

Sayers, Margery

From: Joseph Rutter <jrutter_1@live.com>
Sent: Saturday, March 30, 2019 2:06 PM
To: CouncilMail
Subject: Council Bill 10-2019

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

An email with an attached letter was sent to the Council by email on March 29, 2019. The email included the following:

I would also like to note that while the majority of the Board reached consensus on this issue, our Vice Chairman, Mr. Joe Rutter did not concur with the concerns expressed in the letter.

The main concern the Board has is regarding the broad right of entry onto private property that appears to be part of this bill, and what this could mean for rural landowners that have streams on their property. Board members generally agreed that limiting this policy to the flood prone areas of Ellicott City where the problems exist may be a better solution than making the legislation broadly applicable to the entire county.

I want to let the Council know why I as a Supervisor did not concur with the HSCD testimony.

Individual members of the Board of Supervisors see CB 10-2019 as government overreach and I am fine if they as individuals want to express their opinion to the Council. What I object to is using the HSCD letterhead, staff resources and the signature of the Chair to lend more credence to the position of individuals when the HSCD is in fact a "government body" primarily funded by the County.

My issue is public safety. I do not care what business a property owner is operating or if they own a residence, if they are allowing a threat to public safety to exist on their property it is a basic duty of government to protect the public by following the law. In the case of CB 10 that means contacting the property owner and ASKING for permission to abate the safety issue. Failing receipt of permission from the owner the County may go to court for an order allowing entering the property to protect the public. That in my opinion is not overreach and that is why I object to using the prestige of HSCD to influence the Council to restrict the ability of the County agencies to do the job and protect the public.

The HSCD letter attempts to justify stream blockage as environmentally beneficial. Under circumstances where features are properly designed and constructed, (a proper role for HSCD is to assist in that engineering and design) mitigation measures such as coastal plain outfalls, check dams and many other techniques can in fact accomplish all of the benefits listed in the HSCD letter. Under circumstances where a land owner just lets trees, trash and woody debris block streams and create flooding and damage to downstream property CB 10 allows for a process to protect the public.

As the Supervisor appointed by the County Governing body (County Executive nomination confirmed by the County Council) I object to the letter and its misuse of the HSCD resources based on individual concerns about "over-reach".

Sayers, Margery

From: Plummer, David
Sent: Friday, March 29, 2019 5:01 PM
To: CouncilMail
Cc: justin@levellandinc.com; Justin Work (jbren40@gmail.com)
Subject: Howard Soil Conservation District concerns regarding CB10-2019
Attachments: CountyCouncil - CB10-2019.pdf

Dear Howard County Council,

I am forwarding the attached letter on behalf of the Howard Soil Conservation District Board of Supervisors, in regard to CB10-2019 related to Storm Drainage provisions in the Howard County Code. I apologize for not getting this information to you sooner, but the legislation arose between our monthly meetings and Board members did not have an opportunity to thoroughly discuss the issue and formulate a position on the policy until our Board of Supervisors meeting yesterday. Everyone on our Board is compassionate to the flooding problems in Ellicott City, but there are concerns that when applied across the whole county, this policy could have serious repercussions for private landowners and farmers. I would also like to note that while the majority of the Board reached consensus on this issue, our Vice Chairman, Mr. Joe Rutter did not concur with the concerns expressed in the letter.

The main concern the Board has is regarding the broad right of entry onto private property that appears to be part of this bill, and what this could mean for rural landowners that have streams on their property. Board members generally agreed that limiting this policy to the flood prone areas of Ellicott City where the problems exist may be a better solution than making the legislation broadly applicable to the entire county.

We appreciate your time and consideration of our concerns and we hope there is an opportunity to discuss the policy in more detail. Regards – David

David C. Plummer, District Manager
Howard Soil Conservation District
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Howard Soil Conservation District

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March 29, 2019

Howard County Council
3430 Court House Drive
Ellicott City, MD 21043

Dear Howard County Council:

The Howard Soil Conservation District (HSCD) Board of Supervisors would like to express some concerns we have regarding Council Bill 10-2019, which relates to Storm Drainage provisions in the Howard County Code. While we recognize that this legislation is part of the County Executive's Ellicott City Safe and Sound Plan, we are also apprehensive about the unforeseen repercussions this policy would have on private property rights and the natural environment. We recognize the need to address the extreme flooding problems in Ellicott City, but we ask that the County Council give careful consideration to applying this policy across the entire county, particularly in the agricultural portions.

One of the most concerning parts of the Bill is the right of entry into any "...Building, Structure, or Premises". It appears that the original code focused on stormwater management facilities, but by adding the new language related to "Storm Drainage Systems" and including all waterways, this regulation may be applied to every stream in the county. Furthermore, the County could force a landowner to remove debris or charge a landowner fines for having County personnel remove debris. While we recognize this debris removal may represent a public safety concern in Ellicott City, it could also result in a major expense for a farmer that has long sections of stream valley on her property. Implementing this policy in the rural areas of the county could create a significant economic burden on landowners.

We also have some environmental concerns about this policy. While removing logs, branches and other debris from a highly urbanized watershed like Ellicott City may prevent culverts from being blocked and allow for the rapid dissipation of flood waters, doing the same along rural streams may have other consequences. For starters, woody debris in streams creates a variety of habitat for both aquatic and terrestrial wildlife. In addition, the obstructions created by logs and debris slow floodwaters down and allow the streams to overflow into the floodplains adjacent to streams. This serves a number of purposes, including: dissipating some of the erosive energy from the stream channel, creating vernal pools which provide habitat for amphibians, depositing sediment loads on floodplains rather than transporting the full load downstream, and maintaining hydric soil conditions that may favor native plant communities. Based on the hilly terrain and impervious conditions present in Ellicott City, this policy may hold much merit, but when applied to other parts of the county it may do more harm than good.

Our Board of Supervisors has concerns about the potential for overreach contained in this policy. The prospective taking of private property rights outlined in this bill should be cause for concern for everyone. We feel that rural landowners and farmers in the County could be negatively impacted by this legislation, and we would like to work with you to insure that it does not create unforeseen burdens that we will all regret. We all want to find a solution to the Ellicott City flooding problem. The HSCD Board of Supervisors respectfully requests that you focus this legislation where the problem exists and not apply it to the entire County.

Respectfully,



B. Justin Brendel
Chairman, HSCD Board of Supervisors