



HOWARD COUNTY OFFICE OF COUNTY EXECUTIVE

3430 Courthouse Drive ■ Ellicott City, Maryland 21043 ■ 410-313-2013 Voice/Relay

Calvin Ball
Howard County Executive
cball@howardcountymd.gov

www.howardcountymd.gov
FAX 410-313-3051

October 25, 2021

Christiana Mercer Rigby, Chairperson
Howard County Zoning Board
3430 Court House Drive
Ellicott City, MD 21043

Dear Chairperson Rigby,

We are in receipt of your letter dated October 18, 2021, requesting additional information regarding zoning board case ZB 1118M Erickson. Specifically, you are seeking additional information regarding the road, transportation and multimodal proposals in this case, proposed park amenities and associated processes to ensure certain standards are maintained and sliding scale options for CCRC monthly fees.

Information related to the road, transportation and multimodal proposals made in this case have been previously provided by the Administration to the Zoning Board in the Technical Staff Report (TSR), prepared on March 7, 2019, and presented to the Zoning Board on June 17, 2020, where Department of Planning and Zoning (DPZ) Director Amy Gowan was subject to lengthy cross-examination by the Zoning Board and members of the public. Specific information about which improvements are required for development or considered enhancements related to the proposal are identified in detail on pages 5-6 of the TSR. These evaluations would remain unchanged if there haven't been significant adjustments to the plan as initially submitted.

The Petitioner in this case has also provided a visual depiction of the required improvements compared to the proposed CEF petition on pages 33-34 of Petitioner Exhibit #5 (Carl Wilson – Traffic Group Powerpoint) for roadways and page 10 of Petitioner Exhibit #6 (#6 - Brandon Rowe with Bohler Engineering Powerpoint) for multi-use pathways.

In terms of the process for ensuring completion of the items identified in the Petitioner's road, transportation and multimodal proposals, improvements on County or State roads are typically guaranteed by a Developer's Agreement that secures bonds with the entity owning the road, requires inspections during construction and establishes a mechanism to convey ownership once the improvement has passed inspection. Additionally, the County's development review process ensures that any amenities or facilities identified in the Zoning Board's Decision and Order are delivered in compliance with the County's design and construction standards.



HOWARD COUNTY OFFICE OF COUNTY EXECUTIVE

3430 Courthouse Drive ■ Ellicott City, Maryland 21043 ■ 410-313-2013 Voice/Relay

Calvin Ball
Howard County Executive
cball@howardcountymd.gov

www.howardcountymd.gov
FAX 410-313-3051

Information related to the proposed park amenities is provided on page 6 of the TSR, where it is noted that all proposed recreation enhancements exceed minimum requirements. As to the process for ensuring that park creation meets our standards, the developer is typically required to submit all design specifications for site construction, buildings, equipment and materials for review and approval by the Department of Recreation and Parks (DRP) prior to construction. If the proposed park amenities are not constructed to the standards of DRP, the County will not take ownership of the amenities and other action may be pursued as appropriate.

You have also requested information related to sliding scale options for CCRC monthly fees. Our Department of Housing and Community Development's (DHCD) authority on this subject is limited to the establishment of maximum rates for rental units that are equal to 30 percent of the monthly income of a household whose annual income does not exceed 60 percent of the median income, including an allowance for utilities paid by the tenant (see Howard County Code §13.403(b)).

Under the Maryland Human Services Code §10.401(g), continuing care in a retirement community (CCRC) is defined as "providing shelter and providing either medical and nursing or other health related services (1) to an individual at least 60 years old, (2) for the life of the individual or for a period at least exceeding one year, and (3) under a written agreement that requires a transfer of assets or an entrance fee payment." Given that CCRCs cover the combination of shelter and medical and nursing or other health related services, DHCD does not have the authority to determine sliding scale options for CCRCs beyond the housing/real estate portion of the monthly fee.

Last, as noted in the July 7, 2020 letter to the Zoning Board, the Administration has satisfied its obligation to provide sworn testimony in the above referenced matter. On June 17, 2020, DPZ Director Amy Gowan presented the Administration's findings and was subject to extensive cross-examination by the Zoning Board and members of the public. The DPZ Director's participation in the June 17, 2020 Zoning Board hearing meets the requirements of Howard County Code §16.204(i). Further, much of the information sought in your October 18, 2021 letter is addressed by Director Gowan's presentation, the TSR, or in other parts of the record of this case.

Thank you for your attention to this matter.

Sincerely,

Lonnie Robbins
Chief Administrative Officer



HOWARD COUNTY OFFICE OF COUNTY EXECUTIVE

3430 Courthouse Drive ■ Ellicott City, Maryland 21043 ■ 410-313-2013 Voice/Relay

Calvin Ball
Howard County Executive
cball@howardcountymd.gov

www.howardcountymd.gov
FAX 410-313-3051

Cc: Deb Jung, Vice Chairperson
Opel Jones, Member
Liz Walsh, Member
David Yungmann, Member
Ashley Aguilar, Board Administrator
Gary Kuc, County Attorney
Amy Gowan, DPZ Director
Chad Edmondson, Chief, Development Engineering Division (DPZ)
Bruce Gartner, Office of Transportation (OOT) Director
David Cookson, Regional and Long-Range Transportation Planner (OOT)
Raul Delerme, DRP Director
Paul Walsky, Park Planner (DRP)
Kelly Cimino, DHCD Director