

Introduced 9/3/2019  
Public Hearing 9/16/2019  
Council Action 10/07/2019  
Executive Action \_\_\_\_\_  
Effective Date \_\_\_\_\_

## County Council of Howard County, Maryland

2019 Legislative Session

Legislative Day No. 11

Bill No. 41 -2019

Introduced by: David Yungmann

AN ACT amending the Howard County Code to establish a new Community Zoning Case Navigator position; and generally relating to a Community Zoning Case Navigator position.

Introduced and read first time September 3, 2019. Ordered posted and hearing scheduled.

By order Diane A. Jones  
Diane Schwartz Jones, 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 September 16, 2019.

By order Diane A. Jones  
Diane Schwartz Jones, Administrator

This Bill was read the third time on October 7, 2019 and Passed , Passed with amendments , Failed .

By order Diane A. Jones  
Diane Schwartz Jones, Administrator

Sealed with the County Seal and presented to the County Executive for approval this 8th day of October, 2019 at \_\_\_ a.m./p.m.

By order Diane A. Jones  
Diane Schwartz Jones, Administrator

Approved/Vetoed by the County Executive \_\_\_\_\_, 2019

\_\_\_\_\_  
Calvin Ball, 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 *Section 1. Be It Enacted by the County Council of Howard County, Maryland, that the Howard*  
2 *County Code is amended as follows:*

3 *By adding a new:*

4 *Title 5. County Council*

5 *Subtitle 4. Community Zoning Case Navigator.*

6  
7 **HOWARD COUNTY CODE**

8 **Title 5. County Council.**

9  
10 **SUBTITLE 4. COMMUNITY ZONING CASE NAVIGATOR.**

11  
12 **SECTION. 5.400. - PURPOSE.**

13 HOWARD COUNTY LAND USE APPROVALS OFTEN INVOLVE A COMPLEX PROCESS THAT  
14 REQUIRES KNOWLEDGE OF THE MANY LAYERS OF ZONING, SUBDIVISION, AND LAND DEVELOPMENT  
15 REGULATIONS AS WELL AS SOMETIMES COMPLICATED ADMINISTRATIVE AND LEGAL PROCEDURES.  
16 IN ORDER TO PROMOTE A FULL AND FAIR PRESENTATION OF RELEVANT ISSUES IN LAND USE  
17 PROCEEDINGS AND BALANCED DELIBERATIONS UPON WHICH SOUND LAND USE DECISIONS CAN BE  
18 MADE, THE COUNTY COUNCIL SHALL EMPLOY A COMMUNITY ZONING CASE NAVIGATOR. THE  
19 MISSION OF THE COMMUNITY ZONING CASE NAVIGATOR IS TO PROVIDE IMPARTIAL PROCESS  
20 ASSISTANCE TO RESIDENTS, PROPERTY OWNERS, PETITIONERS, COMMUNITY ASSOCIATIONS AND  
21 OTHER STAKEHOLDERS THAT WILL ENCOURAGE EFFECTIVE PARTICIPATION AND CONFIDENCE IN,  
22 AND BETTER UNDERSTANDING OF, THE COUNTY LAND USE PROCESS.

23  
24 **SECTION. 5.401. DEFINITIONS.**

25 DEFINITIONS. FOR THE PURPOSES OF THIS SUBTITLE, THE FOLLOWING DEFINITIONS APPLY:

26  
27 (a) *AUTHORITIES* MEANS THE HOWARD COUNTY BOARD OF APPEALS, DESIGN ADVISORY PANEL,  
28 HEARING EXAMINER, HISTORIC PRESERVATION COMMISSION, PLANNING BOARD, OR ZONING  
29 BOARD.

1 (b) *RECIPIENTS* MEANS RESIDENTS, PROPERTY OWNERS, PETITIONERS, COMMUNITY ASSOCIATIONS  
2 AND OTHER STAKEHOLDERS RECEIVING INFORMATION FROM THE COMMUNITY ZONING CASE  
3 NAVIGATOR.

4  
5 **SECTION. 5.402. - APPOINTMENT.**  
6

7 (A) THE COUNTY COUNCIL SHALL EMPLOY ONE (1) OR MORE PROFESSIONALS TO SERVE AS  
8 COMMUNITY ZONING CASE NAVIGATOR, USING THE HOWARD COUNTY MERIT SYSTEM  
9 ESTABLISHED BY ARTICLE VII OF THE HOWARD COUNTY CHARTER AND BY ORDINANCE  
10 ENACTED BY THE COUNTY COUNCIL THE COMMUNITY ZONING CASE NAVIGATOR POSITION  
11 SHALL BE AN EXECUTIVE EXEMPT ADMINISTRATIVE ANALYST I POSITION SERVING AS  
12 COMMUNITY ZONING CASE NAVIGATOR APPOINTED BY THE COUNCIL ADMINISTRATOR.

13 (B) AN INDIVIDUAL EMPLOYED AS A COMMUNITY ZONING CASE NAVIGATOR MAY NOT  
14 REPRESENT, OR BE EMPLOYED BY OR AFFILIATED WITH AN ORGANIZATION WHICH REPRESENTS,  
15 ANY PARTY TO ANY LAND USE MATTER IN HOWARD COUNTY WHILE SERVING AS A COMMUNITY  
16 ZONING CASE NAVIGATOR, OR FOR ONE YEAR AFTER LEAVING THE OFFICE OF THE COUNTY  
17 COUNCIL.

18  
19 **SECTION. 5.403. - POWERS AND DUTIES.**

20 TO HELP FOSTER EFFECTIVE PARTICIPATION, INCREASED PUBLIC UNDERSTANDING, AND CONFIDENCE  
21 IN THE COUNTY LAND USE PROCESS, UPON REQUEST, THE COMMUNITY ZONING CASE NAVIGATOR  
22 SHALL:

23 (a) PROVIDE IMPARTIAL INFORMATION TO RECIPIENTS ABOUT THE PROCESSES AND PROCEDURES  
24 INVOLVING ANY LAND USE CASE BEFORE THE AUTHORITIES. THE COMMUNITY ZONING CASE  
25 NAVIGATOR MUST INFORM THE RECIPIENTS THAT:

- 26 1. THE COMMUNITY ZONING CASE NAVIGATOR CANNOT REPRESENT THE  
27 RECIPIENTS IN ANY ACTION OR CASE OR GIVE LEGAL ADVICE TO THE  
28 RECIPIENTS.

- 1                   2. THE COMMUNITY ZONING CASE NAVIGATOR MAY GIVE INFORMATION TO
- 2                    OPPOSING PARTIES IN A LAND USE CASE.
- 3                   3. ANY INFORMATION GIVEN TO A RECIPIENT AND ANY CORRESPONDENCE
- 4                    FROM RECIPIENTS TO THE COMMUNITY ZONING CASE NAVIGATOR IS
- 5                    SUBJECT TO THE MARYLAND PUBLIC INFORMATION ACT.
- 6                   4. THE AUTHORITY HAS THE ULTIMATE DISCRETION ON HOW TO PROCEED
- 7                    WITH A CASE. ANY INFORMATION PROVIDED BY THE NAVIGATOR DOES NOT
- 8                    BIND THE AUTHORITY'S ACTION IN A CASE.
- 9

10 (b) ACT AS A FACILITATOR BETWEEN RECIPIENTS AND THE DEPARTMENT OF PLANNING AND ZONING  
11       OR OTHER COUNTY DEPARTMENTS IN GATHERING INFORMATION ABOUT CASES BEFORE THE  
12       AUTHORITIES; AND

13 (c) MAINTAIN A REGISTRY OF LAND USE ATTORNEYS AS A RESOURCE TO THE GENERAL PUBLIC. IN  
14       MAINTAINING THE REGISTRY, THE COMMUNITY ZONING CASE NAVIGATOR MAY WORK WITH THE  
15       HOWARD COUNTY BAR ASSOCIATION OR ITS SUCCESSOR.

16  
17 **SECTION. 5.404. - ANNUAL REPORT.**

18       SUBJECT TO SECTION 22.1000 OF THE COUNTY CODE, ON OR BEFORE JULY 15 OF EACH YEAR,  
19       THE COMMUNITY ZONING CASE NAVIGATOR SHALL SUBMIT TO THE COUNTY COUNCIL A REPORT  
20       ON THE ACTIVITIES OF THE OFFICE IN THE PAST FISCAL YEAR; INCLUDING; WITHOUT LIMITATION;  
21       CASES ON WHICH INFORMATION WAS PROVIDED, RECIPIENTS OF INFORMATION AND THE HOURS  
22       SPENT BY CASE AND RECIPIENT. A MEMBER OF THE COUNTY COUNCIL MAY ON OCCASION REQUEST  
23       A REPORT OF SUCH INFORMATION FOR ANY OTHER TIME FRAME. THE COMMUNITY ZONING CASE  
24       NAVIGATOR SHALL NOT REPORT ANY DATA RELATED TO ANY ZONING BOARD CASE UNTIL AFTER  
25       THAT CASE HAS CONCLUDED.

26  
27  
28 *Section 2. And Be It Further Enacted by the County Council of Howard County, Maryland that*

1 *this Act is contingent on the legislative action by the Council after compliance with the Howard*  
2 *County Merit System established by Article VII of the Howard County Charter and its related*  
3 *provisions in the Howard County Code.*

4 ***Section 3. And Be It Further Enacted by the County Council of Howard County,***  
5 *Maryland, that, subject to Section 2 of this Act, this Act shall become effective 61 days*  
6 *after its enactment.*

Amendment J to Council Bill No. 41

BY: David Yungmann

Legislative Day 12

Date: October 7, 2019

Amendment No. 1

*(Adds the Design Advisory Panel and the Historic Preservation Commission to the jurisdiction of Community Zoning Case Navigator.)*

- 1 On page 1, in line 27, after the first comma, insert "DESIGN ADVISORY PANEL".
- 2
- 3 On page 1, in line 28, before "PLANNING", insert, "HISTORIC PRESERVATION COMMISSION".
- 4
- 5
- 6

ADOPTED 10/7/2019  
FAILED \_\_\_\_\_  
SIGNATURE Diana A. Jones

Amendment 2 to Council Bill No. 41

BY: David Yungmann

Legislative Day 12

Date: October 7, 2019

Amendment No. 2

*(Specifies that the Community Zoning Case Navigator position would be in the County's Human Resources Merit System's exempt service, serving under the Council Administrator.)*

1 On page 2, in line 10, after the period, insert "THE COMMUNITY ZONING CASE NAVIGATOR  
2 POSITION SHALL BE AN EXECUTIVE EXEMPT ADMINISTRATIVE ANALYST I POSITION SERVING AS  
3 COMMUNITY ZONING CASE NAVIGATOR APPOINTED BY THE COUNCIL ADMINISTRATOR."  
4  
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6

ADOPTED 10/7/2019  
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4  
5  
6

**Sayers, Margery**

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**From:** Susan Garber <buzysusan23@yahoo.com>  
**Sent:** Friday, October 4, 2019 10:00 AM  
**To:** CouncilMail  
**Subject:** CB-41-2019 as amended

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

Dear Council members:

I appreciate Council Member Yungmann's recognition of the need for someone to help guide citizens through our complex development and zoning regulations. However I do prefer that more than a navigator, this person serve as an advocate and watchdog for citizens and citizen boards like the DAP and HPC.

Additionally, during the last Comprehensive Rezoning in 2013, it became clear to Council members that they were in need of someone to assist them in understanding the intricacies and impacts of their actions, as they did not receive the level of support they felt was necessary from the DPZ. Perhaps this could be another function of this position.

I would further recommend that this be considered a trial position of perhaps two years before re-evaluation. If the position doesn't actually improve things for citizens then it should be eliminated, rather than adding to the ever growing expense of additional positions.

Thanks for your consideration of these points,

Susan Garber

CB41-2019

**Sayers, Margery**

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**From:** Michael Thompson <thompson624@gmail.com>  
**Sent:** Monday, September 30, 2019 11:51 AM  
**To:** CouncilMail  
**Subject:** CB41-2019 support and recommendation

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

Dear Council Members

I am writing to express my support for CB41-2019. Having been through the process of trying to fight a development, I know how difficult it is to navigate the processes within the County. Many residents are afraid to testify due to the quasi-judicial nature of the process and the absolute need for a land use attorney. During our fight we also found it nearly impossible to retain a land use attorney that did not have a conflict of interest with the land use attorney representing the petitioner for a conditional use hearing. In addition, having the council members serve as the zoning board limits the ability for our elected council members to speak out on our behalf and limits their ability to provide us with advice and counsel. I feel that there is still a lot to vet regarding this position and how it affects other aspects of the land development process (e.g. the difficulties of average residents to participate in a quasi-judicial process and the fact that the Design Advisory Panel can only provide comment for a conditional use and cannot require plan revisions).

Thank you for your consideration

Michael Thompson  
9806 Michaels Way  
Ellicott City, MD 21042

**Sayers, Margery**

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**From:** Melissa Metz <melissametz725@gmail.com>  
**Sent:** Monday, September 16, 2019 8:59 PM  
**To:** CouncilMail  
**Subject:** CB41 Testimony

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

Dear Members of the County Council,

I fully support CB41, to establish a Community Zoning Case Navigator. The context provided in the "Purpose" section of the bill faithfully reflects challenges faced by the community and residents in issues related to land use in Howard County.

I hope that the Community Zoning Case Navigator will be able to assist residents, community associations, etc.:

- Regardless of whether those residents have organized into an official community association or similar. Ad hoc groups representing concerned residents should be allowed.
- Regardless of the type of land use case it is, not limited to only zoning.

I understand by reading the bill that this is the case, but would like to highlight this.

Best,

Melissa Metz

Woodstock, MD

District 5

**Sayers, Margery**

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**From:** Carolyn Weibel <carolinasandsunsurf2@gmail.com>  
**Sent:** Monday, September 16, 2019 3:13 PM  
**To:** CouncilMail  
**Subject:** CB 41-2019: Establish a new Community Zoning Case Navigator position

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

Good afternoon, County Council Members,

As I won't be able to attend this evening's meeting, I wanted to email you with my approval of establishing such a position.

I have been involved with the Bethany Glen proposal for Over-55 Housing for over 3 years now. It has been cumbersome, to say the least, for any citizen to understand and navigate their way through the conditional use process. With so many various county agencies weighing in on the conditional use process, it has become necessary to have a focal point of contact. Let's face it, the various County Departments know what to expect and what is required as well as the lawyers. It's not straightforward at all for the citizens, which is frustrating and counterproductive. I would have to believe that county employees, in their efforts to answer a citizen's question, spend a lot of time answering the same questions that a Community Zoning Case Navigator could readily answer without involving numerous County Departments.

Thank you for your time. I am in favor of CB 41-2019.

Carolyn Weibel  
Valley Mede

Lisa Markovitz

President, The People's Voice, Ellicott City MD

CB 41 - Support with amendment request

We are hopeful that the position of Zoning Navigator will assist the public regarding their rights, and the way the procedures and policies work with all county zoning matters of a quasi-judicial nature. Presently, the role of Zoning Counsel does answer the public's questions about procedure, but only appears at Zoning Board piecemeal rezoning hearings, to officially defend the underlying zone.

There are many other types of hearings that need clarifying in each case, and this position would be embraced by the community. We would like to see the position be more clearly defined as an advocate however, who can provide procedural instruction to the Boards, be allowed to object to any representative or witness actions that break procedure and can provide not legal advice, but procedural advice to all. Being allowed to object and help the Boards to keep policy enforced is important and not biased toward a side, as it could be done at anytime procedure is broken. This takes the onus off our busy volunteer appointed Boards, from having to constantly enforce policies, maybe even not doing so trying to be more cordial.

This should be a Zoning Advocate, who work s for the community and the Boards, enforcing policies and rules for all, and advising any in need of education in these areas. Someone with this knowledge would be preferable, but educating on it is certainly possible.

We request that any delay will be brief, in reorganizing and hopefully making some changes to the Planning Board procedures and means of enforcement. It is a busy month yes, but we would like to see that goal attained in not a year, but maybe a few months, as this commendable goal in this Bill doesn't really resolve those issues, just adds another person who has to deal with them.

Thank you Council Member Yungmann, for this Bill, and we look forward to working with this advocate who will obviously not have any fiscal conflict, past or present, as we all have conflicts of opinion at times, but not financial ones, past or present.



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 CB-41-2019 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: 9/10/19

Organization: The People's Voice

Organization Address: 3600 Saint Johns Ln Ste D

Ellicott City MD 21042

Number of Members: 3251

Name of Chair/President: Lisa Markovitz

*This form can be submitted electronically via email to [councilmail@howardcountymd.gov](mailto:councilmail@howardcountymd.gov) no later than 5pm the day of the Public Hearing or delivered in person the night of the Public Hearing before testifying.*



# HCCA

**Howard County Citizens Association**

*Since 1961...*

*The Voice Of The People of Howard County*

Date: 16 September 2019

Subject: HCCA Testimony for CR41-2019

Good evening. I am Hiruy Hadgu representing the Howard County Citizens Association, HCCA as a member of the Board.

Imagine sitting in a courtroom.

This particular courtroom hears cases on zoning and land-use. From time-to-time, the court makes a determination on whether a proposal is "guilty" or "not guilty" of violating the criteria set forth by the "statute" or zoning law.

There are two parties to the case.

On one side is the Petitioner, represented by a very experienced land-use and zoning attorney. The Petitioner is well-funded, has all the experts at his or her disposal, and the attorney is steeped in the arcane procedures of a court trial.

On the other side is the community stakeholder - perhaps living in close proximity to the proposed development. This stakeholder is sometimes very knowledgeable of zoning and has perhaps served on various committees and task-forces within the county related to zoning and land-use.

Most times however, the community stakeholder has minimal knowledge of the issue. Also, the stakeholder is not an attorney and yet he or she will serve as the opposition "attorney".

This is strikingly unusual, because in court proceedings, even attorneys are advised against representing themselves.

So even before the trial starts, the imbalance is already baked-in.

Lets say that the Judge - personified by the Howard County Planning Board - is composed of civic-minded volunteers who are taking time out of their busy lives to serve their community.

In previous cases, this Judge has demonstrated a clear bias in decisions toward the Petitioner. On case-after-case, the Judge votes on the side of the Petitioner. The Judge is not a lawyer either, has zero experience in trial proceedings, and has as much understanding of the zoning laws as the community stakeholder. If not lower.



Lets say the Law Enforcement is personified most prominently by the Department of Planning and Zoning (DPZ), but there are also other parties - the County Executive, Parks and Recreation, Department of Public Works, etc.

The Law Enforcement or DPZ gathers pertinent evidence on the proposal and provides a "police report" or recommendation to the court for trial. Historically, these reports have been favorable to the Petitioner and there is a clear impression that the Law Enforcement division does not think that there is such a thing as a "bad petitioner".

This is the backdrop against which most zoning and land-use proceedings take place in Howard County.

The Howard County Citizen's Association is encouraged by Councilman Yungmann's proposal to employ a Community Zoning Case Navigator. It is a step in the right direction. However, we think it does not go far enough to address the imbalance and lack of procedural fairness present in these proceedings.

The citizen and taxpayer who ultimately pays for the mistakes made during these proceedings deserves as competent a representation as the Petitioner.

In conjunction with a competent zoning attorney, we think the ability to require the Department of Planning and Zoning designees to appear at quasi-judicial Planning Board hearings under oath to be questioned by the counter-parties as proposed in CB32 would also benefit these proceedings.

Additionally, HCCA has presented the council with an extensive list of proposals to improve the planning board that would go a long way to address this imbalance.

In addition to these major changes, we also request the annual report described in the legislation to be available to the public.

Thank you.

Hiruy Hadgu

HCCA Board of Directors



# HCCA

**Howard County Citizens Association**

*Since 1961...*

*The Voice Of The People of Howard County*

Date: 16 July 2019

Subject: **Potential Areas for Planning Board (PB) Reform**

The following are talking points for potential areas of improvement regarding PB reform. This might assist in discussions if a Group is formed.

**Questions:**

- What are the real benefits of the assemblage of the PB?
- Do we need it and why?

**Suggestions for Improvement:**

- Need to expand the qualifications – currently only states a PB member only needs to be a HC resident.
- Need to identify the composition of the PB to only permit one member per District who resides in the same given location. Each District shall have a PB Member residing in a unique location. Currently there are 3 members of the PB who reside in Columbia.
- Chairperson of PB needs to adhere to the Rules of Procedure – “Order of Presentation.” Examples – Royal Farms and Rolling Acres.
- The Decision and Order do not have to be rendered the same night as to the hearing / meeting as the PB needs to weigh all the evidence presented to them.
- All the facts need to be presented to the PB to obtain Due Process for ALL parties. Case in point was the Settlement of Savage. The key factor involving the Land Swap was not allowed to be introduced into evidence. Why?
- PB should not default to the Technical Staff Report (TSR), all testimony should be considered. The PB Members have stated they heavily rely on the TSR to make their decisions.

- Asking pertinent questions to DPZ as the Zoning Board (ZB) members and the public as we can now do in ZB cases is no reason not to do the same in PB cases. What if anything can be done to allow this at the PB? We don't care if DPZ is under oath or not we are only seeking pertinent information.
- The PB should not default to the TSR, ALL testimony should be considered.
- Do not allow the PB (or the petitioner's attorney) to reference former (possibly very incorrect) decisions they have made on other cases. They are NOT a court so this doesn't fall in the category of precedent or 'case law'. When a mistake has been made, it should not be repeated.
- 'We think so' or 'don't think so' are NOT acceptable responses from DPZ to the PB. If further research is needed to categorically support their conclusion, then the case should be delayed until they can do so.
- Don't let, "we don't have that here" be accepted as a response from DPZ, the petitioner's witnesses or the petitioner's attorney. Don't let them obfuscate with that defense. Delay until the needed data can be obtained and shared.
- DPZ should provide ongoing skill development training to PB members in both the proper conduct of a meeting, the fine points of our zoning codes and development regulations and how to formulate good questions to get clarification.
- Shorten the term of PB members to 3 years with a maximum of 2 terms.
- Ultimately, the evaluation criterion needs to also reference the INTENT of the zoning. This should be closely examined in any code rewrite.
- There needs to be established criterion for FDP approvals and not use SDP criteria.
- Protestants should NOT need to pay an attorney to participate on a more level playing field.
- The written Decision and Orders should be delivered in a more timely manner and come with complete instructions on how to appeal a decision.
- The Planning Board chair should refrain from seeking advice from the petitioner's attorney!

- The Office of Law attorney present should intervene when the proceedings are going improperly, rather than wait to be asked for a very specific opinion.
- Petitioners should provide more visuals to facilitate the PB and the audience to develop a greater understanding of the plans. There is no reason to continue to allow non-specific references when a projected map or illustrations would make info more concrete.



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

I, HIRSHY HADGU, have been duly authorized by  
(name of individual)

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

County Council regarding CB41-2019 to express the organization's  
(bill or resolution number)

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

Printed Name: HIRSHY HADGU

Signature: [Handwritten Signature]

Date: 09/16/19.

Organization: HCCA

Organization Address: P.O. Box 89, Ellicott City, MD 21041.

Number of Members: 500.

Name of Chair/President: Stuart Kohn.

This form can be submitted electronically via email to [councilmail@howardcountymd.gov](mailto:councilmail@howardcountymd.gov) no later than 5pm the day of the Public Hearing or delivered in person the night of the Public Hearing before testifying.

September 16, 2019

Howard County Council  
George Howard Building, 1<sup>st</sup> Floor  
3430 Courthouse Drive  
Ellicott City, MD 21043

Re: Council Bill 41-2019, Community Zoning Case Navigator Position

I am writing to oppose CB 41 in hopes that this legislation will be rewritten with more clarity. I commend Councilman Yungman for the intention behind this legislation; however, I would like to see this role strengthened or explained in more detail.

The process for which a community member must navigate in order to have their voice heard appears complex and overwhelming. Having a designated person walk through that process would be nice but what is the limitation of this position? If questions about the process turn into questions regarding advice on how best to proceed, will the navigator be able to do this?

I still feel very "green" when I attend hearings on land development or zoning change issues. I have been learning as I go. However, I have found what is missing most is representation. I do not solely need a navigator through the process, but I need an ADVOCATE in the process.

Having a quasi-judicial process be a fair process is a farse. The most frustrating piece of this process is that the person who would be most suited to be our representative and understands our community is our elected councilmember. However, it is not allowed to email or even discuss with a council member what our feelings are or ask clarifying questions.

The community members must decide amongst themselves who is the representative, even though they may have slightly different opinions on matters or views that are equally important to share. Zoning matters can affect different areas of the community in differing ways. We cannot be expected to coordinate a composed, eloquent testimony that involves witnesses and cross-examinations. We need representation. We need someone to consult for advice. We need an advocate.

Will this navigator be this forthcoming with advice?

The process appears on paper to have many caveats for community input, but to what degree is this input substantiated?

Matters that may make or break a community can be variances or zoning changes. Look at what is happening to the East side of the county: large developments and infills on any scrap parcel of land that can be found. The community shows up to a hearing, the community sends in testimony, the community speaks with council members (when allowed), the community educates their neighbors. The community is navigating the process. The process is not allowing the entire community to be heard as evidence from very few individuals who participate.

A former member of this council told me if I want to make a difference at hearings where community input is heard, I need to show up with at least 75 of my neighbors. This is unacceptable. If I show up, it should be assumed that I am representing 75 people. People in my community cannot afford to sit, wait here until midnight, be intimidated, speak in formal terms, understand the zoning laws and county code in detail, cross examine witnesses and be able to be cross examined by a developer's attorney.

I applaud efforts to tweaking this system to have fair representation of the community at the table. I am unclear whether this is the vision that you have for the navigator. But advocacy is what I need. I hope that you can clarify this role with that in mind.

Thank you for your time.

Laura Wisely  
5811 Main Street

Testimony Regarding CB41-2019  
Dawn Popp, District 1

Good evening. My name is Dawn Popp and I am here to testify regarding CB41-2019, establishing a Community Zoning Case Navigator position. I am grateful that Councilman Yungmann is looking for ways to improve the County's Zoning Board process, and I am supportive of the philosophy underlying this bill, which seeks to improve community access to this process by establishing a resource to help community members better understand how to navigate that process.

However, while I agree that the County's Zoning Board process is exceedingly complicated, I am not convinced that lack of information about, or understanding of, the process is the main problem most community members face with respect to the process. Sadly, I believe that the ultimate result of having a Community Zoning Case Navigator would be to allow community members to better understand just how biased the current process is against them.

As I see it, the problem is two-fold. First, the process is a quasi-judicial process, which treats the landowner or developer as one party, and everyone else as another, collective, party. This process is heavily weighted toward the landowner or developer, who is likely represented by counsel who regularly participates in the process and is familiar with the rules of procedure, rules of evidence, burden of proof, etc. Meanwhile, members of the community who may oppose the petition are collectively treated as one "opposing party," despite the fact that they may have a variety of different viewpoints, and indeed may not even know each other. Thus, in most cases, it is all but impossible for them to retain counsel (for both resource and coordination reasons) or to present a unified case. Quite simply, the deck is stacked against them.

Second, as you know, County Council members also sit as the Zoning Board, but because the Zoning Board process is a quasi-judicial proceeding, you are prohibited from any ex parte communications regarding matters before the Zoning Board. This means that community members, who may be accustomed to reaching out to their respective Councilperson for assistance with concerns relating to county government, are left without an advocate to turn to.

Thus, while I appreciate the worthy goal underlying this bill, I do not believe that it addresses the main problem most community members have with the Zoning Board. I would encourage you to explore other ways to improve the process, either by eliminating the "quasi-judicial proceedings" and moving to a process more closely resembling the public hearing process, or by removing Zoning Board responsibilities from the Council and delegating them to an independent Zoning Board.

Thank you for your consideration.



**Sayers, Margery**

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**From:** Joan Lancos <joanlancos@gmail.com>  
**Sent:** Tuesday, September 10, 2019 4:38 PM  
**To:** CouncilMail  
**Subject:** CB 41-2019  
**Attachments:** CB 41. 2019.docx

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

I am unable to attend the hearing on September 16. Attached please find my comments regarding the above referenced bill.

Joan Lancos

TO: Howard County Council

FROM: Joan Lancos  
6110 Covington Road  
Columbia, MD 21044

SUBJECT: Council Bill 41-2019

I want to express my support for Council Bill 41-2019 which would establish a Community Zoning Case Navigator. As some of you may know, I work for the Village of Hickory Ridge as their Land Use Liaison. My position is very similar to what is defined in the bill. I track, monitor and follow local development and zoning issues that may affect the village. I attend Pre-Submission Community Meetings, Planning Board and Zoning Board meetings and follow land use issues in order to keep the Village Board and the local community informed. The Columbia Association has a similar staff position.

Zoning and Land Use in Howard County is very complicated. There are many opportunities for the community to learn about and provide input to proposed development projects. However, there are so many variations on the method for approval, that it is hard to figure out how to identify and track issues that might be of interest to a resident or a neighborhood. A long-term goal of the County Council should be to simplify and clarify how residents can be part of the process.

The powers and duties listed in the bill are all important pieces of the services that should be available to the general community. If you search long enough on the County website, it is possible to find out about most of the zoning process. There are some excellent how-to checklists and flowcharts on the processes. Plans submitted for review can be viewed electronically. A goal of the Zoning Navigator should be to bring together the already available information into one easy to find and negotiate location. The Zoning Navigator need not be an attorney, but simply someone who can translate development and land use terms into simple language and step-by-step instructions to follow to help residents advocate for themselves or their community.

I am not sure that the position needs to be a merit position or that it needs to be full time. It might make more sense and provide more flexibility if the position was hourly or on-call. I do think it is important to limit outside land use activities of the Zoning Navigator while they are employed by the County Council. In addition, it might be helpful to clearly indicate how this position is different from the Zoning Counsel position.

If I can be of any assistance to you or the future Community Zoning Case Navigator, please feel free to contact me at [joanlancos@gmail.com](mailto:joanlancos@gmail.com).