

Chairwoman Rigby and esteemed members of the county council,

I am here to testify in support of CB4, one of Ms. Walsh's first pieces of legislation. As a young person I felt compelled to come here and say thank you.

Thank you for making the environment a big priority right from the start of your tenure. The next decade is going to be critical if we are to save our planet from the ravages of climate change and destruction of our beautiful spaces by our own hands. I am so heartened to see this first early measure and look forward to seeing many pieces of legislation on the local level that will put our environment front and center.

Our generation is counting on you to start the work to repair the damage already caused. We will pick up the baton from you.

Thank you for standing up for the health of the Chesapeake Bay so that it may be here for future generations.

Musa Jafri

Elkridge MD



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

I, Lisa Markovitz, have been duly authorized by
(name of individual)

The People's Voice to deliver testimony to the
(name of nonprofit organization or government board, commission, or task force)

County Council regarding CB4-2019 to express the organization's
(bill or resolution number)

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

Printed Name: Lisa Markovitz

Signature: *[Handwritten Signature]*

Date: 1/24/19

Organization: The People's Voice

Organization Address: 3205 B Corporate Ct

Elliott City MD 21042

Number of Members: 2492

Name of Chair/President: Lisa Markovitz

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Lisa Markovitz for The People's Voice Ellicott City MD

January 21, 2019

CB 4 -2018 – Support

We are in favor of adding the increased protections this Bill provides to wetlands sensitive areas. For far too long, subjective areas of regulations leave these areas at risk. It makes sense to limit what can be done via someone's opinion, no matter how informed, and set certain things into a more defined protective state for environmental and safety protection of our watersheds. We would love to see even more of this type of tightening of grey areas in our regulations, and stop having so many blanketed areas of administrative allowances on the books. It does not serve long-term planning to have so much subjectivity in regulating development.

We are pleased to see this type of review and support it. I was particularly pleased to see, while on the Zoning Assessment Review Steering Committee, that the consultant hired to review our regulations and suggest changes, had a strong focus on tightening subjective areas in our zoning code. This Bill is a start in this direction.

Regulations should protect the whole picture, a cohesive plan, that values the environment, safety and historic features, just as much as economics. Protections that exist for those plans should take priority and thus, developments need to alter their puzzle pieces, not the alternative, always forcing a fit.

Thank you.



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

I, Howard Johnson, 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 CB3-2019 and CB4-2019 to express the organization's
(bill or resolution number)

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

Printed Name: Howard L Johnson

Signature: Howard L Johnson

Date: 1/22/2019

Organization: Howard County Citizens Association

Organization Address: Ellicott City MD 21041

Ellicott City MD 21041

Number of Members: 490

Name of Chair/President: Stu Kohn

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HCCA

Howard County Citizens Association

Since 1961...

The Voice Of The People of Howard County

Date: 22 January 2019

Subject: HCCA support Council Bill 4- 2019 to remove Necessary Disturbance from the county code section 16.116.

The Howard County Citizens Association, HCCA supports the amendments to the code to remove the *Necessary Disturbance* clause in the section of the code labeled Protection of wetlands, streams, and steep slopes. Line 22 on page 1 to line 18 on page 2 step through a number of setbacks from streams, wetlands and minimal disturbance on slopes to curtail intrusion on these sensitive areas. The Code as amended by this bill is strengthened as an environmental law to preserve the identified areas without compromise.

Necessary Disturbance created opportunities to take exceptions to accommodate development in these areas as deemed by the Department of Planning and Zoning. Instead this exception permits a given area to allow certain projects to move ahead if it is declared not too intrusive. How often has this clause undermined the intent of the code? Refer to Lines 3 through 6 on page 3 which states that achieving maximum density is not an acceptable justification to encroach on sensitive areas. If density is not the objective then what criteria would there be to push the boundary for a site plan which does not fit. This Bill will help clarify what can and cannot be done on property bordering these areas. We thank Councilwoman Walsh for having the wherewithal to propose this Bill to ensure the environment is better protected for us all.

Amendments to include rivers not buffered by wetlands would be a welcome improvement to the code to provide further protects the watershed and the bay.

We are very appreciative that both CB3 and 4 are being introduced by Councilwoman Walsh. We say this not only because of the validity of these Bills, but also because she is not giving the excuse of we have to wait until the anticipated Development Regulation Assessment code re-write is completed which is estimated to be two to three years away. Common sense Bills should not be delayed.

HCCA urges the Council to show your full support of protecting our environment. The passage of CB4-2019 will indeed show your constituents that the environment is a priority.

Howard Johnson
HCCA Board of Directors

TESTIMONY CB-4 2019 JOSEPH RUTTER, AICP FORMER HOWARD COUNTY PLANNING DIRECTOR

THIS LEGISLATION IS A FEEL GOOD BILL THAT IGNORES THE REALITIES OF PROPERTY RIGHTS AND THE ABILITY TO DEVELOP PROPERTY IN ACCORDANCE WITH COUNTY LAW.

CB-4 APPEARS TO PROTECT ENVIRONMENTAL FEATURES, BUT IN REALITY IT JUST ADDS THE UNNECESSARY STEP OF REQUIRING DPZ TO PROCESS A SEPARATE APPLICATION IN ORDER TO COME TO THE EXACT SAME CONCLUSION AS IT DOES IN DETERMINING THE DISTURBANCE IS NECESSARY.

DPZ HAS A HISTORY OF APPLYING THIS PROVISION ONLY WHEN IT IS OBVIOUS THE DISTURBANCE IS NECESSARY AND NO ALTERNATIVE COMPLIANCE CONDITIONS ARE WARRANTED.

JUST A FEW EXAMPLES: HIGH SCHOOL 13 SITE HAS A GRADING PLAN THAT DISTURBS SLOPES, WETLANDS AND WETLAND BUFFERS. THIS PLAN IS FOR THE RECLAMATION OF AN OLD QUARRY SITE IN ORDER FOR THE SCHOOL SYSTEM TO PREPARE A SDP FOR REVIEW. IT IS LIKELY ADDITIONAL IMPACTS TO THESE ENVIRONMENTAL FEATURES WILL BE REQUIRED AS THE SCHOOL, PARKING, ACCESS AND BALL FIELDS ARE PROPOSED. DELAYING THIS PROJECT FOR AN ADMINISTRATIVE BUREAUCRATIC PROCESS MAKES NO SENSE.

THE NEW COURT HOUSE ECP SHOWS ENCROACHMENT ON THE 100 YEAR FLOODPLAIN AND STREAM BUFFERS. AGAIN A SDP WILL BE DELAYED FOR NO GOOD REASON.

THERE ARE ROADS IN THE COUNTY WHERE LOTS FRONTING THE ROADS NEED TO CROSS A STREAM TO ACCESS THE PROPERTY. WITHOUT THIS PROVISION THE COUNTY IS JUST CREATING THE POTENTIAL FOR A REGULATORY TAKING.

ANY COMPETENT CIVIL ENGINEER CAN INFORM YOU THAT PUBLIC SEWERS ARE CONSTRUCTED TO WORK WITH GRAVITY. THEREFORE, THE COUNTY EXTENDS PUBLIC LINES IN STREAM BUFFERS ALONG THE STREAMS WHICH ALSO FLOW DOWN HILL. IN ORDER FOR ANYONE TO CONNECT TO THOSE LINES THEY NEED TO ENCROACH INTO THE STREAM BUFFER AND IF THE SEWER IS ON THE OPPOSITE SIDE OF THE STREAM THEY NEED TO CROSS THE STREAM.

THERE IS NO EVIDENCE THIS PROVISION HAS BEEN ABUSED BY DPZ AND ELIMINATING IT SERVES NO GOOD GOVERNMENT PURPOSE.



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

I, Angelica Bailey, have been duly authorized by
(name of individual)

Maryland Building Industry Association to deliver testimony to the
(name of nonprofit organization or government board, commission, or task force)

County Council regarding CB4-2019 to express the organization's
(bill or resolution number)

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

Printed Name: Angelica Bailey

Signature: 

Date: January 20, 2019

Organization: Maryland Building Industry Association

Organization Address: Fulton, MD 20759

Fulton, MD 20759

Number of Members: 1

Name of Chair/President: Lori Graf, CEO

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January 22, 2019

Re: OPPOSITION TO CB4 – Removing the necessary disturbance exemption for development near wetlands, streams, and steep slopes

Dear Chairwoman Mercer Rigby and Members of the Howard County Council:

The Howard County Chapter of the Maryland Building Industry Association (MBIA) writes in opposition to Council Bill 4 removing the Necessary Disturbance exemption for development near wetlands, streams, and steep slopes. The MBIA asserts that the Necessary Disturbance exemption is a valuable and judiciously-applied tool that ensures efficient and environmentally-sensitive development, and its removal would misappropriate county resources and inhibit responsible land development.

The Necessary Disturbance exemption was added to the county code to provide developers with the flexibility they need to provide quality projects that simultaneously benefit the property owner and mitigate harm to the environment. Site design guidelines are thorough, but they cannot account for every situation that may arise. The Necessary Disturbance exemption enables creative solutions without causing avoidable or superfluous damage to the environment.

In order to qualify for a Necessary Disturbance, the developer must provide a detailed justification to the Department of Planning and Zoning (DPZ) which shows that the work (grading, removal, paving, for example) is necessary to construct public or private roads, driveways, utilities, trails, pathways, or stormwater management facilities that are essential to the development of the property under the county code. The work must minimize disturbance, and there can not be any other reasonable alternative. These are specific and stringent standards, and projects don't often meet them. In our industry's experience, DPZ is fair and cautious in its analysis and does not grant many requests. If it is granted, it is truly necessary.

If this valuable and judiciously-used tool was removed, developers would have to rely solely on Alternative Compliance, which is a much lengthier application process with different requirements. The process takes valuable county resources, creating inefficiencies when the answer is the same as it would have been for a Necessary Disturbance request. If a project did not qualify for Alternative Compliance, the property owner would be stuck without the ability to develop his or her own property. Any project from single private lots to capital improvement projects to school construction plans utilize Necessary Disturbance exemptions, and removing the exemption would cause significant problems for all potential users.

Alternatively, the MBIA encourages the Council to postpone voting on this bill to give DPZ an opportunity to gather data on Necessary Disturbance exemptions. With time and the development of an effective tracking mechanism, DPZ can quantify how often Necessary Disturbances are requested, granted, and denied. If the data shows that Necessary Disturbances are over-utilized and/or granted without stringent analysis, the MBIA would be happy to be part of the solution. In the meantime, the MBIA urges you to vote against the removal of the Necessary Disturbance exemption.

Thank you for your attention to this vital issue and your continued support of the local home building industry. If you have any questions about these comments and would like to discuss MBIA's position further, please do not hesitate to contact me at abailey@marylandbuilders.org or (202) 815-4445.

Best regards,



Angelica Bailey, Esq., Vice President of Government Affairs

Cc: Councilman David Yungmann
Councilman Opel Jones
Councilmember Elizabeth Walsh
Councilmember Deb Jung

County Executive Calvin Ball
Sameer Sidh, Chief of Staff to the County Executive
Valdis Lazdins, Director of Planning
James Irvin, Director of Public Works

HOUSING MATTERS IN MARYLAND

Real Estate Drives the Maryland Economy

The estimated one-year economic impacts of building 3,875 single-family and 3,693 multifamily homes in Maryland

\$1.7 BILLION

Income for Maryland residents

\$371.1 MILLION

Taxes and other revenue for the state and local governments in the state

23,902

Jobs



The additional, annually recurring impacts of building 3,875 single-family and 3,693 multifamily homes in Maryland

\$419.9 MILLION

Income for Maryland residents

\$105.7 MILLION

Taxes and other revenue for the state and local governments in the state

5,951

Jobs



Jobs and Wages



Maryland's real estate industry, which encompasses the activities of real estate professionals, legal service providers and relevant construction segments, directly supported over **260,000 jobs** in Maryland in 2016. Compensation averaged roughly **\$80,600 per year** (including benefits).



Real estate-related employment increased by 11% between 2012 and 2014, while overall employment grew by 3.7% during that same period.

Taxes and Revenues



The industry supports an estimated **\$1.12 billion** in annual State individual income tax collections and **\$675.3 million** in local tax collection. Real estate taxes accounted for **58% of local government general fund revenues** in 2016.



Real estate services contributed **\$62.8 billion** in value added to Maryland gross state product in 2016.

Housing Shortage



The current supply of available homes in the area is approximately 1.205 million housing units. Based on current models, there is demand for 1.231 million units. According to Metrostudy, **Baltimore is under-built by an estimated 26,000 units.** According to a Council of Governments report, **the Washington DC region is expected to be under-built by 115,000 units by 2045.**

Sources: The Economic Impact of Home Building in Maryland Study, NAHB November 2014 and the Role of Real Estate in Maryland's Economy 2017



HELPING THOSE IN NEED

The Maryland Building Industry Association is focused on giving back to our communities through its charity, the Home Builders Care Foundation. By utilizing the skills and resources of building industry members on shelter-related construction and service projects, we work to help local communities meet the challenges of sheltering and caring for vulnerable families and individuals.

IN THE PAST **4** YEARS ALONE THE HOME BUILDERS CARE FOUNDATION HAS

54 Community service projects and activities undertaken

4563 Men, women and children in crisis, who were provided help

406 Shelter units maintained by donated construction expertise

111 New housing units created

900 Children who received toys and gift cards during the holiday seasons

1000 Nutritional care packs prepared for the homeless with crisis contact resources

6500 Items of professional clothing donated to low-income job seekers for job interviews

2M Program service dollars directly invested in projects to build shelter and support local communities

Please let us know if you are aware of a project that would be a good fit for the Home Builders Care Foundation.

pkane@hbcf.org
301-776-6242

We've done so much since our founding in 1984 and we can do even more together. Please visit marylandbuilders.org or hbcf.org to donate and get involved.



Testimony for CB-4 support
Cathy Hudson
6018 Old Lawyers Hill Rd
Elkridge, Md 21075

I have lived in Elkridge for nearly 60 years and have seen many changes many good, and some not so good. One of the things that stands out to me, though, is seeing properties that I never thought could be developed, or should be developed, developed.

And that brings us to tonight. Under the section entitled Protection of wetlands, streams, and steep slopes (which I might add is woefully inadequate in protecting any of the above, especially in the RED zoning district) the regulations talk about what is considered a resource and what kind of buffer it requires-and then it gets to this section that says, oh, if you don't have any other choice, nevermind, go ahead and destroy the wetland, stream or steep slope. Oh and we will reward you as you don't need to apply for a waiver. And best of all we'll hide it as it won't even show up as a waiver if someone is evaluating the use/abuse of waivers!

So does this bill get rid of necessary waivers? No, but at least it increases the transparency of the process and doesn't reward it. And I would hope that this council along with the new administration will take a look at the existing legislation regarding the protection of our natural resources and look at further ways that they can be strengthened.

This legislation is long overdue. I ask you to support CB4



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

I, Carolyn Parsa, have been duly authorized by
(name of individual)

Howard County Sierra Club to deliver testimony to the
(name of nonprofit organization or government board, commission, or task force)

County Council regarding CB 3 + CB 4 to express the organization's
(bill or resolution number)

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

Printed Name: Carolyn Parsa

Signature: [Handwritten Signature]

Date: 1-22-19

Organization: Howard County Sierra Club

Organization Address: _____

Number of Members: 1,200

Name of Chair/President: Carolyn Parsa

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

I, Susan Garber, have been duly authorized by
(name of individual)

the Savage Community Association Board of Directors to deliver testimony to the
(name of nonprofit organization or government board, commission, or task force)

County Council regarding CB-4-2019 to express the organization's
(bill or resolution number)

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

Printed Name: Susan Garber

Signature: 

Date: January 22, 2019

Organization: Savage Community Association

Organization Address: Savage, MD 20763

Savage, MD 20763

Number of Members: 225

Name of Chair/President: Ed Montgomery

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