100	1,400	150	150
2027	335	600	365	100	1,400	150	150
2028	335	600	365	100	1,400	150	150
2029	335	600	365	100	1,400	150	150
2030	335	600	365	100	1,400	150	150
2031	155	600	365	100	1,220	150	150
2032	155	600	365	100	1,220	150	150
2033	155	600	365	100	1,220	150	150
2034	155	600	365	100	1,220	150	150
2035	154	600	365	100	1,219	150	150
2036	154	600	365	100	1,219	150	150
2037	154	600	365	100	1,219	150	150
2038	154	600	365	100	1,219	150	150
2039	154	600	365	100	1,219	150	150
2040	154	600	365	100	1,219	150	150
Total	3,219	9,000	5,475	1,500	19,194	2,250	2,250
Annual Average	215	600	365	100	1,280	150	150

(1) The allocations for Downtown Columbia align with the phasing chart in the approved and adopted 2010 Downtown Columbia Plan.

As indicated earlier, HoCo By Design envisions future development in the Gateway Regional Activity Center. Once a master plan for Gateway is completed, and the number and pacing of residential units for Gateway determined, the allocation chart can be amended to include annual allocations for Gateway or a separate chart for Gateway can be adopted. However, these units are not likely to be built in the near-term, as zoning changes will follow the master plan and units will take several years after zoning to be constructed.

Table 10-1: Implementation Matrix		
Policy and Implementing Actions	Lead Agency	Timeframe (Mid-Term five-year, Long-Term six+ years, Ongoing)
EH-3 - Ensure the Subdivision and Land Development Regulations and Zoning Regulations provide adequate protection for sensitive environmental resources within new development and redevelopment.		
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
EH-4 - Incentivize additional resource protection and restoration measures within new development and redevelopment.		
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 and incorporate new options, such as increased moderate income housing units.	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)
EH-5 - Evaluate and improve stormwater management requirements to enhance climate change resilience.		
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