

County Council Of Howard County, Maryland

2010 Legislative Session

Legislative Day No. 8

Resolution No. 98-2010

Introduced by: The Chairperson at the request of the County Executive

A RESOLUTION repealing Council Resolution No. 21-1992 and declaring that certain road facilities are the constrained road facilities in Howard County.

Introduced and read first time _____, 2010.

By order _____
Stephen LeGendre, Administrator

Read for a second time at a public hearing on _____, 2010.

By order _____
Stephen LeGendre, Administrator

This Resolution was read the third time and was Adopted __, Adopted with amendments __, Failed __, Withdrawn __, by the County Council on _____, 2010.

Certified By _____
Stephen LeGendre, Administrator

NOTE: text in strike-out indicates deletions from existing law; TEXT IN SMALL CAPITALS indicates additions to existing law; Double strike-out indicates material deleted by amendment; Underlining indicates material added by amendment.

1 **WHEREAS**, as a condition of subdivision and site development plan approval,
2 Title 16, Subtitle 11 of the Howard County Code, the Adequate Public Facilities Act of
3 Howard County (the “Act”), requires that all subdivision and site development plans,
4 except those specifically exempted, are required to pass the test for adequate road
5 facilities; and

6
7 **WHEREAS**, the test may include the requirement to mitigate in order to increase
8 capacity so that the level of service on a road facility would be equal to the level of
9 service if a project had not been constructed, but not above the required minimum level
10 of service ; and

11
12 **WHEREAS**, Section 16.1110(e) of the Act provides that a constrained road
13 facility means the following intersections which have historic or environmental value
14 which would be adversely affected by certain road improvements:

- 15 (1) In the planned service area, the intersection of a major collector or higher
16 classified road with a major collector or higher classified road; and
17 (2) In the no-planned service area for water and sewerage, the intersection of
18 a minor collector or higher classified road with a minor collector or higher
19 classified road; and

20
21 **WHEREAS**, Section 16.1110(e) of the Act further provides that the County
22 Council shall, by resolution, declare that a road facility is constrained and identify the
23 features which form the basis for its decision to declare the road facility constrained; and

24
25 **WHEREAS**, Section 16.1101(f) of the Act requires that the construction of
26 certain road improvements for mitigating traffic on constrained road facilities shall
27 increase the capacity on the constrained facility to the fullest extent possible without
28 negatively impacting the characteristics which caused the road facility to be declared
29 constrained; and

1 **WHEREAS**, on February 3, 1992, the County Council adopted Council
2 Resolution No. 21-1992 that approved the list of constrained roads; and

3
4 **WHEREAS**, Council Bill No. 58-2009 adopted a General Plan Amendment for
5 the purpose of revitalizing and redeveloping Downtown Columbia (the “Plan”) and was
6 passed by the County Council on February 1, 2010; and

7
8 **WHEREAS**, in order to fully implement the Plan, additional legislation is
9 required, including amendments to the Act; and

10
11 **WHEREAS**, specifically, the Plan states that amendments should eliminate the
12 “Constrained Facilities” provision so that, in the future, all roads serving Downtown
13 Columbia will be subject to the Act; and

14
15 **WHEREAS**, pursuant to Council Bill No. ____-2010, the Director of the
16 Department of Planning and Zoning has recommended amendments to the Act and
17 pursuant to Council Resolution No. ____-2010, the Director of the Department of Public
18 Works has recommended revisions to Chapter 4, Adequate Public Facilities Test
19 Evaluation Requirements, of Volume III (Roads and Bridges) of the Design Manual; and

20
21 **WHEREAS**, the Director of the Department of Planning and Zoning has
22 proposed to repeal Council Resolution No. 21-1009 and has proposed a new list of
23 constrained road facilities in accordance with the Act and the Plan.

24
25 **NOW, THEREFORE, BE IT RESOLVED** by the County Council of Howard
26 County, Maryland this _____ day of _____, 2010 that Council Resolution No.
27 21-1992 is hereby repealed.

28
29 **AND BE IT FURTHER RESOLVED**, by the County Council of Howard
30 County, Maryland that it declares that the road facilities listed on Exhibit A, as attached
31 to this Resolution and incorporated herein, are the constrained road facilities in Howard
32 County.

1

2 **AND BE IT FURTHER RESOLVED**, by the County Council of Howard
3 County Maryland, that the special features noted shall serve as the basis for the Council's
4 decision to declare the road facilities constrained.

5

6 **AND BE IT FURTHER RESOLVED**, by the County Council of Howard
7 County Maryland, that this Resolution shall be effective when Council Bill No. ____ -
8 2010 is effective.

HOWARD COUNTY CONSTRAINED ROAD FACILITIES AND THEIR FEATURES

- (a) Special Features: The historic value of Main Street
 - (1) The intersection of Main Street and Old Columbia Pike in Ellicott City.
 - (2) The intersection of Main Street and Rogers Avenue in Ellicott City.

- (b) Special Features: The historic value of Old Columbia Pike
 - (1) The intersection of Old Columbia Pike and Toll House Road in Ellicott City.
 - (2) The intersection of Old Columbia Pike and Main Street in Ellicott City.