



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

June 14, 2019

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

RE: CB 32 – 2019 – AN ACT requiring that Department of Planning and Zoning designees appear at quasi-judicial Planning Board hearings under oath, under certain circumstances; and generally relating to the Department of Planning and Zoning.

Dear Councilwoman Rigby:

Development over the last several years have many in Howard County questioning various land use policies and related decisions by elected and appointed officials. There is mutual agreement in the fact that unbridled development bears impact on our infrastructure and public facilities. While there are varied opinions on the pace of development in Howard County, it is hard to disagree that there are processes and procedures in place for approving what development takes place and where it is located. This process is often led or facilitated by the Department of Planning & Zoning (DPZ).

Most recently, legislation was introduced that if passed would require DPZ designees that appear at public hearings to testify under oath. Some will argue that this enhances our public input process thereby creating greater accountability. This is true to some extent. However, we at the Chamber are concerned at what this does to the overall planning process and the message it sends regarding the approval process. DPZ is often the convener of various reports from numerous Howard County departments. DPZ often takes these reports and recommendations into consideration when authoring an opinion but they are not bound to them. Although DPZ is able understand and articulate the reasoning of some of these departmental analyses, they are not the creator of these findings and are not experts in the related fields.

It is possible this change could require multiple staff from various County agencies to be available to address technical questions which might have departmental and overall budgetary implications. This may also create further confusion for what is already a challenging process for a novice to understand.

Many in the public domain would wonder why DPZ could not just address that which is in the staff report and topics directly related to the review standards in the development regulations. When said and done, this adds more time to an already lengthy process.

Lastly, we are concerned that this legislation sends a message that staff reports are not trusted or that proper due diligence was not completed prior to the Planning Board hearing. It is also our understanding that if the proposed legislation passes, the County Solicitor's Office is unable to represent DPZ staff at Planning Board hearings thereby leaving DPZ staff to sworn testimony and unchecked cross-examination without any legal representation. Furthermore, as the Council is aware, the Director of DPZ, or his designee, serves as the Executive Secretary to the Planning Board and is required to attend every public meeting and hearing in such capacity. To require the Director to provide all testimony before the Planning Board under oath would change his role from that of a public officer in service to the Planning Board to that of a fact witness subject to cross-examination and impeachment. This would represent a fundamental shift in the traditional role of the Director before the Planning Board.

For the reasons outline above, the Howard County Chamber opposes CB 32 and requests an unfavorable vote on this legislation. We would be more than happy to meet with you or members of the Council to discuss this matter further and to work collaboratively to develop mechanisms to remedy any deficiencies you see in our planning process.

Respectfully,

A handwritten signature in black ink that reads "Leonardo McClarty". The signature is written in a cursive, flowing style.

Leonardo McClarty, CCE
President/CEO, Howard County Chamber

CC: Howard County Council
Howard County Executive
Howard County Chamber Board of Directors