



HOWARD COUNTY DEPARTMENT OF PLANNING AND ZONING

3430 Court House Drive

Ellicott City, Maryland 21043

410-313-2350

Voice/Relay

Amy Gowan, Director

FAX 410-313-3467

HOWARD COUNTY AGRICULTURAL PRESERVATION BOARD January 25, 2021

Staff Report

PARCEL 1

Owner: 3330 Rogers Avenue, LLC
8318 Forrest Street
Suite 200
Ellicott City, MD 21043

Farm Location: Tax Map 6, Parcel 86, 37 +/- acres
18461 Penn Shop Road, Mt. Airy

Easement Designation: HO-00-05-PPSD

PARCEL 2

Owner: Reuwer, Donald R., III
18321 Penn Shop Road
Mt. Airy, MD 21771

Farm Location: Tax Map 6, Parcel 19A, 52 +/- acres
18321 Penn Shop Road, Mt. Airy

Easement Designation: HO-01-01-PPSC

REQUEST: The property owners are requesting to combine the two parcels and create a 3-acre preservation lot

RECOMMENDATION: The property owners are seeking a positive recommendation to the Department of Planning and Zoning

Summary:

The 3330 Rogers Avenue, LLC property ("LLC") and the Donald R. Reuwer III property ("Reuwer") are adjacent parcels that are run as one equine and hay operation. There is an existing dwelling on each property. Currently, the LLC property is 37 acres and the Reuwer property is 52 acres. The property owners are requesting to combine the two parcels and create a 3-acre lot by shifting approximately 34 acres from the LLC to Reuwer. Subsequent to the reconfiguration, the LLC property will be a 3-acre preservation parcel, with the existing house that is proximate to Penn Shop Road. The LLC property will be an 86-acre preservation parcel, with the existing house and horse barn.

Background:

Both the LLC property and the Reuwer property are dedicated agricultural preservation easements, meaning that the easements were dedicated to the County as opposed to the County purchasing the easements. The LLC property was encumbered when the previous owner sold the development rights to a developer through the County's Density Exchange Option. The Reuwer property was encumbered in two steps by the previous owner. Initially, three cluster lots were subdivided, and as required in the Zoning Regulations, a portion of the remainder of the farm was dedicated as an ag preservation parcel. Subsequently, the previous owner sold the remaining development rights to a developer through the County's Density Exchange Option.

Dedicated ag easements have fewer retained rights than purchased ag easements, including extremely restrictive post-easement subdivision ability. The current request would not have been possible prior to a recent amendment to the Zoning Regulations. On November 4, 2020 the County Council passed CB 58-2020 (ZRA-190), which provides a new opportunity for subdividing a preservation parcel after recordation. The text below is taken from CB 58-2020, with the new provisions shown in all caps. Omitted text is shown within [[]].

C. Subdivision of a preservation parcel after recordation of the preservation parcel easement may [[only]] be permitted if the subdivision is necessary to establish a boundary line respecting agricultural, historical, or environmental features or patterns of use; AND INVOLVES

- 1) The transfer of land between adjoining parcels that are both entirely protected by an agricultural, environmental, or historic preservation easement held by Howard County or a State agency; or
- 2) The exchange of equivalent acreage between adjoining panels, one of which is a preservation parcel, created in accordance with Section 104.0, 105.0 or 106.0 of these Regulations, wherein the resulting configuration will better facilitate the purpose of the preservation parcel and better ensure its protection; [[and;]] or
- 3) TWO OR MORE ADJOINING PRESERVATION PARCELS THAT MAY BE COMBINED TO CREATE A PRESERVATION PARCEL, WHEREIN THE RESULTING CONFIGURATION WILL BETTER FACILITATE THE PURPOSE OF THE PRESERVATION PARCEL, PROVIDED THAT:
 - A) AT THE TIME OF THE COMBINATION, IF A DEVELOPMENT RIGHT OR AN EXISTING PRINCIPAL DWELLING UNIT EXISTS, A LOT MAY BE CREATED TO ACCOMMODATE THE EXISTING HOUSE OR A PROPOSED HOUSE ON A PRESERVATION PARCEL.
 1. FOR PARCELS WITH AN AGRICULTURAL PRESERVATION EASEMENT, THE MINIMUM LOT SIZE SHALL BE 3 ACRES;
- 4) Such [[transfer]] RECONFIGURATIONS may not:
 - a) Result in a net increase in the number of farm tenant house rights for the parcel being enlarged; or
 - b) Undermine the original agricultural, environmental or historic preservation purpose for creating the preservation parcel; or
 - c) Reduce the preservation parcel to less than 20 acres, [[and]] UNLESS OTHERWISE PERMITTED IN SECTION 104.0.G.1.C; OR
 - D) ACHIEVE ANY ADDITIONAL RESIDENTIAL DEVELOPMENT RIGHTS

Prior to CB 58-2020, the subdivisions that allowed a boundary line adjustment could not produce a preservation parcel less than 20 acres, which is also the minimum size to be eligible as a density sending parcel. The amendment allows for the parcel size to be reduced to 3 acres for parcels encumbered by an agricultural preservation easement.

The Board should focus its review on this provision in the amendment, "... Wherein the resulting configuration will better facilitate the purpose of the preservation parcel." In his request letter to the Board, Mr. Reuwer explains that his preference is to have one large farm parcel all under his ownership, and that the reconfiguration would benefit Mr. Jeff Harrison, the farmer who currently grows and bales hay on both the LLC and the Reuwer parcels. In addition, Mr. Reuwer states that reconfiguring the parcels so that the house on the LLC property would be on 3 acres would allow the current tenants living in the house to purchase the lot.

Staff Recommendation:

The proposal is consistent with the Zoning Regulations, as amended in CB 58-2020. Staff recommends that the Board recommends approval to the Department of Planning and Zoning.

Prepared by: _____


Joy Levy, Administrator
Agricultural Land Preservation Program

Date: _____

1/15/21

Attachments:

- Aerial Photo
- Preservation Map
- Soils Map
- Request letter from Donald Reuwer III, with map
- Council Bill 58-2020

**EXISTING
CONDITIONS**

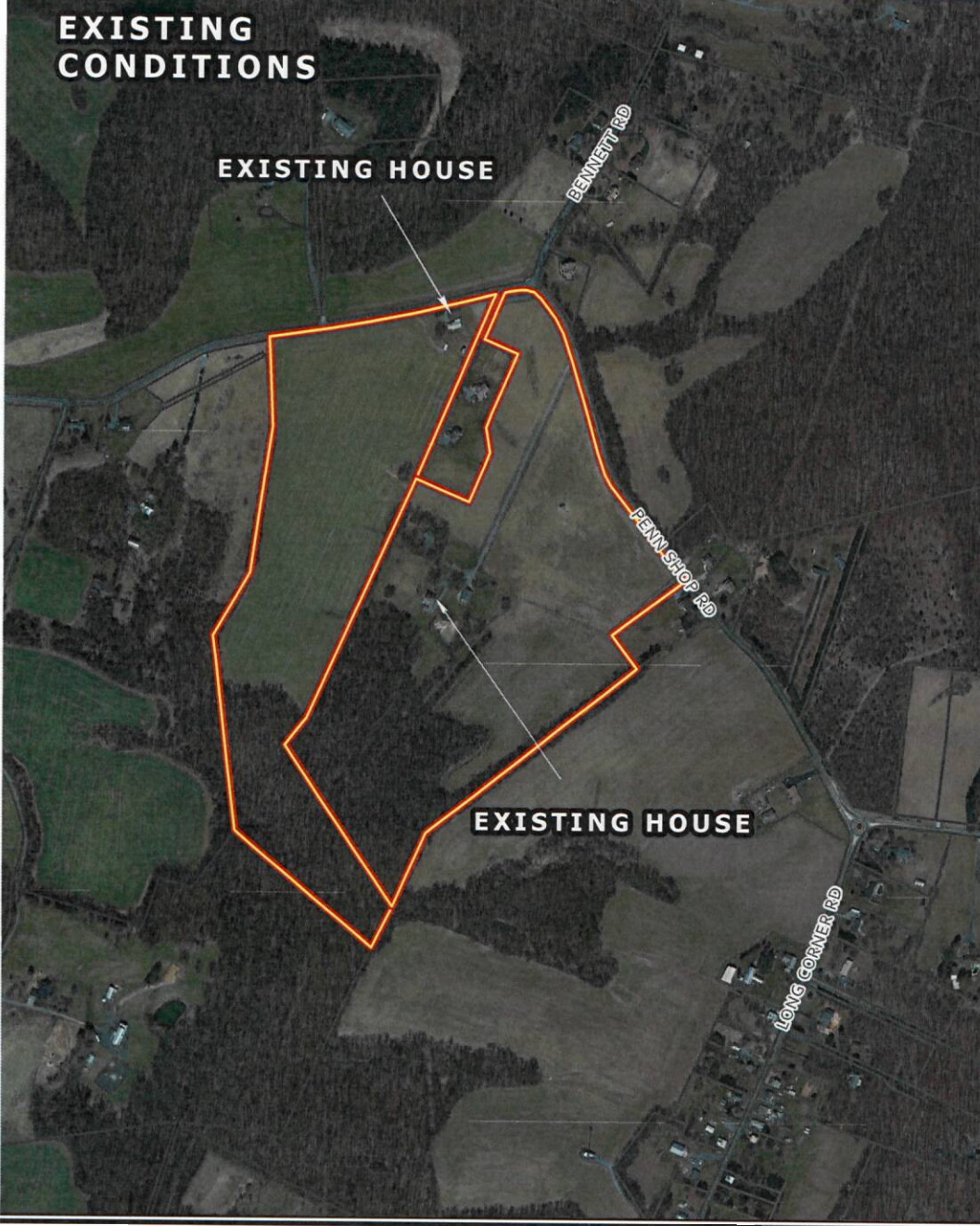
EXISTING HOUSE

**PROPOSED LOT LINE
CHANGES**

EXISTING HOUSE

EXISTING HOUSE

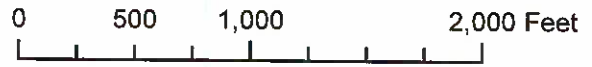
EXISTING HOUSE



Donald Reuwer III & 3330 Rogers Ave LLC
18321 & 18461 Penn Shop Road
Mt. Airy, MD 21771
Tax Map: 6 Parcel(s): 19A & 86

Aerial

- Property
- Shape_Length
- 3 acre residential
- farm
- property



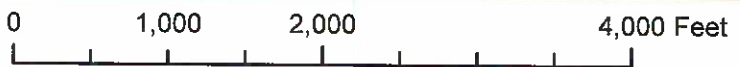
Howard County Department of Planning & Zoning
Resource Conservation Division
January 12, 2021





Donald Reuwer III & 3330 Rogers Ave LLC
 18321 & 18461 Penn Shop Road
 Mt. Airy, MD 21771
 Tax Map: 6 Parcel(s): 19A & 86

Protected Lands

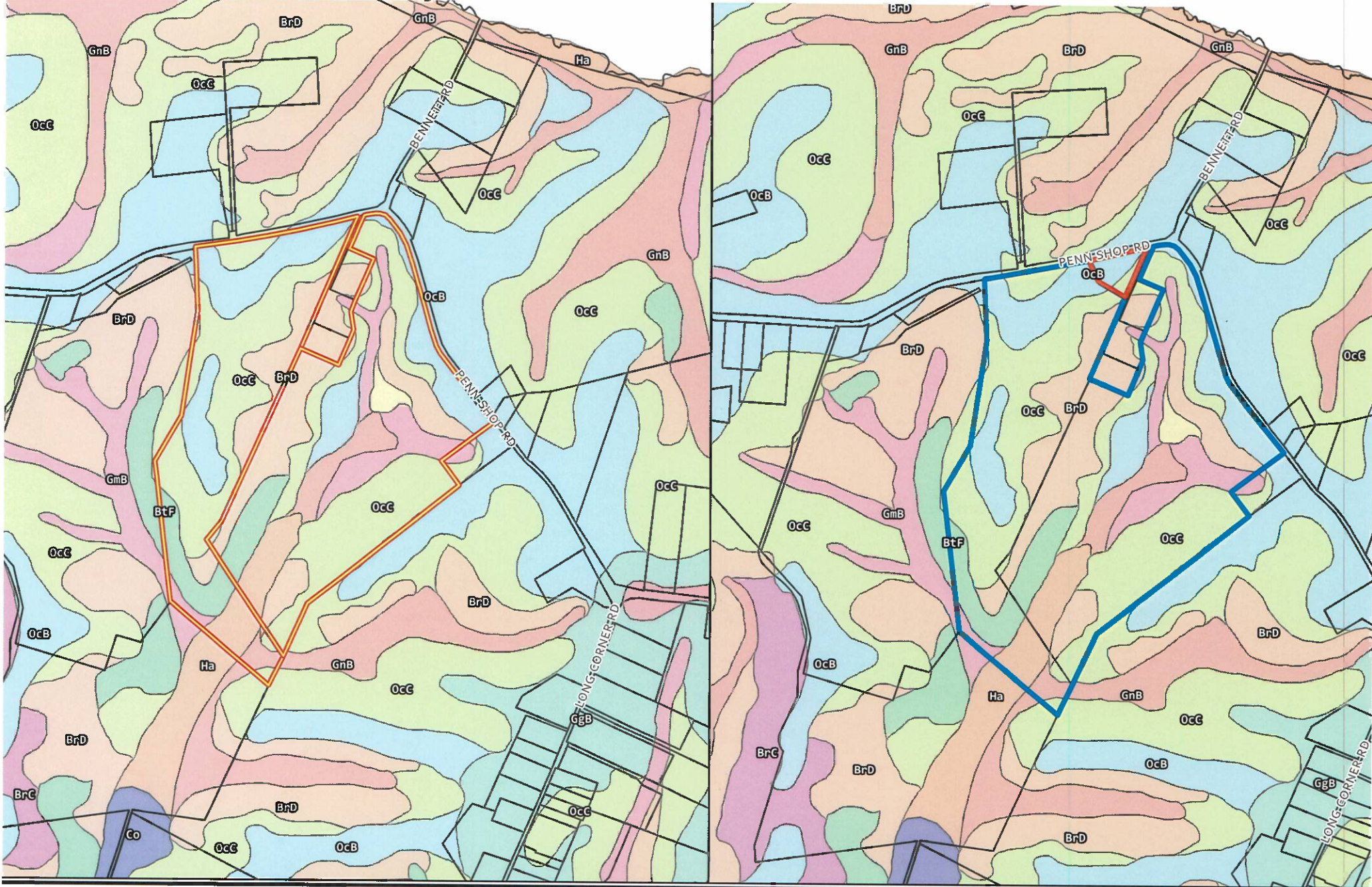


- | | |
|--------------------|-------------------------------------------------|
| Property | Protected Lands |
| Shape_Length | Preservation Easements |
| 3 acre residential | Environmental Preservation Parcels |
| farm | Howard County Agricultural Preservation Parcels |
| property | Howard County Purchased Easements |



Howard County Department of Planning & Zoning
 Resource Conservation Division
 January 12, 2021





Donald Reuwer III & 3330 Rogers Ave LLC
 18321 & 18461 Penn Shop Road
 Mt. Airy, MD 21771
 Tax Map: 6 Parcel(s): 19A & 86

Soil

- Property
- Shape_Length
- 3 acre residential
- farm
- property



Howard County Department of Planning & Zoning
 Resource Conservation Division
 January 12, 2021



Donald R. Reurwer, III
18321 Penn Shop Road
Mt. Airy MD 21771

January 1, 2021

Howard County Agricultural Land Preservation Board

Attn: Joy Levy

Department of Planning and Zoning

3430 Courthouse Drive

Ellicott City Md 21043

Re: ZRA 190 and enlarging the size of my farm

Dear Ms. Levy:

I am respectfully requesting your positive recommendation regarding the expansion of the size of my farm, located at my above address. The farm currently consists of 51.980 acres, which I acquired in 2011. Since that time, I have built a home on the foundation of an old bank barn. I have also constructed a horse barn and an equipment shed, and have fenced approximately 30 acres of pasture for my horse boarding operation.

The farm to my west became available in 2013. It is 37.1 acres in size and improved only by a small 1,488 square foot ranch home located in the front corner of the property, close to Penn Shop Road. I could not afford to purchase it by myself, so I partnered with some family members and purchased the property through a family owned limited liability company. We have since rented the ranch home to a nice couple. Both farms have preservation easements held by the County Agricultural Land Preservation Board. No public funds were used to purchase these easement. Instead, they are the result of the prior owners selling off their 'development rights'.

My goal has always been to expand the size of my farm to make it more desirable and farmable. This Board has long recognized the benefits of larger farms as opposed to smaller farms. I understand more points are awarded for larger farms than smaller farms when scoring for easement purchases. This is likely in recognition of the large equipment needed for successful modern farming.

At present, Jeff Harrison farms the crop lands (hayfields) on my farm, and also the crop lands on our neighboring family LLC - owned tract. The two farms give him the economy of scale needed to plant and harvest crops, and to bale hay. The hay bales are consumed by our boarding operations. The other crops are harvested and sold.

The other family members in the LLC now want to sell the 37.1 acre tract. SDAT values the house at about 40% of the total value of that property. I would like to purchase the land, but cannot afford to do so with the value of the home included.

Up until the adoption of ZRA 190, I could have only purchased 17.1 acres of the neighboring farm and adjoined it to mine, because the LLC was required to leave 20 acres with the house parcel.

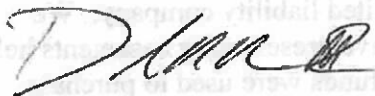
Since the adoption of ZRA 190, with the Board's recommendation, the house parcel may consist of 3 acres. The Board's endorsement of the foregoing would enable me to purchase approximately 34 acres from the LLC. If the Board recommends that the house be sited on 3 acres, the family plans to offer the home for purchase to their existing tenant. If, on the other hand, the LLC has to site the house on 20 acres (which would mean that I could only purchase 17.1 acres of the LLC land), it is unlikely that Jeff Harrison would find it economical to continue farming my smaller land holdings. We could not, of course, control what the new owners of the 20 acres would do with their land.

The objective is to adjoin approximately 34 acres from the LLC land, leaving 3 acres with the house parcel. I believe that enlarging my farm will have the beneficial effects of making my farm more farmable while creating a homeownership opportunity for the current tenants living in the 18461 Penn Shop Road residence.

We have worked with the Howard County Health Department to create a 3 acre lot with adequate well and septic areas. You will see, by the attached perk plan, that the Health Department has approved the new 3 acre lot for private well and septic.

I respectfully request that the Board give a positive recommendation of this proposal.

Thank you,



Donald R. Reuwer, III

attachments



EXHIBIT 1
PROPERTY OF DONALD R. REUWER, III
LIBER 15318, FOLIO 001
PROPERTY OF 3300 ROGERS AVENUE, LLC
LIBER 15318, FOLIO 435
TAX MAP #6
4TH ELECTION DISTRICT
SCALE: 1"=500'
GRID: 3
PARCEL: 19 & 26
HOWARD COUNTY, MARYLAND
DATE: JANUARY 12, 2021

FISHER, COLLINS & CAETGE, INC.
CIVIL ENGINEERING CONSULTANTS & LAND SURVEYORS
CENTENNIAL SQUARE OFFICE PARK - 10272 BALTIMORE NATIONAL PIKE
ELICOTT CITY, MARYLAND 21042
(410) 461 - 2955

Introduced October 5, 2020
Public hearing October 19, 2020
Council action November 2, 2020
Executive action November 4, 2020
Effective date January 5, 2021

County Council of Howard County, Maryland

2020 Legislative Session

Legislative day # 14

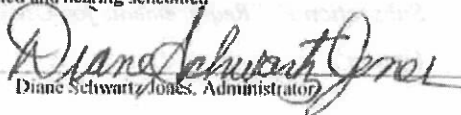
BILL NO. 58 - 2020 (ZRA - 190)

**Introduced by: The Chair
at the request of John P. McDaniel**

AN ACT amending the Howard County Zoning Regulations to allow the merger of adjoining preservation parcels under specific conditions; and generally relating to preservation parcels.

Introduced and read first time October 5, 2020. Ordered posted and hearing scheduled.

By order


Diane Schwartz Jones, Administrator

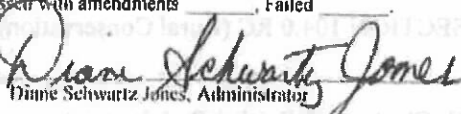
Having been posted and notice of time & place of hearing & title of Bill having been published according to Charter, the Bill was read for a second time at a public hearing on October 19, 2020.

By order


Diane Schwartz Jones, Administrator

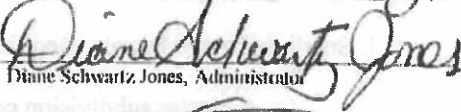
This Bill was read the third time on November 2 2020 and Passed Passed with amendments Failed

By order



Diane Schwartz Jones, Administrator

Scaled with the County Seal and presented to the County Executive for approval this 3rd day of November, 2020 at 4:00 p.m.

By order


Diane Schwartz Jones, Administrator

Approved Vetoed by the County Executive November 4, 2020


Calvin Ball, 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 **Section I. Be it enacted by the County Council of Howard County, Maryland, that the Howard**
2 **County Zoning Regulations are hereby amended as follows:**

3
4 **By Amending:**

5
6 **Section 104.0: "RC (Rural Conservation) District"**

7 **Subsection G. "Cluster Subdivision Requirements"**

8 **Number 1. "Subdivision and Density Requirements"**

9 **Number 4. "Requirements for Preservation Parcel Easements"**

10
11 **Section 105.0: "RR (Rural Residential) District"**

12 **Subsection G. "Cluster Subdivision Requirements"**

13 **Number 1. "Subdivision and Density Requirements"**

14 **Number 4. "Requirements for Preservation Parcel Easements"**

15
16 **Section 106.0: "106.0 DEO (Density Exchange Option) Overlay District"**

17 **Subsection B. "Criteria"**

18 **Subsection F. "Requirements for Use of the Density Exchange Option or Cluster Exchange**
19 **Option"**

20
21
22
23 **Howard County Zoning Regulations**

24
25 **SECTION 104.0 RC (Rural Conservation) District**

26
27 **G. Cluster Subdivision Requirements**

28 **1. Subdivision and Density Requirements**

29 **a. A cluster subdivision consists of cluster lots which are located on a portion or**
30 **portions of the parcel being subdivided, and a preserved area, which is the entire**
31 **residual area of the parcel being subdivided.**

32 **b. The preserved area should be retained as a single preservation parcel**
33 **whenever possible. It may be divided into more than one preservation parcel**
34 **only at the time that the preserved area is originally recorded and only in**
35 **accordance with the purposes of the RC District. [[with the following**

1 exceptions:]]

2 **[[[1]]] C. Subdivision of a preservation parcel after recordation of the preservation parcel**
3 **easement may [[only]] be permitted if the subdivision is necessary to establish a**
4 **boundary line respecting agricultural, historical, or environmental features or**
5 **patterns of use; AND INVOLVES:**

6 **[[[2] Involves either:]]**

7 **[[[a]]] (1)The transfer of land between adjoining parcels that are both**
8 **entirely protected by an agricultural, environmental, or historic**
9 **preservation easement held by Howard County or a State agency; or**

10 **[[[b]]] (2) The exchange of equivalent acreage between adjoining**
11 **parcels, one of which is a preservation parcel, created in accordance**
12 **with Section 104.0, 105.0 or 106.0 of these Regulations, wherein the**
13 **resulting configuration will better facilitate the purpose of the**
14 **preservation parcel and better ensure its protection; [[and;]] or**

15 **(3) TWO OR MORE ADJOINING PRESERVATION PARCELS THAT MAY BE**
16 **COMBINED TO CREATE A PRESERVATION PARCEL, WHEREIN THE**
17 **RESULTING CONFIGURATION WILL BETTER FACILITATE THE PURPOSE**
18 **OF THE PRESERVATION PARCEL, PROVIDED THAT:**

19 **(A) AT THE TIME OF THE COMBINATION, IF A DEVELOPMENT**
20 **RIGHT OR AN EXISTING PRINCIPAL DWELLING UNIT EXISTS, A**
21 **LOT MAY BE CREATED TO ACCOMMODATE THE EXISTING**
22 **HOUSE OR A PROPOSED HOUSE ON A PRESERVATION PARCEL.**

23 **1. FOR PARCELS WITH AN AGRICULTURAL**
24 **PRESERVATION EASEMENT, THE MINIMUM LOT SIZE**
25 **SHALL BE 3 ACRES; OR**

26 **2. FOR PARCELS WITH OTHER DEDICATED EASEMENTS,**
27 **THE MINIMUM LOT SIZE SHALL COMPLY WITH THE**
28 **CLUSTER LOT SIZE REQUIREMENTS.**

29 **(4) Such [[transfer]] RECONFIGURATIONS may not:**
30

- 1 (a) Result in a net increase in the number of farm tenant house rights
- 2 for the parcel being enlarged; or
- 3 (b) Undermine the original agricultural, environmental or historic
- 4 preservation purpose for creating the preservation parcel; or
- 5 (c) Reduce the preservation parcel to less than 20 acres, [[and]]
- 6 UNLESS OTHERWISE PERMITTED IN SECTION 104.0.G.1.C; OR
- 7 (D) ACHIEVE ANY ADDITIONAL RESIDENTIAL DEVELOPMENT RIGHTS.
- 8

9 **[[(4) Such transfer requires consent of all easement holders. All deed(s) of**
10 **easement shall be amended to reflect the land transfer.]]**

- 11 (5) SUCH LAND RECONFIGURATIONS REQUIRE CONSENT OF ALL EASEMENT
- 12 HOLDERS. ALL DEED(S) OF EASEMENT SHALL BE AMENDED TO
- 13 REFLECT THE LAND RECONFIGURATION AND ALL OF THE PROPERTY
- 14 SHALL REMAIN SUBJECT TO THE PROVISIONS OF THE EASEMENT TO
- 15 WHICH IT WAS SUBJECT PRIOR TO THE RECONFIGURATION.
- 16

17 **4. Requirements for Preservation Parcel Easements**

18

19 **a. The easement agreement for each preservation parcel shall be approved by the**
20 **County and executed by the property owner prior to recordation. The easement shall run**
21 **with the land, shall be in full force and effect in perpetuity, and shall describe and**
22 **identify the following:**

- 23 (1) The location and size of the preservation parcel.
- 24 (2) Existing improvements on the preservation parcel.
- 25 (3) A prohibition on future residential, commercial or industrial
- 26 development of the preservation parcel, other than the uses listed in
- 27 Section 106.1. The easement must specify the primary purpose of the
- 28 preservation parcel and prohibit the use of the preservation parcel for
- 29 incompatible uses.
- 30 (4) A prohibition on future subdivision of the preservation parcel, EXCEPT
- 31 AS PERMITTED IN SECTION 104.0.G.1.c.

1 (5) Provisions for maintenance of the preservation parcel.

2 (6) Responsibility for enforcement of the easement.

3 (7) Provisions for succession in the event that one of the parties to an
4 easement agreement ceases to exist.

5

6 SECTION 105.0 RR (Rural Residential) District

7

8 G. Cluster Subdivision Requirements

9 I. Subdivision and Density Requirements

10 a. A cluster subdivision consists of cluster lots which are located on a portion or
11 portions of the parcel being subdivided, and a preserved area, which is the entire
12 residual area of the parcel being subdivided.

13 b. The preserved area should be retained as a single preservation parcel
14 whenever possible. It may be divided into more than one preservation parcel
15 only at the time that the preserved area is originally recorded and only in
16 accordance with the purposes of the RC District [[with the following
17 exceptions:]]

18 [[(1)]] C. Subdivision of a preservation parcel after recordation of the preservation parcel
19 easement may [[only]] be permitted if the subdivision is necessary to establish a
20 boundary line respecting agricultural, historical, or environmental features or
21 patterns of use; AND INVOLVES:

22 [[(2) Involves either:]]

23 [[(a)]] (1) The transfer of land between adjoining parcels that are both
24 entirely protected by an agricultural, environmental, or historic
25 preservation easement held by Howard County or a State agency; or

26 [[(b)]] (2) The exchange of equivalent acreage between adjoining
27 parcels, one of which is a preservation parcel, created in accordance
28 with Section 104.0, 105.0 or 106.0 of these Regulations, wherein the

1 resulting configuration will better facilitate the purpose of the
2 preservation parcel and better ensure its protection; **[[and;]]** or

3 **(3) TWO OR MORE ADJOINING PRESERVATION PARCELS THAT MAY**
4 **BE COMBINED TO CREATE A PRESERVATION PARCEL, WHEREIN**
5 **THE RESULTING CONFIGURATION WILL BETTER FACILITATE THE**
6 **PURPOSE OF THE PRESERVATION PARCEL, PROVIDED THAT:**

7 **(A) AT THE TIME OF THE COMBINATION, IF A DEVELOPMENT**
8 **RIGHT OR AN EXISTING PRINCIPAL DWELLING UNIT EXISTS, A**
9 **LOT MAY BE CREATED TO ACCOMMODATE THE EXISTING**
10 **HOUSE OR A PROPOSED HOUSE ON A PRESERVATION PARCEL.**

11 1. **FOR PARCELS WITH AN AGRICULTURAL**
12 **PRESERVATION EASEMENT, THE MINIMUM LOT SIZE**
13 **SHALL BE 3 ACRES; OR**

14 2. **FOR PARCELS WITH OTHER DEDICATED EASEMENTS,**
15 **THE MINIMUM LOT SIZE SHALL COMPLY WITH THE**
16 **CLUSTER LOT SIZE REQUIREMENTS.**

17 **(4) Such ~~[[transfer]]~~ RECONFIGURATIONS may not:**

18 **(a) Result in a net increase in the number of farm tenant house**
19 **rights for the parcel being enlarged; or**

20 **(b) Undermine the original agricultural, environmental or**
21 **historic preservation purpose for creating the preservation**
22 **parcel; or**

23 **(c) Reduce the preservation parcel to less than 20 acres, ~~[[and]]~~**
24 **UNLESS OTHERWISE PERMITTED IN SECTION 104.0.G.1.C; OR**

25 **(D) ACHIEVE ANY ADDITIONAL RESIDENTIAL DEVELOPMENT**
26 **RIGHTS.**

27 **[[(4) Such transfer requires consent of all easement holders. All deed(s) of**
28 **easement shall be amended to reflect the land transfer.]]**
29
30

1 (5) SUCH LAND RECONFIGURATIONS REQUIRE CONSENT OF ALL
2 EASEMENT HOLDERS. ALL DEED(S) OF EASEMENT SHALL BE
3 AMENDED TO REFLECT THE LAND RECONFIGURATION AND ALL OF
4 THE PROPERTY SHALL REMAIN SUBJECT TO THE PROVISIONS OF THE
5 EASEMENT TO WHICH IT WAS SUBJECT PRIOR TO THE
6 RECONFIGURATION.

7

8 **4. Requirements for Preservation Parcel Easements**

9 **a. The easement agreement for each preservation parcel shall be approved by the**
10 **County and executed by the property owner prior to recordation. The easement shall run**
11 **with the land, shall be in full force and effect in perpetuity, and shall describe and**
12 **identify the following:**

13 (1) The location and size of the preservation parcel.

14 (2) Existing improvements on the preservation parcel.

15 (3) A prohibition on future residential, commercial or industrial
16 development of the preservation parcel, other than the uses listed in
17 Section 106.1. The easement must specify the primary purpose of the
18 preservation parcel and prohibit the use of the preservation parcel for
19 incompatible uses.

20 (4) A prohibition on future subdivision of the preservation parcel, EXCEPT
21 AS PERMITTED IN SECTION 105.0.G.1.c.

22 (5) Provisions for maintenance of the preservation parcel.

23 (6) Responsibility for enforcement of the easement.

24 (7) Provisions for succession in the event that one of the parties to an
25 easement agreement ceases to exist.

26

27 **Sec. 106.0 DEO (Density Exchange Option) Overlay District**

1 **B. Criteria**

2 **Residential density may be exchanged between properties which are eligible to be sending and receiving**
3 **parcels based on the criteria given below.**

4 **1. Sending Parcels**

5 **Properties within the DEO Overlay District which meet the following criteria are eligible to be**
6 **sending parcels:**

7 **a. The underlying zoning shall be RC;**

8 **b. The minimum preservation parcel easement area shall be 20 acres for all sending**
9 **parcels, EXCEPT AS PERMITTED IN SECTION 106.0.F.10.**

10 **c. The sending area shall not be subject to a forest conservation easement, Agricultural Land**
11 **Preservation Easement, gasoline easement or other recorded easement that reduces or**
12 **removes its development rights. If a portion of a parcel is encumbered with such an**
13 **easement, the encumbered area shall be subtracted from the acreage of the sending parcel**
14 **for density calculations. After the encumbered acreage is deducted, the sending parcel must**
15 **still fulfill the size criteria specified in paragraph 1.b of this subsection. When calculating**
16 **density sending rights, floodplain easements and driveway/access easements do not need to**
17 **be deducted.**

18 **d. A property consisting of one or more contiguous parcels or lots may be eligible to be a**
19 **sending parcel if the parcels, when combined meet the size criteria specified in paragraph**
20 **1.b. All parcels that do not meet the size criteria specified in paragraph 1.b of this subsection**
21 **must be combined at the time that the preservation easement agreement for the sending**
22 **parcel is recorded.**

23
24 **F. Requirements for Use of the Density Exchange Option or Cluster Exchange Option**

25
26 **10. SUBDIVISION OF PRESERVATION PARCEL AFTER RECORDATION**

27 **A RECORDED PRESERVATION PARCEL BE MAY SUBDIVIDED IN ACCORDANCE WITH SECTIONS**
28 **104.0.G.1.c AND 105.0.G.1.c.**

1 **Section 2. Be it further enacted by the County Council of Howard County, Maryland, that**
2 **Sections 104.0 and 105.0 be renumbered accordingly,**

3
4 **Section 3. Be it further enacted by the County Council of Howard County, Maryland, that this**
5 **Act shall become effective 61 days after its enactment.**

6
7
8

9
10

BY THE COUNCIL

This Bill, having been approved by the Executive and returned to the Council, stands enacted on
November 4, 2020.


Diane Schwartz Jones, Administrator to the County Council

BY THE COUNCIL

This Bill, having been passed by the yeas and nays of two-thirds of the members of the Council notwithstanding the objections of the Executive, stands enacted on _____, 2020.

Diane Schwartz Jones, Administrator to the County Council

BY THE COUNCIL

This Bill, having received neither the approval nor the disapproval of the Executive within ten days of its presentation, stands enacted on _____, 2020.

Diane Schwartz Jones, Administrator to the County Council

BY THE COUNCIL

This Bill, not having been considered on final reading within the time required by Charter, stands failed for want of consideration on _____, 2020.

Diane Schwartz Jones, Administrator to the County Council

BY THE COUNCIL

This Bill, having been disapproved by the Executive and having failed on passage upon consideration by the Council stands failed on _____, 2020.

Diane Schwartz Jones, Administrator to the County Council

BY THE COUNCIL

This Bill, the withdrawal of which received a vote of two-thirds (2/3) of the members of the Council, is withdrawn from further consideration on _____, 2020.

Diane Schwartz Jones, Administrator to the County Council