



# Howard County Council

George Howard Building  
3430 Court House Drive  
Ellicott City, Maryland 21043-4392

## COUNCILMEMBERS

Jennifer Terrasa, Chairperson  
District 3  
Mary Kay Sigaty, Vice Chairperson  
District 4  
Courtney Watson  
District 1  
Calvin Ball  
District 2  
Greg Fox  
District 5

## Minutes (Approved) Legislative Work Session February 26, 2013

The work session was called to order by Chairperson Terrasa at 4:06 p.m. in the Banneker Room, George Howard Building, 3430 Court House Drive, Ellicott City.

Members present: Calvin Ball; Greg Fox; Mary Kay Sigaty; Jennifer Terrasa; and Courtney Watson.

Council Bill No. 9-2013 - Revising the criteria used to determine whether property is eligible for the County Agricultural Land Preservation Program; revising the process by which development rights are purchased under the Program; authorizing the County, under certain conditions, to transfer purchased development rights for a certain purpose; requiring the Department of Planning and Zoning to establish a process for such transfers; and generally relating to the County Agricultural Land Preservation Program.

Council Bill No. 10-2013 - Amending certain provisions related to nuisance suits against agricultural operations; amending certain definitions; clarifying the types of properties for which certain protection applies; requiring certain mediation; and generally related to nuisance suits against agricultural operations.

Council Resolution No. 23-2013 - Amending the purchase price formula used to determine the price that Howard County pays when purchasing development rights under the Agricultural Land Preservation Program; and specifying that the purchase price formula shall be effective upon passage of the resolution and shall remain in effect until changed or repealed by resolution of the County Council.

The members discussed the legislation with Marsha McLaughlin, Joy Levy, Susan Overstreet and Lisa O'Brien. Topics for CR 23 included the commentary on the scoring system from members of the Agricultural Land Preservation Board and the assignment of the additional points for Green Infrastructure. Topics for CB 10 included the expanded definition of farming. Topics for CB 9 included the process for transfer of development rights, the absorption of units previously purchased and held in perpetual easement, the netting out of steep slopes and wetlands, the extent of available receiving parcels, the timing of future transfers with respect to market conditions and funding, whether to Bank development rights for the present and whether

to develop a process for extinguishing development rights. Following consultation with the Office of Law, Ms. McLaughlin will provide additional details concerning the anticipated process for transfer of development rights. She will also provide details concerning models in place in other counties. Finally, she will provide options for determining the trigger for transfer of the development rights.

Council Bill No. 6-2013 (ZRA 143) - Introduced by the Chairperson at the request of Normandy Venture Limited Partnership - amending the Howard County Zoning Regulations' TNC (Traditional Neighborhood Center) overlay district to expand the permitted uses and change the bulk regulations; and generally related to the TNC overlay district.

The members discussed the bill with representatives of Normandy Venture Limited Partnership (William Erskine, Brian Gibbons, and Shawn Davis), Ms. McLaughlin and Paul Johnson. Topics of discussion included the quality of the design, economic viability, collaboration with the community, the project timeline, the proposed height and setbacks, the residential unit to commercial space ratio, the parking structure and drive-through services. The members reviewed a series of draft amendments, including a definition for "recreational facility, commercial", clarification that existing commercial must be renovated to the requirements of new commercial construction in the district, and the retention of the existing MIHU requirement. Staff was directed to revise one of the draft amendments and prepare a new amendment to restore the existing residential unit to commercial space ratio. Ms. McLaughlin will be offering an amendment for kiddie recreational facilities and on phasing of residential and commercial construction. She will also determine whether the Design Manual provides for mitigation of drive through services.

Council Bill No. 8-2013 - Establishing a Watershed Protection and Restoration fund as a dedicated, non-lapsing, enterprise fund; specifying the purposes of the fund and allowing certain revenue to be deposited into the fund; allowing the fund to be used for certain purposes; establishing a Watershed Protection and Restoration Fee; establishing the method, frequency and enforcement of the collection of the Fee; setting forth certain provisions specific to particular types of properties; creating a certain credit and reimbursement program to adjust the amount of the Fee that certain properties will pay; allowing for certain adjustments; allowing for a certain Assistance Program; allowing certain appeals; authorizing the adoption of certain regulations; defining certain terms; amending certain definitions; providing for certain enforcement; and generally relating to the Watershed Protection and Restoration Program in Howard County.

Council Resolution No. 21-2013 - Approving schedules for various charges related to the Watershed Protection and Restoration Fee including the impervious unit rate and the amounts for certain credit, reimbursement and assistance programs.

The members discussed the legislation with Josh Feldmark, Mark DeLuca and Jim Caldwell. The topics of discussion included the obligations and costs associated with TDMLs and the MS 4

permit, budget and staffing projections for the initial year and the 3-5 year period, the need for a demonstration of the GIS methodology for determining impervious coverage, the need for a comprehensive FAQ, alternative models to the impervious coverage model, and potential credits. The members requested additional information from the Administration for a subsequent work session. These items include information related to the funding in the short and long term, how the monies will be distributed to permit activities, the maintenance back log and administrative costs, alternatives to the impervious coverage model, the impact on the fee of excluding public infrastructure, how the County will satisfy the TDMLs, and issues associated with accessing private properties. The County's consultant was asked to participate in the next work session.

**Comprehensive Zoning - Following** the completion of the work session agenda, Ms. McLaughlin briefed the members on the status and process for Comprehensive Zoning. She distributed a schedule, highlights of proposed zoning regulation changes and charts showing Map Amendment Recommendations and Applications that are not supported by the Department of Planning and Zoning.

The work session was adjourned at 8:10 p.m.