

Saturday Dr. Ball said that CB73 2018 bill pertained to an "intent" to allow Royal Farms to build their mega gas station, convenience and car wash along side a Columbia Parkway.

Evidently an agreement was made!

This is outrageous!

Val Lazdins rightly said this project is out of sync with the rest of the Parkway!

Royal Farms had their chance to submit a plan that followed the "Industrial Park Guidelines" but they waited too long.

The fuel task force stated that these type of mega gas stations should be located near large highways like I-95 and I-70.

This bill changes the date to allow this one company to build a mega gas station without complying with the "conditional use regulations" or for that matter these "Industrial Park Design Guidelines".

The idea that one company can ignore the regulations and the date in the original bill and that you are going to help them by changing a date is wrong, very wrong.

It's interesting it was the "intent" to have an later date, well the intent of the FDP 55 that covers this property is that ONLY "Wholesale gas stations" are allowed in this Industrial Park!

That has been the "intent" for 45 years!

But I was told by DPZ "gas station" means any type gas station!

Using the same standard, 2016 means 2016! The bill passed and that's it, too late!

Please vote No!

I am also adding to the record a more detailed technical explanation of why you should vote no!

Brian England  
Columbia Md.

## **CB 73. Why you should vote NO**

CB 73-2018 has no title or subject. The effect of this Bill would exempt a single Columbia property from the Conditional Use requirements for a gas station. This is unprecedented. All gas stations approved or modified in Columbia from 1979 to the present day were subject to the Conditional Use regulations. In 2016, Costco amended their plan to allow for 4 additional gas pumps.

The Bill in its current form violates Council rules, and legislative due process that require clear notice for legislation.

It pertains to the Zoning Regulations so it must follow the ZRA procedures.

The Council is not allowed to consider Zoning Bills during Councilmanic elections.

\*The subject of this bill is unclear; apparently it pertains to the applicability of the Zoning Regulations and a grandfather date exempting certain plans with a vague reference to Section 2 of CB 46-2016 (ZRA 159). This Bill has no title or subject. How is the public supposed to have notice without a title or subject?

Rule 1.006(1.) requires each Bill have a title and shall be succinct to the reference of the general subject of the bill.

\*It appears this Bill future dates a change to a grandfather date in ZRA 159. This date was never codified in the Zoning Regulations. So effectively this is an amendment to Bill CB 46-2016 that was adopted more than 30 months ago.

You can't amend old Bills with new legislation. The purpose of legislation is to adopt or amend the County Code or the Zoning Regulations.

\*It appears that the lack of a title or subject makes this Bill ineffective because it does not satisfy notice requirements.

The omission of a title and subject does not satisfy legislative notice requirements. A reference to a previously passed Bill does not suffice.

\*Since the Bill does not meet the form requirements under Rule 1.006(1.) the Council would have to suspend the rules to take it up.

\*Did the Office of Law sign off that it is legally sufficient? If so, how could they sign off when it is in clear violation of several sections of the County Code and the Council Rules?

\*The Bill apparently amends a provision from a ZRA to Zoning Regulations. DPZ and the Planning Board have to evaluate all Zoning Regulation Amendments and make a recommendation as required under Section 16.208 of the Zoning Enabling Act.

\*Since this Bill pertains to the Zoning Regulations and it is not an "Emergency" it cannot be considered during the Councilmanic election as prohibited by Section 16.211.

In conclusion, it appears that this Bill violates legislative due process of law. I would be interested to know the Office of Law's position.

Brian England. Columbia, Maryland 21044

Date: 15 October 2018

Subject: The Howard County Citizens Association (HCCA) is Against CB73-2018

Good evening. My name is Stu Kohn and I am the President of the Howard County Citizens Association, HCCA.

We are vehemently against CB73-2018. We have some questions which need to be answered. They are – What is the vision of Snowden River Parkway? How many more Fueling Stations and with 20 pumps, a Car Wash and a Convenience Store does one need? What is the compelling need for CB73? We ask because the content of the Bill has no explanation as to the rationale. All it states is “AN ACT amending Section 2 of Council Bill 46-2016 to correct for and accommodate an interpretation of the original legislation which did not reflect the Council’s original intent.” What is the so-called “interpretation?” Why was the original Bill, CB68-2018 withdrawn? Why has part of the contents of the Introduction of CB73 been eliminated when comparing CB68? What was eliminated is “which specified the application of certain provisions to certain properties for which any site development plan or Conditional Use applications for a Gasoline Service Station?” We are curious as to the rationale of the change?

Why doesn’t our testimony, the testimonies of many others and the passage of CB46-2016, and the approval by the County Executive in August 2016 count? Why wasn’t a ZRA filed as a preamble to create CB73 as was done regarding CB46-2018 under ZRA159?

These are important questions which the public should have the opportunity to hear your answers. If nothing else with the most persuasive testimony of the Columbia Association and others you should not in any way pass this Bill.

What has changed since CB46 was passed? The Bill included Amendment 3 introduced by Dr. Ball and passed by the entire Council with the specified date of June 27, 2016. Oh – By the Way – It should in no way matter that Royal Farms decided not to protest regarding the established date. We heard this at the County Executive Forum held in Savage this past Saturday by Dr. Ball. With this thinking if any concerned citizen didn’t protest does this mean the Council will permit a redo? Have there been any deals made with Royal Farms since the passage of CB46-2016 that the public should have knowledge?

Hopefully you will just say “NO” to a Bill that should not in any way be before you or us. How about ending your tenure on a positive note by showing us that the passage of previous Bills and the voices of your constituents matter?



Stu Kohn  
HCCA, President



HOWARD COUNTY COUNCIL  
AFFIDAVIT OF AUTHORIZATION  
TO TESTIFY ON BEHALF OF AN ORGANIZATION

I, Stu Kohn, have been duly authorized by  
*(name of individual)*

Howard County Citizens Association to deliver testimony to the  
*(name of nonprofit organization or government board, commission, or task force)*

County Council regarding CB73-2018 to express the organization's  
*(bill or resolution number)*

support for Opposition to request to amend this legislation.  
*(Please circle one.)*

Printed Name: Stu Kohn

Signature: Stu Kohn

Date: 15 OCT 18

Organization: HCCA

Organization Address: P.O. Box 89 ELLICOTT CITY MD

Chair/President: Stu Kohn

**TESTIMONY AT LEGISLATIVE PUBLIC HEARING**

**MEETING OF HOWARD COUNTY COUNCIL**

**MONDAY, 15 OCTOBER 2018**

GOOD EVENING, CHAIRWOMAN SIGATY AND THE OTHER MEMBERS OF THE COUNTY COUNCIL.

I AM MILTON W. MATTHEWS, PRESIDENT/CEO, COLUMBIA ASSOCIATION.

ON BEHALF OF COLUMBIA ASSOCIATION, I AM HERE THIS EVENING TO TESTIFY IN OPPOSITION TO **CB 73-2018**.

WE AT COLUMBIA ASSOCIATION HAVE SIGNIFICANT CONCERNS REGARDING THE IMPROPER PROCESS AND PROCEDURE BEING FOLLOWED BY THE COUNTY COUNCIL, WITH RESPECT TO THIS LEGISLATION.

FIRST, I MUST NOTE THAT **CB 73-2018** VIOLATES ARTICLE II, SECTION 209(b) OF THE HOWARD COUNTY CHARTER, WHICH PROVIDES:

***EACH LAW ENACTED BY THE COUNCIL SHALL EMBRACE BUT ONE SUBJECT AND THAT SUBJECT SHALL BE DESCRIBED IN ITS TITLE; AND NO LAW OR SECTION OF LAW SHALL BE REVISED OR AMENDED BY REFERENCE TO ITS TITLE OR SECTION ONLY.***

CONTRARY TO THOSE REQUIREMENTS, **CB 73-2018** DOES NOT DESCRIBE THE SUBJECT OF THE BILL, BUT INSTEAD SIMPLY REFERENCES A PARTICULAR SECTION OF LEGISLATION PASSED BY THE COUNTY COUNCIL MORE THAN TWO (2) YEARS AGO. ADDITIONALLY, **CB 73-2018** DOES NOT EVEN DESCRIBE THE LEGISLATION FROM MORE THAN TWO (2) YEARS AGO.

SECTION 209(b) OF THE COUNTY CHARTER WAS ENACTED TO ENSURE LEGISLATIVE DUE PROCESS TO THE CITIZENS OF HOWARD COUNTY. BY REQUIRING THAT A BILL DESCRIBE ITS SUBJECT WITHIN ITS TITLE, EACH CITIZEN OF HOWARD COUNTY IS AFFORDED A REASONABLE OPPORTUNITY TO QUICKLY AND CONVENIENTLY ASCERTAIN WHETHER HE OR SHE HAS AN INTEREST IN THE LEGISLATION BEING PROPOSED BY THE COUNTY COUNCIL.

IN ORDER TO FURTHER ENSURE LEGISLATIVE DUE PROCESS, ARTICLE II, SECTION 209(c) OF THE COUNTY CHARTER PRESCRIBES THAT:

***THE TITLE OF EACH BILL AND THE TIME AND PLACE OF THE HEARING THEREON SHALL BE PUBLISHED ONCE A WEEK FOR TWO (2) SUCCESSIVE WEEKS IN AT***

**LEAST ONE NEWSPAPER OF GENERAL CIRCULATION IN THE COUNTY, AND IN AT LEAST ONE ELECTRONIC MEDIUM READILY AVAILABLE TO THE PUBLIC.**

AS DRAFTED, THE TITLE OF **CB 73-2018** MAKES IT LIKELY THAT THE AVERAGE CITIZEN OF HOWARD COUNTY WHEN READING THE LEGAL NOTICES SECTION OF THE NEWSPAPER WILL HAVE NO IDEA AT ALL AS TO THE SUBJECT OF **CB 73-2018**.

THEREFORE, WE BELIEVE THE LEGAL NOTICE AFFORDED TO THE PUBLIC WITH RESPECT TO **CB 73-2018** IS INEFFECTIVE AND VIOLATES THE LEGISLATIVE DUE PROCESS RIGHTS OF THE CITIZENS OF HOWARD COUNTY.

THE SECOND CONCERN COLUMBIA ASSOCIATION HAS WITH **CB 73-2018** IS, IN PARTICULAR, WE BELIEVE THAT FINAL ACTION ON THIS BILL BY THE COUNTY COUNCIL WOULD VIOLATE HOWARD COUNTY CODE SECTION 16.211, WHICH PROVIDES:

***IN ANY YEAR IN WHICH MEMBERS OF THE COUNTY COUNCIL ARE ELECTED, THE INCUMBENT COUNCILMEMBERS, SHALL NOT TAKE FINAL ACTION ON ANY ZONING APPLICATION AFTER THE DATE OF THE PRIMARY ELECTION AS SET BY LAW AND UNTIL THE NEWLY ELECTED COUNTY COUNCILMEMBERS HAVE QUALIFIED AND TAKEN OFFICE. THE ENACTMENT OF THIS SECTION SHALL NOT IN ANY WAY PREVENT THE ZONING BOARD OR COUNTY COUNCIL FROM ACTING ON ZONING MATTERS WHICH ARE CONSIDERED, IN THE DISCRETION OF THE COUNCIL OR THE BOARD, TO BE EMERGENCY MATTERS THAT COULD BE INJURIOUS TO THE COUNTY OR ANY OF ITS CITIZENS.***

WE BELIEVE, WITHOUT DOUBT, THAT THE SUBJECT OF **CB 73-2018** IS ZONING – EVEN THOUGH THAT WORD IS NOT USED ANYWHERE IN THE TITLE OR BODY OF THE LEGISLATION.

ALSO, WE BELIEVE THE BILL'S PURPOSE AND EFFECT IS TO AMEND THE ZONING REGULATIONS OF HOWARD COUNTY. THE LEGISLATION DOES SO BY SEEKING TO AMEND **CB 46-2016**, WHICH IS ITSELF UNQUESTIONABLY A ZONING REGULATION AMENDMENT ACCORDING TO ITS OWN TITLE, WHICH STATES:

***AN ACT AMENDING THE HOWARD COUNTY ZONING REGULATIONS GASOLINE SERVICE STATION PROVISIONS BY CREATING A NEW DEFINITION FOR MOTOR VEHICLE FUELING FACILITY, REPEALING THE GASOLINE SERVICE STATION CONDITIONAL USE, AND CREATING A NEW MOTOR VEHICLE FUELING FACILITIES CONDITIONAL USE; AND GENERALLY RELATING TO GASOLINE SERVICE STATIONS AND MOTOR VEHICLE FUELING FACILITIES.***

BECAUSE **CB 73-2018** IS A ZONING REGULATION AMENDMENT, HOWARD COUNTY CODE SECTION 16.211 PROHIBITS THIS COUNCIL FROM TAKING FINAL ACTION ON THE AMENDMENT AFTER THE DATE OF THE PRIMARY ELECTION.

IT DOES NOT MATTER AT ALL THAT THE PURPORTED REASON FOR TAKING THIS ACTION IS TO CORRECT A SUPPOSED MISTAKE IN THE ORIGINAL LEGISLATION.

CORRECTING A MISTAKE IS STILL A SUBSTANTIVE AMENDMENT TO THE ZONING REGULATIONS AND IS NOT PERMITTED AT THIS TIME UNDER COUNTY CODE.

AGAIN, FROM HOWARD COUNTY CODE SECTION 16.211, THE ONLY ZONING MATTERS THAT MAY BE APPROVED BY THIS COUNCIL AT THIS TIME ARE EMERGENCY MATTERS THAT COULD BE INJURIOUS TO THE COUNTY OR ANY OF ITS CITIZENS.

**CB 73-2018** IS SIMPLY NOT AN EMERGENCY MATTER; THEREFORE, WE BELIEVE THIS COUNCIL IS BARRED FROM TAKING FINAL ACTION ON IT.

OUR FINAL CONCERN WITH **CB 73-2018** IS THAT THE LEGISLATION VIOLATES **HOWARD COUNTY CODE SECTION 16.209**, WHICH DETAILS THE PROCEDURES THE COUNTY COUNCIL MUST FOLLOW TO CONSIDER A ZONING REGULATION AMENDMENT.

**HOWARD COUNTY CODE SECTION 16.209** PROHIBITS COUNTY COUNCIL FROM ADDING A PROPOSED ZONING REGULATION AMENDMENT TO ITS AGENDA UNTIL IT HAS RECEIVED:

- 1) A FINAL TECHNICAL STAFF REPORT AND RECOMMENDATION FROM THE DEPARTMENT OF PLANNING AND ZONING; AND
  
- 2) A RECOMMENDATION AND REPORT FROM THE PLANNING BOARD.

WE ARE NOT AWARE OF THE COUNTY COUNCIL RECEIVING THE DOCUMENTS MENTIONED ABOVE, AND **CB 73-2018** NEVER HAS BEEN CONSIDERED BY THE PLANNING BOARD.

FOR ALL THE REASONS I HAVE STATED, COLUMBIA ASSOCIATION RESPECTFULLY REQUESTS THAT THIS COUNTY COUNCIL ABIDE BY THE PROVISIONS OF THE COUNTY CHARTER AND COUNTY CODE AND NOT TAKE FINAL ACTION ON **CB 73-2018**.

THANK YOU FOR THE OPPORTUNITY TO SPEAK TO YOU.



**HOWARD COUNTY COUNCIL  
AFFIDAVIT OF AUTHORIZATION  
TO TESTIFY ON BEHALF OF AN ORGANIZATION**

I, Dillon H. Matthews have been duly authorized by  
*(name of individual)*

Columbia Association to deliver testimony to the  
*(name of nonprofit organization or government board, commission, or task force)*

County Council regarding CR 12, 2018 to express the organization's  
*(bill or resolution number)*

support for  opposition to / request to amend this legislation.  
*(Please circle one.)*

Printed Name: Dillon H. Matthews

Signature: Dillon H. Matthews

Date: 10.15.18

Organization: Columbia Association

Organization Address: 6310 Hillside Court

Columbia 21046

Chair/President: Dillon H. Matthews