



Date: 1 August 2013

Subject: **HCCA's Point Paper Regarding the 2013 Comprehensive Zoning Results and Process**

This point paper represents the synopsis of the Howard County Citizens Association (HCCA) concerning the recent Comprehensive Zoning results and its process as presided over by the County Council.

There is no doubt the Council had a very difficult task and spent many hours to determine an outcome. It seems the Council did listen to several map amendments and applied text amendments to take action regarding concerns about allowing uncontrolled growth in the County. A case in point is the Maple Lawn and Savage areas and the R-A-15 decision on these two parcels. By limiting Maple Lawn to 170 units, versus what would have been 1365 units, the Council reduced the number of additional residents from 4095 to 510 (based on 3 residents per unit) and the number of vehicles from 2730 to 340 (based on 2 vehicles per unit). Similarly in Savage, the number units were decreased from 75 to 35 which reduced the number of additional residents from 225 to 105 and the number of vehicles from 150 to 70. Notably, the majority of Savage residents preferred that the current zoning remain in place. Overall, the total number of added units for both Maple Lawn and Savage was reduced by 1235; the number of added residents decreased by 3705, and the number of vehicles was reduced by 1650 vehicles. It looks as though the Council heard and took the appropriate action concerning these two major properties in the eastern part of the County that apartments should not be in the picture. Additionally, even in the wake of these reductions concerns remain regarding what "open space" uses will be allowed on these parcels. Further, HCCA strongly recommends that these two parcels although considerably decreased that the infrastructure should be greatly enhanced before any development on these two properties commences, even with the decreased density.

With the decreases in these two areas mentioned above the up-zoning in the approved Comprehensive plan will add almost 4000 units to the already 12,000 in the pipeline. If infrastructure were in place which includes all the categories of Section 8 – Public Facilities and Services in the PlanHoward2030 then perhaps the impact would not be as detrimental. There is enormous on-going and future growth slated for this section of the County. It is out of control – [click here to see the attachment -- The Neighborhood Estimated Watch --- North Laurel /Maple Lawn /Savage Housing Units Currently Being Built Now and in the Future, dated as of 26 June 2013](#). This displays what this area is facing and it's not a pretty picture with the lack of infrastructure. What will this plus the approved Comp Zoning parcels do to our roads - Route 29, 32, 95, 216, Broken Land Parkway, Gorman Road, Snowden River Parkway, and Stansfield Road, etc.? What will happen if we ever have a disaster?

We are extremely concerned that the Planned Service Area boundaries were changed regarding Maple Lawn in the PlanHoward2030 without any notification to the citizens. This simply was not right and needs to be explained as to what triggered this and why were the residents not allowed having any input? In addition, we did not see the Council act on the Clarksville mortuary case where many residents testified on the negative impact this would have on their community. There is no reasonable justification for not including updated conditional use mortuary requirements in Comprehensive Zoning as recommended by DPZ and the Planning Board more than two years ago. The mortuary issue is a

prime example of non-compliance with health and safety issues. In this case we feel that zoning in this case has not been followed in PlanHoward2030 which states the priorities are to protect existing communities, protect natural resources and protect our water.

What we fail to understand is how the Council could introduce new zoning types without the public being able to testify as to their questions and concerns. There were 205 Map Amendments (173 supported by DPZ and 32 not supported by DPZ). In addition there were numerous Text Changes on 494 pages and New Types of Districts were introduced. The process was a total breakdown as citizens were not permitted to testify on the 95 additional Comprehensive Zoning text amendments to the 60 that were previously established on 1 July. Some of these were drafted in a few days before the 25 July voting session. Then there were amendments to amendments on which the public was also not allowed to testify. The public never testified on the additional 95 – why was this permitted by the Council? Why were we allowed to testify on the CEF zone? This resulted in the Council introducing 17 new amendments. However, we did not testify on these 17 amendments as they were not considered “substantive.” Then what is? The whole point is, are we an “open government”? In this case it seems close-minded. We deserve to have the right to express our opinion in an open hearing when such a volume of amendments are up for consideration. We would think this is “substantive” and if not why not? We would like to know the rationale for this decision. In addition on the evening of 25 July, the vote was delayed a total of 4 hours. Concerned citizens were waiting during this time delay and the Council Never apologized for this inconvenience.

To only having 2 months before the Comp Zoning was heard before the Council for the whole process is totally inadequate. More time was given to DPZ to for their review and a comment as well as more time was given to the Planning Board process. There should be no reason that 3 months isn't allotted for the Council to consider and have a good public vetting of a plan with such large ramifications.

The on-line signing-up to testify was a nightmare and in this day of advanced technology, inexcusable for the public to have to go through such an ordeal. This needs to be rectified to establish a streamlined communications process. It also does not seem to meet any rational definition of publication or notification to the public of the effect of proposed text amendments to have them available as a 500 page document of the zoning regulations as amended.

Additionally, one full time employee needs to be assigned to communicate to the public a summary of the deliberations of the council, what upcoming agendas are, how to find information, etc. The website and the communications to the public in a timely manner were woefully inadequate in this day and age. Particular attention needs to be given to the handoff of communication from DPZ to the council as the public doesn't necessarily know to go to a new web location for information.

The citizens of Howard County at least deserve a chance to talk on the new zones and all the new amendments that were presented in a forum that ALL Howard County Citizens can hear and see. In this case we feel the cart was put before the horse.

In closing, HCCA has the following suggested recommendations to improve the process of not only Comprehensive but the zoning process in general:

1. All zoning cases should be put on hold until all 37 zoning types are fully reviewed and edited to establish more specificity and clarity. A zoning regulation review committee should be established for this purpose. We saw a number of individuals who testified in this area who had good points that created good communications and brought out concerns. The question when was the last time these zoning types have been thoroughly reviewed, does DPZ work with the developer in amending these zoning types, and is the public involved in the process? The public should be an integral part of this process.
2. When DPZ or the Council creates a new zoning type it must be reviewed and testimony given by the public.
3. Create a Citizen's Review Zoning Panel for the purpose of reviewing and making recommendations for ALL current and any new Zoning types. Until this is completed ALL zoning approvals should be postponed until fully evaluated.
4. Evaluate the supremacy and impact of DPZ. How much authority should they have? Case in point was the "Farming" amendments which the only reason anyone knew about it was because a citizen brought it to the public's attention. Another major problem was the definition of amusement that could include gaming, and thus casinos! The wording was amended, but only after the same citizen above brought it forward to the public. This needs to stop.
5. The CEF zone grants much power to the DPZ leaving all aspects that would typically be covered by bulk regulations to their discretion at planning sessions. The Council granted CEF to properties in comp zoning when it was promised developers would have to show they met certain hard-won criteria in that zone to be given the zone. This level of authority and responsibility being outside the Council's or Zoning Board's discretion is of utmost concern to the community.
6. Analyze the effect of the Planning Board on Comprehensive and Zoning in general as to their merits.
7. The definition of "substantive" must be defined to permit a more "open government." Once declared "substantive", the public shall be given 2 weeks' notice as is required for DPZ Technical Staff Reports, to testify.
8. The boundaries of the PSA of PlanHoward2030 shall not be changed without the public's input.

9. When the Council approves parcels of land in all zoning cases it shall consider all major roads surrounding the said property and the impact of traffic on the community. This should include non-county roads such as Routes 1, 29, 32, 70, 95, 100, 175, 216, and 295 etc.
10. The Adequate Public Facilities Ordinance (APFO) needs to be expanded to include all the categories of Section 8 – Public Facilities and Services in the PlanHoward2030. A task force should be established to look into this suggested improvement to the zoning process.
11. Recommendations made by the Planning Board and by DPZ more than two years ago were not adopted in Comprehensive Zoning regarding the Mortuary. The environment has been ignored in this most sensitive site as stream and tree cover restrictions need attention. There was no environmental site design and the proposed location has substantial adverse health and safety effects on an already overburdened Route 108 immediately south of the traffic light congestion at Route 32 and Ten Oaks Road. We recommend this oversight be corrected especially since it's a quality of life issue for all.
12. Improve the ability to sign-up on-line to testify.
13. Improve the audio when watching the on-line streaming of both Council hearings and Work Sessions. Also, a different streaming method should be used so that it is possible to come into a current session and be able to start it from the beginning, which was not possible. The public should be able to visit the Howard County Library and view ALL Council sessions.
14. Assign an employee to communicate the process and provide up-to-date information throughout the process at one place on the web.

We, the HCCA Board Members sincerely hope this point paper assists in establishing a system we can all be proud in order to ensure the entire community is best served by all. We would appreciate feedback on the above and would like to meet with the County Executive, Council and DPZ to discuss lessons learned in an attempt to improve Howard County's zoning process.

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