

Date: 16 July 2018

Subject: CB59-2018 Erickson Proposal – Expansion of the PSA

Dear Council Members – My name is Stu Kohn and I am the President of the Howard County Citizens Association, HCCA testifying on their behalf. This proposed Bill is not about any marketing on Erickson’s part or any campaign donations. It is about the expansion of the Planned Service Area, PSA and only this. Unfortunately, the Planning Board did not adhere to this mandate announced by Val Lazdins, Director of DPZ when it was heard in April. You will hear from other Associations that we are very infuriated we are even here to discuss CB59. We should not be here. This is because the Howard County – Code of Ordinances under TITLE 16 - PLANNING, ZONING AND SUBDIVISIONS AND LAND DEVELOPMENT REGULATIONS, SECTION 16.211 – COUNCIL MANIC ELECTION YEARS clearly states the following:

“In any year in which members of the County Council are elected, the incumbent Councilmembers, shall not take final action on any zoning application after the date of the primary election as set by law and until the newly elected County Councilmembers have qualified and taken office. The enactment of this section shall not in any way prevent the Zoning Board or the County Council from acting on zoning matters which are considered, in the discretion of the Council or the Board, to be emergency matters that could be injurious to the County or any of its citizens.”

There is absolutely no interpretation required as the aforementioned states you are not permitted to discuss any zoning changes during the specified period of time. This is by all means a “Zoning Matter.” Just refer to the contents of this Bill on page 1, lines 27-30. It states, “**WHEREAS**, the proposed expansion of the Planned Service Area is a part of a specific zoning proposal to rezone the Property from RC-DEO to CEF-M for the stated purpose of providing a continuing care retirement community (“CCRC”) to consist of independent living units; assisted living; and skilled nursing care.” This clearly is a zoning change request!

In fact, you clearly state exactly this in the proposed CB56 which you all support on page 3, Lines 2 thru 4. It states, “Because the County Council is prohibited from taking any Zoning action until January 2019, it is imperative that the County have sufficient time to consider and act on any recommendations concerning zoning changes in the Tiber Branch Watershed.” Furthermore, you declared CB56 via a Resolution an Emergency situation. So, in order for CB59 an Emergency must be declared by this body via a Resolution before you even think about public testimony. In addition, the sad thing is that CB59 and for that matter CR119 was not Pre-filed or Late-filed when you conducted your Legislative Hearing on 2 July. Why not? How was the public to be properly informed? On the County Website regarding Pre-filed it states, “Legislation that will be introduced at the next legislative session is pre-filed 11 calendar days

before that legislative session. During these 11 days, you will be able to view pre-filed legislation on this page.” Where is the transparency?

In conclusion you as Councilmembers have no choice but to tell the applicant that the Expansion of the PSA cannot be discussed by us because we would be wasting everyone’s time as we are not permitted to take final action because of an election year as stipulated in Title 16, Section 16.211. If the applicate wants to pursue then it is incumbent for you to tell them their proposal will have to wait until at least January 2019. We simply ask you to fulfill your duty as our representatives.

Thank You,

Stu Kohn

HCCA, President