

**RESOLUTION PERTAINING TO THE ADOPTION OF A GROWTH
MANAGEMENT POLICY FOR ST. MARY'S COUNTY**

WHEREAS, St. Mary's County, Maryland (hereinafter the "County") is a legally established County organized and existing under the Constitution and laws of the State of Maryland; and

WHEREAS, the County has adopted "Quality of Life in St. Mary's County – A Strategy for the 21st Century," a Comprehensive Plan in Accordance with Article 66B of the Annotated Code of Maryland (hereinafter the Comprehensive Plan), which includes goals and policies to guide residential and non-residential growth within the County; and

WHEREAS, a prerequisite for achieving the quality of life envisioned in the Comprehensive Plan is the provision of adequate public infrastructure such as schools, roads, water and sewerage, recreational facilities, public buildings and the like; and

WHEREAS, the County has adopted a Comprehensive Zoning Ordinance (Ordinance No. Z-02-01) and a Subdivision Ordinance (Ordinance No. Z-02-02), which set forth and establish the rules, standards and regulations that govern residential and non-residential growth and development within the County; and

WHEREAS, based on statistical information obtained from the Maryland Department of Planning and the U.S. Census Bureau, the total number of dwelling units in the County has increased from 28,651 in the year 1992 to 41,816 in the year 2007, an increase for the fifteen year period of 13,165 dwelling units, or 45.95% above the 1992 total, during which fifteen years the annual percentage of increase in the number of dwelling units over the previous year varied from a low of 1.56% in 2001 to a high of 3.66% in 2004, with the average annual percentage of increase being 2.55%; and

WHEREAS, it is in the public interest that continued residential growth within the County be allowed to meet the needs of its citizens and to support and enhance job opportunities; and

WHEREAS, it is further in the public interest that future residential growth within the County occur in a managed manner at a rate consistent with the County's ability to adequately provide the public infrastructure required to support the residential growth, consistent with the Comprehensive Plan; and

WHEREAS, a Community Based Adequate Public Facilities Task Force has prepared a report dated September 19, 2006, wherein Recommendation #1 concludes that the Board of County Commissioners should adopt a County Annual Growth Policy; and

WHEREAS, the Planning Commission has examined said Task Force report and recommendations, and has enacted Resolution No. 08-08 to favorably recommend adoption of an Annual Growth Policy by the Board of County Commissioners, and

WHEREAS, at its regularly scheduled meeting of July 1, 2008, and at work sessions held July 15, 2008 and August 5, 2008 for the purpose of considering said recommendation as well as the comments of the public and staff, the Board concludes that adoption of an Annual Growth Policy would

be in the best interest of the public health, safety and welfare.

NOW THEREFORE BE IT RESOLVED by the St. Mary's County Board of County Commissioners to adopt an Annual Growth Policy as follows:

1. The maximum number of residential building lots, or multi-family dwelling units, that may be approved in each twelve (12) month period by the St. Mary's County Planning Commission or Planning Director at the preliminary plan stage, or at time of final site plan approval in the case of multi-family projects, shall not exceed 1.90% of the total dwelling units within the County as of September 30th of each year, unless said rate shall be changed in accord with #3 immediately following herein below. Townhouse projects are deemed to be single family, not multi-family projects.
2. The period for the Annual Growth Policy shall be from July 1 to June 30 of each succeeding twelve (12) month period.
3. The Board of County Commissioners, in concert with the Planning Commission and the Department of Land Use and Growth Management, shall review the Annual Growth Policy annually for the purpose of determining if the goals of the Annual Growth Policy, including the 1.90% growth rate, are appropriate and if they are being met. Based on the findings made, the Board of County Commissioners shall determine if amendments to the provisions of the Annual Growth Policy are appropriate for the ensuing year. If the Board of County Commissioners finds that such amendments are appropriate for the ensuing year, the same shall be adopted after the holding of a public meeting on the proposed amendment(s) and the reason(s) therefore are presented and discussed with the County Commissioners.
4. The total number of dwelling units that may receive preliminary plan approval, or final site plan approval in the case of multi-family projects, in each twelve (12) month period shall be allocated among the Residential and Mixed Use Zoning Districts as defined in the County's Comprehensive Zoning Ordinance in accord with the following percentages:
 - (a) A maximum of 30% in the Rural Preservation District (RPD).
 - (b) A minimum of 70% in Districts other than the RPD
 - (c) Any allocation in the RPD that is unused in any twelve (12) month period may be transferred to the Growth Area Districts if demand warrants same.
 - (d) Of the above RPD allocation: 40% thereof shall be reserved for minor subdivisions and 60% for major subdivisions, except that for any twelve (12) month period any unused minor subdivision allocation shall be transferred to the major subdivision category, and vice-versa.
 - (e) Of the above allocation for Districts other than the RPD: 65 %

thereof shall be reserved for single family projects and 35% for multi-family projects. If for any twelve (12) month period there should be insufficient demand for the multi-family allocation, that portion of the multi-family allocation that is unused shall be transferred for use by single family projects if demand warrants same. Likewise, if there should be insufficient demand for the single family allocation, that unused portion shall be transferred for use by multi-family projects if demand warrants same.

5. The above provisions notwithstanding, neither the total dwelling unit provision determined by the 1.90% growth rate factor nor the allocation percentages shall serve as the basis for denying the approval and conveyance of no more than two residential building lots between parents and children, or grandparents and grandchildren.
6. Phasing of the development of individual residential projects shall be required in those cases in which the total number of lots or dwelling units warrants same. In accord with such phasing, the maximum number of building lots or single family dwelling units that may receive approval at the preliminary plan or final site plan stage for multi-family projects, in a twelve (12) month Growth Policy period is as follows, per the size of the subdivision or project:

Project size	Maximum allocation
1 to 100 lots	25 lots
101 to 200 lots	30 lots
201 or more lots	40 lots
Multi-family	100 units

Individual projects receiving an annual allotment of the above specified number of lots in one twelve (12) month period, and for which an additional allotment(s) is/are required in ensuing twelve (12) month periods, shall receive the required additional allotment(s) in ensuing twelve (12) month periods in accord with the above numbers. Said additional allotments shall have priority over those projects submitted for approval of a first allotment.

7. The Director of the Department of Land Use and Growth Management shall maintain a fair and equitable queuing system for allocating building lots/dwelling units among competing residential projects.

BE IT FURTHER RESOLVED, by the Board of County Commissioners that, in the event any portion of said Annual Growth Policy is found to be unconstitutional, illegal, null or void, it is the intent of the Board of County Commissioners to sever only the invalid portion or provision, and that the remainder of the Annual Growth Policy shall be enforceable and valid.

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BE IT FURTHER RESOLVED, by the Board of County Commissioners that the foregoing recitals are adopted as if fully rewritten herein.

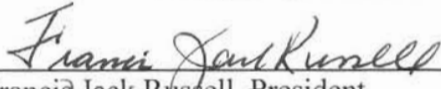
BE IT FURTHER RESOLVED, by the Board of County Commissioners that this enactment shall be effective on the date written below.

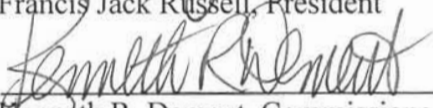
Date of adoption: August 19, 2008

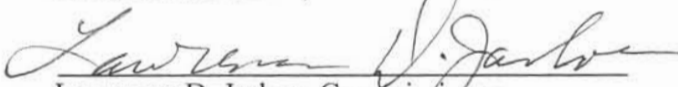
Ayes: 5 Nays: 0 Abstain: -----

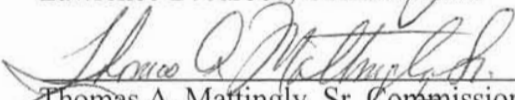
Effective date: 9/4/08

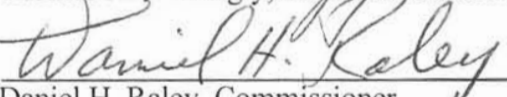
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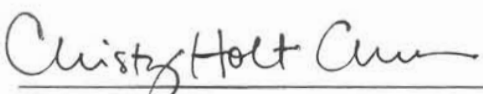

Daniel H. Raley, Commissioner

ATTEST:



John Savich
County Administrator

**APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:**



Christy Holt Chesser
County Attorney