

Introduced 2/6/17
Public Hearing 2/21/17
Council Action 3/6/17
Executive Action _____
Effective Date _____

County Council of Howard County, Maryland

2017 Legislative Session

Legislative Day No. 2

Bill No. 16 -2017

Introduced by the Chairperson at the request of the County Executive
and cosponsored by Greg Fox

AN ACT amending *PlanHoward 2030*, the general plan for Howard County, in order to amend Growth Tiers, as required by the Maryland Sustainable Growth and Agricultural Preservation Act of 2012; revising certain maps to reflect changes in Growth Tiers; amending text to describe Growth Tiers; and generally relating to planning, zoning and land use in Howard County.

Introduced and read first time February 6, 2017. Ordered posted and hearing scheduled.

By order

Jessica Feldmark
Jessica Feldmark, 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 February 21, 2017.

By order

Jessica Feldmark
Jessica Feldmark, Administrator

This Bill was read the third time on March 6 2017 and Passed , Passed with amendments , Failed .

By order

Jessica Feldmark
Jessica Feldmark, Administrator

Sealed with the County Seal and presented to the County Executive for approval this _____ day of _____, 2017 at _____ a.m./p.m.

By order

Jessica Feldmark, Administrator

Approved/Vetoed by the County Executive _____, 2017

Allan H. Kittleman, 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 **WHEREAS**, during the 2012 legislative session, the Maryland General Assembly
2 enacted Senate Bill 236, The Sustainable Growth and Agricultural Preservation Act of 2012, that
3 required local jurisdictions to adopt Growth Tiers by December 31, 2012; and
4

5 **WHEREAS**, Growth Tiers designate certain areas for different types of development
6 depending on certain characteristics such as sewerage service, agricultural use, forest and green
7 space, and locally designated growth areas; and
8

9 **WHEREAS**, Senate Bill 236 specifically left the final determination of where to
10 establish the Growth Tiers to local jurisdictions; and
11

12 **WHEREAS**, in July of 2012, by passage of Council Bill No. 26-2012, the Howard
13 County Council adopted *PlanHoward2030*, a new general plan for Howard County, but deferred
14 the inclusion of the Growth Tiers; and
15

16 **WHEREAS**, in December of 2012, the County Council amended and passed Council Bill
17 No. 37-2012, which sought to adopt Growth Tiers designations; and
18

19 **WHEREAS**, in December of 2012, the former County Executive vetoed the amended
20 Council Bill No. 37-2012; and
21

22 **WHEREAS**, in January of 2013, the County Council considered Council Bill No. 1-2013
23 which, again, sought to adopt Growth Tiers designations in order to comply with Senate Bill 236;
24 and
25

26 **WHEREAS**, in February of 2013, Council Bill No. 1-2013 was amended, revising the
27 Growth Tiers Map and making other text amendments; and
28

29 **WHEREAS**, Council Bill No. 1-2013, as amended, was passed by the County Council

1 and was effective on April 10, 2013; and

2
3 **WHEREAS**, for areas designated as Tier IV, Council Bill No. 1-2013 severely restricted
4 the development rights of landowners; and

5
6 **WHEREAS**, the County Executive, in accordance with State law, now wishes to amend
7 *PlanHoward2030* in order to amend the Growth Tier designations that were adopted by Council
8 Bill No. 1-2013; and

9
10 **WHEREAS**, this proposed amendment will remove the Tier IV designation that was
11 placed on properties in the RC Zoning district that are outside the Rural Legacy Area, that have
12 major subdivision potential, and that are not otherwise preserved; and

13
14 **WHEREAS**, these properties will obtain a Tier III status; and

15
16 **WHEREAS**, Tier III will continue to include parcels that were “grandfathered” under
17 Senate Bill 236 by applying for septic “perc” testing prior to July 1, 2012 and non-preserved
18 parcels in the RR zoning district; and

19
20 **WHEREAS**, Tier IV properties will consist of all other remaining land in the RC zoning
21 district and preserved parcels in the RR zoning district; and

22
23 **WHEREAS**, this proposed amendment to *PlanHoward2030* was considered by the
24 Planning Board on February 18, 2016 and April 7, 2016.

25
26 **NOW, THEREFORE,**

27
28 *Section 1. Be It Enacted by the County Council of Howard County, Maryland, that*
29 *PlanHoward2030 is hereby amended as follows and as more specifically shown in the attached*

1 pages:

- 2 1. On page 71, a portion of text is amended in the “Sustainable Growth and
3 Agricultural Preservation Act of 2012” section;
- 4 2. On page 72, Map 6-3, Sustainable Growth and Agricultural Preservation Act
5 Growth Tiers, is removed and replaced with the revised Map 6-3 as attached to
6 this amendment;
- 7 3. On page 73, a portion of text is amended; and
- 8 4. On page 75, Policy 6.1 is amended.

9
10 **Section 2. And Be It Further Enacted** by the County Council of Howard County, Maryland that the
11 Director of the Department of Planning and Zoning may correct obvious errors, capitalization,
12 spelling, grammar, headings and similar matters and may publish this amendment to PlanHoward
13 2030 by adding or amending covers, title pages, a table of contents, and graphics to improve
14 readability.

15
16 **Section 3. And Be It Further Enacted** by the County Council of Howard County, Maryland,
17 that this amendment be attached to and made part of PlanHoward2030.

18
19 **Section 4. And Be It Further Enacted** by the County Council of Howard County, Maryland, that
20 this Act shall become effective 61 days after its enactment.

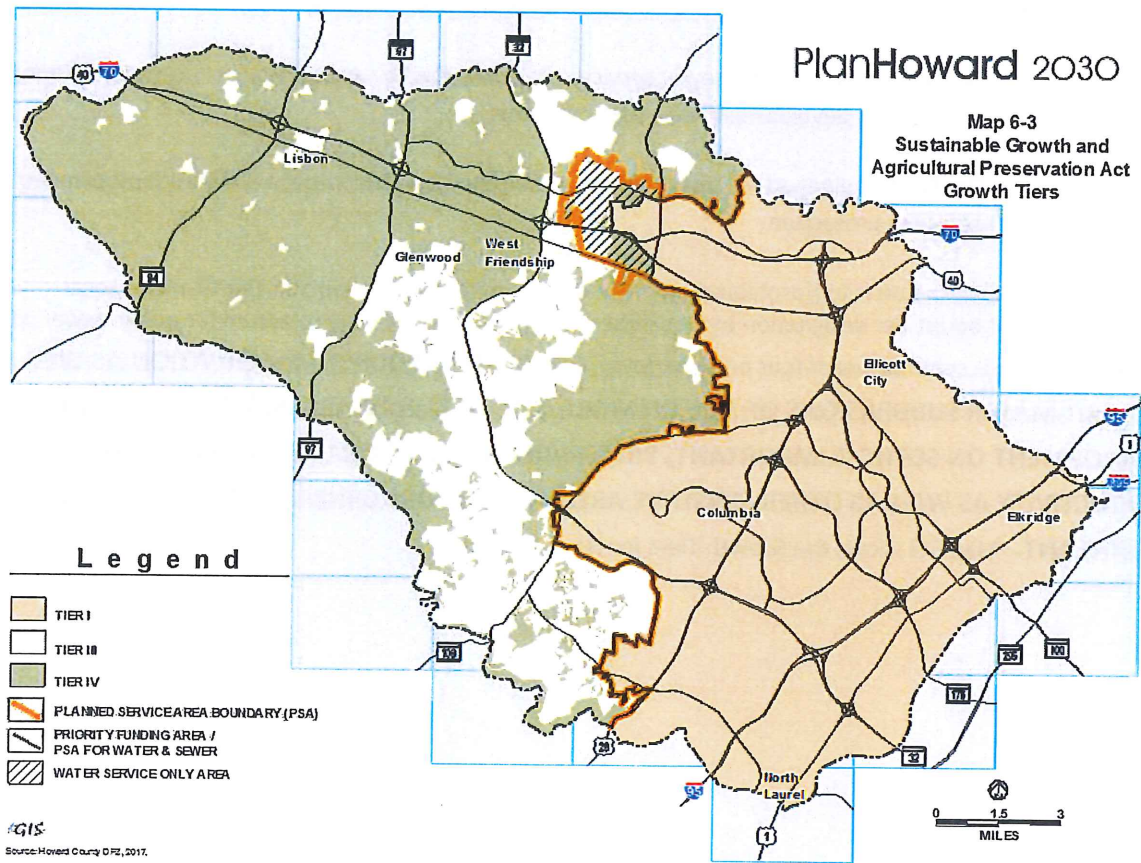
Sustainable Growth and Agricultural Preservation Act of 2012

New restrictions on the development of major subdivisions using septic systems in rural areas were adopted by the Maryland General Assembly in April 2012 through the Sustainable Growth and Agricultural Preservation Act (Senate Bill 236). This Act requires local jurisdictions to classify land into one of four "Growth Tiers" based on the following:

- **Tier I** - designated growth area served by public sewer;
- **Tier II** - designated for future extension of public sewer service;
- **Tier III** –not planned for sewer service, not dominated by agricultural or forest, and planned for large lot development with septic systems;
- **Tier IV** –not planned for sewer service, dominated by agricultural and forest land planned for resource protection.

The intent of this legislation is to [[prohibit major subdivisions of five or more lots in Tier IV areas. Local jurisdictions must adopt tier designation by December 31, 2012, or all areas not planned for public sewer will be restricted to minor subdivisions of four or fewer lots.]] **PROMOTE RESOURCE PRESERVATION AS WELL AS PROHIBIT MAJOR SUBDIVISIONS OF FIVE OR MORE LOTS IN TIER IV AREAS. WHILE LIMITING DEVELOPMENT ON SEPTIC IS IMPORTANT, PRESERVING AGRICULTURAL LANDS AND THEIR PRODUCTIVITY AS WELL AS OTHER SENSITIVE AREAS FOR FUTURE GENERATIONS IS EQUALLY SIGNIFICANT.** Map 6-3 shows the Growth Tiers for Howard County.

NEW SUSTAINABLE GROWTH AND AGRICULTURAL PRESERVATION ACT GROWTH TIERS (Map 6-3)



Tier I is our Priority Funding Area, which is the Planned Public Water and Sewer Service Area. No areas are designated for Tier II, since there are no plans for further extension of the Public Water and Sewer Service Area in the future. **IN THE RR (RURAL RESIDENTIAL) ZONING DISTRICT, Tier III** [[equates to]] **IS ALL NON-PRESERVED PARCELS.** [[the RR (Rural Residential) zoning district with the exception of already preserved parcels that are designated as Tier IV,]] **IN THE RURAL CONSERVATION (RC) ZONING DISTRICT, TIER III IS NON-PRESERVED PARCELS THAT ARE OUTSIDE THE RURAL LEGACY AREA AND THAT HAVE MAJOR SUBDIVISION POTENTIAL. IN THE RURAL CONSERVATION (RC) ZONING DISTRICT, TIER III ALSO INCLUDES PARCELS THAT WERE** [[and Tier IV is the RC (Rural Conservation) zoning district with the exception of 13 parcels that have initiated “grandfathering”]] **“GRANDFATHERED”** under Senate Bill 236 by applying for septic “perc” testing prior to July 1, 2012. [[In addition, other parcels, for which the development process was initiated prior to the adoption of Senate Bill 236, will be able to continue the development process in accordance with the grandfathering provisions of Senate Bill 236.]] **TIER IV IS ALL OTHER REMAINING LAND IN THE RC ZONING DISTRICT AND PRESERVED PARCELS IN THE RR ZONING DISTRICT.**

[[The purpose statements in the RR and RC zoning districts clearly reflect the planning objectives for these two growth tiers, and the exceptions relate to specific exemptions and inclusions envisioned by Senate Bill 236.]]

While Tier IV properties will no longer be allowed to subdivide more than four lots, remaining development rights may continue to be transferred under DEO (Density Exchange Option) to the Tier III district, or they may be sold to the County if a property enters into the County’s Agricultural Land Preservation Program. **ADDITIONALLY, STATE LAW PROTECTS SUBDIVISION RIGHTS THAT WERE SPECIFICALLY RETAINED IN AN AGRICULTURAL, ENVIRONMENTAL, OR HISTORIC PRESERVATION EASEMENT FOR A PARTICULAR PROPERTY. STATE LAW ALSO REQUIRES THAT RURAL LEGACY AREAS BE IN TIER IV.** The regulations for the County’s agricultural Land Preservation Program should be reviewed and amended as needed to facilitate open enrollment.

As part of the initial review to be provided to the Council under Policy 2.1, Action C., the successes and impacts of the Growth Tiers and related policies as required Under Senate Bill 236 should be addressed.

Policies and Implementing Actions

POLICY 6.1 – Maintain adequate facilities and services to accommodate growth.

Implementing Actions

- a. Limited Planned Service Area Expansion. Zoning requirements for approved PSA expansions should include a development proposal that is consistent with the General Plan and establishes a transition that is compatible with and enhances surrounding communities and provides an environmental benefit.
- b. Place Types and Tiers. Obtain State concurrence on PlanHoward 2030 place designations and tiers in accordance with PlanMaryland’s final criteria and procedures and the Sustainable Growth and Agricultural Preservation Act on or before December 31, 2012.
- c. Revise APF Regulations. Amend the current Adequate Public Facilities regulations to reduce allocation categories and reflect designated places.
- d. APF Housing Allocations. Incorporate the PlanHoward 2030 housing forecasts into the Adequate Public Facilities Housing Allocation Chart.
- e. Zoning. Reduce competition for land resources by promoting more compact development in appropriate targeted growth and revitalization areas.
- f. Density Exchange Option. Review and, as appropriate, amend the density exchange provisions of the DEO zoning district during the Comprehensive Zoning process [[to help mitigate rural subdivision restrictions due to Growth Tiers]].
- g. Targeted Funding. Optimize the use of State and County infrastructure funding and program resources targeted to County-designated place types.
- h. Schools. Make efficient use of existing school capacity avoiding unnecessary capital outlays.

Amendment 1 to Council Bill 16-2017

BY: Jon Weinstein
Greg Fox

Legislative Day No: 5
Date: March 6, 2017

Amendment No. 1

(This amendment would revise the Tier descriptions found in the General Plan).

On the page 3 attached to the bill, strike the first paragraph and substitute the following:

“TIER I IS OUR PRIORITY FUNDING AREA, WHICH IS THE PLANNED PUBLIC WATER AND SEWER SERVICE AREA. NO AREAS ARE DESIGNATED FOR TIER II, SINCE THERE ARE NO PLANS FOR FURTHER EXTENSION OF THE PUBLIC WATER AND SEWER SERVICE AREA IN THE FUTURE. TIER III PROPERTIES INCLUDE THE FOLLOWING:

- ALL NON-PRESERVED PARCELS IN THE RURAL RESIDENTIAL (RR) ZONING DISTRICT;
- ALL NON-PRESERVED PARCELS IN THE RURAL CONSERVATION (RC) ZONING DISTRICT THAT ARE OUTSIDE THE RURAL LEGACY AREA AND THAT HAVE MAJOR SUBDIVISION POTENTIAL. IF DEVELOPED AS A MAJOR SUBDIVISION, THESE PARCELS MAY BE SUBJECTED TO ADDITIONAL REQUIREMENTS TO REDUCE ENVIRONMENTAL IMPACT AND IMPACT ON AGRICULTURAL ACTIVITY.
- ANY PARCELS IN THE RC ZONING DISTRICT THAT WERE “GRANDFATHERED” UNDER SENATE BILL 236 BY APPLYING FOR SEPTIC “PERC” TESTING PRIOR TO JULY 1, 2012.

TIER IV IS ALL OTHER REMAINING LAND IN THE RC ZONING DISTRICT AND PRESERVED PARCELS IN THE RR ZONING DISTRICT.”

ADOPTED 3/6/17
FAILED
SIGNATURE Jessica Addman

Sayers, Margery

From: Joan Pontius <joanpontius@gmail.com>
Sent: Tuesday, April 04, 2017 3:28 PM
To: CouncilMail; Kittleman, Allan
Subject: CB16-2017 opposition thank you.

Council Members Ball, Sigaty and Terrasa,

Thank you for opposing CB16-2017, regarding attempts to alter the Growth Tiers of Howard County. This bill would have resulted in loss of farm land and open spaces in Howard County, and a reduction in quality of life in Howard County.

Contrary to how it was portrayed, this bill would have hindered the ability of farmers to find adequate parcels, would have resulted in congested communities, and increased storm water run off. The only parties who would have benefited would have been those who develop the resulting spaces, who pocket their profits and leave the taxpayer to live with the negative impact of these poor decisions.

Thank you for standing up against attempts to use our government to undermine our quality of life for the interests of developers.

Joan Pontius

Reply all | Delete Junk |

FILE COPY

Letter in opposition to CB16-2017

ML Morgan Lakey <morgan_k@verizon.net>
Wed 3/1, 7:07 PM
CouncilMail

Reply all |

CB16-2017

ASCM letter in oppositi...
276 KB

Download

Dear Howard County Council,

Please find attached our letter from the Audubon Society of Central Maryland in opposition to CB16-2017, the proposal to amend PlanHoward 2030.

Thank you,
Morgan Lakey
President
Audubon Society of Central Maryland



March 1, 2017

Howard County Council
3400 Courthouse Dr.
Ellicott City, MD 21043

Dear Howard County Council:

The Audubon Society of Central Maryland, a chapter of the National Audubon Society with territory that includes Howard County, opposes CB16-2017, "An Act Amending Plan Howard 2030." The 1615 acres of farmland that is under consideration for rezoning functions as important wildlife habitat, as a source of clean water for the Chesapeake Bay, and as a resource of agricultural productivity to support sustainable food production, agro-tourism, and high life quality throughout our region. Farms are irreplaceable resources, increasingly so as urban centers become more dense and rural areas shrink. In contrast, housing developments add burdens to our roads and waterways, and irreversibly degrade the natural productivity of the land. This bill, unfortunately, would also set a precedent that would lead to continuing efforts to remove more properties from Tier IV classification. Farmland is an essential asset to our community, and the current designations need to be maintained.

The Audubon Society of Central Maryland is a 501(c) (3) organization with over 1,000 members. Our territory includes Howard, Carroll, Frederick, and part of Montgomery counties. An all-volunteer group, our mission is "to protect and restore birds, other wildlife, and their habitats through education and action, for the benefit of people and the earth." Our symbol, the American Kestrel, is a bird that relies on the type of open, rural habitat imperiled by the rezoning proposition. Suburban sprawl is one of the key reasons why Kestrels, along with other iconic American birds, mammals, and other species are declining throughout the U.S.

We recognize that farmers face significant economic challenges, and we support efforts to assist them through conservation easements that reduce tax burdens, and other creative measures. But we are also convinced that the true value of farmland lies not in its conversion to additional sprawl developments. Instead, the value of productive agricultural land will escalate in the coming years as it becomes increasingly scarce, and as society recognizes the intrinsic importance of sourcing food from local farms, orchards, and livestock operations. Local food availability is a key feature of resilient communities, and Howard County's recognition of the need to support community resilience is to be applauded and supported. Rezoning would

P.O. Box 660
Mt. Airy, MD 21771
www.centralmdaudubon.org



undermine resilience, and in fact contract the Resource Protection initiative aspects of Plan Howard 2030. The housing developments would undermine the rural character of the area and greatly diminish its value as a sustainable source of the vital human commodity: food.

We urge the county to resist the short-term pressure to develop this land and instead look to the long-term future of our county. We need to maintain the rural west as an irreplaceable source of food, habitat, economic strength, and beauty, and oppose its conversion to yet more sprawling residential development.

Yours truly,

Morgan Lakey, President
Audubon Society of Central Maryland

Reply all | Delete Junk |

I oppose cb16

HH Hiruy Hadgu <hadguhiruy@gmail.com>
Sat 3/4, 10:51 PM
CouncilMail

Reply all |

CB16-2017

Please vote against cb16.

Reply all | Delete Junk |

Doug Perkins - CB9/CB16 Testimony

PK Pruim, Kimberly Reply all |
Today, 10:57 AM
Ball, Calvin B; Calvin Ball <philosopherpoet2@yahoo.com>; Bailey, Na +2 more

CB16-2017

Doug Perkins called to offer testimony on both CB 9 and CB16. Here's a summary of his testimony:

- CB9. He requests Calvin to override the County Executive's veto. He thanked CB for sponsoring the legislation and would like him to continue supporting. Hopes that the rest of the Council will also vote to override
- CB16. Opposes. Talked about development in West Friendship and housing concerns. Said that if Mr. Kittleman owns property and if it impacted, that would be a conflict of interested. Said he tried calling the CE's office (and DPZ) to get an answer of whether any of the Executive's property or his family/relative's would be impacted by legislation but hasn't received a response back or any information.
 - Mr. Perkins also noted there are environmental concerns. There are areas out in the west that are classified by the State as "Tier 2" streams, which are some of the healthiest. If we permit development and housing to be built on Tier 2 streams, that means pollution will go straight into these streams.

Kimberly Pruim
Special Assistant to Vice Chairperson Calvin Ball
Howard County Council, District 2
410-313-2001

Reply all | Delete Junk |

Please protect the Bay and vote no on CB16

julie dunlap <juliejdunlap@earthlink.net>

Reply all |

Today, 10:52 AM

CouncilMail

CB16-2017

Dear Council Members,

Thank you for your work to protect Howard County and all of its residents. Please remember that charge when you consider how to vote on CB 16, which would cause further stresses on our county resources and especially our soil and water quality. With the current federal plans to cut Chesapeake Bay funding by as much as 95%, the original reason for keeping western county land in rural zoning is more crucial than ever. Adding to the burdens of our water supply, including to the burdens of people who try to make their livings on the Bay, would always be a bad idea. Now, with the impending strangulation of Bay water quality funding protections, we must not add to the problems by allowing housing development on these important rural acres.

If there are ways to help the farm owners with additional tax breaks or some other support, that could be considered. But we must keep in mind the larger issue of maintaining a sustainable environment for everyone, now and in the future. Housing developments would cause a permanent burden and open the floodgates to more such actions, incessantly into the future—a potential disaster for the Bay and for our local economy.

Please vote no on CB 16!

Thank you. Julie

Reply all | Delete Junk |

CB-16

CM Cathy Marron <camarron@comcast.net>
Today, 10:00 AM
CouncilMail

Reply all |

CB16-2017

Hello,

I live in zip code 21046. Please vote no on CB-16!

Regards,

Catherine Marron

Reply all | Delete Junk |

CB16-2017

Nick Yancich <nicholasyancich@hotmail.com>

Reply all |

Wed 3/1, 12:40 PM

CouncilMail

Dear Councilmembers,

I do not support the proposed changes to PlanHoward 2030 that will allow major residential subdivisions in the most rural areas of the county. Allowing hundreds of new houses on septic systems in areas dominated by farmland, forest, and open space is contrary to the core principle of PlanHoward 2030: Sustainability.

Major residential developments on septic systems pollute local waters, fragment agricultural and forest land, undermine agri-business, and burden local governments with disproportionately high costs for providing services. This kind of development is environmentally and economically unsustainable.

I urge you to reject the proposed changes to PlanHoward 2030 and maintain the protections that limit residential development in areas dominated by farmland, forest, and open space to minor subdivisions. Howard County has long been a leader in smart, sustainable growth, and we should continue to lead.

Nick Yancich

1283 Crowsfoot Rd

Marriottsville, MD 21104

Reply all | Delete Junk |

Today's vote on CB16

BW Barbara Winter Watson <bwinterwatson@gmail.com>
Yesterday, 1:05 PM
Weinstein, Jon; **CouncilMail**

Reply all |

CB16-2017

Dear Councilmember Weinstein,

I have been an environmental consultant working with private sector clients for three decades.

I have been a resident of your district for 20 years.

Based on my professional experience and my day-to-day responsibilities as a resident of our great county, I strongly urge you to vote against CB16.

The proposed changes will have both measurable and qualitative negative impacts on our local environment and economic health.

I am concerned that we do not have the financial resources to provide the necessary infrastructure to support increased development in western Howard County.

If we are to continue to work towards saving the Bay, we need to be vigilant in controlling and preventing nitrogen pollution: this is not possible if we expand the number of septic systems in the county.

I support farming in Howard County with my pocketbook and actively encourage others to do the same.

My son works on a farm in another state, and I am aware of the complex challenges facing small farmers. However, without the budget resources to properly address and safely manage roads, schools, and other county services, we are jeopardizing the quality of life for our citizens.

Please, look beyond the short-term gains of development in western Howard County and craft alternative legislation that supports our farmers while preserving the environment and building a more sustainable future for everyone in the county.

Respectfully,

Barbara Watson

Reply all | Delete Junk |

No on CB-16

Leah And Mike <leahandmike28@gmail.com>

Reply all |

Yesterday, 1:16 PM

CouncilMail

I am writing to urge you to vote no on CB-16 tonight. Your no vote is critical for protection of Howard County's high value waterways.

Thank you for your consideration.

Warm regards,

Leah Miller

10873 Braeburn Rd

Columbia, MD 21044

MBIA Support for CB16 - Tier Maps

J james.m.fraser.pe@gmail.com on behalf of James Fraser <jamie@i-s-land.co
Reply all |

Yesterday, 4:12 PM

CouncilMail; Weinstein, Jon; Feldmark, Jessica; Ball, Calvin B; Smith, Gi+13 more

To help protect your privacy, some content in this message has been blocked. To re-enable the blocked features, click here.

To always show content from this sender, click here.

MBIA Letter of Support...
190 KB

Download

Action Items

Council Members,

As a follow-up to our letter of support for the Tier Legislation bill (below and attached) and on behalf of MBIA's members, I would like to request that the bill be tabled for 30 days if there is a feeling that it cannot be passed tonight in its current form.

It has recently come to our attention that there may be some specific concerns with the bill and we would very much appreciate an opportunity (and a little time) to more fully understand those concerns because we believe amendments can be made to fully address them and achieve a final draft that would be acceptable to all stakeholders.

Thank you for your consideration and we hope to have an opportunity to continue working with you to refine this bill over the next couple of weeks if it cannot be passed tonight.

As always, please feel free to contact me at any time with any questions or concerns.

Thank you,
- Jamie

Jamie@I-S-LAND.com
(443)502-0678

www.I-S-LAND.com

President, Howard County Chapter

On Mon, Feb 20, 2017 at 12:22 PM, Joshua Greenfeld <jgreenfeld@marylandbuilders.org> wrote:

Dear Chairman Weinstein and Members of the Howard County Council:

Please find attached a letter of support for CB16-2017, which restores property rights to 36 properties in the Rural West, that have major subdivision potential, consistent with legislation passed by this County Council in 2012 as Council Bill 37-2012. In all this bill restores property rights to 36 parcels with the potential to create 215 additional housing units.

In recent years, the County's growth, both residential and commercial, has not kept pace with its PlanHoward 2030 goals. It is vital the County continues to grow and gets back on track to meet its PlanHoward goals to provide residents with the economic opportunities and public services they want and need. Allowing roughly 200 additional housing units in the Rural West will help create the housing stock necessary to attract businesses and their employees to help reach the County's growth goals. The MBIA urges you to support this legislation.

Thank you for your support of this legislation and the home building industry in Howard County.

If you have any questions about these comments and would like to discuss our position further, please do not hesitate to contact me at jgreenfeld@marylandbuilders.org or [443.515.0025](tel:443.515.0025).

Best regards,

Josh Greenfeld, Esq.

jgreenfeld@marylandbuilders.org

Vice President of Government Affairs

Maryland Building Industry Association
11825 W. Market Place
Fulton, MD 20759
Ph: [443-515-0025](tel:443-515-0025)



Builder Connections Ultimate Networking Event - Feb. 22

Don't Miss Your Connection! [Register here](#).

Certified-Aging-in-Place Classes - March 14, 15 & 16
Get Your CAPS Designation. Register at marylandbuilders.org

47th Annual Builder Mart - March 22
Buy Your Tickets now at www.buildermart.org

Check out NAHB's Member Advantage Program at www.nahb.org/ma

February 21, 2017

Re: LETTER OF SUPPORT FOR CB16 – TIER MAPS

Dear Chairman Weinstein and Members of the Howard County Council:

The MBIA writes in support of CB16-2017, which restores property rights to 36 properties in the Rural West, that have major subdivision potential, consistent with legislation passed by this County Council in 2012 as Council Bill 37-2012.

In all, this legislation restores property rights to 36 parcels and creates the potential to add only 215 housing units if every property were developed to its maximum capacity. The County has preserved 22,000 acres in the Rural West over the past 35 years and has already met its PlanHoward 2030 agricultural preservation goals. This legislation will not adversely impact the County's agricultural preservation goals in any way. Additionally, it is highly unlikely every property will be developed to its full potential due to environmental features like steep slopes, wetlands and septic requirements as well as the likelihood that some of these property owners will sell their development rights through the Density Exchange Option. Finally, the pace of development will continue to be governed by the Adequate Public Facilities Ordinance (APFO) ensuring growth does not outpace any added strained on public facilities.

In recent years, the County's growth, both residential and commercial, has not kept pace with its PlanHoward 2030 goals. It is vital the County continues to grow and gets back on track to meet its PlanHoward goals to provide residents with the economic opportunities and public services they want and need. Allowing roughly 200 additional housing units in the Rural West will help create the housing stock necessary to attract businesses and their employees to help reach the County's growth goals. The MBIA urges you to support this legislation.

Thank you for your support of this legislation and the home building industry in Howard County.

If you have any questions about these comments and would like to discuss our position further, please do not hesitate to contact me at jgreenfeld@marylandbuilders.org or 443.515.0025.

Best regards,

Josh Greenfeld, Vice President of Government Affairs

Cc: County Executive Allan Kittleman
Councilmember Greg Fox
Councilmember Mary Kay Sigaty
Councilmember Jen Terrassa
Councilmember Calvin Ball

Jessica Feldmark
Diane Wilson
Valdis Lazdins

Reply all | Delete Junk |

Oppose CB16-2017

Alexandra Hursky <alexandraohursky@yahoo.com>

Reply all |

Yesterday, 6:11 PM

CouncilMail

I am a constituent of District One in Howard County, living on Bonnie Branch Road. I strongly oppose bill CB16.

Sincerely,
Alex Hursky

Amendment 1 to Council Bill 16-2017

BY: Jon Weinstein
Greg Fox

Legislative Day No: 5
Date: March 6, 2017

Amendment No. 1

(This amendment would revise the Tier descriptions found in the General Plan).

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On the page 3 attached to the bill, strike the first paragraph and substitute the following:

“TIER I IS OUR PRIORITY FUNDING AREA, WHICH IS THE PLANNED PUBLIC WATER AND SEWER SERVICE AREA. NO AREAS ARE DESIGNATED FOR TIER II, SINCE THERE ARE NO PLANS FOR FURTHER EXTENSION OF THE PUBLIC WATER AND SEWER SERVICE AREA IN THE FUTURE. TIER III PROPERTIES INCLUDE THE FOLLOWING:

- ALL NON-PRESERVED PARCELS IN THE RURAL RESIDENTIAL (RR) ZONING DISTRICT;
- ALL NON-PRESERVED PARCELS IN THE RURAL CONSERVATION (RC) ZONING DISTRICT THAT ARE OUTSIDE THE RURAL LEGACY AREA AND THAT HAVE MAJOR SUBDIVISION POTENTIAL. IF DEVELOPED AS A MAJOR SUBDIVISION, THESE PARCELS MAY BE SUBJECTED TO ADDITIONAL REQUIREMENTS TO REDUCE ENVIRONMENTAL IMPACT AND IMPACT ON AGRICULTURAL ACTIVITY.
- ANY PARCELS IN THE RC ZONING DISTRICT THAT WERE “GRANDFATHERED” UNDER SENATE BILL 236 BY APPLYING FOR SEPTIC “PERC” TESTING PRIOR TO JULY 1, 2012.

TIER IV IS ALL OTHER REMAINING LAND IN THE RC ZONING DISTRICT AND PRESERVED PARCELS IN THE RR ZONING DISTRICT.”

Reply all |

Delete

Junk |

Vote NO on CB16-2017

FILE COPY

Diane OConnor <Ddoconnor@hotmail.com>

Reply all |

Wed 2/22, 6:45 AM

CouncilMail ...

CB16-2017

Dear Council Member,

Please vote NO on CB16-2017. The changes proposed in this bill jeopardize our clean water and ruin the rural character in the western half of the county by opening it to sprawling development. The proposed changes are inconsistent with the rest of Howard County's plans for growth and preservation and out of step with the needs of the county's residents, waterways, and open spaces.

The current Growth Tier Map included in Howard County's current comprehensive plan preserves the county's rural character and protects water quality from overdevelopment. This map explains where and what kinds of development can happen in the county, and it identifies specific areas for preservation. It was the result of an extensive process of public input and good, old-fashioned compromise that expressed the will of county citizens.

I urge you to vote NO on CB16-2017.

Thank You.

Diane OConnor
12541 Folly Qtr Rd
Ellicott City, MD 21042

Getting too much email from Diane OConnor <Ddoconnor@hotmail.com>? You can unsubscribe

Reply all | Delete Junk |

Vote NO on CB16-2017

Dorothy Kitt <dbkitt@yahoo.com>

Reply all |

○ Wed 2/22, 7:38 AM
CouncilMail

Dear Council Member,

Please vote NO on CB16-2017. The changes proposed in this bill jeopardize our clean water and ruin the rural character in the western half of the county by opening it to sprawling development. The proposed changes are inconsistent with the rest of Howard County's plans for growth and preservation and out of step with the needs of the county's residents, waterways, and open spaces.

The current Growth Tier Map included in Howard County's current comprehensive plan preserves the county's rural character and protects water quality from overdevelopment. This map explains where and what kinds of development can happen in the county, and it identifies specific areas for preservation. It was the result of an extensive process of public input and good, old-fashioned compromise that expressed the will of county citizens.

I urge you to vote NO on CB16-2017.

Thank You.

Dorothy Kitt
12450 Old Frederick Rd.
Marriottsville, MD 21104

Getting too much email from Dorothy Kitt <dbkitt@yahoo.com>? You can unsubscribe

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Vote NO on CB16-2017

Frank Lombardi <ftlombardi@aol.com>

Reply all |

Wed 2/22, 7:38 AM
CouncilMail

CB16-2017

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I urge you to vote NO on CB16-2017.

Thank You.

Frank Lombardi
11726 lightfall court
Columbia, MD 21044

Getting too much email from Frank Lombardi <ftlombardi@aol.com>? You can unsubscribe

Reply all | Delete Junk |

Vote NO on CB16-2017

Cheryl Warnet <rwemersonstar@yahoo.com>
Wed 2/22, 7:38 AM
CouncilMail

Reply all |

CB16-2017

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I urge you to vote NO on CB16-2017.

Thank You.

Cheryl Warnet
5150 Morningside Lane
Ellicott City, MD 21043

Getting too much email from Cheryl Warnet <rwemersonstar@yahoo.com>? You can unsubscribe

Reply all | Delete Junk |

Vote NO on CB16-2017

Ronald Alper <ronea155@yahoo.com>

Reply all |

○ Wed 2/22, 7:38 AM
CouncilMail

CB16-2017

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I urge you to vote NO on CB16-2017.

Thank You.

Ronald Alper
6503 Barley Corn Row
Columbia, MD 21044

Getting too much email from Ronald Alper <ronea155@yahoo.com>? You can unsubscribe

Reply all | Delete Junk |

Vote NO on CB16-2017

Donna Dennis <dsdd2013@yahoo.com>

Reply all |

Wed 2/22, 7:38 AM
CouncilMail

CB16-2017

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I urge you to vote NO on CB16-2017.

Thank You.

Donna Dennis
9225 W. Stayman Dr
Ellicott City, MD 21042

Getting too much email from Donna Dennis <dsdd2013@yahoo.com>? You can unsubscribe

Reply all | Delete Junk |

Vote NO on CB16-2017

Marion Cook <merniecook@yahoo.com>

Reply all |

Wed 2/22, 7:38 AM
CouncilMail

CB16-2017

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I urge you to vote NO on CB16-2017.

Thank You.

Marion Cook
5966 Turnabout Lane
Columbia, MD 21044

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Reply all | Delete Junk |

Vote NO on CB16-2017

Emily Hogenson <emilyhogenson@yahoo.com>

Reply all |

Wed 2/22, 7:38 AM

CouncilMail

CB16-2017

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I urge you to vote NO on CB16-2017.


Thank You.

Emily Hogenson
5216 Kalmia Drive
Dayton, MD 21036

Getting too much email from Emily Hogenson <emilyhogenson@yahoo.com>? You can unsubscribe

Reply all | Delete Junk |

Vote NO on CB16-2017

 D Kane <rcvrygaldale@yahoo.com>
Wed 2/22, 7:38 AM
CouncilMail

Reply all |

CB16-2017

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I urge you to vote NO on CB16-2017.

Thank You.
Dale Kane
resident since 1972

D Kane
5237 W Running Brook Rd
#101
Columbia, MD 21044

Getting too much email from D Kane <rcvrygaldale@yahoo.com>? You can unsubscribe

Reply all | Delete Junk |

Vote NO on CB16-2017

Mary Bell <tinkerpandora@verizon.net>
Wed 2/22, 7:54 AM
CouncilMail

Reply all |

CB16-2017

Dear Council Member,

Please vote NO on CB16-2017. The changes proposed in this bill jeopardize our clean water and ruin the rural character in the western half of the county by opening it to sprawling development. The proposed changes are inconsistent with the rest of Howard County's plans for growth and preservation and out of step with the needs of the county's residents, waterways, and open spaces.

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I urge you to vote NO on CB16-2017.

Thank You.

Mary Bell
8801 Bosley Rd apt 305
ELLICOTT City, MD 21043

Getting too much email from Mary Bell <tinkerpandora@verizon.net>? You can unsubscribe

Reply all | Delete Junk |

Vote NO on CB16-2017

Cathy Stogel <swimaty@gmail.com>

Reply all |

Wed 2/22, 10:39 AM
CouncilMail

CB16-2017

Dear Council Members,

Please vote NO on CB16-2017. The changes proposed in this bill will allow for a development sprawl (requiring septic systems) that will greatly increase the level of nitrogen pollution in local streams and the Chesapeake Bay. This is not consistent with the overall plans for growth and development in Howard County and is not what the majority of residents want.

The health consequences are well documented and our county and state will suffer if our residents are too sick to attend school or go to work. Our local health care facilities and hospital will be given an unnecessary and expensive burden.

People move to and stay in Howard county because we have beautiful protected areas, not one housing development after another.

There is a growing trend in people investing in sustainable farming and our farm lands will provide that opportunity for new businesses.

The plan we have now, the result of previous discussions and compromise, needs to stay in place to protect everyone's health and well being. Changing the plan to allow for development hurts everyone and benefits just a few.

I urge you to vote NO on CB16-2017 as the council has done in the past.

Thank You.

Cathy Stogel, Ellicott City

Cathy Stogel
2581 Litter dr
Ellicott City, MD 21042

Getting too much email from Cathy Stogel <swimaty@gmail.com>? You can unsubscribe

CB-16

DavidYungmann@hcmove.net <davidyungmann@hcmove.net>



Reply all |

Wed 2/22, 2:28 PM

CouncilMail

CB16-2017

| Action Items

Dear CC,

I did not intend to be dismissive of Calvin's question last night but debating the very premise of the question didn't seem appropriate given the audience and time of night. I believe looking at strict General Plan compliance would make sense if this were a new request in which property owners were looking to increase density above a standing level. Even though the County has a track record of doing just that, irrespective of the General Plan, I would not support such an approval unless there was a compelling community benefit, which I agree doesn't exist in this situation.

However, these property owners are trying to get back something that was taken from them based, at least in part, on an individual decision by Ken. So I don't view this as a "new" request or action that demands strict compliance to the General Plan, but a motion to re-instate a right that was already owned but unfairly taken away. That's why I disagree with the very premise of questioning General Plan compliance in this specific situation.

Turn the clock back to 2012 when the pre-veto version of CB-37-12 was approved. That version, which was supported by Calvin, Jen and Mary Kay, didn't fully please everyone, but was a hard fought and emotional compromise between the goals of the General Plan and the rights of property owners. What has substantially changed since 2012 that would change your personal view so dramatically?

I left with an additional concern last night related to the ability of these families to voluntarily participate in a preservation program. I appreciate your willingness to address that unintended consequence of the existing legislation, but it can't be viewed as a solution to this overall issue. The programs were established to be voluntary and should remain so. Forcing these families to sell their development rights at a fraction of the true market value would still be grossly unfair and of little benefit to the overall land use goals. I remain hopeful that you will also right this wrong and support CB-16.

Thanks for hanging in for another late night. I know the last year hasn't been easy.

DY

David Yungmann

The Yungmann Group of Keller Williams Integrity
(410) 207-7777
www.HowardCountyMove.com

Reply all | Delete Junk |

CB16-2017

Richard Kohn <dh974@icloud.com>

Reply all |

Wed 2/22, 2:41 PM
CouncilMail

CB16-2017

CB16-2017.pdf
70 KB

Download

Action Items

Please read the attached pdf file for reasons I oppose Council Bill 16-2017. In short, this bill benefits real estate developers, and possibly a small number of land owners, at the expense of many farmers and other residents of the county.

Rick Kohn

Richard A. Kohn, Ph.D.
5218 Wood Stove Lane
Columbia, MD 21045
Feb. 22, 2017

Subject: Council Bill 16-2017

I am a resident of 5218 Wood Stove Lane, Columbia MD 21045-1915, and the opinions I express in this letter are my own.

I urge you to vote no on Council Bill 16-2017. This bill primarily benefits the housing development industry at the expense of most residents of Howard County. This bill proposes to change zoning in western Howard County to facilitate conversion of several farms into residential developments. It increases the amount of land available for development, decreases the cost to developers, increases the incentive to land owners to sell their land for development, and decreases the incentive to continue farming.

Currently, developers need to acquire rights to subdivide properties more than 4 times by paying other landowners to transfer their subdivision rights. This results in some land being committed to preservation while other land is developed. This policy provides a financial incentive to some landowners to commit to keep their land out of development, which slows the rate of housing development in the county.

The proposed bill will make it possible to subdivide several farms without obtaining additional subdivision rights from landowners in the county. Therefore, it will not be necessary to obtain rights for additional subdivisions on the exchange programs. Although, the bill does not do away with the exchanges entirely, it would make them obsolete. While the bill may increase the value of some farmland in the county that is used for housing development, it will decrease the payments made to residents who commit to keeping their property out of development. The end result is that more land will be developed into real estate subdivisions, and it will be less profitable to continue farming.

If this bill passes, it will increase the number of subdivisions in western Howard County, and most residents of the county will have to face greater traffic and congestion, loss of rural character of the county, and moderately higher nutrient flows to waterways. Routes 32, 29 and 95 will be more crowded, as well as county routes contributing traffic into these routes. Greater residential development will crowd existing farms. This impact does not benefit the majority of residents of the county who wish to continue living here. The increased residential housing will also drive more complaints and greater restrictions on existing farms in the county. Property values will decline with the increased supply of residential lots. All of these negatives outweigh the positive benefits of lower cost housing, lower cost for development, and higher land values for a small number of farms.

One argument for this bill is that it provides the landowners with the freedom to do what they want with their own land, and implicitly that restricting them from selling the land to developers is an economic loss to them. However, when the current restriction was put in place in 2013, the county purchased additional easements on existing properties. This purchase allowed more county farmers to sell development rights to the county, and it increased the value of all rural property by removing some land from the market. Thus, the farmers this bill aims to reward already have been compensated with increased property value because of the county's preservation policies. While this bill rewards these farmers an additional time, it penalizes farmers that would have been able to sell their development rights.

This bill aims to provide greater profit to some farmers, and mostly to developers, but at the same time it takes away profit from others. In this particular case, the winners are those who want to sell their property to developers, and the losers are those who want to continue farming. The argument that the current rules are unfair to those who want to sell their land for development is countered by the argument that the proposed bill would be unfair to those who want to sell their development rights and continue farming. The only reason to pass this bill to benefit one group at the expense of another is to promote faster residential development. The real estate developers benefit from this change, but most residents of the county would not.

For a balanced summary of the issue, please view my web page at agroecologyweb.wordpress.com

Sincerely,

A handwritten signature in black ink, appearing to read 'Richard Kohn', written in a cursive style.

Richard Kohn, Ph.D.

Reply all | Delete Junk |

CB16-2017 - Please vote No

Jeremy Scharfenberg <j_scharf@hotmail.com>

Reply all |

○ Wed 2/22, 4:38 PM
CouncilMail

Dear Council Member Sigaty,

I am writing you to oppose the passage of Council Bill 16-2017. This bill weakens the watershed protection and smart growth principles established by PlanHoward 2030. My concerns with this bill can be summarized as follows:

- 1) Howard County has taken commendable steps to protect our watershed and the Chesapeake Bay in recent years and we need to continue to make these principles a priority when considering legislation. This is especially important given that the use of best available technology (BAT) for septic systems is no longer required in Howard County.
- 2) From a watershed protection aspect, nonpoint sources such as septic systems and residential development are the next challenge for the Chesapeake Bay. The large point sources such as wastewater treatment plants have been largely mitigated and offer a more actionable measure for further reductions in the future. Furthermore, development of agricultural land brings adverse impacts beyond septic systems which include increased stormwater runoff and light pollution.
- 3) Failing septic systems are one of the most common sources of groundwater contamination nationwide. Septic system effectiveness is frequently compromised by poor soil hydrology, faulty installation, and lax maintenance. Across Howard County, right now, there is likely hundreds of failing septic systems. Depending on jurisdiction, the percentage of failing septic systems ranges from 10 to more than 50 percent throughout the country.
- 4) In general, if there are revisions to zoning and growth regulations I believe that the priority should continue to be higher density mixed use development near Howard County's existing core where utilities and municipal services are more effectively accessed.

Thanks very much for your consideration.

Jeremy Scharfenberg
5429 Endicott Lane
Columbia, MD 21044
District 4

Reply all | Delete Junk |

Vote NO on CB16-2017

Corliss Glennon <tilycog@comcast.net>

Reply all |

Wed 2/22, 5:36 PM
CouncilMail

CB16-2017

Dear Council Member,

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I urge you to vote NO on CB16-2017.

Thank You.

Corliss Glennon

Corliss Glennon

Dayton, MD 21036

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Reply all | Delete Junk |

CB16-2017

Raymond Donaldson <rtdonaldson@gmail.com>

Reply all |

Wed 2/22, 11:38 PM
CouncilMail; Kittleman, Allan

CB16-2017

I am opposed to rolling back tier 4 and allowing 1600 acres to be developed. We have enough development in Howard County, we need to keep this land out of development. The county has a wonderful agricultural land preservation program, and there are other programs as well, that can compensate the owners for not developing.

Ray Donaldson

Reply all | Delete Junk |

Vote NO on CB16-2017

Susan Kachalo <Skachalo@verizon.net>

Reply all |

Thu 2/23, 7:43 AM
CouncilMail

Dear Council Member,

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I urge you to vote NO on CB16-2017.

Thank You.

Susan Kachalo
4655 Ilchester Road
Ellicott City, MD 21043

Getting too much email from Susan Kachalo <Skachalo@verizon.net>? You can unsubscribe

Reply all | Delete Junk |

Vote NO on CB16-2017

Nancy Rivers <Mdgiantfan@comcast.net>

Reply all |

Sat 2/25, 8:53 AM
CouncilMail

Dear Council Member,

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I urge you to vote NO on CB16-2017.

Thank You.

Nancy Rivers
5322 Elliot's oak rd
Columbia, MD 21044

Getting too much email from Nancy Rivers <Mdgiantfan@comcast.net>? You can unsubscribe

PlanHoward 2030 Amendment to Revise the Growth Tiers

Howard County Council
Work Session
February 27, 2017

CB16-2017

Senate Bill (SB) 236

*Sustainable Growth and Agricultural Preservation Act
of 2012*

- **Intent:** “to protect the Chesapeake and associated rivers and streams by limiting development on septic system”
- Required adoption of Growth Tiers by December 31, 2012.

Growth Tiers

- Classification of land into one of four categories:

Tier I: designated growth area served by public sewer

Tier II: designated for future extension of public sewer services

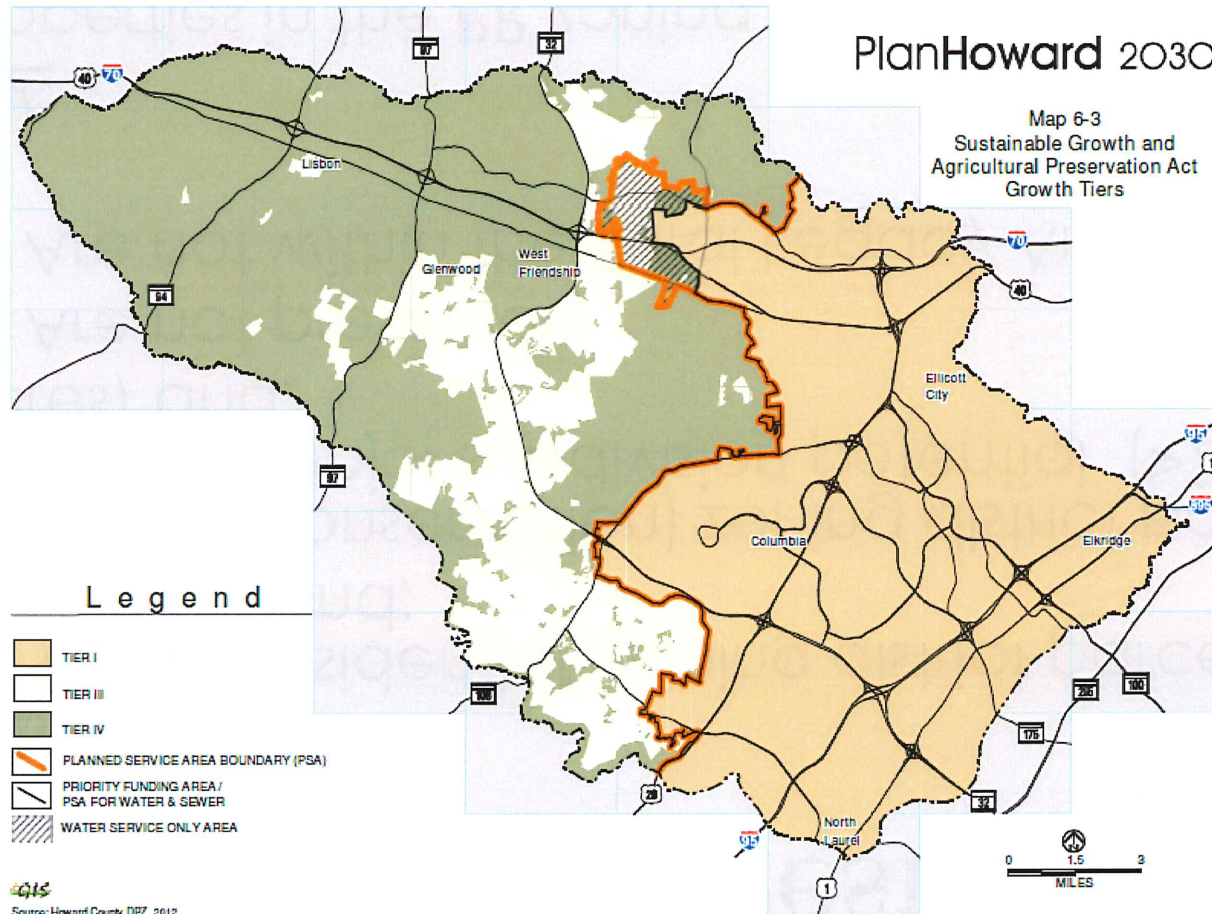
Tier III: not planned for sewer service, not dominated by agriculture or forest, and planned for large lot development

Tier IV: not planned for sewer service, dominated by agricultural and forest land planned for resource protection

Legislative History

- **December, 2012** CB-37-2012 approved by Council
- **December, 2012** CB-37-2012 vetoed
- **January, 2013** CB-1-2013 introduced
- **February, 2013** CB-1-2013 amended and approved
- **April, 2013** CB-1-2013 effective

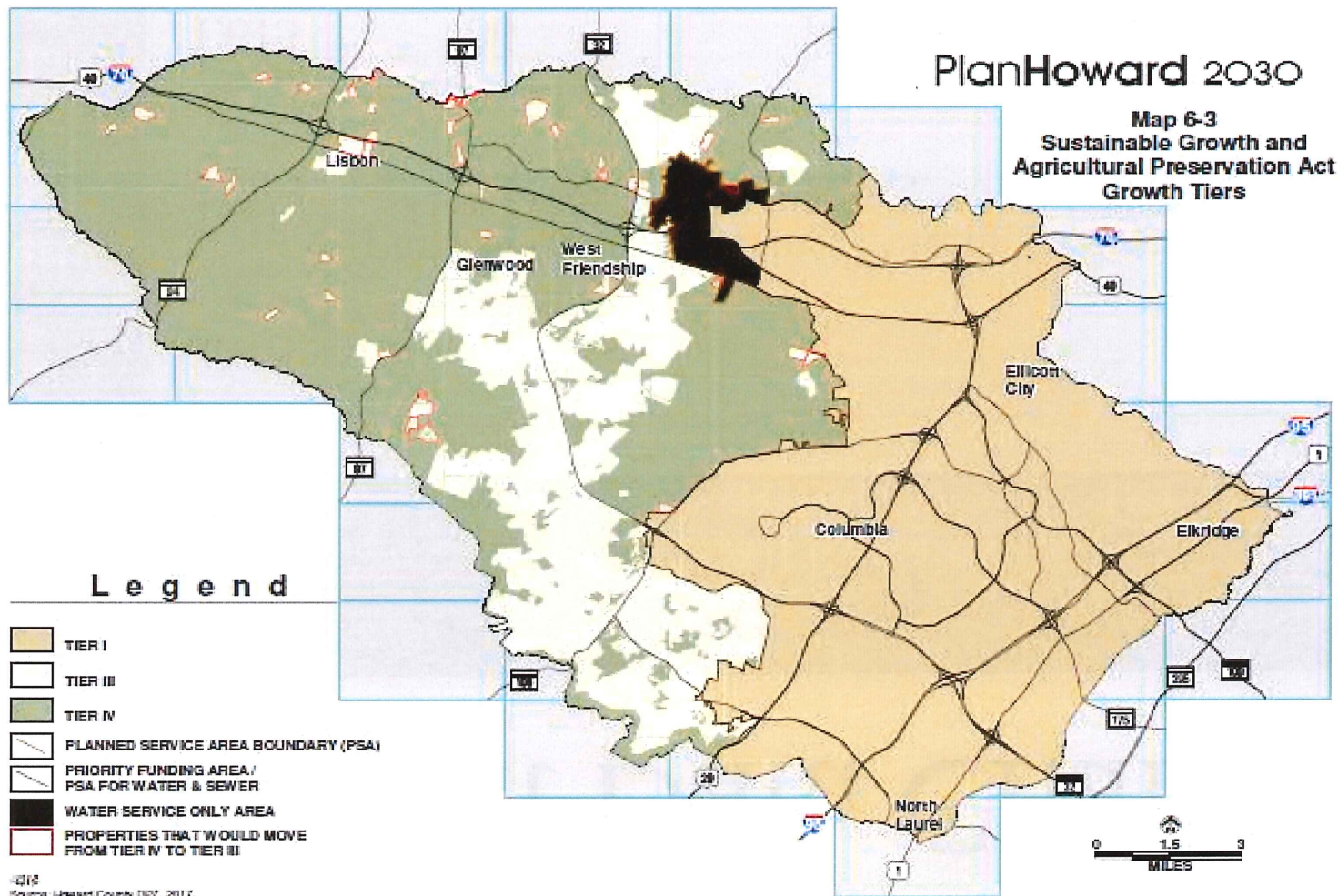
Existing Growth Tiers Map



Proposed Tier Designations

- **Tier III:**
 - RR (Rural Residential) zoning district parcels not preserved and;
 - RC (Rural Conservation) zoning district parcels that have major subdivision potential (>21.25 acres) and;
 - Are not preserved
 - Are not within the Rural Legacy Area
- **Tier IV:**
 - Properties in the RR zoning district that are preserved
 - All other properties in the RC zoning district

Amended Growth Tiers Map



Impact Data Chart

			If All Remains as Tier IV	If Tier IV Lifted	
Property Type	Acres	Number of parcels over 21.25 acres	Existing/Potenti al Units	Potential Units	Potential Added Capacity
Properties with Major Subdivisio n Potential	1,615	36	144	359	215

Recommendation

DPZ recommends approval of the proposed General Plan Amendment = **1.7% of land in the west**

- 1) Restores property rights previously taken
- 2) Allows development according to approved zoning
- 3) Maintains local controls of land use and growth management decisions



Office of the Sheriff
Howard County, Maryland

William J. McMahon
Sheriff

Testimony to County Council on New Courthouse

February 21, 2017

Chair Weinstein and members of the County Council:

Thank you for the opportunity to testify in front of you this evening in **SUPPORT of Council Bill 27** that will allow for the construction of a new Circuit Courthouse for Howard County.

One of the **primary responsibilities of the Howard County Sheriff's Office is the safety and security of those who come to the Courthouse.** This includes parties, witnesses, attorneys, judges and court support personnel, as well as the general public. The current Courthouse, despite its historical significance and charm, makes this task almost impossible to complete.

As you know, the Court house was **originally constructed in 1851, with major renovation's in the mid-1980s and again a decade ago.** Despite the changes made during those periods, the building is outdated and does not support the security measures needed in the 21st Century.

One of my first activities was to assess the safety and security environment of the building, the training our deputies receive and the overall readiness of County personnel to respond to an emergency there. I was pleased to find that our deputies have been involved in "active shooter" training for some time. I have worked with Chief Gardner's staff to ensure that the Police Department's SWAT team and other specialized personnel have exposure to the building and access to it for training. However, **the building itself does not lend itself to the environment of safety that we all want. Among the significant issues are:**



Office of the Sheriff

Howard County, Maryland

William J. McMahon
Sheriff

- The configuration of **the front entrance poses significant challenges in properly screening employees and the public** coming to the Court house. Lines quickly form and the integrity of the screening process is easily compromised. As an example, two main stairways that are located just inside the entrance offer a quick path to bypass the deputies, the x-ray machine and the magnetometer, requiring us to often provide additional staffing there.
- **The exterior area of the Courthouse (Sally Port) used for prisoner arrival and departure is on a public street.** The street must be blocked during prisoner arrival/departure. The Sally Port is located in an extremely open location and **does not offer an acceptable level of concealment or cover in the event of a security breach. Neighbors who may be out taking a walk are interrupted** and have to be held up or diverted as suspects are escorted to and from the Court. Additionally, the actual Sally Port is very narrow and does not allow for access of transport vehicles.
- The Lock-Up area used **for prisoner detention and processing (juvenile and adult) is cramped and poorly designed.** Deputies are required to take extraordinary measures to maintain ample security while escorting prisoners to and from courtrooms. **In fact, court employees, including judges, must remain in their offices as we escort these incarcerated defendants to the courtrooms.**
- **Maintaining sight and sound separation, as required by Maryland and Federal law, for juvenile detainees is nearly impossible.** Once again, extraordinary measures must be exercised by deputies/security officers in order to maintain compliance and a safe custodial environment.



Office of the Sheriff

Howard County, Maryland

William J. McMahon
Sheriff

- **Interview rooms for attorney/prisoner consultation do not provide an acceptable level of privacy.** Conversations can easily be heard from an adjacent hallway and the Lock-Up area.
- The outdated design of the courtrooms makes **it difficult for deputies to maintain a safe environment for the public, court employees, jurors and prisoners.** In custody defendants are often in close proximity to the general public and those attending court proceedings. The use of one courtroom is restricted to only cases involving non-in-custody defendants. Several courtrooms are restricted in the case of serious criminal jury trials.
- **Parking for the public, court employees and Sheriff's Office deputies is limited.** Designated parking spaces for **individuals with disabilities** in close proximity to the Courthouse are frequently full requiring those individuals to park in general parking. The Courthouse is very inconvenient and challenging to access, particularly during inclement weather, for individuals with disabilities.
- **Parking for judges** is not consistent with judiciary safety standards and is not enclosed.
- The current Courthouse office **area designated for Sheriff's Office operations is limited.** HCSO personnel who routinely are required to be present at the Courthouse (Domestic Violence, Warrant/Fugitive, Landlord/Tenant, and Administrative Support) do not have offices at the Circuit Courthouse. **HCSO efficiency would be significantly improved if these units could be more centralized to Courthouse operations.**
- **The age and construction materials of the building make alterations difficult, if not impossible.** Thick granite walls are commonly found throughout the building. Even a seemingly simple addition of a camera



Office of the Sheriff

Howard County, Maryland

William J. McMahon
Sheriff

or an alarm presents significant challenges and can be costly and time consuming.

- At least two **security assessment reports** have been done on the building by the non-profit ***National Center for State Courts*** over the last ten years. While improvements have been made based on the recommendations in those reports, some **significant issues remain. These can be easily addressed in the design and building of a new Courthouse.**

In conclusion, there is a very real and well documented need for a new Courthouse. As the Sheriff, I am concerned about our ability to maintain the level of safety and security required in today's society. I urge you to vote in favor of this resolution and ultimate construction of a new Courthouse.



Howard County

Internal Memorandum

Subject: *Planning Board Recommendation for GPA 2016-01*

To: *Dr. Calvin Ball, Council Chairperson
Jon Weinstein, Council Vice-Chairperson
Greg Fox, Councilperson
Mary Kay Sigaty, Councilperson
Jen Terrasa, Councilperson*

From: *Bill Santos, Chairperson NLS
Howard County Planning Board*

Date: *April 28, 2016*

On February 18, 2016 and April 7, 2016 the Planning Board held a public hearing to consider General Plan Amendment 2016-01 to *PlanHoward 2030*; submitted by the Department of Planning and Zoning. The General Plan Amendment, if approved, would revise the Growth Tiers Designations as required by Senate Bill 236 "*The Sustainable Growth and Agricultural Preservation Act of 2012*." In response to input and concerns raised at the hearing on February 18, 2016 the County Executive revised the Growth Tiers Amendment Proposal. The Department of Planning and Zoning issued an addendum to the February 18th Technical Staff Report and presented the revised amendment to the Board at a continued hearing on April 7, 2016.

In conjunction with Section 16.900 (i) of the Howard County Code, a 30-day notice of the time and place of the original hearing was published in two newspapers of general circulation in the County. An agenda and technical staff report were posted on the Board's webpage two weeks in advance of the original hearing and the addendum to the staff report two weeks ahead of the second hearing.

Written and oral testimony was presented to the Board both in favor and in opposition to the proposal. Individuals who spoke at the first hearing were afforded an opportunity to speak at the second hearing, if the amendment affected their initial testimony. The sign-in sheet, an audio recording of the proceedings, and a copy of all written input are on file in the Department of Planning and Zoning.

Recommendation

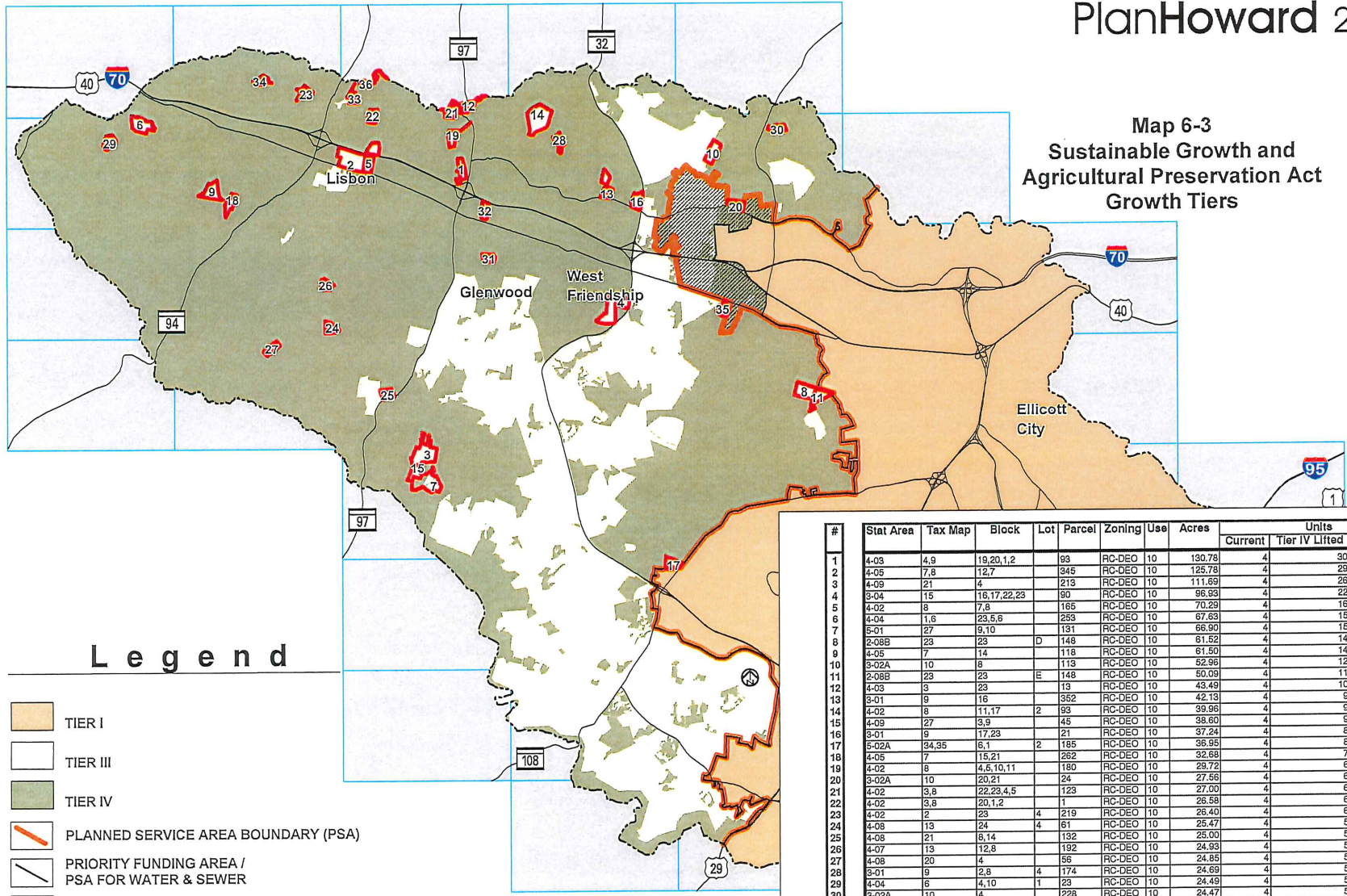
Based on public input and Board discussion at the public hearings and worksession, the Planning Board recommended denial of the proposed amendments. In addition, they recommended that the growth tier system be continually monitored to evaluate its economic benefits, as well as fairness to the property rights of agricultural property owners. The motion was passed 4-1.

HOWARD COUNTY COUNCIL
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PlanHoward 2030

Map 6-3
Sustainable Growth and
Agricultural Preservation Act
Growth Tiers



Legend

- TIER I
- TIER III
- TIER IV
- PLANNED SERVICE AREA BOUNDARY (PSA)
- PRIORITY FUNDING AREA / PSA FOR WATER & SEWER
- WATER SERVICE ONLY AREA
- PROPERTIES THAT WOULD MOVE FROM TIER IV TO TIER III

Source: Howard County DPZ, 2017.

#	Stat Area	Tax Map	Block	Lot	Parcel	Zoning	Use	Acres	Units		
									Current	Tier IV Lifted	Added Cap
1	4-03	4,9	19,20,1,2		93	RC-DEO	10	130.79	4	30	26
2	4-05	7,8	12,7		345	RC-DEO	10	125.78	4	29	25
3	4-09	21	4		213	RC-DEO	10	111.69	4	26	22
4	3-04	15	16,17,22,23		90	RC-DEO	10	96.93	4	22	18
5	4-02	8	7,8		165	RC-DEO	10	70.29	4	16	12
6	4-04	1,6	23,5,6		253	RC-DEO	10	67.63	4	15	11
7	5-01	27	9,10		131	RC-DEO	10	66.90	4	15	11
8	2-08B	23	23	D	148	RC-DEO	10	61.52	4	14	10
9	4-05	7	14		118	RC-DEO	10	61.50	4	14	10
10	3-02A	10	8		113	RC-DEO	10	52.98	4	12	8
11	2-08B	23	23	E	148	RC-DEO	10	50.09	4	11	7
12	4-03	3	23		13	RC-DEO	10	43.49	4	10	6
13	3-01	9	16		352	RC-DEO	10	42.13	4	9	5
14	4-02	8	11,17	2	93	RC-DEO	10	39.98	4	9	5
15	4-09	27	3,9		45	RC-DEO	10	38.60	4	9	5
16	3-01	9	17,23		21	RC-DEO	10	37.24	4	8	4
17	5-02A	34,35	6,1	2	185	RC-DEO	10	36.95	4	8	4
18	4-05	7	15,21		262	RC-DEO	10	32.68	4	7	3
19	4-02	8	4,5,10,11		180	RC-DEO	10	23.72	4	6	2
20	3-02A	10	20,21		24	RC-DEO	10	27.56	4	6	2
21	4-02	3,8	22,23,4,5		123	RC-DEO	10	27.00	4	6	2
22	4-02	3,8	20,12		1	RC-DEO	10	26.58	4	6	2
23	4-02	2	23	4	219	RC-DEO	10	26.40	4	6	2
24	4-08	13	24	4	61	RC-DEO	10	26.47	4	5	1
25	4-08	21	8,14		132	RC-DEO	10	26.00	4	5	1
26	4-07	13	12,8		192	RC-DEO	10	24.93	4	5	1
27	4-08	20	4		56	RC-DEO	10	24.85	4	5	1
28	3-01	9	2,8	4	174	RC-DEO	10	24.69	4	5	1
29	4-04	6	4,10	1	23	RC-DEO	10	24.49	4	5	1
30	3-02A	10	4		228	RC-DEO	10	24.47	4	5	1
31	4-06	14	5,12		43	RC-DEO	10	24.08	4	5	1
32	4-06	8	24		109	RC-DEO	10	23.97	4	5	1
33	4-02	2	24	3	89	RC-DEO	10	22.70	4	5	1
34	4-02	2	16		26	RC-DEO	10	22.50	4	5	1
35	3-08A	16	14,20		41	RC-DEO	10	22.17	4	5	1
36	4-02	3	13,14	1	6	RC-DEO	10	21.90	4	5	1
TOTAL			Number of Parcels - 36					Acres - 1,515.60	144	359	215

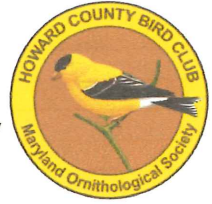
Non-Grandfathered Tier IV Properties 21.25 Acres or More As of January 5, 2017

If All Remains as Tier IV				If Tier IV Lifted	
	Number Of Parcels	Potential Units	Acres	Potential Units	Added Unit Capacity
Undeveloped	36	144	1,615.60	359	215

Stat Area	Tax Map	Block	Lot	Parcel	Zoning	Use	Acres	Units		
								Current	Tier IV Lifted	Added Cap
4-03	4,9	19,20,1,2		93	RC-DEO	10	130.78	4	30	26
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5-02A	34,35	6,1	2	185	RC-DEO	10	36.95	4	8	4
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3-02A	10	20,21		24	RC-DEO	10	27.56	4	6	2
4-02	3,8	22,23,4,5		123	RC-DEO	10	27.00	4	6	2
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4-06	8	24		109	RC-DEO	10	23.97	4	5	1
4-02	2	24	3	39	RC-DEO	10	22.70	4	5	1
4-02	2	16		26	RC-DEO	10	22.50	4	5	1
3-06A	16	14,20		41	RC-DEO	10	22.17	4	5	1
4-02	3	13,14	1	6	RC-DEO	10	21.90	4	5	1
TOTAL	Number of Parcels - 36			Acres - 1,615.60			144	359	215	



MARYLAND ORNITHOLOGICAL SOCIETY



Howard County Bird Club A Chapter of the Maryland Ornithological Society

February 20, 2017

Howard County Council
3400 Courthouse Dr.
Ellicott City, MD 21043
akittleman@howardcountymd.gov

Dear Howard County Council:

The Maryland Ornithological Society and its Howard County chapter, the Howard County Bird Club, oppose CB 016-217, "An Act Amending PlanHoward 2030." While we appreciate the difficulty of farming in Howard County, we do not view the conversion of farmland into housing developments as supportive of farming. We urge the County to seek innovative ways to keep farmland as farmland, by promoting profitable forms of agriculture, farm-to-table efforts, agrotourism. These would all preserve farmland as farmland, retain open space, and save wildlife habitat. We also believe this bill would set a precedent, and encourage others to seek to remove their property from Tier IV classification.

The Maryland Ornithological Society (MOS) is a statewide nonprofit organization established in 1945 and devoted to the study and conservation of birds. Currently we have 15 county-based chapters and 1,600 members. The Howard County Bird Club (HCBC) was established in 1975, and has over 200 members. We will detail other concerns with the Amendment below.

The Amendment Contradicts PlanHoward 2030

The Amendment contradicts two of the initiatives of PlanHoward 2030, specifically the Environmental Protection initiative and Resource Protection initiative. Under Environmental Protection, implementation of the Watershed Implementation Plan would be compromised by large developments on septic systems. Recent studies have shown that even low-density development in rural areas can contribute significant amounts of nitrogen to the Chesapeake Bay.¹ Howard County-based septic systems as a source of nitrogen in the Bay grew by 15,000 pounds between 2012 and 2013, after remaining steady at about 75,000 lbs. from 2007 until 2012.² This amount would only grow with the increased development that would be permitted under the proposed Amendment. Furthermore, increased impervious surfaces and associated runoff from large developments would further imperil efforts to clean up the Bay. Impervious surfaces covering as little as 10% can lead to stream degradation and loss of fish and larvae.³ Increased nutrients from runoff of impervious surfaces will lead to more algae blooms that block sunlight from reaching underwater grasses,⁴ which feed waterfowl. Algal blooms create dead zones in the Chesapeake Bay, which affects both commercial and recreational fishing.⁵

Under Resource Conservation, protecting the land and character of the Rural West would become problematic in the face of large developments, which would be permitted under the Amendment. The PlanHoward 2030 Tier IV areas largely fall within the Upper Patuxent Rural Legacy Area, established in 2007.⁶ The Rural Legacy Program "was created in 1997 to protect large, contiguous tracts of Maryland's most precious cultural and natural resource lands through grants made to

local applicants.” The Upper Patuxent Rural Legacy Area consists of 11,201 acres, and “builds upon established private, county, and state preservation programs. By protecting several groundwater resources and feeder systems, water quality of the Patuxent River is improved. Land protection in the Area creates contiguous tracts of preserved farms and environmentally sensitive lands.”⁷ Large-scale development allowed under the Amendment would be incompatible with the Rural Legacy Area, which has been on the books for almost ten years now. It could also endanger funding provided by the Rural Legacy program.

Rural Landscape and Wildlife Habitat

Howard County’s seal depicts a shock of wheat, a hand plow, and a harrow, with rolling hills in the background.⁸ Such landscapes serve as habitat to a suite of birds, such as American Kestrel, Vesper Sparrow, Grasshopper Sparrow, Bobolink, and Eastern Meadowlark, which continue to experience precipitous declines due to loss of habitat, in part due to suburban sprawl,⁹ which the Amendment would encourage. Massive development in western Howard County would be inconsistent with the image depicted on the County seal, and also be deleterious to the continued presence in Howard County of such the above-mentioned field birds.

In spite of our opposition to the Amendment, we also feel that a means must be found to compensate property owners for their loss of property value and equity, and encourage developing a means of compensation. But we believe that the rural character of western Howard County should not be sacrificed, nor should pollution in the Chesapeake Bay be allowed to increase, in order to compensate property owners for any loss in value.

For these reasons, MOS and Howard County Bird Club believe the Amendment is not in the best interest of the citizens of Howard County and the Bay. We urge the County to preserve this landscape, deemed precious enough to enshrine in the County Seal, and protect it from massive development of the irreplaceable rural habitat of many and diverse plants and wildlife.

Sincerely,

Kurt R. Schwarz
Conservation Chair
Maryland Ornithological Society
9045 Dunloggin Ct.
Ellicott City, MD 21042
443-538-2370
443-538-2370 (cell)
krschwal@verizon.net

John Harris
President
Howard County Bird Club
6400 Ripe Apple Ln
Columbia MD 21044
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(703) 772-4501
jaybee.harris@gmail.com

¹ Shields, et al, Streamflow distribution of non-point source nitrogen export from urban-rural catchments in the Chesapeake Bay watershed, Waster Resources, #44.

² Causes of Nitrogen Pollution, Howard County, Maryland BayStat, 2014,
<http://baystat.maryland.gov/causes-of-the-problems-map/>

³ USEPA Office of Water Recovery Potential Screening Website, Watershed Percent Impervious Cover, 09.01/2011, <https://www.epa.gov/sites/production/files/2015-11/documents/rp2wshedimperv1109.pdf>

⁴ Chesapeake Bay Program, Nutrients,
<http://www.chesapeakebay.net/issues/issue/nutrients#inline>

⁵ Malmquist, David, New study shows ‘dead zones’ impacts on Chesapeake Bay fishes, Marine Ecology Program Series, Virginia Institute of Marine Sciences, July 8, 2013,
<https://phys.org/news/2013-07-dead-zone-impacts-chesapeake-bay.html>

⁶ Upper Patuxent Rural Legacy Area Map, 2007,
<http://dnr2.maryland.gov/land/Documents/RuralLegacy/UpperPatux.pdf>

⁷ Maryland’s Rural Legacy Areas, Maryland Department of Natural Resources,
<http://dnr2.maryland.gov/land/Pages/RuralLegacy/All-Rural-Legacy-Areas.aspx>

⁸ Howard County, Maryland, Seal, Maryland Manual On-line, September 29 2015.
<http://msa.maryland.gov/msa/mdmanual/36loc/how/seal/html/howseal.html>

⁹ Grasslands, State of the Birds 2016, <http://www.stateofthebirds.org/2016/habitats/grasslands/>



MARYLAND LEAGUE
OF CONSERVATION VOTERS

To: Howard County Council
From: Benjamin Alexandro, MD LCV
Date: 2/21/2017
Re: Testimony for CB16-2017. –Please Oppose

Good evening Honorable Howard County Council Members,

My name is Ben Alexandro. I am the water policy advocate for the Maryland League of Conservation Voters, representing over 550 supporters in Howard County and many more voters. I am also the Maryland State Lead for the Choose Clean Water Coalition, a coalition of over 200 mid-Atlantic nonprofits interested in water issues. On behalf of our voters, supporters and many of our partner organizations, I urge you stand against the amendments to the Growth Tiers.

I was in front of the planning board almost a year ago, urging the same thing for the same reasons. This proposed amended map would be detrimental to this county's water, rural character, and financial stability. Major residential developments on septic systems pollute local waters, fragment agricultural and forest land, and undermine the local farm economy. It burdens local governments with disproportionately high costs for providing services to these pockets of rural development. Howard County adopted protections to address these issues and comply with Maryland's Sustainable Growth and Agricultural Preservation Act of 2012, but the proposed change is a step in the wrong direction. Last year, the Planning Board in a 4-1 vote reaffirmed the value of the current map in GPA 2016-01.

Building on septic systems outside the legal maps and against Plan Howard 2030 was a bad idea a year ago, and it is a bad idea now. Two things have happened in the last year that will reaffirm why this proposal should not pass. One is that MDE dropped the requirements that septic systems have to use best available technology. This means that these homes can go in with outdated septic system designs that will leak more nitrogen pollution into local waters. The second is the disaster in Ellicott City. It was a wakeup call that showed we all have to be mindful of those downstream when developing. The flooding was a force of nature, and areas can flood even if the whole watershed is undeveloped. But paving over areas upstream exacerbate floods and funnels water downstream rather than letting water soak into the ground as occurs in forests and agriculture areas. We have the opportunity to plan smarter growth for the future and for more of our watersheds.

A bad change could start a bad precedent with ripple effects throughout the state. Other counties might see this amendment as a sign that they do not have to keep their commitments to clean water. I urge you to let Plan Howard 2030 do what it was intended to do: create a sustainable future for Howard County. Please oppose CB16-2017. Thank you for your time.

Sincerely,
Ben Alexandro
Maryland League of Conservation Voters
baalexandro@mdlcv.org

86 Maryland Ave, Annapolis, MD 21401
(410) 280-9855

Testimony of Theodore F. Mariani RE CB 16 Tier IV

When the Tier IV regime was first introduced I testified against this unnecessary confiscation of property rights. My opinion has not changed but rather been reinforced by subsequent events.

When the County passed the final version of Tier IV regulations it allowed a window for land owners to file for development and be "grand fathered" in under the prior development regulations. Several land owners that had no immediate plans to develop felt compelled to move ahead quickly and filed to preserve their rights.

Prompted and accelerated by the Tier IV threat a new 44 home subdivision is now poised to start in Lisbon.

Other land owners not anxious to rush the development of their land held back and as a result lost their development rights. Thus a small group of property owners have been severely penalized for not rushing to develop their land. There is an inequity in this outcome that need not have happened if the original Tier IV legislation had not been vetoed. You now have an opportunity to rectify that action.

You should be guided by the fact that Howard County, thru its fine Ag Pres program, cluster development regulations and density exchange option has already met the mandate of the state to limit residential development and protect the bay.

What damage if any would result from enacting CB 16?

The number of units that could be built under provisions of CB 16 are only 215 more than under the current Tier IV regime.

This represents approximately 1 % of the potential housing inventory in the RC and RR zones.

Further the amount of land that would be utilized for home construction because of cluster provisions would actually be 160 acres less than under the current Tier IV regime.

It should also be noted that under the current Tier IV regulations sites of less than 20 acres are not impacted since these can be developed to the maximum with 4 three acre lots. On sites of over 20 acres the land owner has the right to develop up to 4 three acre lots and is free to do what ever he pleases with the remainder of his land, including the potential for future development. Under CB 16 all sites over 20 acres would have to be developed under a cluster regime which mandates that the remainder parcel is enjoined by a covenant that preserves the site in agriculture or environmental open space in perpetuity .

In addition these 215 units would have an imperceptible impact on the environmental quality of the bay , the underlying justification for the original Tier legislation.

Does it make sense to severely punish a few land owners who have maintained their farms, paid their taxes and waited patiently to exercise the right to develop their land just to advance a concept that has no meaningful benefit ?

Please be guided by fairness and vote yes on this bill.



CHESAPEAKE BAY FOUNDATION
Saving a National Treasure

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February 21, 2017

The Honorable Jon Weinstein, Chair
Howard County Council
George Howard Building
3430 Court House Drive
Ellicott City, MD 21043

RE: CB16-2017
Amendment to *PlanHoward 2030* to amend Growth Tiers

Dear Chairperson Weinstein and members of the County Council:

The Chesapeake Bay Foundation (CBF) appreciates this opportunity to comment on CB16-2017, which would amend *PlanHoward 2030* to alter the Growth Tiers. On behalf of our 5,500 members residing in Howard County, **CBF strongly opposes these proposed amendments and respectfully requests that the Howard County Council vote against CB16-2017.**

The map and text amendments in CB16-2017 are inconsistent with long-established planning approaches in Howard County and appear to conflict with several provisions of state law. For these reasons, the Howard County Planning Board recommended against adopting these amendments in April of last year. CBF is concerned that the administrative testimony provided to you fails to mention the Planning Board's recommendation against these changes. CBF commented in detail on the amendment package before the Planning Board; our comments are enclosed for the Council's consideration and the record on this bill.¹

CB16-2017 would allow for excessive high-polluting development activity that could place the Chesapeake Bay and local waters in Howard County at risk for on-going violations of water quality standards. This type of development generates disproportionately high levels of nutrient pollution from stormwater runoff and septic systems. With the state no longer requiring nitrogen removal technology on new septic systems, the impact of this development on water quality could be up to 10 times greater than development in areas planned for growth and served by public utilities. Unless and until the state adopts an offset policy for growth,

¹ CB16-2017 appears to have deleted the reclassification of properties located in the Rural Legacy Area from Tier IV to Tier III. The remaining amendments appear to be substantively the same.

Howard County is responsible for remediating new pollution loads from development at public expense.

As noted in the staff report to the Planning Board, the express purpose of the amendments in CB16-2017 is to “return development rights previously eliminated.” This stated rationale is not an appropriate or legally valid standard by which to designate tiers. To do so elevates ‘development rights’ above all other planning visions, goals, and associated land use plans that the Howard County Council has established to protect and enhance water quality and quality of life. It results in a map that does not comply with state planning statutes and it puts the health of Howard County’s rivers and streams at increased risk.

In contrast, the growth tiers currently included in *PlanHoward 2030* represent a careful and extensive deliberative process conducted by the Howard County Council just four years ago. In addition to the adopted growth tiers, CBF’s understanding is that this process resulted in an increase in local land preservation funding to assist landowners who need access to equity in their land beyond what construction of a minor subdivision, application of grandfathered lots, the use of the County’s Density Exchange Option, or the farming operation itself can provide. *PlanHoward 2030* strikes an appropriate balance that offers access to land value while effectively protecting the county’s rivers and streams.

For these reasons, CBF urges the Howard County Council to reject CB16-2017 and instead stand behind the community-driven approach to growth and preservation that is reflected in *PlanHoward 2030* as currently adopted. Please do not hesitate to contact me at 410-543-1999 x4501 or efisher@cbf.org if you have any questions or to discuss this matter in further detail.

Very truly yours,



Erik Fisher, AICP
Maryland Land Use Planner and Assistant Director



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Saving a National Treasure

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April 7, 2016

Mr. Bill Santos, Chair
Howard County Planning Board
George Howard Building
3430 Court House Drive
Ellicott City, MD 21043

RE: General Plan Amendment 2016-01
Sustainable Growth and Agricultural Preservation Act of 2012

Dear Chairman Santos and members of the Board:

The Chesapeake Bay Foundation appreciates this opportunity to comment on General Plan Amendment 2016-01, which would alter Howard County's currently adopted Tier Map pursuant to the Sustainable Growth and Agricultural Preservation Act of 2012. **We are writing to express our concern that the proposed map and text amendments conflict with long-established local planning approaches in Howard County, as well as several requirements established for tier mapping in state law.** As a result, the proposed map would allow for excessive high-polluting development activity that could place the Chesapeake Bay and local waters in Howard County at risk for on-going violations of water quality standards. **We respectfully request that the Planning Board recommend against General Plan Amendment 2016-01.**

Established more than 40 years ago, the Chesapeake Bay Foundation is the largest non-profit organization working solely for the protection and restoration of the Chesapeake Bay. We currently represent more than 200,000 members and maintain offices and educational facilities across three states and the District of Columbia. We represent approximately 5,550 members residing in Howard County.

Developing and implementing a tier map that will reduce high-polluting growth patterns in Howard County is critical to the success of local and regional water quality efforts. The Chesapeake Bay, along with the Patapsco, Triadelphia Reservoir, and Centennial Lake watersheds in Howard County are listed on the Federal 303(d) list of "impaired" waters due to excess nutrients and sediment. This means that these waterways are receiving so much of these pollutants that

they can no longer function properly. In addition, a number of properties that would be reclassified to Tier III are located in watersheds for high quality “Tier II” waters, which are subject to the state’s anti-degradation policy.¹ Some of these watersheds, including the South Branch of the Patapsco River, Carroll’s Branch, and several un-named tributaries of the Patuxent River and Rocky Gorge Reservoir have no assimilative capacity remaining.

Adoption of the proposed amended map would likely lead to increased degradation of these impaired and protected watersheds. Low density, sprawling development generates up to five times more pollution per household via runoff and septic systems than compact forms of growth.² Under the Bay cleanup (TMDL) framework, new or expanding loads to an impaired water body must be accounted for and fully offset so there is no increase in pollution.³ As a result, Maryland’s Phase I WIP set forth an “essential” strategy to “encourage development that will result in relatively small increases in loads to accommodate growth” because “it is difficult and costly to offset loads”.⁴ Maryland’s Phase II WIP affirmed this approach.⁵

The threat to our waterways from high-polluting, sprawling growth on septic systems was a driving force behind passage of the Sustainable Growth and Agricultural Preservation Act of 2012. Also known as SB 236 or simply “the septic bill”, the legislation stands as a critical component to Maryland’s strategy for achieving and maintaining pollution load caps for nutrients and sediment. The state’s Phase II Watershed Implementation Plan specifically lists SB 236 among “legislative and policy initiatives that support Maryland’s efforts to meet the goals of the Chesapeake Bay TMDL,”⁶ and asserts that “new septic systems shall meet all applicable Maryland law and regulations...”⁷

The Chesapeake Bay Foundation was one of the many stakeholders including county and municipal leaders, agriculture and business interests, and others that

¹ See COMAR 26.08.02.04

² Maryland Phase I Implementation Plan, p. 3-3

³ 40 CFR § 122.4(i)

⁴ Maryland’s Phase I Watershed Implementation Plan, p. 3-6

⁵ Maryland’s Phase II Watershed Implementation Plan – Main Report, p. 46

⁶ *Ibid.*, p. 48

⁷ *Ibid.*, p. 47

participated in the state task force that led to passage of SB 236. We believe, as do most task force members and others representing diverse interests who have closely followed this process, that the statute achieves an appropriate balance of environmental protection and local autonomy without compromising private property rights. In regard to the latter, we understand that some landowners are concerned about a potential loss of value due to classification in Tier IV. The state Task Force carefully evaluated this concern and failed to find conclusive evidence that property values would decrease. In contrast, experience teaches that rural property values often hold steady or increase compared to those in jurisdictions that allow more development in rural area.^{8,9} Our understanding is that the County Council set aside substantial land preservation funding for landowners who believe they have been affected by the Tier IV designation, and that much of that funding is still available. In addition, substantial development capacity remains under SB 236 even in the most restrictive tier. Existing buildable lots are not affected by SB 236, nor are “grandfathered” development proposals, as well as any landowner who wishes to develop a minor subdivision. Howard County’s Density Exchange Option program is not affected, meaning that landowners in Tier IV can still sell development rights to builders for use in areas planned for growth.

We respect the local authority of Howard County to delineate tier areas provided that the resulting map is consistent with the requirements enumerated in the State Land Use Article. In the past, Howard County has worked hard to plan for and designate growth areas, rural conservation areas, a Rural Legacy Area, and other land use designations that help preserve the county’s economic and environmental integrity. Under the Land Use Article, Howard County’s adopted comprehensive plan, zoning, Water and Sewer Master Plan, and Rural Legacy Area, along with key criteria provided in Section 1-508 of the Article provide the proper objective basis for the county’s decision to apportion land into tiers.

⁸ Perry, E. Presentation to the Task Force on Sustainable Development and Wastewater Disposal. *Downzoning and Land Value: Statistical findings from comparing four pairs of counties*. September 12, 2011.

⁹ Maryland Department of Planning: *Report to the General Assembly on Implementation of SB 236*, p. 3.

Unfortunately, we believe the proposed tier map violates the law and as a result fails to deliver protections for Howard County's waterways and rural areas needed to comply with local and Chesapeake Bay pollution reduction goals. We are greatly concerned that the staff report prepared for your review does not fully evaluate the proposed amendment in light of clear state statutory requirements.

CBF has reviewed General Plan Amendment 2016-01 in light of Section 1-508 of the Land Use Article and identified the following deficiencies:

Rural Legacy Areas

Subsection (a)(4)(iii) of the state statute requires that land within Rural Legacy Areas be classified as Tier IV. There is one Rural Legacy Area (RLA) in Howard County, known as the Upper Patuxent RLA. Comparing the RLA boundaries to the proposed tier map indicates that a number of properties within the adopted Rural Legacy Area would be misclassified as Tier III area.

Areas Planned or Zoned for Protection, Preservation, or Conservation

Subsection (a)(4)(i) requires that "areas planned or zoned by a local jurisdiction for land, agricultural, or resource protection, preservation, or conservation" be classified as Tier IV. Map 6-2 in *PlanHoward 2030* makes a clear distinction between areas targeted for "low density development" and areas targeted for "rural resource" conservation on the future land use plan.¹⁰ These land use and zoning classifications reflect a longstanding policy in Howard County to focus large lot, rural residential development along the periphery of the Planned Service Area (PSA). The purpose statements of each zone reflect the clear distinction between an area planned to remain agricultural (RC-zoned areas) and an area planned for rural residential development (RR-zoned areas):

The purpose of the RC is 'to conserve farmland and to encourage agricultural activities, thereby helping to ensure that commercial agriculture will continue as a long term land use and a viable economic activity within the County.'

¹⁰ *PlanHoward 2030*, p. 69

The purpose of the RR is “to allow low density residential development within a rural environment...”¹¹

The RC classification is unambiguously consistent with the state criteria for Tier IV designation. *PlanHoward 2030* points out the high degree of consistency between the purpose statements in the RC and RR zoning categories and the criteria for Tier IV and Tier III designation, respectively:

The purpose statements in the RR and RC zoning districts clearly reflect the planning objectives for these two growth tiers, and the exceptions relate to specific exemptions and inclusions envisioned by Senate Bill 236.¹²

Deleting this sentence from the plan (as proposed by the amendment) does not make it any less true, nor does it excuse Howard County from clear requirements in state law. Comparing the RC boundaries to the proposed tier map indicates that more than 2,000 acres of land within areas planned and zoned for agricultural and resource protection would be misclassified as Tier III area, in a manner that appears akin to spot-zoning.

Agricultural Lands, Forest Lands, and other Natural Areas

Section (a)(4)(ii) requires that “areas dominated by agricultural lands, forest lands, or other natural areas” be classified as Tier IV. Guidance from the Maryland Department of Planning (MDP) provides a recommended methodology for identifying these areas and notes that other acceptable methods exist.¹³ However, we found no evidence in the staff report that any method was used to check the proposed amended map for consistency with this requirement.

MDP has published a map of areas dominated by farm and forest land to assist local jurisdictions in preparing tier maps. Comparing this map to the proposed amendment, CBF identified multiple cases where areas that are dominated by farm or forest land would be misclassified as Tier III areas if the amended map

¹¹ *Ibid.*, p. 34

¹² *Ibid.*, p. 73

¹³ Maryland Department of Planning, *Dominated by Agricultural and Forest Land: Maryland Department of Planning GIS Methodology*

were approved. Our calculations suggest as many as 2,543 acres would be misclassified by the proposed amendment in the county's Rural West.

Conclusion

The amended staff report makes clear that the proposed tier map was crafted "to revise the Growth Tier designations and return development rights previously eliminated." Thus, "RC properties in Tier III are those that have major subdivision potential (larger than 21.25 acres) or those that were grandfathered by applying for septic "perc" testing prior to July 1, 2012."

This stated rationale is not an appropriate or legally valid standard by which to designate tiers. To do so elevates 'development rights' above all other planning visions, goals, and associated land use plans that the Howard County Planning Board and past County Councils have established to protect and enhance water quality and quality of life. It results in a map that does not comply with state planning statutes and it puts the health of Howard County's rivers and streams at increased risk.

In light of the pressing need to reduce the impact of future development on local and regional water quality, the Chesapeake Bay Foundation strongly urges the Howard County Planning Board to recommend against General Plan Amendment 2016-01. **The currently adopted map is the only map before the Board that is consistent with state and local statutes, plans, and policies.** It is also the most protective of clean water.

CBF stands ready to assist Howard County in this effort. Please do not hesitate to contact me at 410-543-1999 or by email at efisher@cbf.org to discuss this matter in further detail.

Sincerely,



Erik Fisher, AICP
Maryland Land Use Planner

Howard County Farm Bureau Testimony

My name is Jamie Brown from TLV Tree Farm, 15155 Triadelphia Mill Rd. Glenelg, MD 21737 and I am testifying on behalf of the Howard County Farm Bureau.

When we talk about tiers legislation many times we talk about development, but the heart of this legislation is about property rights, more specifically the property right of farmers. The current tiers legislation took away the rights of 36 property owners to make a decision on what they should do with their land. These farmers made a decision not to go into farm land preservation and keep their development rights based on their current situation. When the county passed the current tiers legislation they stole from these farmers. They stole property value as well as the right of these farmers to make a decision on what to do with their land. They significantly decreased the value of these properties by reducing the number of homes to a maximum of 4 per property regardless of the acreage of the farm. Farming is a business with tight profit margins and a farmer's land is their biggest asset, providing a source of revenue, stability and an investment for the future. This new tier legislation would right a wrong and give back these property rights and restore the value of these farmers' properties.

There are some that say passing this bill would cause more development and this development would have an adverse effect on agriculture and the country feel of the rural west of our county. If this bill passed it would potentially add 215 more homes to the rural west of the county. The rural west of the county has 14,266 homes, so that is an increase of 1.5%. The Farm Bureau does not believe a potential increase in development of 1.5% is worth taking property rights away from farmers of these 36 properties. We understand that property development does affect our agriculture with more conflicts because of the close proximity of homes to our farms, but we don't believe an increase of 1.5% is going to make a significant difference in that conflict. We definitely do not think that this small increase justifies taking property rights away from our farmers. It is also important for us to realize the 215 homes we are talking about, are the maximum number of homes that could be built. This does not take into account topographical constraints, perc test, or if the owner decides to go into preservation program. So we are really talking about less than 215 homes. It should be the farmer's right to decide what they do with their property whether it be a preservation program, sell for development or continue to keep farming the property until they decide what they would like to do.

It is easy to not think of this on a personal level especially when we are talking about only 36 properties. If we did, I don't think the current tier legislation would have passed. Just think if you had the county pass legislation that reduced the value of your property 1/3 of its current value. That's what has happened to some of the owners of these farm properties. This affects not only the farmers that own this property but future generations to come. We have stolen what many of the farmers, their fathers and grandfathers worked so hard to obtain, their land and the value of that land. We have tied their hands in making a decision that fits their family needs and how their future generations will move forward. It's time to do the right thing and give these property owners their rights back.

On behalf of the Howard County Farm Bureau we would like to thank you for the opportunity to speak tonight and everything you have done for the farm community. We ask that you vote yes for bill CB16-2017.

CB 16-2017 Growth Tiers Bill- **OPPOSED**

Keith Ohlinger
2790 Florence Road
Woodbine, MD 21797

My name is Keith Ohlinger and I am a farmer in Western Howard County. Our farm is in the county Agricultural Land Preservation Program and I thank you all for this opportunity. My testimony is as a private citizen, but I serve on a number of different groups and boards and am very familiar with this issue. I am a member of the Board of Supervisors for Howard Soil Conservation District, I am on the Board of Directors for Howard County Farm Bureau, I am the President of the Watershed Improvement Network Steering Committee, I am on the Board of Directors for the Chesapeake Alliance for Sustainable Agriculture/Future Harvest, and I am the Vice President of the Howard County Extension Advisory Council which houses the Master Gardeners and Watershed Stewardship Academy.

This is a difficult challenge and I believe the people involved are all good people from our representatives to the farmers, residents, and developers. It creates an incredible conflict within me because even with all the nice people involved it is impossible for me to express how vehemently I oppose this bill.

Before I begin I want everyone here to think about what you ate today and what you have at home in your refrigerators and freezers. How much of that did you grow, raise, catch, hunt or gather for yourselves? How much did you eat this week or this month or this year? How long could you survive if you had to feed yourself? If the answer is very little or you couldn't then you owe your life and your family's life to the blood sweat and tears of a farmer. You owe your future to the farmers who want to continue farming.

I first experienced the internal conflict of this issue back in the 80's growing up in Pennsylvania. We had just come through the early years of Earl Butz, the Secretary of Agriculture's, "Get big or get out!" and farm "fence row to fence row" policies and many farmers did. Money flowed freely, we were a dairy region, herds expanded, state of the art milking parlors went in, and silos went up. Boy if you had a Harvestore silo you were a big deal and if you had more than one you were a celebrity. Farmers borrowed and bought more land, it was high times.

Gone, though, were the logical price protections of the previous generations and higher production meant increased surplus which meant lower prices and when interest rates went through the roof and prices fell it was devastating to the farming community. Farming barely supported one family let alone several, the debt was staggering and the future looked awful at best. The government that created the mess offered a dairy buyout and many watched the herd they loved and nurtured all those years disappear overnight.

My grandfather was born in 1901 and my father in 1943 so they had witnessed a lot of development and they knew what was coming but I didn't. And one night my father and I got into an argument. A neighboring farmer was selling into development because that was the only game in town; there was no agricultural preservation program. Most of the farmers were hurting and couldn't afford to expand anymore, the only option was development. My dad made the comment that the neighbors were being greedy. Now we all knew these people and they were not greedy and I knew dad knew that. Their bodies were shot, they had worked hard all their lives and now their dreams were in ruins. Their

alternative was bankruptcy and a nursing home. The kids didn't want the farm they saw no future there and here comes a developer offering more money than they ever held in their life. Well what would you do? They took the money, houses went up and they lived a few more years, and that was that.

But dad and my grandfather knew what was coming. We got an influx of people that had no connection to the community and no understanding of farming. Development used to occur slowly and allowed integration and now it seemed like almost overnight you were outnumbered! Next came the conflict. People who couldn't feed themselves attacked the ones who did know how. Things the farmers had done for years without problem now they suddenly were getting sued over. How could this happen!? The farmers had no idea that they would lose rights to use their own land when houses moved in next door.

This is about money and not property rights. If it were about property rights then we would have long been talking about reverse setbacks. The largest that I am aware of right now is the hunting setback of 150 yards or 450 feet. Right now if a house goes in next door that farmer may lose their right to hunt on their own land just because a house moved in next door. They did nothing wrong but now they lose their right to hunt. The homeowners get nervous without a setback so why not require the house be built 450 feet back from the property line? The farmer then has free use of their land and the homeowner has their setback. Well because that would limit the number of houses on a piece of land so developers would pay less and these folks wouldn't get enough money. **It's not about property rights it's about money.**

So let's set that thought aside for the moment, when we bulldoze these 1600 acres what sort of houses are they going to put up? They aren't going to put up low income housing. This isn't about a lack of shelter for the masses. These are going to be big houses for big money. Well what comes with big houses and big money, that's right home owners associations! Covenants, conditions and restrictions! You can't pick the color door you want; it has to come from the architectural control committee's approved color palette. You can't have the siding you want or the garden you want or raise animals to feed your family. Why not make a law against having homeowners associations in the RC zone? I was told because people pay more to live in a homeowners association. **It's about money not property rights.**

Luckily for us decades ago Howard County began to look at agricultural preservation seriously and said that we need to do something meaningful to protect our food supply. Basic math dictated that if every family at some point sold their farm to fund their retirement that eventually there would be no farms left. Manhattan used to be farm land, and Bethesda, Rockville, Baltimore, and on and on.

Telling the public that "If it means so much to you to protect it, then buy it yourself" was never a successful strategy. So sound minded people created agricultural preservation programs to do just that and today we have over 19,000 acres in preservation here in Howard County. We also have over 56,000 acres in residential, three times the amount of preserved land so development is definitely not hurting in this equation.

So let's look at the impact from leaving this land alone and putting it into preservation. Economically, agriculture is consistently in the top five industries in the county, and I believe is number one in Maryland. No loss there. The developers will still get to transfer increased density to areas where the past three general plans have said we should put it. So no loss there. Are the farmers going to suffer? Well the Ridgely farm sold last year for \$2.7 million for 169 acres that is just under \$16,000 an acre for a

preserved farm. The farm down the hill from me on Florence is going for \$795,000 for 50 acres, that is just under \$16,000 an acre. That is not bad when coupled with up to \$40,000 per acre to put it into preservation.

So let's look at the environmental impact. In speaking with members of 1000 Friends and the Chesapeake Bay Foundation, hands down the western end of the county has the better water. Why? Because the farmers are doing their jobs! Every farm in preservation, whether in the county or state program has to have a Soil Conservation Plan. If that farm makes over \$2,500 in gross sales per year or has 8 one thousand pound animal units then they are required to have a Nutrient Management Plan with MDA. Development is not going to give you that.

I am a farmer; my concern is for the future of farming. I am a member of Farm Bureau not the development bureau, I support agricultural preservation not development preservation. How do we continue and foster this noble profession? Farming needs land. It is a requirement, it an absolute.

In order to support and foster an agricultural community you need farms both big and small. Those farms work together buying and selling the materials they need and supporting the broader community. Some farms are sold allowing existing farms to grow their operations and some are rented out which allows other farmers a chance to enter the business, some just continue as they are. Again land is the key.

I have no fault with a farmer when the time comes to retire. I have no fault if the hard decision needs to be made to stop farming, I have no problem if there is a financial need or an investment needs to be sold. I understand and support that.

All I ask is respect and appreciation for those who wish to remain. For the farmers who wish to stay, who wish to live in peace and who want to prosper. Give us that opportunity. \$20 from the Agricultural Land Preservation Program buys just as much as \$20 from a developer. The only difference is that the Agricultural Land Preservation Program keeps that land in farming forever and in the other we lose it forever.

We are committed to working with you to do what is best for the county. We are at our best when we all work together. Thank you all for your time.

Very Truly yours;

Keith Ohlinger

**Ann H. Jones
2921 Greenway Drive
Ellicott City, MD 21042
410-461-6869
annholmesjones@gmail.com**

February 20, 2017

Howard County Council
George Howard Building
3430 Court House Drive
Ellicott City, MD 21043

RE: Council Bill 16-2017

Howard County has a well funded and successful easement purchase program. For property owners who don't want to sell an easement there is also a density transfer program available. Council Bill 16-2017 effectively ignores those programs and makes the few remaining undeveloped properties in the county available for development.

For more than 30 years Howard County and the State of Maryland have administered programs that pay farmers to voluntarily preserve their farms in perpetuity. Farmers who make that decision do not so lightly. They choose to preserve their farm because they love the land and the lifestyle of farming. Easements are a legal document that allows the farmer to "harvest" a portion of the value of the farm while maintaining ownership of the land. Over 250 Howard County farmers and landowners have chosen to take advantage of these programs. Howard County alone has invested more than \$200 million in agricultural preservation programs.

The purpose of this significant expenditure of public funds has always been to maintain a viable agricultural base in the County. Agriculture provides a safe, local food supply. Farmers are excellent stewards of the land implementing the best management practices available for soil and water quality. The presence of large blocks of agricultural land provides both a psychic and physical break from an uninterrupted suburban and urban landscape.

Implicit in the County's decision to purchase the easements was a commitment to support agriculture in the County. Farmers and landowners were seldom paid the full development value. They accepted the offer because they want to continue to farm and protect the land they love. Allowing major subdivisions adjacent to preserved farmland always has, and continues to fly in the face of that commitment.

Farmers who have placed a conservation easement on their property are hesitant to speak out at zoning and land use hearings. Farmers generally have a "live and let live" attitude toward their neighbors. Junk, smells, barking dogs, slow moving vehicles, gunshots, and similar nuisances that would be major issues in suburban areas are ignored and even embraced in rural areas. Once a farmer has placed their land under easement they tend to think that they should now stay out of other peoples business – just as they won't complain about their neighbor's nuisance.

At one time there was a relative naive thought that folks who moved into a 3 or 5-acre lot in the County would surely use that land for a few steers or pigs, and thereby understand many of the issues inherent in agriculture. The thought of mowing 3 to 5 acres was virtually unheard of before the era of the lawn service. But that is not how development in Western Howard County has gone. Development tends to be very expensive homes. Folks who pay a million dollars for a home are unlikely to raise a pig in the back yard. They often have little, if any connection with the sights and smells of agriculture today. One of the most common complaints of farmers is the conflict between impatient drivers and slow moving farm equipment.

The council has an opportunity to limit future conflicts of this nature by adopting a large contiguous area for the Tier 4 planning designation, there by prohibiting additional major developments adjacent to existing protected farms. It is the right thing to do to protect the investment that Howard County has made in agricultural preservation. It is the right thing to do to affirm the decision that so many farmers have made to permanently protect their farms. It is the right thing to do to continue to protect some of the most productive agricultural land in the County.

A proposal to place a tier-4 designation on ONLY preserved farms is insulting to the families who have chosen to preserve their land. Development should not be the preferred land use these areas. We need to work together to protect the investment the county and farm families have made in Howard County agriculture. Land use regulations should be designed to match and protect the expenditure of public funds. Right to farm laws should be strengthened and all regulations should be evaluated to see if they are appropriate for farming today.

Homebuilders and farmers both provide important, meaningful contributions to the county. They just should not be encouraged to attempt to provide those contributions side by side in Western Howard County.

Sincerely,

Ann H. Jones

February 21, 2017

POSITION: OPPOSE

Dear County Executive Kittleman and the Members of the County Council,

I am a lifelong Howard County resident who is vehemently opposed to the expansion of septic system development in Howard County.

As a transportation advocate, encouraging this low-density housing far removed from local amenities runs counter to any health and sustainability goals we have as a county. By building more low-density housing we require our residents to spend more time in their cars to get to work, stores, and even to get their exercise, as these low-density neighborhoods rarely connect to suitable walking or running facilities such as sidewalks.

As a smart growth advocate, I am disappointed that the county seeks to go towards less dense development. As these tier maps change and we have more growth where it should not be happening, the county has to spend more money to maintain roads, emergency services, schools, and other public services. This is not economic sustainability, this is allowing developers to build homes on cheaper land where they do not have to pay for sewer hookups.

As a clean water advocate, I am disappointed that CB16-2017 expands the use of septic systems which we know imperil our clean water. Wastewater treatment plants are the best way to treat nitrogen and bacteria, not septic systems. Howard County has not met our 2017 WIP benchmark for nitrogen, much less our 2025 goal. Increased reliance on septic systems is not the appropriate route for growth.

Therefore, I oppose CB16-2017. Changing our tier maps to allow increased low-density housing growth on septic systems is not the direction that our county needs to be going. We need to keep our rural lands rural and encourage infill development on sewer instead of installing more, polluting septic systems.

Best,



Emily Ranson
9614 Sparrow Court
Ellicott City, MD 21042
443-562-2832
emranson@gmail.com

Opposition to Bill 16-2017; Public Hearing February 21, 2017

The intent of Bill 16-2017 is to change the zoning of thousands of acres of farmland in western Howard County, from Tier IV (farming and conservation) to Tier III (housing development). This proposed revision was already rejected by the County Council. The Howard County Sierra Club urges the County Council to reject it again.

The proposed amendment to PlanHoward 2030 would affect property in the Upper Patuxent Rural Legacy area, subverting the intent of the designation. This much construction in this setting would also violate the Resource Protection Initiative and the Environmental Protection Initiative adopted in the Plan.

This area is the only part of Howard County that retains any streams that are clean and healthy enough to be classified as Tier II -- the highest quality -- by the Maryland Department of the Environment. Building more housing developments will worsen stormwater runoff by adding more impervious surfaces (driveways, roofs, streets). Homeowners' lawns are not held to the same high environmental standards that farmland is. Farmers in the Agricultural Land Preservation Program are not only compensated for keeping farms in agriculture, but have plans for nutrient management, soil conservation, and water conservation.

Building hundreds of new homes will have a severe impact on the rural environment, starting with the deforestation and loss of ground cover. Creating yards out of farmland will worsen water pollution. In addition, this housing would require use of septic systems, further increasing the deleterious environmental impact.

The County government is entrusted with protecting the rural character of western Howard County, both as a resource for the entire county and as an environmental necessity. Please vote no on Bill 16 -- 2017.

Testimony of Nancy Perkins,
10613 Vista Road,
Columbia, Maryland 21044

I am here today to testify against Bill No. 16-2017. This bill does not support smart growth and would be detrimental to our environment in Howard County and to the Chesapeake Bay. My husband called County Executive Kittlemen's office today to inquire if Mr. Kittlemen's family held property in the area affected by the requested change. No one in Mr. Kittlemen's office would provide an answer. If Mr. Kittlemen does own property in this area it would seem like a substantial conflict of interest. I would like to know the answer.

All land has zoning restrictions. The land's value is based in part on the zoning allowed for that property. Land owners buy or acquire property based on this information. The argument that the individuals that own these properties are hurt by the zoning any more than any other land owner would be a false argument in my opinion. I too would love to develop my property beyond what it is zoned.

Bill No. 16 requests an area that was deemed growth Tier IV to be included in the change. Tier IV is defined to be the most limited growth area and I believe the most environmentally sensitive. This requested change is unacceptable to me. Please do not pass this Bill.

Thank you

Reply all | Delete | Junk | ...

FILE COPY



CB16



Kate Copanic <kate@copanic.net>

Yesterday, 6:05 AM

CouncilMail

Reply all |

CB16-2017

Dear Members of the Howard County Council,

I urge you to reject Council Bill No.16 - 2017, the revision to the Growth Tiers in PlanHoward 2030. The protection of streams in the Upper Patuxent Rural Legacy and the health of the greater Chesapeake Bay should take precedence over the rights of property owners who wish to develop farm and conservation land preserved under current zoning law.

Deforestation, polluting nutrient runoff from an increase in impervious surface area, and the increased use of septic systems for waste will all follow from the development envisioned by rezoning Tier IV land to Tier III under CB 16.

We cannot allow protections for clean water and air to erode when state and federal government officials shirk their enforcement responsibilities. The property rights of the few do not trump the rights of the many to live in a healthy environment. I urge you to keep growth in Howard County smart and vote no on CB 16.



Respectfully submitted,
Kate Copanic
Columbia, MD

Kate Copanic

 Reply all |  Delete  Junk | 



Vote NO on CB16-2017

 Nancy Hansford <n.a.hansford@comcast.net>
Yesterday, 6:21 AM
CouncilMail 

  Reply all | 

CB16-2017

Dear Council Member,

Please vote NO on CB16-2017. The changes proposed in this bill jeopardize our clean water and ruin the rural character in the western half of the county by opening it to sprawling development. The proposed changes are inconsistent with the rest of Howard County's plans for growth and preservation and out of step with the needs of the county's residents, waterways, and open spaces.

The current Growth Tier Map included in Howard County's current comprehensive plan preserves the county's rural character and protects water quality from overdevelopment. This map explains where and what kinds of development can happen in the county, and it identifies specific areas for preservation. It was the result of an extensive process of public input and good, old-fashioned compromise that expressed the will of county citizens.

I urge you to vote NO on CB16-2017.

Thank You.

Nancy Hansford
[12181 Etchison Road](https://www.google.com/maps/place/12181+Etchison+Road,+Ellicott+City,+MD+21042)
[Ellicott City, MD 21042](https://www.google.com/maps/place/12181+Etchison+Road,+Ellicott+City,+MD+21042)

Getting too much email from Nancy Hansford <n.a.hansford@comcast.net>? [You can unsubscribe](#)

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Please Reject Council Bill No.16 - 2017, the revision to the Growth Tiers in PlanHoward 2030




Bethann Ritter Snyder <britte19@hotmail.com>

Yesterday, 6:37 AM

CouncilMail 



Reply all | 

CB16-2017



Action Items



Dear Members of the Howard County Council,

I am a resident of Elkridge and I urge you to please reject Council Bill No.16 - 2017, the revision to the Growth Tiers in PlanHoward 2030. The protection of streams in the Upper Patuxent Rural Legacy and the health of the greater Chesapeake Bay should take precedence over the rights of property owners who wish to develop farm and conservation land preserved under current zoning law.

Deforestation, polluting nutrient runoff from an increase in impervious surface area, and the increased use of septic systems for waste will all follow from the development envisioned by rezoning Tier IV land to Tier III under CB 16. Further, the historic flooding in Ellicott City in July 2016 has been largely attributed to an increase in impervious surface area west of the historic downtown, demonstrating very immediate, expensive, and life-threatening second and third order effects and expense of too much development. Finally, damage to the Chesapeake Bay watershed harms wildlife and those whose livelihoods depend on clean water and clean air, not to mention farmland and forest.

In addition to environmental impacts, additional development in Howard County's rural areas will create demands for more county roads, schools, and other expensive infrastructure. We don't need to further stress county resources or increase the cost of living in Howard County. Balance is needed in all things, including a balance between rural and urban/suburban areas in Howard County.

We cannot allow protections for clean water and air to erode when state and federal government officials shirk their enforcement responsibilities. The property rights of the few do not trump the rights of the many to live in a healthy environment. I urge you to keep growth in Howard County smart and vote no on CB 16.

I am unable to attend tonight's county council meeting and public hearing tonight for family and health reasons, but I deeply care about the health and well being of our county for the sake of my children and the other children of Howard County and Maryland. They all deserve to have the open spaces, clean air, and clean water that we grew up enjoying and currently enjoy today. Let's continue to preserve our environment for their enjoyment, especially since two generations have worked so hard to improve the region's environmental health over the last 20-30 years.

Respectfully submitted,

 Reply all |   Delete  Junk |  



Elkridge, MD 21075

 Reply all |  Delete  Junk | 



Vote NO on CB16-2017



Kevin McLaughlin <kmack57@aol.com>

Yesterday, 8:28 AM

CouncilMail 



 Reply all | 

CB16-2017

Dear Council Member,

Please vote NO on CB16-2017. The changes proposed in this bill jeopardize our clean water and ruin the rural character in the western half of the county by opening it to sprawling development. The proposed changes are inconsistent with the rest of Howard County's plans for growth and preservation and out of step with the needs of the county's residents, waterways, and open spaces.

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I urge you to vote NO on CB16-2017.

Thank You.

Kevin McLaughlin
[13014 Twelve Trees Ct](mailto:kmack57@aol.com)
[Clarksville, MD 21029](mailto:kmack57@aol.com)

Getting too much email from Kevin McLaughlin <kmack57@aol.com>? [You can unsubscribe](#)

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Vote NO on CB16-2017




Ellen Mussman <ellenmussman@yahoo.com>

Yesterday, 8:29 AM

CouncilMail 



 Reply all | 

CB16-2017

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I urge you to vote NO on CB16-2017.

Thank You.

Ellen Mussman
[8944 Madison st](mailto:ellenmussman@yahoo.com)
[Jessup, MD 20794](mailto:ellenmussman@yahoo.com)

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Vote NO on CB16-2017




Lisa Wilde <Lawilde@yahoo.com>

Yesterday, 8:29 AM

CouncilMail 



 Reply all | 

CB16-2017

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I urge you to vote NO on CB16-2017.

Thank You.

Lisa Wilde

[2340 Daniels Road](#)
[Ellicott City, MD 21043](#)

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Vote NO on CB16-2017



Joshua Ford <jford983@yahoo.com>

Yesterday, 8:29 AM

CouncilMail 



 Reply all | 

CB16-2017

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I urge you to vote NO on CB16-2017.

Thank You.

Joshua Ford
[7477 Swan Point Way](mailto:jford983@yahoo.com)
[Columbia, MD 21045](mailto:jford983@yahoo.com)

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Vote NO on CB16-2017



Joyce Mady <joycehutton@yahoo.com>

Yesterday, 8:29 AM

CouncilMail 



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CB16-2017

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I urge you to vote NO on CB16-2017.

Thank You.

Joyce Mady

[9726 briarcliffe lane, ellicott city, md](mailto:joycehutton@yahoo.com)
[Ellicott City, MD 21042](mailto:joycehutton@yahoo.com)

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Vote NO on CB16-2017



Phillip Dennis <ptendoc@yahoo.com>

Yesterday, 8:29 AM

CouncilMail 



 Reply all | 

CB16-2017

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I urge you to vote NO on CB16-2017.

Thank You.

Phillip Dennis

[2327 Daniels Rd.](#)
[Ellicott City, MD 21043](#)

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Vote NO on CB16-2017





Wei Lu <drwxl2003@yahoo.com>

Yesterday, 8:29 AM

CouncilMail 



 Reply all | 

CB16-2017

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I urge you to vote NO on CB16-2017.

Thank You.

Wei Lu

[12836 Macbeth Farm Lane](mailto:drwxl2003@yahoo.com)
[Clarksville, MD 21029](mailto:drwxl2003@yahoo.com)

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Vote NO on CB16-2017




Jennifer Isley <bypgirl@yahoo.com>

Yesterday, 8:29 AM

CouncilMail 



Reply all | 

CB16-2017

Dear Council Member,

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I urge you to vote NO on CB16-2017.

Thank You.

Jennifer Isley

[10805 Montgomery Road](mailto:bypgirl@yahoo.com)
[BELTSVILLE, MD 20705](mailto:bypgirl@yahoo.com)

Getting too much email from Jennifer Isley <bypgirl@yahoo.com>? [You can unsubscribe](#)

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Vote NO on CB16-2017



Jan-Marie Bishop-Broening <polkadot132002@yahoo.com>



 Reply all | 

Yesterday, 8:29 AM

CouncilMail 

CB16-2017

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I urge you to vote NO on CB16-2017.

Thank You.



Jan-Marie Bishop-Broening
Frederick Rd
[PO Box 184](#)
[Ellicott City, MD 21041](#)

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Vote NO on CB16-2017

 **Stacy Lee** <jadesga1@yahoo.com>
Yesterday, 8:29 AM
CouncilMail 

  Reply all | 

CB16-2017

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I urge you to vote NO on CB16-2017.

Thank You.



Stacy Lee
[6568 Waning Moon Way, ---](#)

[Columbia, MD 21045](#)

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Vote NO on CB16-2017

 Dorothy Franz <dorothyosf@aol.com>
Yesterday, 8:29 AM
CouncilMail 

  Reply all | 

CB16-2017

Dear Council Member,

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I urge you to vote NO on CB16-2017.

Thank You.



Dorothy Franz
[3355 N. Chatham Road](#)
[Apt. H](#)
[Apt J](#)
[Ellicott City, MD 21042](#)

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Vote NO on CB16-2017

 Frankie Thomas <inhisservi@aol.com>
Yesterday, 8:29 AM
CouncilMail 

  Reply all | 

CB16-2017

Dear Council Member,

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I urge you to vote NO on CB16-2017.

Thank You.

Frankie Thomas
[5214 Eliots Oak Road, Columbia, MD 21044-1826](mailto:inhisservi@aol.com)
Columbia, MD 21044

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Vote NO on CB16-2017



Patricia Lawler <trishlawler57@yahoo.com>

Yesterday, 8:29 AM

CouncilMail 



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CB16-2017

Dear Council Member,

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I urge you to vote NO on CB16-2017.

Thank You.



Patricia Lawler
[10680 Scaggsville Road](mailto:trishlawler57@yahoo.com)
[Laurel, MD 20723](mailto:trishlawler57@yahoo.com)

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Vote NO on CB16-2017

 **David Nelson** <dnboxter@yahoo.com>
Yesterday, 8:29 AM
CouncilMail 

  Reply all | 

CB16-2017

Dear Council Member,

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I urge you to vote NO on CB16-2017.

Thank You.

David Nelson
[12317 Point Field Drive](mailto:dnboxter@yahoo.com)
[Fulton, MD 20759](mailto:dnboxter@yahoo.com)

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Vote NO on CB16-2017

AK 

Amy Kleponis <akleponis@yahoo.com>

Yesterday, 8:29 AM

CouncilMail 



 Reply all | 

CB16-2017

Dear Council Member,

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I urge you to vote NO on CB16-2017.

Thank You.

[Amy Kleponis](#)

[Laurel, MD 20723](#)

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Vote NO on CB16-2017



Kristine Amari <amarik@gmail.com>

  Reply all | 

Yesterday, 8:37 AM

CouncilMail 

CB16-2017

Dear Council Member,

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I urge you to vote NO on CB16-2017.

Thank You.

Kristine Amari
[10338 Sixpence Circle](mailto:amarik@gmail.com)
[Columbia, MD 21044](mailto:amarik@gmail.com)

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please oppose CB16

JS

Jean Silver-Isenstadt <jeansi@verizon.net>

Yesterday, 8:55 AM

CouncilMail; Kittleman, Allan 



 Reply all | 

CB16-2017

Dear Councilmembers and Executive Kittleman,

As a decades-long resident of Howard County who has watched the steady over development of this community, I implore you to vote against CB-16. The county still does have some waterways clean enough to be classified as Tier II. We should treasure them. With environmental deregulation trending at the federal level, I would like to see Howard County acting proactively to *heighten* environmental protections. It is bad enough that Columbia's covenant-driven aesthetic encourages so many people to overuse pesticides and fertilizers to maintain their lawns. We don't need more lawns, more septic tanks, more cars and paved surfaces. We need cleaner air, cleaner water, and longer-term thinking for our planet.

Please oppose CB-16.

Thank you,

Jean Silver-Isenstadt
[10174 Deep Skies Drive](#)
[Laurel, MD 20723](#)

 Reply all |  Delete  Junk | 



Vote NO on CB16-2017




Margit Strieter <strieterstinson@verizon.net>

Yesterday, 9:08 AM

CouncilMail 



Reply all | 

CB16-2017

Dear Council Member,

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I urge you to vote NO on CB16-2017.

Thank You.

Margit Strieter
[10798 Harding Road](mailto:strieterstinson@verizon.net)
[Laurel, MD 20723](mailto:strieterstinson@verizon.net)

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Please reject CB – 16




Ari Silver-Isenstadt <arisi1@verizon.net>

Yesterday, 9:43 AM

CouncilMail 



Reply all | 

CB16-2017

Please help keep the Chesapeake Bay clean and reject CB – 16.

I live in Jen Terrasa's district.

I would be unfortunate to go back to the days when the Chesapeake Bay was an embarrassment. Let's keep it clean.

Ari Silver-Isenstadt
10174 Deep Skies Drive.

 Reply all |  Delete  Junk | 

Vote NO on CB16-2017



Carl Jean-Baptiste <carlsjb@gmail.com>

Yesterday, 10:31 AM

CouncilMail 

  Reply all | 

CB16-2017

Dear Council Member,

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I urge you to vote NO on CB16-2017.

Thank You.

Carl Jean-Baptiste
[12120 Carroll Mill Rd](mailto:carlsjb@gmail.com)
[Ellicott City, MD 21042](mailto:carlsjb@gmail.com)

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Vote NO on CB16-2017



Pamela Gandy <Pgandy1@gmail.com>

Yesterday, 10:34 AM

CouncilMail 



 Reply all | 

CB16-2017

Dear Council Member,

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I urge you to vote NO on CB16-2017.

Thank You.

Pamela Gandy
[6115 Timothy Ct](mailto:Pgandy1@gmail.com)
[Columbia, MD 21044](mailto:Pgandy1@gmail.com)

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Oppose CB 16





Leah And Mike <leahandmike28@gmail.com>

Yesterday, 12:16 PM

CouncilMail 



 Reply all | 

CB16-2017

I am writing to urge all Council members to vote against CB 16. If passed, this bill would negatively impact water quality for local streams and the Chesapeake Bay. Agricultural lands develop nutrient management plans to reduce polluted runoff and have more vegetated areas for runoff water to slow down, cool down, and filter pollutants from water. Housing developments do the opposite with all the hard surfaces that accumulate heat and pollutants and speed up water causing flooding and pollution. The Agricultural Reserve is critical to preserve the character and environmental integrity of Howard County. It's also critical to providing continuous corridors needed for wildlife. Please vote against CB 16.

We need to protect the only clean streams we have left in our County.

Thank you for your consideration.

Sincerely,

Leah Miller
[10873 Braeburn Rd](mailto:leahandmike28@gmail.com)
[Columbia MD 21044](mailto:leahandmike28@gmail.com)

Sent from my iPhone


 Reply all |   Delete  Junk |  ... 

Vote NO on CB16-2017



John de Leon <deleonjo12@gmail.com>



Reply all | 

Yesterday, 12:22 PM

CouncilMail 

CB16-2017

Dear Council Member,

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I urge you to vote NO on CB16-2017.

Thank You.

John de Leon
[6521 Smokehouse Court](mailto:deleonjo12@gmail.com)
[Columbia, MD 21045](mailto:deleonjo12@gmail.com)

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Vote NO on CB16-2017

DV 

Debra Velle <taffi0623@gmail.com>

Yesterday, 12:57 PM

CouncilMail 



 Reply all | 

CB16-2017

Dear Council Member,

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I urge you to vote NO on CB16-2017.

Thank You.

Debra Velle

[8901 Old Frederick Road](mailto:taffi0623@gmail.com)
[Ellicott City, MD 21043](mailto:taffi0623@gmail.com)

Getting too much email from Debra Velle <taffi0623@gmail.com>? [You can unsubscribe](#)

...

Vote NO on CB16-2017




Pamela Hasson <queenright59@gmail.com>

Yesterday, 1:12 PM

CouncilMail 



Reply all | 

CB16-2017

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I urge you to vote NO on CB16-2017.

Thank You.

Pamela Hasson
[16041 Fields End Court](#)
[Suite 203](#)
[Woodbine, MD 21797](#)

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CB 16




Carolyn Parsa <cparse@gmail.com>

Yesterday, 1:22 PM

CouncilMail 



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CB16-2017



Action Items



Mary Kay Sigaty,

I am writing to you today as one of your constituents to request that you vote to reject Bill 16.

Especially in these times, we must protect our watershed and we must encourage the sustainable local farmers.

Thank you for your time and support.

Carolyn Parsa

[6106 Sebring Drive](#)

[Columbia, MD 21044](#)

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Vote Against CB-16 and Maintain Ban on Tasers




Wendy Williams-Abrams <wmrlz@hotmail.com>

Yesterday, 1:28 PM

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CB16-2017

Dear Mr. Fox,

I am a constituent, and I am writing to ask you to please vote against CB-16. The land that is currently protected as Tier 4 needs to remain undeveloped in order to protect the Chesapeake Bay and the streams feeding the bay. Please do not allow finances and pressure from developers to sway your commitment to our environment. We need to ensure that our county is protected from too much growth.

I am also concerned about the county's "emergency" session regarding the repeal of the ban on tasers. Tasers are not safe and can have long-term detrimental effects on people's health. Please protect our citizens from unnecessary exposure to taser usage.

Thank you for your work and for reading my email.

Thank you,
Wendy Williams-Abrams

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Please oppose CB16



Jen Hayashi <CalamityJen69@comcast.net>

Yesterday, 1:30 PM

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CB16-2017

Dear County Council,

In case you were staying up at night wondering about my opinion on this bill, PLEASE oppose it. It's just another measure for landowners to make money for themselves at the expense of the environment and the rest of the people who benefit from clean water. Thanks to all of you for doing the work of governing.

Jen Hayashi
Running Brook

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Please vote against CB16




ying matties <ymatties@hotmail.com>

Yesterday, 1:33 PM

CouncilMail 



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CB16-2017

Dear County Council,

I am writing to urge your opposition of CB16-2017. Please cast a vote that helps to ensure the health of our local watershed.

Regards,

Ying Matties
(district 1 resident)

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Vote NO on CB16-2017




Karen OSteen <kposteen@comcast.net>

Yesterday, 1:58 PM

CouncilMail 



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CB16-2017

Dear Council Member,

Please vote NO on CB16-2017. The changes proposed in this bill jeopardize our clean water and ruin the rural character in the western half of the county by opening it to sprawling development. The proposed changes are inconsistent with the rest of Howard County's plans for growth and preservation and out of step with the needs of the county's residents, waterways, and open spaces.

The current Growth Tier Map included in Howard County's current comprehensive plan preserves the county's rural character and protects water quality from overdevelopment. This map explains where and what kinds of development can happen in the county, and it identifies specific areas for preservation. It was the result of an extensive process of public input and good, old-fashioned compromise that expressed the will of county citizens.

I urge you to vote NO on CB16-2017.

Thank You.

Karen OSteen

[10817 Graeloch Rd](mailto:kposteen@comcast.net)
[Laurel, MD 20723](mailto:kposteen@comcast.net)

Getting too much email from Karen OSteen <kposteen@comcast.net>? [You can unsubscribe](#)