

CB61

**Sayers, Margery**

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**From:** Steve Breeden <sbreeden@sdcgroupp.com>  
**Sent:** Wednesday, November 20, 2019 10:09 AM  
**To:** CouncilMail  
**Subject:** CB 61 and 62 -2019  
**Attachments:** Forest Con and Waiver Testamony November 18th.docx

[Note: This email originated from outside of the organization. Please only click on links or attachments if you know the sender.]

Dear Council,  
I was too late signing up, so want you to have my written testimony on the Forest and Waiver Bills, as attached.

Thank you for reading this, if you do.

Steve

Steven K. Breeden  
587 Gaither Road  
Sykesville, MD 21784

November 18<sup>th</sup>, 2019

Council Members.

I am Steve Breeden. I have lived in the county my whole life and worked here for almost 40 years, doing what used to be a respected job, of providing homes for future residents.

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I believe the administration bills need some work. I will give you a few details, but want you to see what I think is the big picture in the county right now.

A couple weeks ago you increased the school excise tax by 568%, from \$1.32 psf to \$7.50 psf, plus cpi. A large home in the west could easily cost \$100,000 in permit fees, before a shovel gets in the ground. The idea was to raise \$205mm over the next 10 years to pay for someone's estimate of the amount that the school board would need to cover the shortfall in its capital needs. The problem is that if homes are not allowed to be built, the county will not see this money. You may raise some for the projects already in the pipeline, but new projects are already stopped due to the number of schools that already are, and will continue to be closed since July 1<sup>st</sup>, when the moratorium took effect. Even then, I am not sure if the market can bear this additional cost, which makes all new non-senior market rate

homes much less affordable for everyone. Only 27 percent of families have children in the schools, but if we think school construction is the priority, then all residents should pay more, not just the people not yet here.

Bills such as CB 61 and CB 62 only exacerbate this problem, by further stifling a builder's ability to make a project work under the laws currently in place. I understand that the laws need to follow the state guide lines, but do not understand why they need to be much more severe in Howard County than the state and other counties?

Why does a forest need to be 50 feet wide to be a forest, even if it were adjacent to another forest? Why are we protecting steep slopes when they may be erodible and of no value, except they happen to be steep? Why are we protecting large trees that are in many cases, already dead? By protecting them, other issues are created such as poor layouts and future drainage problems, for the county to hear about forever. When homeowners ask why we do some of the things we do, which we know don't make sense, the only response we can give is, the county made us do this to comply with the laws, whether they make sense or not.

Why do we need to go above and beyond the state laws for reforestation? Trees are wonderful, and even developers love them, but they need to be in the right place. What's nice about

trees, is that we plant them (really relocate and increase their numbers) and they grow in places that are better for them and us. Just fly over what used to be all farmland, what is now Columbia, and try to find a house?

Why are we setting back from the property lines for forests? Why do we need to keep 75% of the trees on site? Why can't we pay a fee in lieu for more than 1 acre when we can't find places on site to plant them? At the proposed \$54,450 per acre, the county should be able to put together large forest tracts, which make sense.

Currently we have a 2 year growing season requirement to prove that the trees are growing. We plant at 3 to 1 and need to keep an 85% survival rate. After the first inspection, we go back and replant back to 100%, the trees that did not make it through the first year. Rather than add a third year to the inspection period, why don't we get released from the expensive bonds, and post a maintenance bond, like we do for roads, until we get through the 3<sup>rd</sup> growing season?

As for Bill 61, how can you say that Economics can't be considered a factor of UNREASONABLE HARDSHIP? There are always tradeoffs, and the developers need to prove to the county what makes sense, but to ignore economics is unreasonable. We don't mind making our case for why we are doing things, like we have had to do for many years. What you

may not realize is that we do this before ever asking for waivers from DPZ, which is why they get approved. THEY HAVE ALREADY BEEN NEGOTIATED!

We already have a review panel, call the Subdivision Review Group that weighs in on what, if any, alternative compliance is granted. Why does the county need to waste more time on what will turn out to be the Director of Planning and Zoning, Director of Public Works, and the Administrator of the Office of Sustainability trying to make these decisions? And who gets to decide? I guess these will eventually wind their way up to top county leadership for every request. Do we really want this? And why do we exempt all but private development projects? The environment doesn't know the difference.

I know it is fun to bash development these days, but none of us live in tents, and we need to be reasonable about the kinds of things we are legislating. If the wrong people are interpreting the rules, the county can and will shut down, and then how will we pay for the schools?

Thanks for listening.

Steve

**Sayers, Margery**

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**From:** Leonardo McClarty <lmclarty@howardchamber.com>  
**Sent:** Monday, November 18, 2019 1:51 PM  
**To:** CouncilMail  
**Cc:** Sidh, Sameer; Jones, Jennifer D.  
**Subject:** Written Testimony RE: CB 61, CB 62, CB 63, and CR 142  
**Attachments:** Forest Conserve Bills\_11.18.19.pdf

[Note: This email originated from outside of the organization. Please only click on links or attachments if you know the sender.]

Council members:

Please find attached commentary from the Chamber on CB 61, CB 62, CB 63, and CR 142.

Thanks

Leonardo McClarty



HOWARD COUNTY  
CHAMBER



6240 Old Dobbin Lane ■ Suite 110 ■ Columbia, MD 21045

November 18, 2019

Ms. Christiana Rigby  
Chair, Howard County Council  
George Howard Building  
3430 Court House Drive  
Ellicott City, MD 21043

**RE: CB 61, CB 62, CB 63, and CR 142**

Dear Councilwoman Rigby:

Over the past year, the Howard County Chamber has observed the desire of the Council to introduce and implement land use policies as part of efforts to address various environmental concerns. As these policies are introduced, the Chamber believes it is important to balance environmental concerns with clearly implementation and developmental realities. In reviewing, Council Bills 61, 62, 63, and Council Resolution 142, the Chamber is concerned that these legislative initiatives present fragmented changes to the code that are likely to cause more confusion and unpredictability to both the business community and residents.

The Chamber does not disagree with the need for changes to land use related codes. However, we do believe that these changes should be done as part of a comprehensive review. The revision of the General Plan is a logical step that would address concerns for elected officials, residents and businesses.

The following bills and resolutions are of concern:

- **CB 62-19 Forest Conservation Code repeal and reenact.** This bill contains some significant changes and there is concern that there has been no study or opportunity for community input.
- **CR 142-19 Forest Conservation fee.** The Chamber does not have an issue with the increase in fees. However, it should be noted that paying the fee in lieu is the last resort and least preferred approach to mitigating loss of forest. Any imposed fee should be used by the County to plant forest as mitigation and not as a revenue generator for other expenses that does not add forest. Under the current fee structure, it should be a rare case where the fee is paid. There are numerous forest banks in the county and those are available at a far lower cost than the current fee, much less the new fee. Under the new criteria, it is more likely fees will be paid and then used for "any purpose related to implementation for the forest conservation program."
- **CB 61-19 Section 16.104 Waivers.** There is confusion as the bill is currently written. For example, the bill seems to grant authority to the Department of Planning and Zoning (DPZ), the Department of Public Works (DPW) AND the Office of Community Sustainability (OCS) to grant waivers. As drafted, it appears that any one of these offices can independently grant a waiver. Yet, on Page 6 lines 13 -18, Section

16.134 Sidewalks require both DPZ *AND* the Office of Transportation approve the waiver. There are more examples where this just creates confusion and is in conflict with Section 16.104 of the code that grants the authority to DPZ. All of the agencies are part of the subdivision review committee (Section 16.108 B (47)) and collaborate with DPZ in reaching a decision. It's seems reasonable that one agency should be charged with making the final appellate decision.

- **CB 63-19 Scenic Roads**. This is another change to the code that does not consider the overall policy that would come from a new General Plan. Again, there are policies that may conflict with other plans like the bicycle master plan that encourages adding bike lanes.
- **CR 145-19**. This resolution is interesting in that along with the above legislation, the Council is considering the granting of height and setback variances while making none of the findings that would be necessary for such action on private property.

In closing, the Chamber appreciates the desire of council to improve our current land use policies and to implement fees that are fair and equitable. We all want to achieve an adopted goal that is consistent with Maryland mandated Smart Growth policy. Simultaneously, it is important not to have frequent legislative changes that create policy that distracts from the goal of planned land use. The Chamber would be more than happy to participate in a work group that helps us all balance sustainable land use policies with development realities.

Respectfully,



Leonardo McClarty, CCE  
President/CEO, Howard County Chamber

CC: Dr. Calvin Ball, County Executive  
Howard County Council  
Howard County Chamber Board of Directors  
Howard County Chamber Legislative Affairs Committee