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Testimony for Howard County Council for October 19, 2020

Supporting Council Bill 57-2020

Bottom Line Up Front: CB57-2020 proposes amending the Howard County Code to replace the recommendation requirement with an analysis requirement for the Department of Planning and Zoning's (P&Z) Technical Staff Reports. The analysis being required should be more specific and direct P&Z to phase-in a Cost-Benefit Analysis for testimony on petitions for rezoning and waivers to the Planning and Zoning Boards. This analysis should, at a minimum, assess fiscal impact on County and provide a comprehensive assessment of impact on schools, traffic and environment.

My Experience: I am a 30 year resident of Howard County and a retired Applied Mathematician and Operations Analyst with 40+ years experience in both the U.S. Navy and Johns Hopkins University Applied Physics Laboratory. My specialty was Cost-Benefit Analysis including developing requirements, assessing alternatives, and identifying unintended consequences for Government Decision Makers (Senior Military Officers, elected officials, and senior Civil Service). I am also a founding member and president of the Bicycling Advocates of Howard County and a member of Smarter Growth Alliance for Howard County.

Background: I did not attend a meeting of either the PB or ZB until about 1.5 years ago. I was shocked by the lack of detail that was provided by the Director of P&Z briefing of the Technical Staff Report; it was essentially a checklist assessment of the thresholds in code and whether the petitioner had met or exceeded minimum requirements. I was even more surprised that the assessment ended with a recommendation to approve before any other testimony or analysis was presented. It provided the impression that the primary role of P&Z was facilitating the approval process rather than providing detailed information to County Board Members so that they could assess whether the petition was consistent with the General Plan and identify any potential negative impacts on the County and citizens.

Cost-Benefit Analysis Overview:

- **Benefit Assessment:** The benefits of granting the petition for the County can be assessed either financially or through the projected impact of the proposal on community, residents or segments of the population – examples:

Fiscal benefits to County can include:

- Fees receive/long-term tax revenues projected
- Potential benefits to local businesses and secondary tax revenue.

Impacts of the proposed development on objectives in the General Plan and/or existing County residents – such as:

- Provides affordable housing in an area of County it is needed to help balance socio-economic mix in schools.
- Provides affordable housing/assisted living for low-income seniors.
- Increased businesses that will employ residents and provide more balance to tax base.

- **Cost Assessment** (not just fiscal but the potential impact/unintended consequences on the County and its residents) - examples:

1. **Transportation:** Although the current requirement for a petition to PB/ZB does require a traffic study it is typically performed by petitioner hired consultant and is limited to Adequate Public Facilities Ordinance (APFO) requirement for impact on nearest intersections to the property. In reality traffic is cumulative and affects a much larger area – for example major east/west corridors (Routes 1, 40, 99, and 108) may all experience increased density for miles beyond the property in question. In addition the impact on alternative transportation/complete streets (transit, pedestrians and bicyclists), is not currently assessed. County subject matter experts need to conduct an impact assessment of potential expenditure for transportation improvements that maybe needed if the petition is approved.
2. **Schools:** Although AFPO does call for an assessment of school fill impact it is limited to schools the property is currently zoned for and capped at a 4 year delay in approval. In addition, retirement communities (and over 55 developments) are exempted from the school fill assessment, but it is naïve to think that there is no impact from senior communities, due to prior home resales, on the school system. This can result in a significant number of new students added into our already stressed school system with no or inadequate financial compensation to the County.
3. **Environmental Impacts:** Many waivers requested are to remove trees (in order to increase the number of units or buildable land) or for stormwater mitigation. After the flooding events in Old Ellicott City, and the many flood mitigation and stream restoration projects that Public Works has had to expend limited funds undertaking, a more detailed environmental study by P&Z is needed to assess the cumulative impact of additional development in flood zones that would contribute to environmental problems.
4. **Other Additional Analyses/Data:**
 - **Opportunity Costs:** There is a quote sometimes attributed to Albert Einstein: *“Not everything that counts can be counted, and not everything that can be counted counts.”* There is limited developable property still available in Howard County (estimate from Planning and Zoning is ~9%). The question that the PB/ZB Board needs to ask when considering any rezoning (up zoning) of a development is what other uses could this property be used for that would of greater value to the community and of other citizens in the County.

These uses could include future:

- School
- Library
- Senior Center
- Subsidized affordable housing
- **Tradeoffs:** Amenities or impact mitigation offered by petitioner needs to be balanced against future needs for County facilities, and this should include the cost of procuring sites in the community for needed new facilities.
- **Precedent:** There should be a review of what the impact has been on Howard County (or other counties) of approving similar rezoning or waivers in the past. How closely projected impacts on finances, traffic, schools and environment were actually experienced should be considered. Also the track record of the petitioner in meeting previous promises and obligations to the County should be considered.
- **Tutorials:** Due to the other duties and requirements for PB/ZB members it is foolish to think that a detailed analysis of issues above can be understood without providing some level of tutorial on how analysis/modeling was done and how valid some of the estimates on impact or cost maybe. If Board Members are expected to ask detailed questions and make smart decisions they must have background knowledge that is reinforced on every case brought to them.

Conclusion: The current assessment process used by DPZ for supporting decisions on rezoning and waivers is flawed and does not provide adequate information to the PB or ZB members to allow them to make the best possible decisions. Requiring a more detailed analysis by P&Z is needed, but it must be more specific in order to allow proper implementation by the Director of P&Z. The P&Z recommendation requirement should be removed immediately, and an Amendment should be added to CB57-2020 on additional analyses and a timetable for phase in by DPZ for presentations to the PB and ZB.

The most dangerous phrase in the language is, 'We've always done it this way.'
Rear Admiral Grace Murray Hopper, U.S. Navy

The People's Voice

October 18, 2020

Support of CB 57-

We support removing the recommendation portion of the DPZ's Technical Staff Reports. When the DPZ notes the areas of analysis regarding regulations, criteria, rules, and requirements in these reports, they are already able to opine as to whether or not these things are met or a change is needed in order to meet them. There is not the added necessity to sum it up and give a recommendation as to the final decision to a decision-making body, either in written form with the TSR or as a representative oral recommendation from the DPZ as testimony.

This would help to make it more likely that all decision-makers on County Boards and entities, read through the details of these reports to be fully informed.

County master plans, general plans, or subsets of these efforts, can have DPZ analysis of detailed issues without having recommendation to approve or deny updates, etc. Certainly, with regard to Hearing Examiner, Board of Appeals, Planning and Zoning Board matters, there is no need for DPZ to weigh in on a final decision. Rather, as a County government entity, they should only be providing information and are already given great importance in the proceedings.

Lisa Markovitz

President

The People's Voice is a civic/political organization with over 4000 members in Howard County and over 500 in Montgomery County.



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

County Council regarding CB57-2020 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: _____

Date: 15 Oct 2020

Organization: HCCA

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

HCCA, Inc, P.O. Box 89, Ellicott City MD 21041

Number of Members: 500

Name of Chair/President: Stu Kohn

This form can be submitted electronically via email to councilmail@howardcountymd.gov no later than 2 hours prior to the start of the Public Hearing.