



HOWARD COUNTY DEPARTMENT OF PLANNING AND ZONING

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■ Ellicott City, Maryland 21043 ■

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Voice/Relay

Valdis Lazdins, Director

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TECHNICAL STAFF REPORT ADDENDUM

March 23, 2016

Planning Board Meeting of April 7, 2016
County Council Hearing to be scheduled

Case No./Petitioner: Valdis Lazdins, Director, Department of Planning and Zoning

Staff Report Prepared by: Amy Gowan, Deputy Director, Department of Planning and Zoning
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Subject: Addendum to the Technical Staff Report for the Planning Board Meeting of February 18, 2016 regarding an amendment to *PlanHoward 2030* to revise the Growth Tiers.

The purpose of this addendum is to update Sections II and III and Exhibits A and B of the Technical Staff Report for the above referenced Subject. The following information replaces the information provided at the February 18, 2016 hearing.

II. DESCRIPTION

The Tier designations adopted through Council Bill No. 1-2013 restricted development rights for areas designated Tier IV. To ease these restrictions, the proposed General Plan amendment seeks to revise the Growth Tier designations and return development rights previously eliminated. As such, all properties not preserved in the Rural Residential (RR) Zoning District would be designated Tier III, as well as certain properties in the Rural Conservation (RC) zoning district. RC properties in Tier III are those that have major subdivision potential (larger than 21.25 acres) or those that were grandfathered by applying for septic "perc" testing prior to July 1, 2012.

Tier IV designated properties are all other properties in the RC Zoning District, not included in Tier III and all preserved parcels in the RR zoning district. Tier I properties would remain unchanged and Tier II does not apply to Howard County.

The amended language deletes text and adds new text on pages 71, 73, and 75. A new Map 6-3, Sustainable Growth and Agricultural Preservation Act Growth Tiers, would be inserted on page 72 to replace Map 6-3.

III. EVALUATION AND CONCLUSIONS

The following chart summarizes the additional development potential that could result from the proposed revisions:

Impact Data Chart- Growth Tier Revisions

Property Type	Acres	Number of parcels over 21.25 acres	If All Remains as Tier IV	If Tier IV Lifted	
			Existing/Potential Units	Potential Units	Potential Added Capacity
Properties with Major Subdivision Potential	2,181	49	196	489	293

According to the proposed General Plan Amendment, 49 properties would regain major subdivision rights (five or more units) by moving from Tier IV to Tier III. These 49 properties are larger than 21.25 acres, which is the minimum size necessary to yield a major subdivision given the current allowable densities under the Howard County Zoning Regulations. If these properties remained in Tier IV, development potential would be limited to a minor subdivision (four units or less units), which could yield up to 196 units. If these same properties are moved into Tier III, development potential would increase to 489 units, a net increase of 293 units. Additional details of this analysis at the property level can be found in Exhibit B.

Also included in the proposed General Plan Amendment, but not included in the Impact Data Analysis, is the placement of the Bon Secours and Franciscan Friars at Folly Quarter properties into Tier III. These two properties have been classified as longstanding institutional uses and a Tier III designation is not anticipated to create any future development impacts.

Even if all 293 additional units were constructed, the pace of development would be limited and spread over time given the controls associated with the RC and RR zones, as well as the Adequate Public Facility Ordinance (APFO). APFO has governed the pace of development in Howard County, ensuring that it occurs with the necessary infrastructure in place. The County's unique housing unit allocations have also provided an orderly and predictable planning environment, especially in the rural west.

Given the limited potential for additional development (approximately 293 residential units) and given the local zoning controls in place, the Department of Planning and Zoning does not believe this General Plan Amendment considerably impacts the goals of SB 236. *PlanHoward 2030's* preservation and conservation policies continue to be effectuated through the RC as well as other Zoning Districts; this General Plan amendment would not affect those efforts. Furthermore, the proposed amendment implements SB 236, while maintaining local authority over zoning and growth management.

IV. RECOMMENDATION

The Department of Planning and Zoning recommends approval and adoption of a General Plan Amendment to *PlanHoward 2030* to revise the Growth Tier designations as described herein.

 3/23/16
Valdis Lazdins, Director Date

Attachment(s)

- Exhibit A for GPA 2016-01 to *PlanHoward 2030* – *as revised per date of this report*
- Exhibit B – Detailed Impact Analysis Chart – *as revised per date of this report*

Page 71

Sustainable Growth and Agricultural Preservation Act of 2012

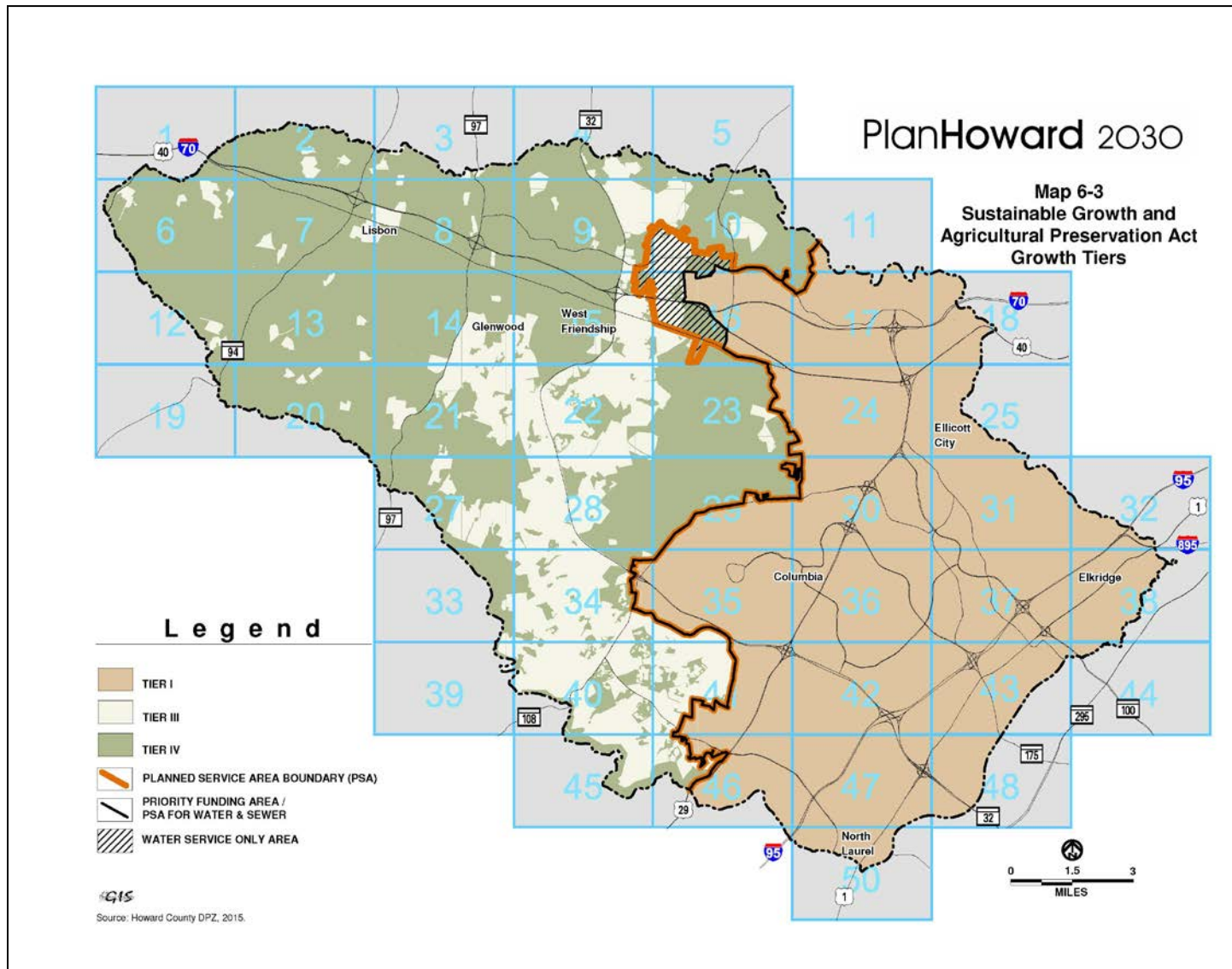
New restrictions on the development of major subdivisions using septic systems in rural areas were adopted by the Maryland General Assembly in April 2012 through the Sustainable Growth and Agricultural Preservation Act (Senate Bill 236). This Act requires local jurisdictions to classify land into one 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 of five or more lots in Tier IV areas. Local jurisdictions must adopt tier designation by December 31, 2012, or all areas not planned for public sewer will be restricted to minor subdivisions of four or fewer lots.]] **PROMOTE RESOURCE PRESERVATION AS WELL AS PROHIBIT MAJOR SUBDIVISIONS OF 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 SIGNIFICANT.** Map 6-3 shows the Growth Tiers for Howard County.

NEW SUSTAINABLE GROWTH AND AGRICULTURAL PRESERVATION ACT GROWTH TIERS (Map 6-3)

(REVISED 3/17/16)



(REVISED 3/17/16)

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 equates to **ALL NON-PRESERVED PARCELS IN the RR (Rural Residential) zoning district** [[with the exception of already preserved parcels that are designated as Tier IV]], **AS WELL AS CERTAIN PARCELS IN THE RURAL CONSERVATION (RC) ZONING DISTRICT WITH MAJOR SUBDIVISION POTENTIAL AND PROPERTIES THAT WERE** [[and Tier IV is the RC (Rural Conservation) zoning district with the exception of 13 parcels that have initiated “grandfathering”]] **“GRANDFATHERED”** under Senate Bill 236 by applying for septic “perc” testing prior to July 1, 2012. [[In addition, other parcels, for which the development process was initiated prior to the adoption of Senate Bill 236, will be able to continue the development process in accordance with the grandfathering provisions of Senate Bill 236.]] **TIER IV IS ALL OTHER REMAINING LAND IN THE RC ZONING DISTRICT AND PRESERVED PARCELS IN THE RR ZONING DISTRICT.**

[[The purpose statements in the RR and 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 DEO (Density Exchange Option) to the Tier III district, or they may be sold to the County if a property enters into the County’s Agricultural Land Preservation Program. **ADDITIONALLY, STATE LAW PROTECTS SUBDIVISION RIGHTS THAT WERE SPECIFICALLY RETAINED IN AN AGRICULTURAL, ENVIRONMENTAL, OR HISTORIC PRESERVATION EASEMENT FOR A PARTICULAR PROPERTY.** The regulations for the County’s agricultural Land Preservation Program should be reviewed and amended as needed to facilitate open enrollment.

As part of the initial review to be provided to the Council under Policy 2.1, Action C., the successes and impacts of the Growth Tiers and related policies as required Under Senate Bill 236 should be addressed.

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 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.

GENERAL PLAN AMENDMENT 2016-01 - EXHIBIT B

(REVISED 3/17/16)

**Non-Grandfathered Tier IV Properties 21.25 Acres or More
As of January 1, 2016**

If All Remains as Tier IV				If Tier IV Lifted	
	Number Of Parcels	Potential Units	Acres	Potential Units	Added Unit Capacity
Undeveloped	49	196	2,181.24	489	293

Stat Area	Tax Map	Block	Lot	Parcel	Zoning	Use	Acres	Units		
								Current	Tier IV Lifted	Added Cap
4-03	4,9	19,20,1,2		93	RC-DEO	10	130.78	4	30	26
4-05	7,8	12,7		345	RC-DEO	10	125.78	4	29	25
4-09	27	3		213	RC-DEO	10	111.69	4	26	22
4-02	2	22		75	RC-DEO	10	111.47	4	26	22
3-04	15	16,17,22,23		90	RC-DEO	10	96.93	4	22	18
4-04	6	5,6,12		119	RC-DEO	10	85.87	4	20	16
4-04	6	2		106	RC-DEO	10	73.27	4	17	13
4-02	8	7,8		165	RC-DEO	10	70.29	4	16	12
4-04	1,6	23,5,6		253	RC-DEO	10	67.63	4	15	11
5-01	27	9,10		131	RC-DEO	10	66.90	4	15	11
2-08B	23	11,17	D	71	RC-DEO	10	61.52	4	14	10
4-05	7	14		118	RC-DEO	10	61.50	4	14	10
3-02A	10	8		113	RC-DEO	10	52.96	4	12	8
2-08B	23	11,12,17,18	E	71	RC-DEO	10	50.09	4	11	7
4-07	13	14	9	303	RC-DEO	10	44.37	4	10	6
4-03	3	23		13	RC-DEO	10	43.49	4	10	6
3-01	9	16		352	RC-DEO	10	42.13	4	9	5
4-02	8	11,17	2	93	RC-DEO	10	39.96	4	9	5
4-07	13	15,21		109	RC-DEO	10	39.45	4	9	5
4-09	27	3,9		45	RC-DEO	10	38.60	4	9	5
3-01	9	17,23		21	RC-DEO	10	37.24	4	8	4
5-02A	34,35	6,1	2	185	RC-DEO	10	36.95	4	8	4
4-05	7	15,21		262	RC-DEO	10	32.68	4	7	3
4-04	12	17,18		45	RC-DEO	10	32.10	4	7	3
4-04	12	23,24		61	RC-DEO	10	30.24	4	7	3
4-04	12	17,18		44	RC-DEO	10	30.02	4	7	3
4-08	20	11		81	RC-DEO	10	30.00	4	7	3
4-02	8	4,5,10,11		180	RC-DEO	10	29.72	4	6	2
3-02A	10	20,21		24	RC-DEO	10	27.56	4	6	2
4-02	3,8	22,23,4,5		123	RC-DEO	10	27.00	4	6	2
4-02	3,8	20,1,2		1	RC-DEO	10	26.58	4	6	2
4-02	2	23	4	219	RC-DEO	10	26.40	4	6	2
4-08	13	24	4	61	RC-DEO	10	25.47	4	5	1
4-08	21	8,14		132	RC-DEO	10	25.00	4	5	1
4-07	13	12,8		192	RC-DEO	10	24.93	4	5	1
4-08	20	4		56	RC-DEO	10	24.85	4	5	1
3-01	9	2,8	4	174	RC-DEO	10	24.69	4	5	1
4-04	6	4,10	1	23	RC-DEO	10	24.49	4	5	1
3-02A	10	4		228	RC-DEO	10	24.47	4	5	1
4-06	14	6,12		43	RC-DEO	10	24.08	4	5	1
4-06	8	24		109	RC-DEO	10	23.97	4	5	1
4-04	12	18,24		62	RC-DEO	10	23.46	4	5	1
4-02	3	19	3	39	RC-DEO	10	22.70	4	5	1
4-02	2	16		26	RC-DEO	10	22.50	4	5	1
4-08	20	3,4		65	RC-DEO	10	22.35	4	5	1
3-06A	16	14,20		41	RC-DEO	10	22.17	4	5	1
4-02	3	13,14	1	6	RC-DEO	10	21.90	4	5	1
4-07	20	3		39	RC-DEO	10	21.63	4	5	1
4-04	6	6	27	485	RC-DEO	10	21.41	4	5	1
TOTAL	Number of Parcels - 49		Acres - 2,181.24		196	489	293			

Introduced _____
Public Hearing _____
Council Action _____
Executive Action _____
Effective Date _____

County Council Of Howard County, Maryland

2016 Legislative Session

Legislative Day No. _____

Bill No. _____ -2016

Introduced by the Chairperson at the request of the County Executive

AN ACT amending *PlanHoward 2030*, the general plan for Howard County, in order to amend Growth Tiers, as required by the Maryland Sustainable Growth and Agricultural Preservation Act of 2012; revising certain maps to reflect changes in Growth Tiers; amending text to describe Growth Tiers; and generally relating to planning, zoning and land use in Howard County.

Introduced and read first time _____, 2016. Ordered posted and hearing scheduled.

By order _____
Jessica Feldmark, 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 _____, 2016.

By order _____
Jessica Feldmark, Administrator

This Bill was read the third time on _____, 2016 and Passed ____, Passed with amendments ____, Failed ____.

By order _____
Jessica Feldmark, Administrator

Sealed with the County Seal and presented to the County Executive for approval this ____ day of _____, 2016 at ____ a.m./p.m.

By order _____
Jessica Feldmark, Administrator

Approved/Vetoed by the County Executive _____, 2016

Allan H. Kittleman, County Executive

NOTE: [[text in brackets]] indicates deletions from existing law; TEXT IN SMALL 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 required local jurisdictions to adopt Growth Tiers by December 31, 2012; and
4

5 **WHEREAS**, Growth Tiers designate certain areas for different types of development
6 depending on certain characteristics such as sewerage service, agricultural use, forest and green
7 space, and locally designated growth areas; and
8

9 **WHEREAS**, Senate Bill 236 specifically left the final determination of where to
10 establish the Growth Tiers to local jurisdictions; and
11

12 **WHEREAS**, in July of 2012, by passage of Council Bill No. 26-2012, the Howard
13 County Council adopted *PlanHoward2030*, a new general plan for Howard County, but deferred
14 the inclusion of the Growth Tiers; and
15

16 **WHEREAS**, in December of 2012, the County Council amended and passed Council Bill
17 No. 37-2012, which sought to adopt Growth Tiers designations; and
18

19 **WHEREAS**, in December of 2012, the former County Executive vetoed the amended
20 Council Bill No. 37-2012; and
21

22 **WHEREAS**, in January of 2013, the County Council considered Council Bill No. 1-2013
23 which, again, sought to adopt Growth Tiers designations in order to comply with Senate Bill 236;
24 and
25

26 **WHEREAS**, in February of 2013, Council Bill No. 1-2013 was amended, revising the
27 Growth Tiers Map and making other text amendments; and
28

29 **WHEREAS**, Council Bill No. 1-2013, as amended, was passed by the County Council

1 and was effective on April 10, 2013; and

2
3 **WHEREAS**, for areas designated as Tier IV with development potential, Council Bill
4 No. 1-2013 restricted the development rights of landowners to a minor subdivision of four units
5 or less without compensation; and

6
7 **WHEREAS**, the County Executive, in accordance with State law, now wishes to amend
8 *PlanHoward2030* in order to amend the Growth Tier designations that were adopted by Council
9 Bill No. 1-2013; and

10
11 **WHEREAS**, this proposed amendment will remove the Tier IV designation that was
12 placed on certain properties in the rural conservation (RC) zoning district with major subdivision
13 potential and the Tier IV designation that was placed on two longstanding institutional
14 properties, Bon Secours and the Franciscan Friars at Folly Quarter; and

15
16 **WHEREAS**, these properties will obtain a Tier III status; and

17
18 **WHEREAS**, Tier IV properties will consist of all other remaining land in the RC zoning
19 district and preserved parcels in the RR zoning district; and

20
21 **WHEREAS**, this proposed amendment to *PlanHoward2030* was considered by the
22 Planning Board on _____.

23
24 **NOW, THEREFORE,**

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

29 1. *On page 71, a portion of text is amended in the “Sustainable Growth and*

1 *Agricultural Preservation Act of 2012” section;*

2 2. *On page 72, Map 6-3, Sustainable Growth and Agricultural Preservation Act*
3 *Growth Tiers, is removed and replaced with the revised Map 6-3 as attached to*
4 *this amendment;*

5 3. *On page 73, a portion of text is amended; and*

6 4. *On page 75, Policy 6.1 is amended.*

7
8 ***Section 2. And Be It Further Enacted*** *by the County Council of Howard County, Maryland that the*
9 *Director of the Department of Planning and Zoning may correct obvious errors, capitalization,*
10 *spelling, grammar, headings and similar matters and may publish this amendment to PlanHoward*
11 *2030 by adding or amending covers, title pages, a table of contents, and graphics to improve*
12 *readability.*

13
14 ***Section 3. And Be It Further Enacted*** *by the County Council of Howard County, Maryland,*
15 *that this amendment be attached to and made part of PlanHoward2030.*

16
17 ***Section 4. And Be It Further Enacted*** *by the County Council of Howard County, Maryland, that*
18 *this Act shall become effective 61 days after its enactment.*

Sustainable Growth and Agricultural Preservation Act of 2012

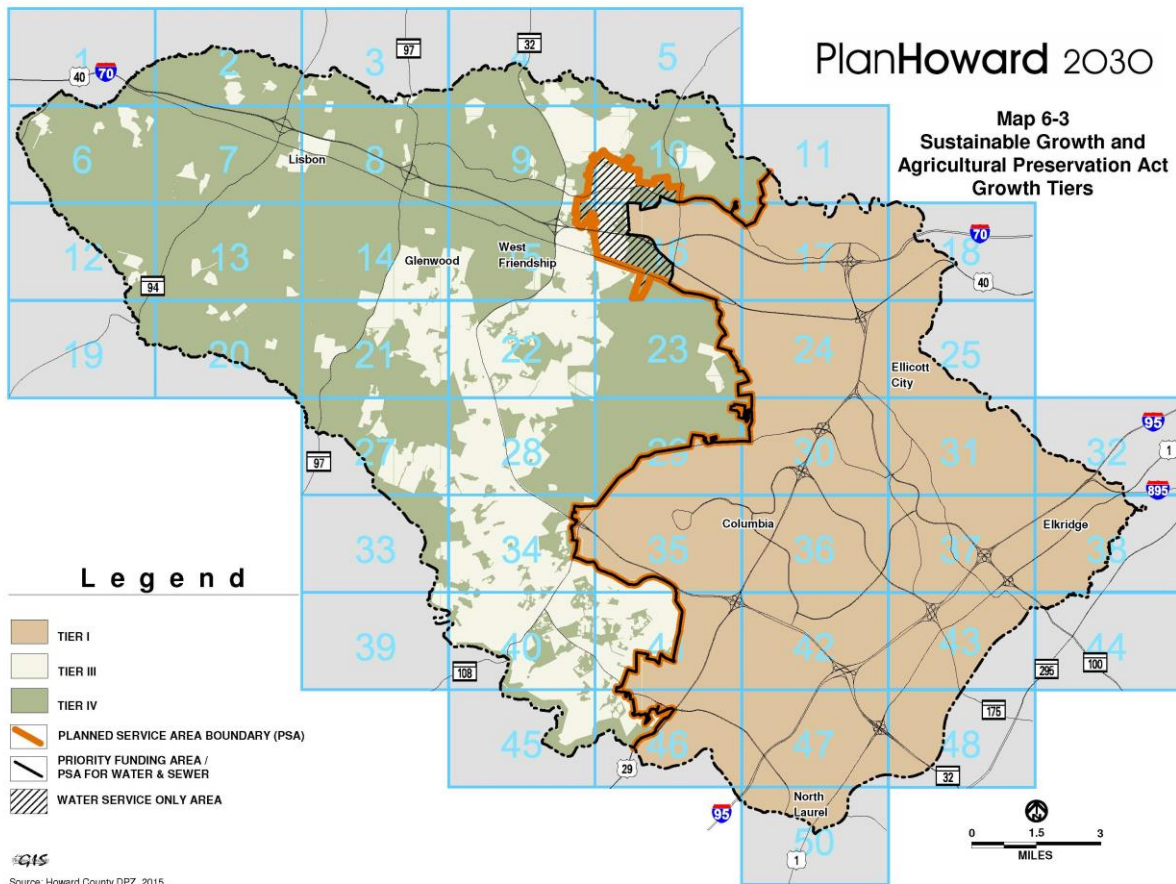
New restrictions on the development of major subdivisions using septic systems in rural areas were adopted by the Maryland General Assembly in April 2012 through the Sustainable Growth and Agricultural Preservation Act (Senate Bill 236). This Act requires local jurisdictions to classify land into one of four “Growth Tiers” based on the following:

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- **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 of five or more lots in Tier IV areas. Local jurisdictions must adopt tier designation by December 31, 2012, or all areas not planned for public sewer will be restricted to minor subdivisions of four or fewer lots.]]

PROMOTE RESOURCE PRESERVATION AS WELL AS PROHIBIT MAJOR SUBDIVISIONS OF 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 SIGNIFICANT. Map 6-3 shows the Growth Tiers for Howard County.

NEW SUSTAINABLE GROWTH AND AGRICULTURAL PRESERVATION ACT GROWTH TIERS (Map 6-3)



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 equates to **ALL NON-PRESERVED PARCELS IN** the RR (Rural Residential) zoning district [[with the exception of already preserved parcels that are designated as Tier IV]], **AS WELL AS CERTAIN PARCELS IN THE RURAL CONSERVATION (RC) ZONING DISTRICT WITH MAJOR SUBDIVISION POTENTIAL AND PROPERTIES THAT WERE** [[and Tier IV is the RC (Rural Conservation) zoning district with the exception of 13 parcels that have initiated “grandfathering”]] **“GRANDFATHERED”** under Senate Bill 236 by applying for septic “perc” testing prior to July 1, 2012. [[In addition, other parcels, for which the development process was initiated prior to the adoption of Senate Bill 236, will be able to continue the development process in accordance with the grandfathering provisions of Senate Bill 236.]] **TIER IV IS ALL OTHER REMAINING LAND IN THE RC ZONING DISTRICT AND PRESERVED PARCELS IN THE RR ZONING DISTRICT.**

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Policies and Implementing Actions

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Implementing Actions

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PlanHoward 2030

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

