

Introduced	<u>5/6/19</u>
Public Hearing	<u>5/20/19</u>
Council Action	<u>6/3/19</u>
Executive Action	<u>6/12/19</u>
Effective Date	<u>6/12/19</u>

**County Council of Howard County, Maryland**

2019 Legislative Session

Legislative Day No. 6

**Bill No. 20 -2019**

Introduced by: Liz Walsh  
 Co-sponsored by: Chairperson at the request of the County Executive,  
 Christiana Mercer Rigby, Opel Jones, and Deb Jung

AN ACT extending the Effective Period of the temporary prohibition on the issuance of certain permits and certain approvals of development plans and zoning changes for property that drains wholly or partly to the Tiber Branch Watershed or the Plumtree Branch Watershed in Howard County that was imposed by Council Bill 56-2018; and declaring this to be an emergency bill.

Introduced and read first time May 6, 2019. Ordered posted and hearing scheduled.  
 By order Jessica Feldmark  
 Jessica Feldmark, Administrator

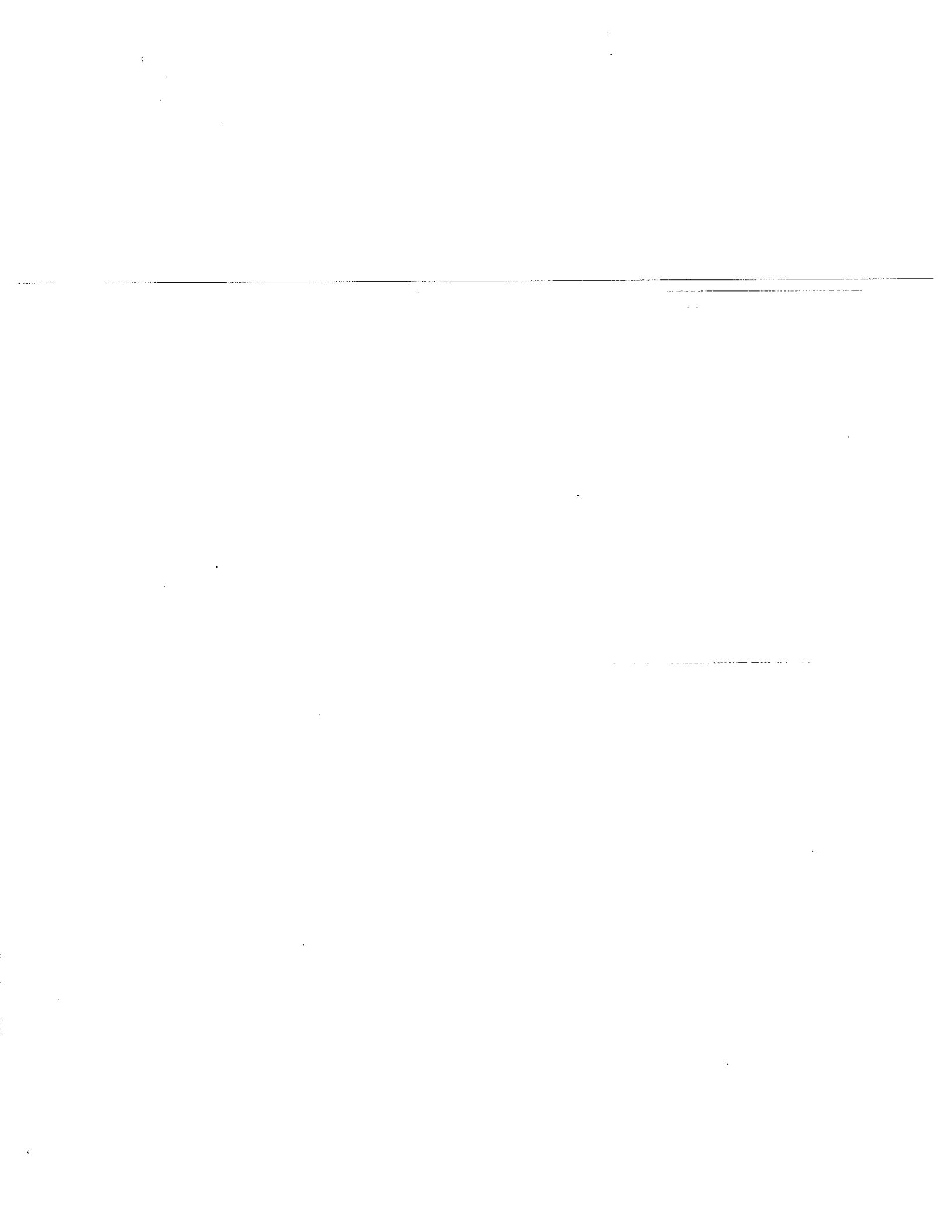
Having been posted and notice of time & place of hearing & title of Bill having been published according to Charter, the Bill was read for a second time at a public hearing on May 20, 2019.  
 By order Jessica Feldmark  
 Jessica Feldmark, Administrator

This Bill was read the third time on June 3, 2019 and Passed , Passed with amendments , Failed .  
 By order Jessica Feldmark  
 Jessica Feldmark, Administrator

Sealed with the County Seal and presented to the County Executive for approval this 5<sup>th</sup> day of June, 2019 at 3 a.m./p.m.  
 By order Jessica Feldmark  
 Jessica Feldmark, Administrator

Approved/Vetoed by the County Executive June 12, 2019  
Calvin Ball  
 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 **WHEREAS** after the Tiber Branch Watershed and the Plumtree Branch Watershed suffered  
2 devastating flooding twice in the span of twenty-two months—resulting in the loss of human life  
3 in Historic Ellicott City—the County Council passed CB56-2018 (the “Watershed Safety Act”),  
4 which the County Executive subsequently signed, effective July 27, 2018;

5  
6 **WHEREAS** the initial term of the “Effective Period” of the Watershed Safety Act is twelve  
7 months, through July 26, 2019;

8  
9 **WHEREAS** during the Effective Period, the purpose of the Watershed Safety Act is to protect  
10 the public health, safety, and welfare in both the Tiber Branch Watershed and the Plumtree  
11 Branch Watershed from the threat of planned and future development of property that drains  
12 wholly or partly to those watersheds;

13  
14 **WHEREAS** during the Effective Period the Department of Planning and Zoning, the  
15 Department of Public Works, and other appropriate units of County government must complete  
16 certain studies, reports, and recommendations; such actions include but are not limited to: study  
17 the extent to which existing, planned, and future development or redevelopment of property and  
18 any other relevant factors may contribute to future flooding in either watershed; identify  
19 potential public policy and private solutions; consider implementation of best practices; and  
20 make recommendations to the County Council for changes in law and procedures to protect  
21 public health, safety, and welfare in the Tiber Branch Watershed and the Plumtree Branch  
22 Watershed;

23  
24 **WHEREAS** during the Effective Period the County Council, having received such  
25 recommendations, must study those recommendations and act on them so that any changes in  
26 law and procedures to protect public health, safety, and welfare in the Tiber Branch Watershed  
27 and the Plumtree Branch Watershed may be drafted, introduced, subject to public hearing,  
28 enacted, and made effective before the Effective Period lapses;

29  
30 **WHEREAS**, during the Effective Period, due to the potential that zoning changes may be  
31 necessary in the Tiber Branch Watershed or the Plumtree Branch Watershed in response to the



1 studies, reports, and recommendations mandated by the Watershed Safety Act, it is imperative  
2 that the County Council also have time to consider, share with the public, and act on any  
3 recommendation concerning zoning changes in the Tiber Branch Watershed or the Plumtree  
4 Branch Watershed; and

5  
6 **WHEREAS**, because the County Council may not have sufficient time to undertake its certain  
7 mandates pursuant to the Watershed Safety Act within the initial term of the Effective Period of  
8 that Act, the County Council wishes to extend the Effective Period by an additional three  
9 months.

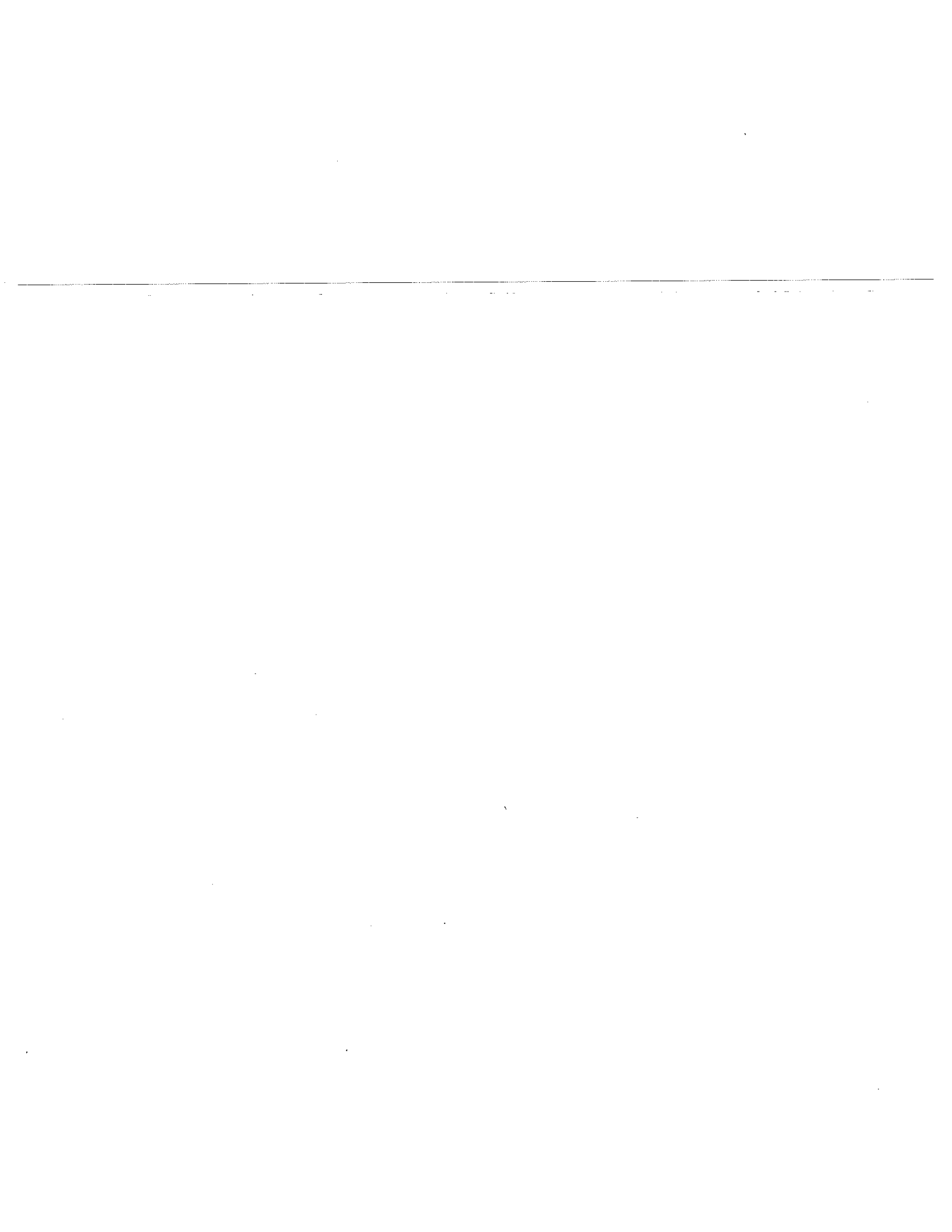
10  
11 **NOW THEREFORE,**

12  
13 *Section 1. Be It Enacted by the County Council of Howard County, Maryland that this Act is an*  
14 *interim measure which shall extend the Effective Period of the Watershed Safety Act for an*  
15 *additional three months, and, at the end of the day on the final day of the extended Effective*  
16 *Period, with no further action required by the County Council, the Watershed Safety Act shall be*  
17 *abrogated and of no further force and effect unless that Act is further modified, extended,*  
18 *replaced, or terminated through a subsequent legislative act of the Council.*

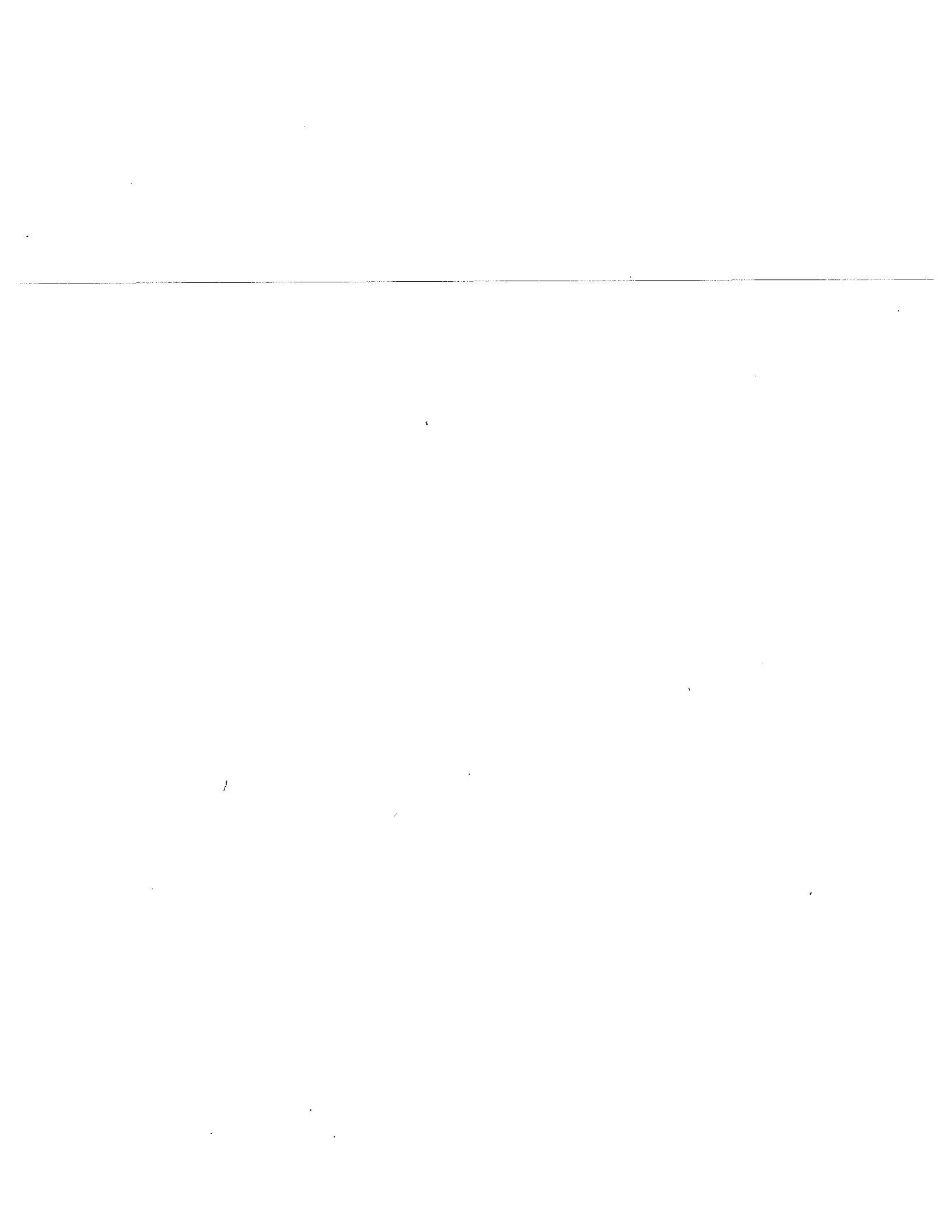
19  
20 *Section 2. And Be It Further Enacted by the County Council of Howard County, Maryland*  
21 *that, except as provided in Section 3 of this Act, all other terms of the Watershed Safety Act,*  
22 *other than the duration of the initial Effective Period extended by this Act, shall remain in full*  
23 *force and effect without interruption through the extended Effective Period.*

24  
25 *Section 3. And Be It Further Enacted by the County Council of Howard County, Maryland that*  
26 *the Watershed Safety Act shall not apply to scheduling hearings provided that no approval*  
27 *subject to the Act is granted during the Effective Period.*

28  
29 *~~Section 3~~ Section 4. And Be It Further Enacted by the County Council of Howard County,*  
30 *Maryland that this Act shall prevail if there is a conflict between this Act and other applicable*  
31 *law; and*



1 ~~Section 4~~ Section 5. *And Be It Further Enacted* by the County Council of Howard County,  
2 Maryland that this Act is adopted as an emergency measure to address an immediate emergency  
3 affecting public health, safety, or welfare and having been passed by two-thirds of its members,  
4 this Act shall be effective immediately upon its enactment.





BY THE COUNCIL

This Bill, having been approved by the Executive and returned to the Council, stands enacted on June 12, 2019.

Jessica Feldmark  
Jessica Feldmark, Administrator to the County Council

BY THE COUNCIL

This Bill, having been passed by the yeas and nays of two-thirds of the members of the Council notwithstanding the objections of the Executive, stands enacted on \_\_\_\_\_, 2019.

\_\_\_\_\_  
Jessica Feldmark, Administrator to the County Council

BY THE COUNCIL

This Bill, having received neither the approval nor the disapproval of the Executive within ten days of its presentation, stands enacted on \_\_\_\_\_, 2019.

\_\_\_\_\_  
Jessica Feldmark, Administrator to the County Council

BY THE COUNCIL

This Bill, not having been considered on final reading within the time required by Charter, stands failed for want of consideration on \_\_\_\_\_, 2019.

\_\_\_\_\_  
Jessica Feldmark, Administrator to the County Council

BY THE COUNCIL

This Bill, having been disapproved by the Executive and having failed on passage upon consideration by the Council stands failed on \_\_\_\_\_, 2019.

\_\_\_\_\_  
Jessica Feldmark, Administrator to the County Council

BY THE COUNCIL

This Bill, the withdrawal of which received a vote of two-thirds (2/3) of the members of the Council, is withdrawn from further consideration on \_\_\_\_\_, 2019.

\_\_\_\_\_  
Jessica Feldmark, Administrator to the County Council



Amendment 3 to Council Bill No. 20-2019

BY: David Yungmann

Legislative Day No. 8

Date: June 3, 2019

Amendment No. 3

*(This amendment allows authorities to schedule ~~and hear~~ cases while retaining the prohibition on actions or decisions on projects.)*

1           **Section 1.** This section applies if Amendment 2 to CB 20-2019 is not adopted:

2                   On page 2:

- 3                   • in line 20, after “*that*”, insert “, *except as provided in Section 3 of this*
- 4   *Act.*”.
- 5                   • after line 24 insert, “*Section 3. And Be It Further Enacted by the County*
- 6   *Council of Howard County, Maryland that the Watershed Safety Act shall*
- 7   *not apply to scheduling or conducting hearings provided that no approval*
- 8   *subject to the Act is granted during the Effective Period.*”.
- 9                   • in line 25, strike “*Section 3*” and substitute “*Section 4*”.
- 10                  • in line 28, strike “*Section 4*” and substitute “*Section 5*”.
- 11

12           **Section 2.** This section applies if Amendment 2 to CB 20-2019 is adopted:

13                   On page 2:

- 14                  • after line 24, at the end of the new Section 3 added by Amendment 2 to
- 15   CB20-2019, insert “*Also, the Watershed Safety Act shall not apply to*
- 16   *scheduling or conducting hearings provided that no approval subject to*
- 17   *the Act is granted during the Effective Period.*”.
- 18                  • in line 25, strike “*Section 3*” and substitute “*Section 4*”.
- 19                  • in line 28, strike “*Section 4*” and substitute “*Section 5*”.

ADOPTED as amended 6/3/19  
FAILED \_\_\_\_\_  
SIGNATURE Jessica Feldman



Amendment 1 to Amendment 3 to Council Bill No. 20 - 2019

BY: David Yungmann

Legislative Day No. 8

Date: June 3, 2019

Amendment No. 1

*(This amendment removes the option of the Hearing Authority to conduct hearings during the effective date of the Watershed Safety Act.)*

In line 1 of the parenthetical language, strike “*and hear*”.

In line 7, strike “*or conducting*”.

Strike lines 12 – 19, in their entirety.

ADOPTED 6/3/19  
FAILED \_\_\_\_\_  
SIGNATURE Jessica Feldman

13

Amendment 1 to Council Bill No. 20-2019

BY: David Yungmann

Legislative Day No. 8  
Date: June 3, 2019

Amendment No. 1

*(This amendment provides for the termination of the Effective Period if the County Council adopts certain changes to the County's Stormwater management law.)*

1 On page 2, in line 15, after "months," insert "except as otherwise provided in Section 2 of this  
2 Act,".

3  
4 On page 2, after line 18, insert:

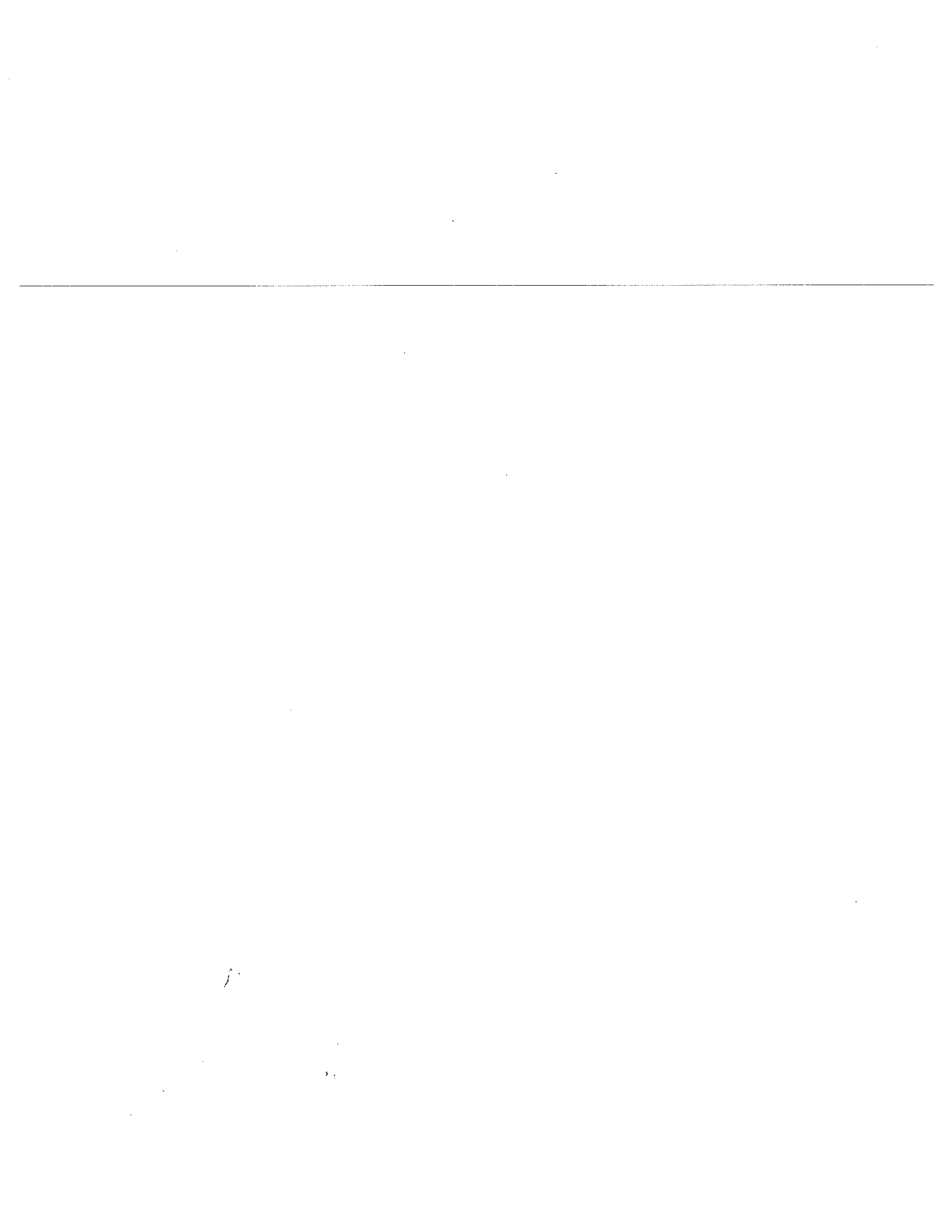
5  
6 "Section 2. And Be It Further Enacted by the County Council of Howard County, Maryland  
7 that, if the County Council of Howard County, Maryland adopts any changes to the County's  
8 Stormwater Management law as they apply to the Tiber Branch Watershed and the Plumtree  
9 Branch Watershed that become effective on or before October 27, 2019, at the end of the day on  
10 the effective date of the new law, with no further action required by the County Council, the  
11 Watershed Safety Act shall be abrogated and of no further force and effect.".

12  
13 On page 2, in lines 20, 25, and 28, strike "2.", "3.", and "4.", respectively, and substitute "3.",  
14 "4.", and "5.", respectively.

ADOPTED \_\_\_\_\_

FAILED 6/3/19

SIGNATURE David Yungmann





Amendment 2 to Council Bill No. 20-2019

BY: David Yungmann

Legislative Day No. 8

Date: 6/3/19

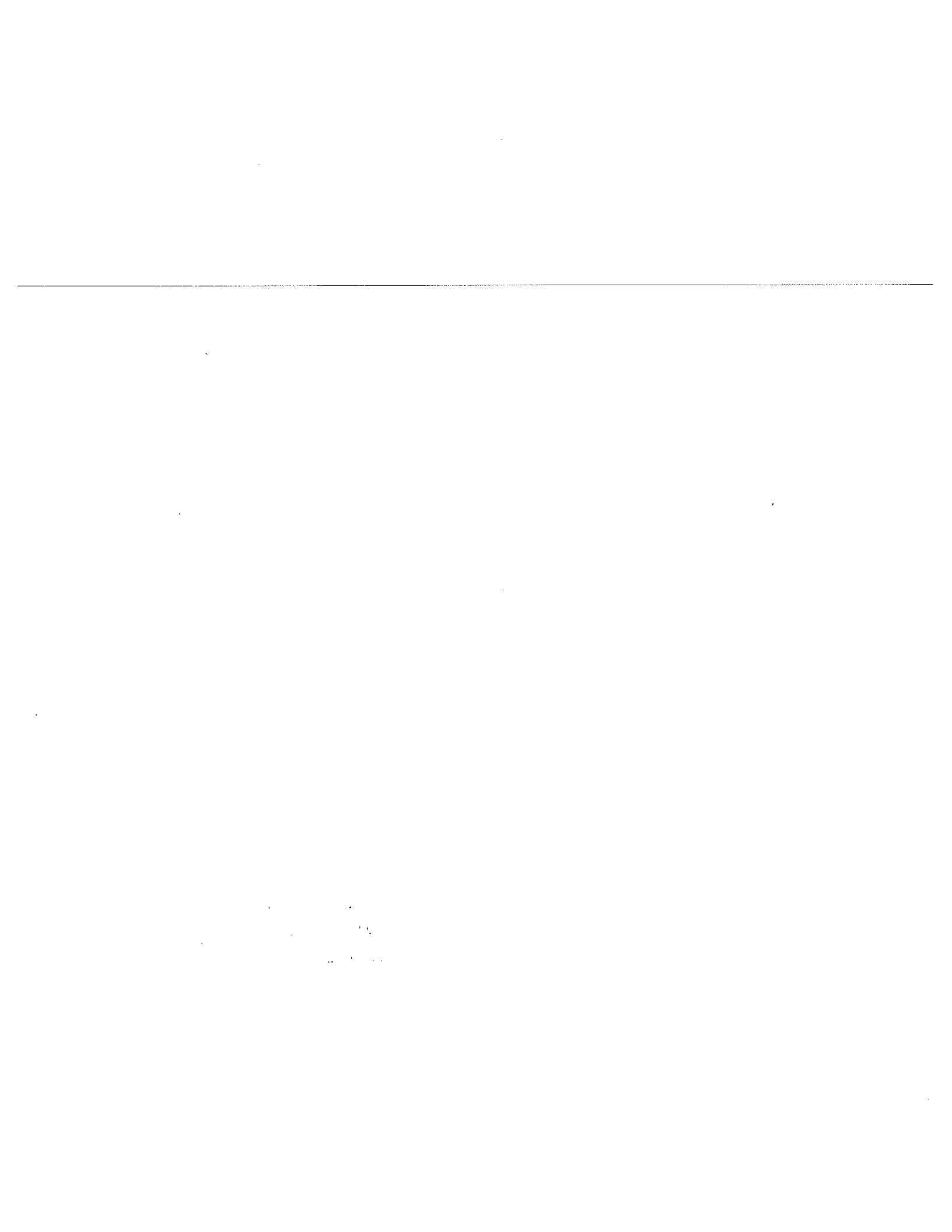
Amendment No. 2

*(This amendment provides an exemption for improved properties on which the net increase in impervious surface is less than 1,500 square feet.)*

On page 2:

- in line 20, after “*that*”, insert “, *except as provided in Section 3 of this Act.*”.
- after line 24, insert “**Section 3. And Be It Further Enacted by the County Council of Howard County, Maryland that the Watershed Safety Act shall not apply to development on an improved property on which the net increase in impervious surface is less than 1,500 square feet.**”.
- in line 25, strike “**Section 3**” and substitute “**Section 4**”.
- in line 28, strike “**Section 4**” and substitute “**Section 5**”.

ADOPTED \_\_\_\_\_  
FAILED 6/3/19  
SIGNATURE Jessica Feldman



Amendment 3 to Council Bill No. 20-2019

BY: David Yungmann

Legislative Day No. 8

Date: 6/3/19

Amendment No. 3

*(This amendment allows authorities to schedule and hear cases while retaining the prohibition on actions or decisions on projects.)*

**Section 1.** This section applies if Amendment 2 to CB 20-2019 is not adopted:

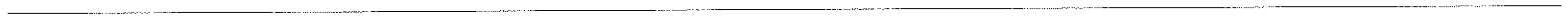
On page 2:

- in line 20, after “*that*”, insert “, *except as provided in Section 3 of this Act.*”.
- after line 24 insert, “**Section 3. And Be It Further Enacted by the County Council of Howard County, Maryland that the Watershed Safety Act shall not apply to scheduling or conducting hearings provided that no approval subject to the Act is granted during the Effective Period.**”.
- in line 25, strike “**Section 3**” and substitute “**Section 4**”.
- in line 28, strike “**Section 4**” and substitute “**Section 5**”.

**Section 2.** This section applies if Amendment 2 to CB 20-2019 is adopted:

On page 2:

- after line 24, at the end of the new Section 3 added by Amendment     to CB20-2019, insert “*Also, the Watershed Safety Act shall not apply to scheduling or conducting hearings provided that no approval subject to the Act is granted during the Effective Period.*”.
- in line 25, strike “**Section 3**” and substitute “**Section 4**”.
- in line 28, strike “**Section 4**” and substitute “**Section 5**”.



1 studies, reports, and recommendations mandated by the Watershed Safety Act, it is imperative  
2 that the County Council also have time to consider, share with the public, and act on any  
3 recommendation concerning zoning changes in the Tiber Branch Watershed or the Plumtree  
4 Branch Watershed; and

5  
6 **WHEREAS**, because the County Council may not have sufficient time to undertake its certain  
7 mandates pursuant to the Watershed Safety Act within the initial term of the Effective Period of  
8 that Act, the County Council wishes to extend the Effective Period by an additional three  
9 months.

10  
11 **NOW THEREFORE,**

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14 *interim measure which shall extend the Effective Period of the Watershed Safety Act for an*  
15 *additional three months, and, at the end of the day on the final day of the extended Effective*  
16 *Period, with no further action required by the County Council, the Watershed Safety Act shall be*  
17 *abrogated and of no further force and effect unless that Act is further modified, extended,*  
18 *replaced, or terminated through a subsequent legislative act of the Council.*

19  
20 *Section 2. And Be It Further Enacted by the County Council of Howard County, Maryland that*  
21 *all other terms of the Watershed Safety Act, other than the duration of the initial Effective Period*  
22 *extended by this Act, shall remain in full force and effect without interruption through the*  
23 *extended Effective Period.*

24  
25 *Section 3. And Be It Further Enacted by the County Council of Howard County, Maryland that*  
26 *this Act shall prevail if there is a conflict between this Act and other applicable law; and*

27  
28 *Section 4. And Be It Further Enacted by the County Council of Howard County, Maryland that*  
29 *this Act is adopted as an emergency measure to address an immediate emergency affecting*  
30 *public health, safety, or welfare and having been passed by two-thirds of its members, this Act*  
31 *shall be effective immediately upon its enactment.*



Amendment 1 to Council Bill No. 20-2019

BY: David Yungmann

Legislative Day No. 8  
Date: June 3, 2019

Amendment No. 1

*(This amendment provides for the termination of the Effective Period if the County Council adopts certain changes to the County's Stormwater management law.)*

1 On page 2, in line 15, after "months," insert ", except as otherwise provided in Section 2 of this  
2 Act.".

3  
4 On page 2, after line 18, insert:

5  
6 "Section 2. And Be It Further Enacted by the County Council of Howard County, Maryland  
7 that, if the County Council of Howard County, Maryland adopts any changes to the County's  
8 Stormwater Management law as they apply to the Tiber Branch Watershed and the Plumtree  
9 Branch Watershed that become effective on or before October 27, 2019, at the end of the day on  
10 the effective date of the new law, with no further action required by the County Council, the  
11 Watershed Safety Act shall be abrogated and of no further force and effect.".

12  
13 On page 2, in lines 20, 25, and 28, strike "2.", "3.", and "4.", respectively, and substitute "3.",  
14 "4.", and "5.", respectively.

15

Amendment 2 to Council Bill No. 20-2019

BY: David Yungmann

Legislative Day No. 8

Date: 6/3/19

Amendment No. 2

*(This amendment provides an exemption for improved properties on which the net increase in impervious surface is less than 1,500 square feet.)*

1  
2  
3  
4  
5  
6  
7  
8  
9

On page 2:

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- after line 24, insert “*Section 3. And Be It Further Enacted by the County Council of Howard County, Maryland that the Watershed Safety Act shall not apply to development on an improved property on which the net increase in impervious surface is less than 1,500 square feet.*”.
- in line 25, strike “*Section 3*” and substitute “*Section 4*”.
- in line 28, strike “*Section 4*” and substitute “*Section 5*”.



Amendment 3 to Council Bill No. 20-2019

BY: David Yungmann

Legislative Day No. 8

Date: 6/3/19

Amendment No. 3

*(This amendment allows authorities to schedule and hear cases while retaining the prohibition on actions or decisions on projects.)*

1           **Section 1.** This section applies if Amendment 2 to CB 20-2019 is not adopted:

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- 3                   • in line 20, after “*that*”, insert “, *except as provided in Section 3 of this*  
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- 5                   • after line 24 insert, “*Section 3. And Be It Further Enacted by the County*  
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- 9                   • in line 25, strike “*Section 3*” and substitute “*Section 4*”.
- 10                  • in line 28, strike “*Section 4*” and substitute “*Section 5*”.

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12           **Section 2.** This section applies if Amendment 2 to CB 20-2019 is adopted:

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16                  *scheduling or conducting hearings provided that no approval subject to*  
17                  *the Act is granted during the Effective Period.*”.
- 18                  • in line 25, strike “*Section 3*” and substitute “*Section 4*”.
- 19                  • in line 28, strike “*Section 4*” and substitute “*Section 5*”.

## Sayers, Margery

---

**From:** Dvorak, Nicole  
**Sent:** Monday, June 3, 2019 11:34 AM  
**To:** Sayers, Margery  
**Subject:** FW: Proposed amendments to CB20-2019 - Not In Favor Of

**From:** Carolyn Weibel <carolinasandsunsurf2@gmail.com>  
**Sent:** Sunday, June 2, 2019 9:29 PM  
**To:** Walsh, Elizabeth <ewalsh@howardcountymd.gov>; Jones, Opel <ojones@howardcountymd.gov>; Rigby, Christiana <crigby@howardcountymd.gov>; Jung, Deb <djung@howardcountymd.gov>; Yungmann, David <dyungmann@howardcountymd.gov>  
**Subject:** Proposed amendments to CB20-2019 - Not In Favor Of

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

Good evening, Members of the County Council,

I see where 3 amendments have been proposed for CB20-2019.

My position is that the bill should stand as originally proposed with no amendments. Storm water management laws need to be revised and in place before the moratorium is lifted. What was the point of the moratorium if this is not accomplished? If the 3-month extension is not sufficient, then continue to extend it until legislation is in place to address the flooding devastation seen in the Tiber-Hudson and Plumtree Watersheds.

The focus needs to be on enacting new storm water management laws. Let's not "muddy up the waters" by amending this bill to accommodate homeowners, businesses, or developers because they have had to wait while flood studies were completed and new storm water legislation is proposed and voted into law.

Thank you for your time and consideration.

Carolyn Weibel  
Valley Mede

## Sayers, Margery

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**From:** Patricia Williams <pwilliamsmd@verizon.net>  
**Sent:** Monday, June 3, 2019 10:56 AM  
**To:** CouncilMail  
**Subject:** Amending CB20-2019

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

Dear County Council members,

I recently discovered 3 amendments to CB20-2019 have been proposed. I am totally against ANY changes to the original bill. If and when more storm water flooding occurs, and any of the amendments are adopted, then how are we to know if storm water damage is due to even less impervious surfaces than what presently exists? New SWM laws aren't in place, not to mention written or tested!

I also believe the moratorium should be extended until new SWM laws are PROVEN to work in the Plum Tree and Tiber-Hudson watersheds. It's the ONLY RESPONSIBLE thing to do. There is no reason even the people wanting pools and in-law extensions, patios, porches, new driveways should be exempt. Safety comes first!

The citizens are relying on good conscious decisions by each Country Council member to protect them and not pander to developers, nor individuals wanting exceptions for smaller projects.

The County Council members have been voted into positions where their constituents should be assured they are being taken care of and can be assured the reason they live in Howard County is preserved: safe, quiet and rural communities with well-funded schools for the students moreso than the teachers, and a very strong APFO yet to come. In the end, most desirable is the guarantee of a safe and appealing environment. I strongly believe all this should start with a STRONG SWM legislation. Again, safety is paramount. It is totally in the hands of responsible Council members who I hope you prove to be.

Thank you for the time you took to hear my opinions.

Patricia Williams  
Ellicott City

**Sayers, Margery**

---

**From:** Amy Lynne <amylynne3000@gmail.com>  
**Sent:** Monday, May 20, 2019 6:33 PM  
**To:** CouncilMail  
**Subject:** Fwd: Testimony for continuation of the watershed safety act

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

May be 2nd submission. Trying to make sure it goes through

----- Forwarded message -----

**From:** Amy Lynne <amylynne3000@gmail.com>  
**Date:** Monday, May 20, 2019  
**Subject:** Testimony for continuation of the watershed safety act  
**To:** [Councilmail@howardcounty.gov](mailto:Councilmail@howardcounty.gov)

I live just over the bridge in lower Oella. I testified at the first hearing about my strong feelings against any further development in Ellicott City.

I don't believe that development is the sole contributor to EC's flooding problem. However, it is a contributor, and any further contribution of runoff is unacceptable. I don't believe that the flood mitigation efforts put forth by these developments have been effective. The relatively minor 2011 storm still had water flowing down Main Street, in a volume and a pace that had not previously been happening.

The developers have had their party, they had made plenty of money from the developments already installed. We owe them NOTHING. However, they owe Ellicott City their respect as a fragile historic community that needs the highest level of protection. This includes NO MORE DEVELOPMENT ever. Period.

It's time to pull our heads from the sand and face reality, and make the right decisions for all of Ellicott City's businesses and residents.

Thank you.

Amy Lynne  
3000 Westchester Avt  
Ellicott City, MD. 21043

## Sayers, Margery

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**From:** Amy Lynne <amylynne3000@gmail.com>  
**Sent:** Monday, May 20, 2019 6:31 PM  
**To:** Councilmail@howardcounty.gov; CouncilMail  
**Subject:** Re: Testimony for continuation of the watershed safety act

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

On Monday, May 20, 2019, Amy Lynne <amylynne3000@gmail.com> wrote:

I live just over the bridge in lower Oella. I testified at the first hearing about my strong feelings against any further development in Ellicott City.

I don't believe that development is the sole contributor to EC's flooding problem. However, it is a contributor, and any further contribution of runoff is unacceptable. I don't believe that the flood mitigation efforts put forth by these developments have been effective. The relatively minor 2011 storm still had water flowing down Main Street, in a volume and a pace that had not previously been happening.

The developers have had their party, they had made plenty of money from the developments already installed. We owe them NOTHING. However, they owe Ellicott City their respect as a fragile historic community that needs the highest level of protection. This includes NO MORE DEVELOPMENT ever. Period.

It's time to pull our heads from the sand and face reality, and make the right decisions for all of Ellicott City's businesses and residents.

Thank you.

Amy Lynne  
3000 Westchester Avt  
Ellicott City, MD. 21043

## Sayers, Margery

---

**From:** Gayle Killen <killchar@gmail.com>  
**Sent:** Monday, May 20, 2019 5:38 PM  
**To:** CouncilMail  
**Subject:** Mon 20MAY19: CB20-2019 Building Moratorium - EXTENSION

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

Monday 20 MAY 2019  
CB20-2019  
Building Moratorium - EXTENSION

Greetings, Council.

Thank you for your attention. I live on Main Street, and it's been hard to tolerate claims "no runoff was added" in recent years because new development actually has regulations. Hearing from our studies that even if the whole town was "woods in good condition" it would have suffered the same fate. Finally we know not to believe the "freak storm" claims. Lies like this are not acceptable. We demand a real and true effort to understand so we can successfully rebuild and protect our town. The biggest tributary was left out of the watershed study we demanded in 2011 and as a result more development than it could have ever held was let through. Was it intentional? Was it a mistake? Doesn't matter anymore, we are now past the point that we know full well that we must stop adding runoff now.

The culvert behind me continues to fill with debris and deposits. Main St continues to channel what doesn't make The Hudson. Despite having made my home flood proof, I still cannot replace the fence I once had along Main St. It may take years, but I don't think it wise to keep putting a fence up where I can see Main St continues to fall into my yard and this CHANNEL STILL ISN'T CLEARED since 2011.

I don't think it wise to keep adding problems as we struggle to correct existing problems.

Rivers spilling down hills and waterfalls are part of the Patapsco Valley charm, but at today's current volume of rain the ground down here is so saturated that an every day rainstorm can cause problems. Tree removal and the standard grassy slope accelerates runoff, sometimes directly into a home. Our current storm water management practices are insufficient and therefore all prior waivers, permissions, exemptions, etc must be wiped from the slate. Given the rapid depletion of vegetative buffers inside and above our ridges, it is important to protect and stabilize.

The lack of progress we have made in survey and study is shameful. Anyone still shrugging their shoulders and claiming it's out of our control should be fired. We need more time to solidify policies for protection and progress, and there must be only the addition of detention spaces in the meantime.

Thank you for your consideration,  
Gayle Killen  
8572 Main St  
Ellicott City, MD 21043  
[killchar@gmail.com](mailto:killchar@gmail.com)

Below, I've noted a good example of tree protection in use here: <https://www.monash.vic.gov.au/Building-Planning/Strategic-Planning/Planning-Scheme/Amendments/Amendment-C115>

"The purpose of the Amendment is to modify Schedule 1 to the Vegetation Protection Overlay by including the following the exemptions from requiring a planning permit to remove a tree:

The removal of any tree where the tree will be replaced by two new plantings (which can be planted anywhere on the same property) and which will grow to become canopy trees with spreading crowns, to the satisfaction of the responsible authority.

Prior to the removal of the tree for which the exemption is sought, a plan or simple diagram of the site identifying the tree to be removed and the species and planting location of the two replacement tree plantings, must be submitted to and endorsed by the responsible authority.

The two replacement tree plantings must be planted within six months of the tree removal taking place and then appropriately maintained to the satisfaction of the responsible authority.

Non native trees and environmental weeds.

For tree maintenance or where a tree is being maintained in accordance with a management program, developed by a suitably qualified arborist.

Dead, dying or dangerous trees.

The removal of a tree necessary for the construction of a dwelling, dwelling extension or outbuilding where no planning permit is required subject to a building permit having been granted and tree(s) are only removed from the building footprint or within 2 meters of the proposed building."

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Every great advance in natural knowledge has involved the absolute rejection of authority.

~Thomas H. Huxley

## Sayers, Margery

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**From:** Angelica Bailey <[abailey@marylandbuilders.org](mailto:abailey@marylandbuilders.org)>  
**Sent:** Monday, May 20, 2019 3:23 PM  
**To:** CouncilMail; Rigby, Christiana; Facchine, Felix; Walsh, Elizabeth; Dvorak, Nicole; Jung, Deb; Williams, China; Jones, Opel; Harris, Michael; Yungmann, David; Knight, Karen; Ball, Calvin; Sidh, Sameer; Feldmark, Jessica  
**Cc:** Lori Graf; 'Jason Van Kirk'; Lazdins, Valdis; Irvin, Jim  
**Subject:** MBIA Written Testimony re. CB20-2019  
**Attachments:** MBIA Letter of Concern re. CB20 – Ellicott City Moratorium.pdf

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

Good Afternoon,

Please find MBIA written testimony attached for this evening's hearing on CB20-2019.

Thank you,  
Angelica Bailey

Angelica Bailey, Esq.  
Vice President of Government Affairs  
[abailey@marylandbuilders.org](mailto:abailey@marylandbuilders.org)  
Maryland Building Industry Association  
11825 W. Market Place  
Fulton, MD 20759  
Cell: 202-815-4445  
Dir: 301-776-6205  
Ph: 301-776-MBIA

 MARYLAND  
BUILDING  
INDUSTRY  
ASSOCIATION  
Advocate | Educate | Network | Build





11825 West Market Place | Fulton, MD 20759 | 301-776-6242

May 20, 2019

**Re: LETTER OF CONCERN FOR – Extending the building moratorium in the Tiber Branch and Plumtree Branch Watersheds**

Dear Chairwoman Mercer Rigby and Members of the Howard County Council:

The Howard County Chapter of the Maryland Building Industry Association (MBIA) writes with concerns regarding Council Bill 20, which extends the building moratorium in the Tiber Branch and Plumtree Branch Watersheds an additional 3 months.

The Watershed Safety Act was passed in July of 2018 to temporarily halt new development in the Tiber-Hudson Watershed (Ellicott City, generally) to give the Department of Planning and Zoning, the Department of Public Works, and the County Council an opportunity to study flooding in this area and identify potential public policy and private solutions to future flooding in the Ellicott City area.

While we disagree that new development is the reason for flooding, and believe that twelve months is a reasonable time period to study the true and relevant factors that contribute to flooding, determine best practices, and implement new policies, we also recognize that these are complex issues and thorough analysis can be time-consuming. It is imperative that the County make real changes to the landscape and infrastructure in and above Ellicott City based on the results of recent studies, designs developed by hydrologic experts, and the best science available. If the Council needs three more months to implement new standards for development in Ellicott City and end the moratorium, we believe that extension is reasonable.

However, we are concerned at CB20's mention of zoning. Rezoning would be a more significant change than implementing new stormwater standards. Furthermore, zoning and rezoning decisions are made within the Department of Planning and Zoning; it would be inappropriate for the Council to make zoning decisions to address flooding in Ellicott City instead of DPZ.

We also hope any policy changes introduced at the end of the three-month extension will propose new stormwater standards and an end to the moratorium; or new stormwater standards that allows our members to proceed past the moratorium if certain design requirements are met.

The MBIA urges the County Council to consider these concerns when voting on CB20. Howard County MBIA members are not only builders, developers, engineers and environmental experts; they are also residents of the County, and hope to see Ellicott City continue to serve as a cultural, social and economic hub in the future. We are confident that a three-month extension will bring effective stormwater policies that will have a measurable impact on flooding to save lives, re-energize the business district and improve the environment without punishing Howard County.

If you have any questions about these comments and would like to discuss MBIA's position further, please do not hesitate to contact me at [abailey@marylandbuilders.org](mailto:abailey@marylandbuilders.org) or (202) 815-4445.

Best regards,

A handwritten signature in black ink, appearing to read "Angelica Bailey".

Angelica Bailey, Esq., Vice President of Government Affairs

Cc: Councilman David Yungmann  
Councilman Opel Jones  
Councilmember Elizabeth Walsh  
Councilmember Deb Jung  
County Executive Calvin Ball  
Sameer Sidh, Chief of Staff to the County Executive  
Valdis Lazdins, Director of Planning  
James Irvin, Director of Public Works

## Sayers, Margery

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**From:** Russ Roder <roderra@hotmail.com>  
**Sent:** Monday, May 20, 2019 11:58 AM  
**To:** CouncilMail  
**Subject:** testimony in favor of CB20-2019

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

Please see below for my testimony in favor of CB20-2019.

Thanks,  
Russell Roder

The County plans to present the results of the most recent flood studies on May 21<sup>st</sup>. The roughly two months from this date to the end of the current moratorium are insufficient to allow the County and residents to understand the results, develop plans for moving forward and come to agreement on the details of implementation. Extending the moratorium by three months is absolutely necessary.

It's highly likely that another extension, beyond October, will be required. For example, the details of any new requirements for stormwater retention will probably be the subject of intense debate. It's much more important to get the details right than to rush new requirements through. This process should be given as much time as necessary, within reason.

I urge all Council members to vote in favor of CB20-2019.

## Sayers, Margery

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**From:** William Lilley <ecrfpres@aol.com>  
**Sent:** Monday, May 20, 2019 8:18 AM  
**To:** CouncilMail  
**Subject:** CB20-2019

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

Please vote in favor of CB20-2019.

Keep Ellicott City protected!

Ed Lilley  
4805 Wilkens Avenue  
Catonsville, MD 21228  
410-303-2959

## Sayers, Margery

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**From:** no-reply@howardcountymd.gov  
**Sent:** Saturday, May 18, 2019 5:25 PM  
**To:** shonchar@msn.com  
**Subject:** Extension to the 2018 Watershed Safety Act

**First Name:** Sharon

**Last Name:** Honcharik

**Email:** [shonchar@msn.com](mailto:shonchar@msn.com)

**Street Address:** 9842 Longview Dr.

**City:** Ellicott City

**Subject:** Extension to the 2018 Watershed Safety Act

**Message:** I reside in Valley Mede and have witnessed the damaging affect that flooding has had on the lives, homes and property of people in this community. Unless the problems of inadequate watershed management can be rectified, we will continue to have flooding that will only be exacerbated by unbridled development in designated watershed areas like Valley Mede. I strongly urge you to support the extension of the 2018 Watershed Safety Act.

## Sayers, Margery

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**From:** Suzanne Jones <jones.suze@gmail.com>  
**Sent:** Friday, May 17, 2019 1:41 PM  
**To:** CouncilMail  
**Subject:** FOR CB 20-19

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

I am FOR CB 20-19.

The stakes are too high and too many details remain to be worked out, especially for the Plumtree watershed.

Due to the visibility of Old Ellicott City, more storm water management and legislation is worked out and favors the Tiber watershed. Flooding of the Plumtree -- just as risky to human life -- comes in as a seeming afterthought.

During the May 2018 flooding event, Howard County Fire and Rescue was either too busy or, due to the excessive storm water, unable to help out in Valley Mede. Residents had to resort to their own swift water rescue to save the stranded occupant(s) of a vehicle submerged near the Church of the Resurrection. (I sent council members a photo of the event shortly after it occurred.) This is not an acceptable and sustainable response for our neighbors in Valley Mede!

Based on the slides from the recent working session on storm water management, I learned the following:

- \* Stormwater Storage Facilities are already planned for the Tiber watershed. No such things are planned for the Plumtree and may not even be feasible.
- \* Much of the Plumtree Stormwater Conveyance Improvements are not yet fully planned.
- \* In the region of the Plumtree watershed, 81% of the development was built without storm water management.
- \* Only 7% of the developed acreage around the Plumtree is open space and -- the Plumtree region is more developed than the Tiber.
- \* Presently, only ESD management (i.e. 1-year event/~2.64 inches of rain over 24-hours) is required for the Plumtree.

In the slides from the working session, I read that legislation is in the works, is likely to include accommodations for 1,000 year flooding events -- *yet, that legislation is not complete and approved*. In other words, it's all just words with absolutely no guarantees of any of the safeguards that area already proven -- via the 2011 tropical storm, 2016 flooding event, and the repeat flooding event in 2018 - to be needed.

Further, to me the fee-in-lieu and "maximum extent practicable" approaches sound vague, if not entirely risking of more unsafe flooding events.

CB 80-16 regulated for the Tiber, but did nothing for the Plumtree watershed -- again, secondary treatment for those not in/around Old Ellicott City.

In the working session, it was mentioned that ~140 properties within 100-year floodplains receive 3-foot or greater inundations and it was also stated that some of the worst inundations are in Valley Mede. What are the addresses of these properties and what is being done to address their issues?

Regarding the special assessments against those in the Plumtree watershed, I question why they would be made to pay the price when -- based on the county's own report on the 2011 Tropical Storm Lee -- the flooding started as early as 1992! In other words, Valley Mede was just fine until excessive development -- Wetherburn, Waverly Woods, Raleigh

Tavern, Olde Mill, and so on and so forth -- started to overtake the areas north and west that flow into the Plumtree watershed.

Clearly, more time is needed to work out an abundance of issues that exist with regards to the Tiber and Plumtree watersheds.

I am FOR CB 20-19.

--

Regards,

Sue

Go placidly amid the noise and the haste.

You are a child of the universe.

And whether or not it is clear to you,  
no doubt the universe is unfolding as it should.

Lisa Markewitz

President, The People's Voice Corporate Court Ellicott City

May 20, 2019

Testimony in Support of CB20-2019

The details in this Bill referencing the timing of reports and decision deadlines outlines the clear need for an extension. I hope that further extensions are made after getting all the report requirements completed, so as to capture time needed for at least some portion of actual flood mitigation efforts to be implemented.

Our watershed area flooding problems did not occur overnight, and have been on-going with exacerbation from removal of natural surfaces, going into steep slopes and not having adequate storm water management requirements, along with the increasing probability of intense storms versus what we used to call 100 year or 1000 year storms. Clearly, older neighborhoods built under older regulations are having problems, but even the latest regulations are not preventing flooding given the increased intensity and frequency of storms. Also, the measurement of effects of development are not taken so far away as to engineer and fully expect its impacts downstream for significant distances that funnel into flood prone watersheds. Having the moratorium on these entire watersheds while these important issues are addressed is much appreciated and necessary.

Some say development helps with flooding because it adheres to the most current storm water management rules, but those rules are not preventing flooding, and are not addressing effects further from the projects. We clearly need more time to implement large, expensive mitigation projects to keep people and property safe, and we need to stop the flow while that is done.

A moratorium on development in these sensitive areas should remain until we have adequate offset to its continued progress regarding flooding concerns.



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

I, Lisa Markowitz, 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 20 to express the organization's  
(bill or resolution number)

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

Printed Name: Lisa Markowitz

Signature: [Handwritten Signature]

Date: 5/20/19

Organization: The People's Voice

Organization Address: 3205 Corporate Ct

Ellicott City MD 21042

Number of Members: 2818

Name of Chair/President: Lisa Markowitz

*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.*



CB 20-2019

5/20/19

To the County Council Members,

My name is Carolyn Weibel, and I have resided on Longview Drive in Valley Mede for the past 20 years. I am going on record in support of extending the building moratorium for the Tiber-Hudson and Plumtree watersheds for at least another 3 months. I watched and listened to the May 13, 2019 Monthly County Council Meeting discussing the presentation made by the Department of Public Works and the Department of Planning and Zoning. As you know, this same presentation will be presented to the General Public Tuesday evening, May 21, 2019.

My concern is that recommendations have been made to the Council, and there are still questions and decisions to be made about these recommendations. Resuming development at the end of July 2019 before there is a plan in place to address these "high density", "short duration" storms in both of these watersheds is harmful.

Continued development without fixing the current storm water management issues is ludicrous, at best. We thought that the storm of 2011 wouldn't occur again, and it did to a worse degree in 2016. We thought that the storm of 2016 wouldn't occur again, and it did in 2018, just as deadly. The trend is not a good one, and we should fix the problems as they exist today before any consideration is given to any more development.

CB80-16 legislation, that was enacted following the 2016 flooding event, gives consideration only to the Tiber Watershed, and not the Plumtree Watershed. This legislation prohibits the issuance of waivers to the Howard County Current Zoning Regulations and Practices covering no development in a 100-year floodplain, steep slope regulations, stream buffer regulations, and field verification of environmental features. Plumtree Watershed needs to be included in CB80-16. The rationale that there is limited affected land in the Plumtree Watershed doesn't hold water (pardon the pun). Limited affected land can contribute to potential storm water issues. If any of

these waivers are permitted, then existing and/or newer communities will experience destruction due to continued flooding in the Plumtree Watershed. One project in the Plumtree Watershed that comes to mind is the proposed Bethany Glen project. It is in a floodplain, and the Little Plumtree originates on the 67 acres of this proposed development. This acreage, in my mind, is significant, so please consider adding the Plumtree Watershed to CB80-16.

One final comment - consideration needs to be given to pursuing the purchase of land parcels within floodplains. This should not only be to create preservation areas, but to continue to create open space.

Thank you for reading/listening to my concerns.

Carolyn Weibel  
Valley Mede resident

May 20, 2019

My name is Sherry Fackler-Berkowitz, and until February 2019 I co-owned a piece of property at 8069 Main Street in Historic Ellicott City. The historic stucco building at the bottom of the hill.

2011 - 4' water in the basement.

2016 - 7 ½' of water in the building, tenants stuck in our back apartment.

2018 - 8' water in the building, tenants stuck in the front of building.

I am here to support bill CB20-2019.

I believe we should extend the Watershed Safety Act. This would allow the County Council and the County Executive to reevaluate the standards for storm water runoff along with retention ponds that need to be built on all properties that are going to be developed in and around the watershed.

Since the 2018 flood a lot of new data has come to the attention of the County Council and the County Executive, thanks to Ron Peters because of the cameras he placed along the river. We now have a better idea of how much water comes down each branch in the watershed. This information gives the county better data on how and where we should begin to control the water.

I've heard developers say that they are the answer to controlling the flow of water, yet in the years before, the county did not put enough restrictions on storm water runoff from new development. Now that we have this new information it is time that we make those who develop around and, in the watershed, meet new standards to today's storms.

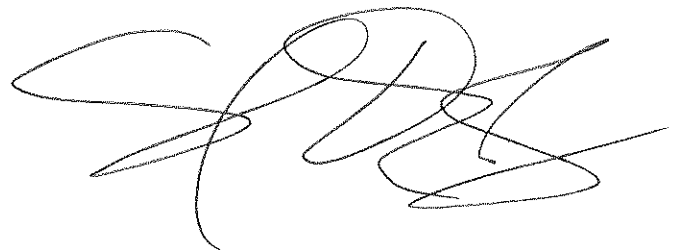
It's time for resident's, property owners and businesses owners begin to feel safe again.

If we move forward without new standards and restrictions in place it will show that we have learned nothing, not to mention the many residents, business and property owners that are investing thousands of dollars to flood proof their properties. Their reward should be stricter stormwater management that will help save their investments for years to come.

It's unfortunate that this is where we are today, but we know a lot more then we did in 2011 or even 2016. Let's use that information wisely.

As the new safe and sound program is being developed, the moratorium on building in and around the watershed should continue to be in effect until new storm water management standards are put in place to make the communities in and around the watershed safe.

I hope this County Council will be the ones to make a real difference.



May 20, 2019

I am Len Berkowitz, co-owner of Great Panes Art Glass Studio and former property owner of 8069 Main Street.

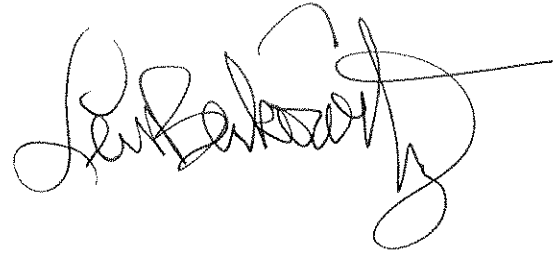
I credit my longevity of 40 years directly because the Historic District of Ellicott City.

Historic Ellicott City has allowed me to grow, prosper and benefit <sup>FROM</sup> for the diversity, enthusiasm, and do diligence of many of the people who have found their way to the Historic District.

We have been vocal, demonstrative and a staunch supporter of limited development.

This is the first time in those 40 years, we the people, have been able to limit and hopefully reduce over development.

It is my great parting gift to the town I owe so much to ask / NO DEMAND a continued moratorium on development and a plan to give those who come after me the same future that I was so fortunate to have.

A handwritten signature in black ink, appearing to read "Len Berkowitz". The signature is written in a cursive style with a long horizontal line extending to the right from the end of the name.

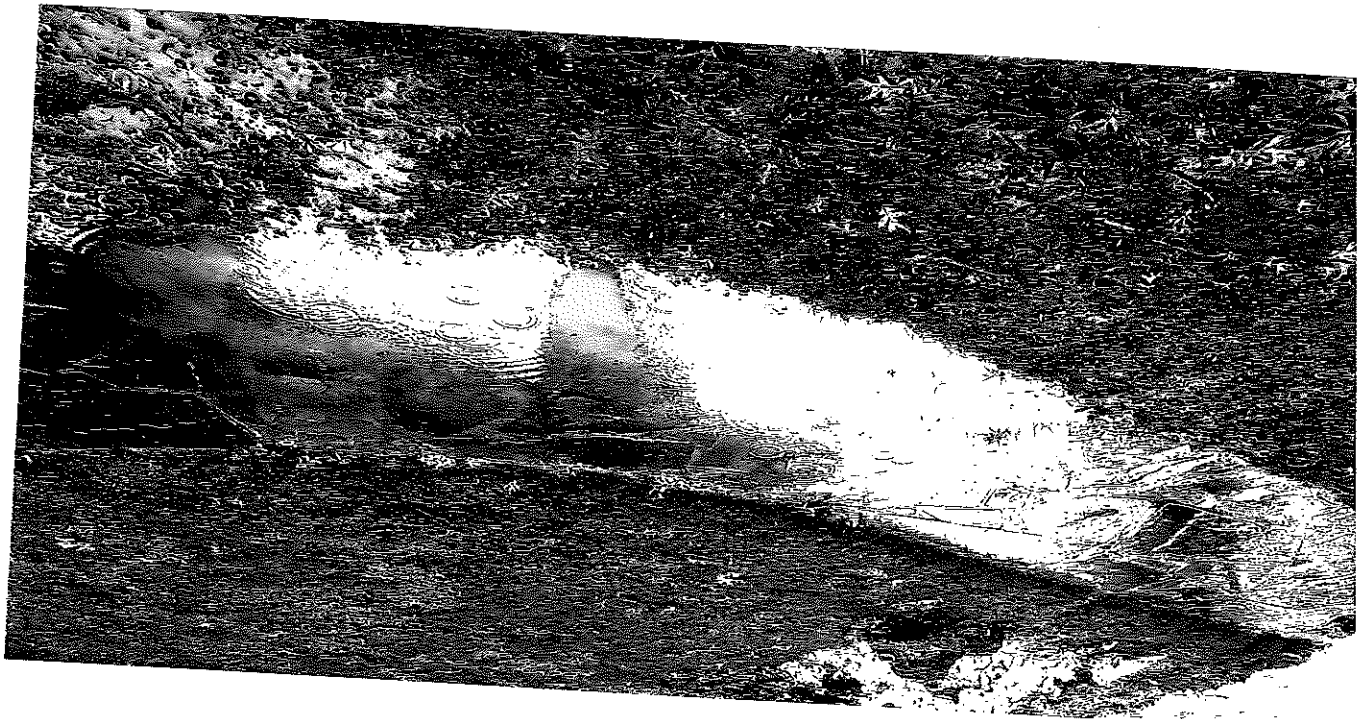
Dayna Pachman  
CB20-2019



Dayna Pachman  
CB20-2019

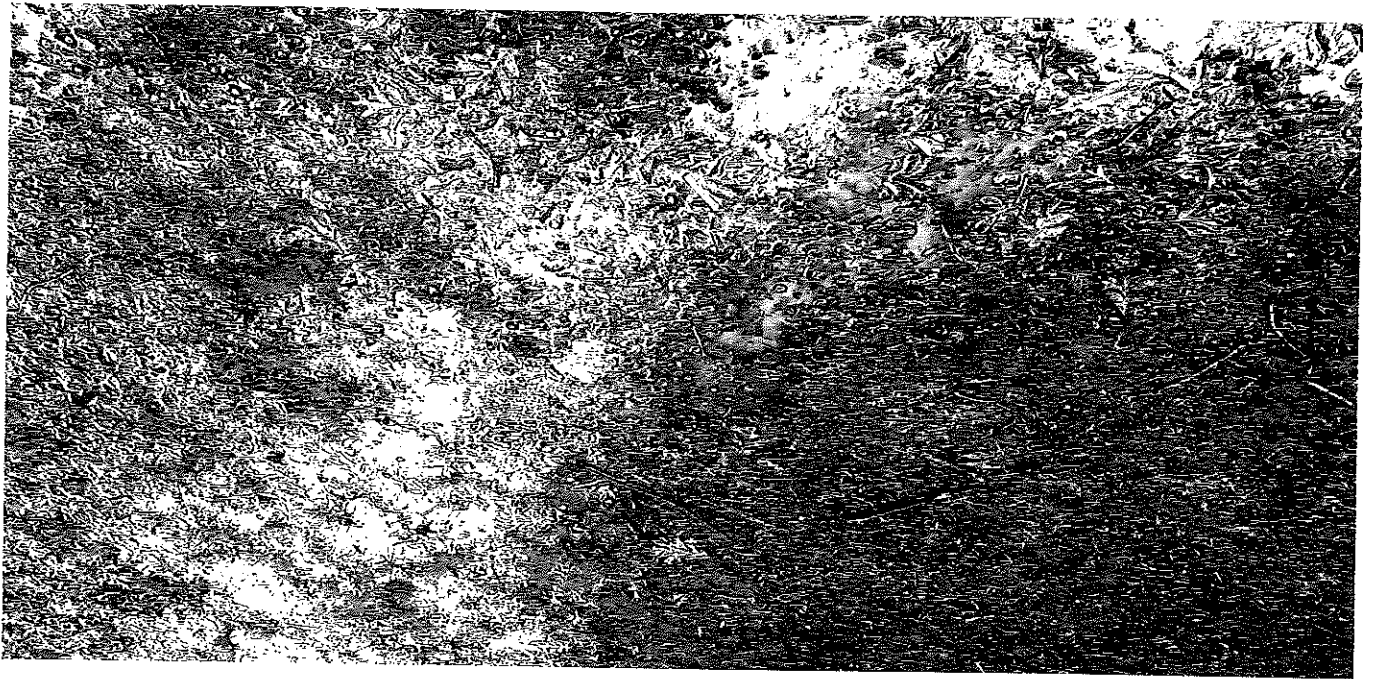


Dayna Pachman  
CB20-2019





Dayna Pachman  
CB20-2019

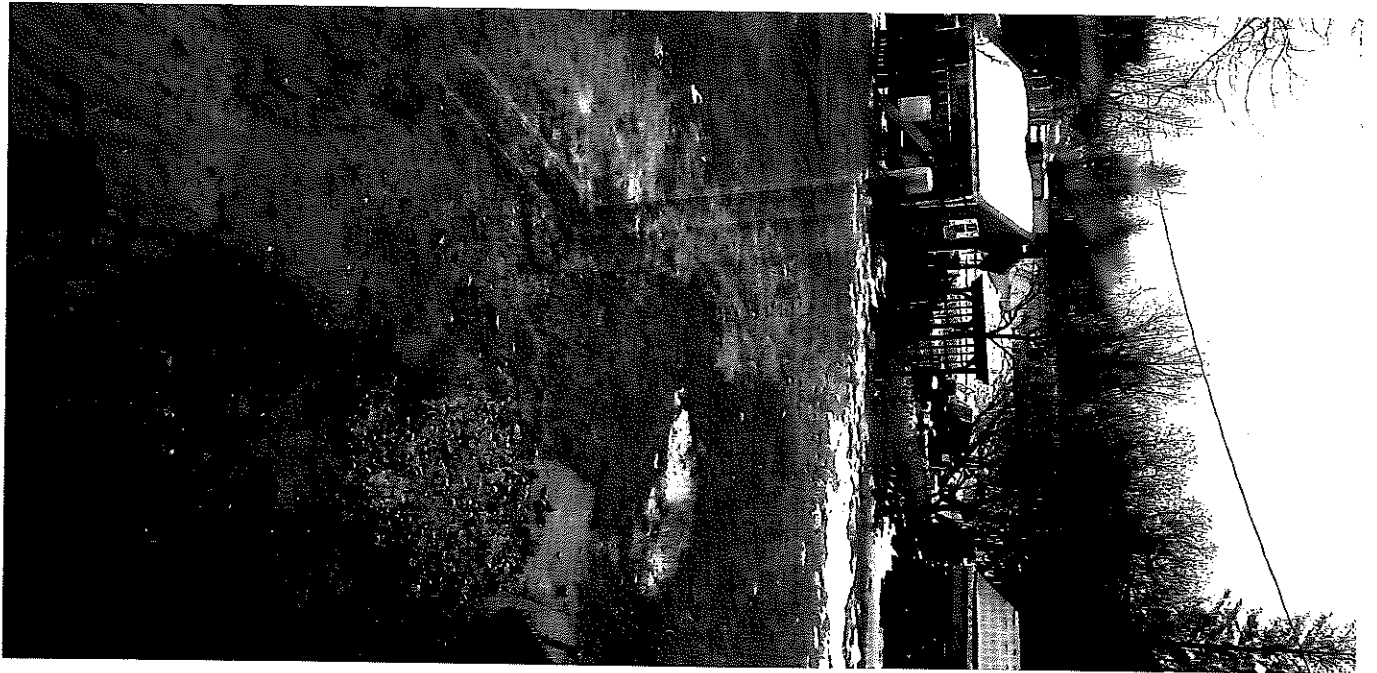




Dayna Pachman  
CB20-2019



Dayna Pachman  
CB20-2019



Dayna Pachman  
CB20-2019



**Sayers, Margery**

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**From:** Patricia Williams <pwilliamsmd@verizon.net>  
**Sent:** Thursday, May 16, 2019 9:00 AM  
**To:** CouncilMail  
**Subject:** Extend watershed moratorium

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

I am a Valley Mede resident and strongly support the bill by Liz Walsh to extend the moratorium to build in the Plum Tree and Little Plum Tree watershed. We do not yet have possible solutions to mitigate the flooding problems. I am doubtful there are total solutions to protect not only homes and people, but personal properties such as actual land, sheds, yard equipment and so forth. I feel that ANY development in the watershed will disturb and affect properties downstream for no system is perfect.

Please support this extremely important bill.

Patricia Williams  
9834 Longview Drive  
Valley Mede

## Sayers, Margery

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**From:** Leonardo McClarty <lmclarty@howardchamber.com>  
**Sent:** Friday, May 10, 2019 1:28 PM  
**To:** CouncilMail  
**Subject:** Extension Period of 2018 Watershed Safety Act  
**Attachments:** Watershed Extension CB20\_05.02.19.pdf

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

Howard County Council Members:

Please find attached a letter from the Chamber pertaining to CB20-2019.

Thanks

Leonardo McClarty, CCE / President & CEO  
[lmclarty@howardchamber.com](mailto:lmclarty@howardchamber.com)

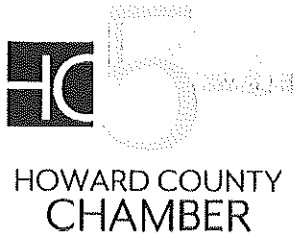


HOWARD COUNTY  
CHAMBER

Howard County Chamber  
410-730-4111 x107  
6240 Old Dobbin Lane, Suite 110  
Columbia, MD 21045  
[www.howardchamber.com](http://www.howardchamber.com)



*The Mission of the Howard County Chamber is to provide advocacy, connections, and access to timely information to advance the growth and success of the business community.*



HOWARD COUNTY  
CHAMBER



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

May 2, 2019

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

**RE: CB20-2019 - 2018 Watershed Safety Act Extension**

Dear Councilman Rigby:

Like most, the Howard County Chamber was emotionally torn by the 2016 and 2018 floods that devastated Historic Ellicott City. We also share the County Council's interest in protecting Historic Ellicott City and ensuring that new development does not contribute to Main Street flooding during historic storm events. As such, we do not oppose the extension of the Tiber-Hudson Watershed Moratorium. We do, however recommend an amendment that will offer some predictability to members of the business community that are making decisions based on the moratorium and its duration.

More specifically, we request that the bill be amended such that the moratorium would automatically terminate upon the adoption of new storm water management standards for the watershed. This was the original intention of the moratorium after the 2018 flood, which is retained with the language of the new bill. We are confident the County Council will work expediently to evaluate the recommendations of the Department of Public Works and pass new standards based on those recommendations.

Growth, including residential growth, is fundamental to a thriving local economy. The areas covered by this moratoria include some of Howard County's best schools, best parks, and newest infrastructure. Our understanding is that the Tiber-Hudson moratorium is about protecting Ellicott City and stand strongly with you in pursuit of that goal. However, we cannot support an extended moratoria that is offered for the sole purpose of excluding new housing.

We thank you for the opportunity to share our thoughts on this proposed legislation. For questions or comments, I can be reached at 410-730-4111.

Respectfully,

Leonardo McClarty, CCE  
President/CEO, Howard County Chamber

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

## Sayers, Margery

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**From:** Dayna Pachman <daynapachman@gmail.com>  
**Sent:** Monday, May 6, 2019 4:55 PM  
**To:** CouncilMail  
**Subject:** exemption please for the Moratorium  
**Attachments:** 2019 Letter re moritorium.docx

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

Dear Council Members,

Please take a look at this letter and the pictures I am enclosing

Thank you  
Dayna



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20190124\_084623.jpg



20190124\_084736.jpg



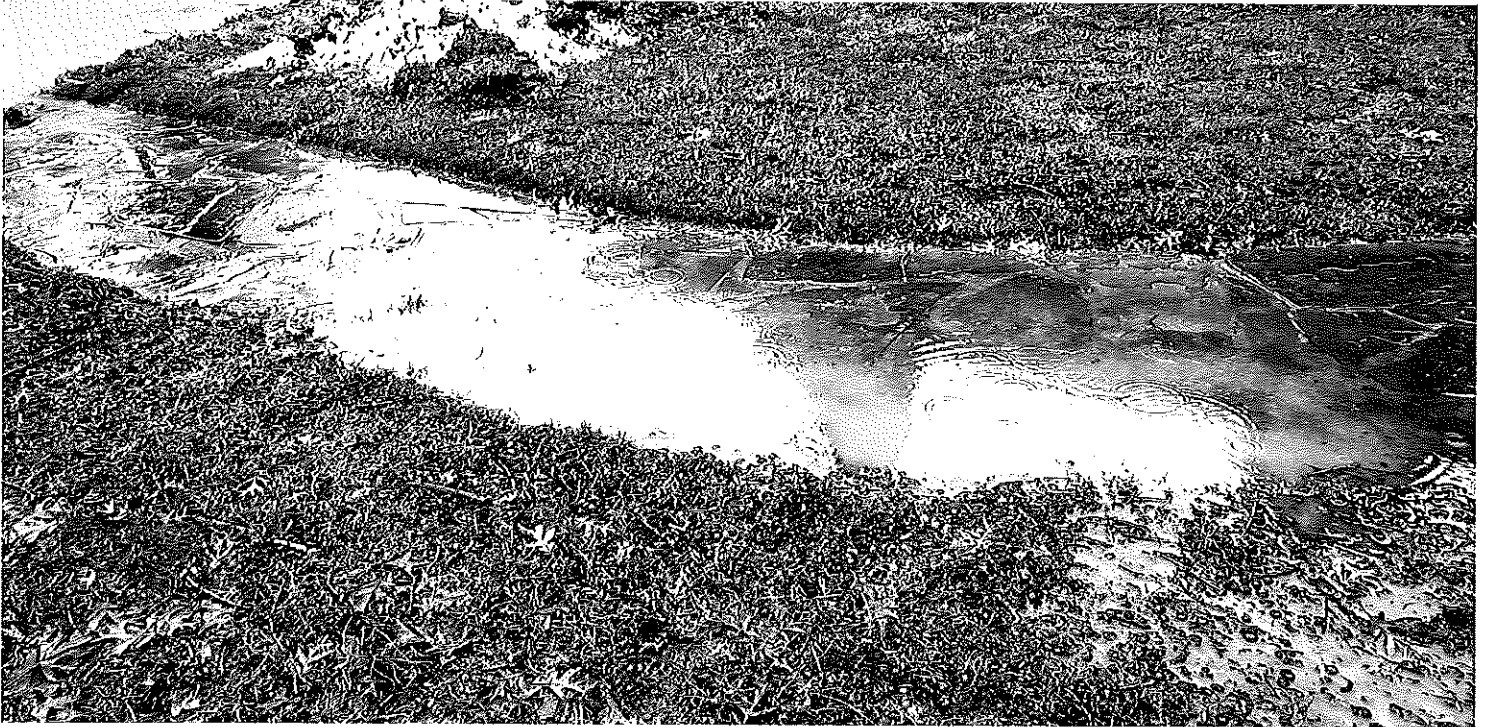
20190120\_085200.jpg













Dayna S. Pachman  
3721 Valley Road  
Ellicott City Maryland 21042

Dear Counsel Members and Chairwoman Mercer-Rigby, Councilwoman Walsh, Councilwoman, Jung, and Councilman Jones,

I am a new homeowner on Valley Road in Ellicott City, who closed on my new home only 2 weeks after the 2<sup>nd</sup> historic flood in old Ellicott City. I write today to ask that you consider exemption language in the extension of the one-year effective period of the Watershed Safety Act. I ask this for those who have a home that was built prior to any flooding so that they may continue to care for their home and make the necessary alterations that will allow them to continue enjoying their current home for years to come.

I purchased my home knowing it was built in 1952 and looking forward to all the improvements I wanted to make in my new single family home once I moved in from my townhome in Columbia. The week after the flood I raced over to my soon to be my new property praying that the flood had not caused too much damage in. I did find that my new basement had been flooded but, did go to closing on June 6, 2018.

Upon moving in I immediately met with an architect designer, Jim Molinari, to design my addition, make the upgrades need to make it my own and to take care of any drainage issues that may have arisen around my property. My plans were to bring a laundry room upstairs to the main level, convert the sunroom back to a garage, and fix the master bathroom of the on- suite. I then hired Ardo construction to carry out the design plans. The contract was signed the middle of July and work was set to begin the first week of August. The moratorium went into effect July 29, 2018, without Ardo knowing it had gone into effect. After many visits to the County office it was agreed upon that I would give up my driveway in order to do half of the addition.

I understand the purpose of the moratorium for new construction and putting in any new developments. I think this is reasonable based upon the need to correct the flooding in old Ellicott City. I do believe that there needs to be an exemption

for current /older homes so they can be modified and modernized or additions can be placed on them. The exemption should force homeowners who are doing additions and adding impervious surface to take care of any stormwater runoff that occurs from the house. For example, because I was doing a 200 sq. ft. addition, I placed a dry well in the back of my property that contained all the stormwater runoff from the gutters from that half of my house. In order to do the other half I need to replace all the gutters. I cannot afford to spend money twice and replace the gutters twice. Once I add the additional 100 sq. ft. that I need, I will replace all the gutters and the roofing on that side of the house. These gutters will also be run to the dry well.

This extension of the moratorium without language for an exemption has left my property without the ability to finish the drainage project as well as to finish my addition. As of right now before the announcement of the extension of the moratorium we booked the driveway and walkway paving to take place on August 1 this year. I even spoke with Ardo about applying for the permits the same day as the moratorium ended. If the original one-year effective period of the Watershed Safety Act is extended I will be unable to complete the drainage project and complete my addition. This will cause my house to continue to flood not allow me to get better homeowners insurance, and currently any time it rains I cannot bring my elderly parents over, as they sink into the mud every time they try to walk to the front door. I will be at the meeting on May 20<sup>th</sup> and would love the opportunity to speak at the meeting.

Very truly yours

Dayna S. Pachman

CB 20-2019

**Sayers, Margery**

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**From:** Jason <jpb27nyy@verizon.net>  
**Sent:** Tuesday, April 30, 2019 8:16 AM  
**To:** CouncilMail  
**Cc:** ECSafeandSound; Ball, Calvin; jpb27nyy@verizon.net  
**Subject:** email in SUPPORT of the extension to the 2018 Watershed Safety Act

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

I;m wondering how many of you know that on that fateful day - May 27th, 2018 - we nearly lost 2 lives in Valleymede - and I don't believe this heroic story even caught the eye of many of our elected officials, the local news or first responders b/c of the swift acts of quick thinking neighbors who latched themselves together to rescue a man from his overturned pick-up truck from the drainage culvert on Chatham Road near Paulskirk Road AND helped his wife who was SUCKED UNDER THE ROAD and surfaced in front of the Resurrection Church discharge pipe for the overwhelmed drainage structure. True story. How many of you are aware of this?

Would it take the tragic and untimely PREVENTABLE loss of MORE LIVES secondary to flooding in Ellicott City before ALL of the impacting County boards, offices and committees opens their eye and look at the CUMULATIVE effects of the flooding in our communities?

Downstream building removal - while a form of mitigation - does NOT stop the rushing headwaters from reaching their destination - this is what prevention based mitigation is and SHOULD be about. The old saying, "Water finds it's level" holds true. We can ONLY try to calm the upstream rush of waters that are coursing through overwhelmed streams, creeks and brooks that overwhelm our neighborhoods, b/c we won't STOP the flood waters from causing damage. Upstream building has devastated and destroyed Old Ellicott City, and now it's taking it's toll on our outlying communities, as well. Look around. We've already had several homes in Valleymede either removed already or in the process of being purchased to be removed and allow for upstream flood control.

I fully support the extension to the 2018 Watershed Safety Act and hope that a new administration can hold accountable those boards within Howard County that have the ability to cease / decist all building in the areas where we continually suffer from surface water flooding UNTIL a community solution is determined to be SAFE and SOUND for all residents of Howard County.

Thank you.

Jason Bashura  
3114 Ramblewood Road  
Chatham section of Valleymede  
Ellicott City, MD

## Sayers, Margery

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**From:** Tara Scully <taramscully@gmail.com>  
**Sent:** Tuesday, April 30, 2019 9:52 AM  
**To:** CouncilMail  
**Subject:** 2018 watershed extension

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

Dear County Council Members:

As a resident of Valley Mede where we have witnessed a significant increase in flood damage and dangerous conditions for drivers with flooded roads since 2011, I urge you to support Councilwoman Liz Walsh's bill to extend the 2018 Watershed Safety Act. By extending the Act's original one-year effective period, this bill will help ensure that the temporary halt in development does not lapse before the general public and members of the Council have sufficient time to consider and act upon the County Departments' forthcoming analyses and recommendations. We must act now to truly evaluate the sustainability of our county's past rampant development and its impact on the safety and viability of existing communities.

- Tara Scully  
3102 Ramblewood Rd, Ellicott City  
Sent from my iPhone

extending the 2018 Watershed Safety Act to provide sufficient time to review recommendations as we work to build a future that is smarter, safer, and environmentally sound."

"As we await the Administration's full report on CB56-2018 in May, we must continue to safeguard Ellicott City from any potential increases to its flood risk," stated Council Chair Christiana Mercer Rigby. "As a co-sponsor of this bill, I look forward to working with my colleagues on the Council and County Executive Ball to ensure we have a comprehensive flood mitigation plan moving forward."

Councilman Opel Jones stated, "I am happy to join my colleagues as a co-sponsor for CB-20, extending temporary prohibition on approvals of development plans and zoning changes. The three-month extension will allow the County Council to review recommendations from county agencies to protect public health and safety in the watersheds of our county."

"I am pleased to be a co-sponsor of this bill because it will allow the County to review the past year's history with regard to the mitigation measures that have been put into place thus far, and to determine what needs to take place on a more permanent basis," said Council Member Deb Jung.

The Council's public hearing for the extension of the Watershed Safety Act will take place Monday, May 20th at 7 pm. To sign-up to testify at the public hearing, please visit: <https://apps.howardcountymd.gov/otestimony/>. Written testimony can be emailed to [councilmail@howardcountymd.gov](mailto:councilmail@howardcountymd.gov).

To view the full text of the extension legislation (CB20-2019), please visit: <https://cc.howardcountymd.gov/Legislation>

To view the 2018 legislation (CB56-2018) please visit: <https://apps.howardcountymd.gov/olis/LegislationDetail.aspx?LegislationID=3118>

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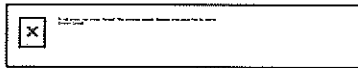
Howard County Council | ph: 410-313-2001 | web: [cc.howardcountymd.gov](http://cc.howardcountymd.gov)

Howard County Council, 3430 Court House Dr., Ellicott City, MD 21043

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*Ellicott City, MD* - Joined by Howard County Executive Calvin Ball and three members of the County Council, District 1 Council Member Liz Walsh has pre-filed legislation (CB20-2019) to extend the effective period of the 2018 Watershed Safety Act by an additional three months. The original effective period is set to expire July 27, 2019 and the new legislation would extend it to October 27, 2019.

Enacted after the second catastrophic flooding in twenty-two months, the Watershed Safety Act (CB56-2018) aimed to protect historic Ellicott City and the residential neighborhoods of West End, Nob Hill, Chatham, Valley Mede and Dunloggin from further harm by temporarily halting further development in the Tiber Branch and Plumtree Branch watersheds. Council Bill 56-2018 passed with unanimous support of the previous five-member Council.

The term of the temporary halt was intended to enable the County's Department of Planning and Zoning, the Department of Public Works, and other appropriate agencies within County government to study-"as expeditiously as practicable without compromising quality"-the extent to which existing, planned and future development or redevelopment of property in the watersheds contribute to flooding.

The 2018 Watershed Safety Act specified eight inquiries to be made by the Departments:

- Modeling analysis of the May 27, 2018 flood
- Designs and plans for construction of flood mitigation infrastructure, including both stormwater storage and conveyance
- Analysis of how existing and proposed development and redevelopment in the watersheds contributes to flooding
- Changes to the County's stormwater management regulations
- Analysis of public and private options for retrofitting existing public and private property stormwater infrastructure
- Changes to the County's general plan, density, and open space zoning regulations
- Creation of a special benefits district or districts, or other funding mechanisms to finance stormwater and flood mitigation infrastructure improvements
- Establishing a comprehensive plan for managing and controlling the various complex factors contributing to flooding to the maximum extent practicable

By the terms of the original legislation, the Departments are to share findings as they become available with the public. A report of all analyses and recommendations as to changes in law and procedures that may help to protect the watersheds from the effects of future flooding is to be submitted to the Council no later than May 31, 2019.

"By extending the original one-year effective period of the Watershed Safety Act, this bill ensures that the temporary halt in development does not lapse before the general public and members of the Council have sufficient time to consider and act upon the Departments' forthcoming analyses and recommendations," remarked Walsh. "I thank County Executive Ball and my colleagues on the Council for taking this step to give effect to the original intent of the Watershed Safety Act."

"My administration remains dedicated to improving public safety and protecting our community from flooding," said Howard County Executive Calvin Ball. "I support

Yes, I very much want to testify. I followed the link, but nothing available to sign up for yet. Thank you for getting legislation started so moratorium doesn't expire before suitable dialog.

Couple thoughts / comments:

- 1) Moratorium should continue until there is suitable storm water mitigation – at best that looks like 4 years if most expedient EC plan is followed. This follows the idea of 1<sup>st</sup> do no harm;
- 2) Everything still references 100 year storm. That's just a poor measure and doesn't deal with peak rainfall and the responsibility of folks to keep hazardous things, like excess water, on their property until no longer hazardous. This only serves to allow for development without bearing the responsibility of what happens at peak times.
- 3) Where are the "new" development regulations that we were supposed to see and be able to comment? Last I hear Jim Irvin was reviewing, at least, that's what I was told. A new storm water retention measurement could be added to those regulations.
- 4) The plans proffered by administration look like minimum of 4 years. We need expedience and adequate. We can't let the perfect be the enemy of the good;
- 5) With respect to Thursday's meeting at Howard, I suggest that the directly impacted community, i.e., property owners, business owners, residents & workers be invited to comment before other community members who are not at risk have a chance to speak. I think that most of us on Main Street have had about enough of others who aren't at risk telling us what needs to be done.

Your comments are most welcome.

**Bert Wilson, CFA**  
Managing Director  
EFW, Inc.  
8060 Main Street  
Ellicott City, MD 21043

Direct: (443) 286-1397  
[www.efwcorp.com](http://www.efwcorp.com)

**From:** Howard County Council [mailto:councilpio@howardcountymd.gov]  
**Sent:** Monday, April 29, 2019 11:29 AM  
**To:** Bert Wilson  
**Subject:** District 1 Council Member Liz Walsh Files Legislation to Extend Effective Period of 2018 Watershed Safety Act



**Media Contact:**  
Nicole Dvorak  
(410) 313-2001

*April 29, 2019*  
*For Immediate Release:*

**District 1 Council Member Liz Walsh Files Legislation to  
Extend Effective Period of 2018 Watershed Safety Act**

**Sayers, Margery**

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**From:** Bert Wilson <BertWilson@efwcorp.com>  
**Sent:** Tuesday, April 30, 2019 11:21 PM  
**To:** CouncilMail  
**Cc:** Dvorak, Nicole  
**Subject:** Comments - Legislation to Extend Effective Period of 2018 Watershed Safety Act

**Importance:** High

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

Dear Council:

I'm one of Liz Walsh's constituents, and am forwarding my comments below to the entire Council for your consideration on the matter of extending the current Tiber and Plum Tree Watershed building moratorium. I support the extension as an absolute minimum action necessary to allow time for more comprehensive legislation and associated rulemaking.

I live on Old Columbia Pike, and our family owns a property on lower Main Street, where we did a complete historic rehab, and I, currently, operate my business. Our property has been through 3 floods since 2008 when we bought it – all flash floods: 2011, 2016 & 2018. We sustained serious damage to our first floor in the last two floods, and water levels were progressively higher in each flood. I'm concerned that little progress has been made on regulations that minimize any further additions to storm water at peak rainfall events. My hope is the an immediate extension of the moratorium will provide the Council suitable time to have a thoughtful review of the many studies that were specified in the original legislation and allow time for suitable public comment.

Please support the current legislation to extend the moratorium. I hope my comments below are helpful. If you would like to discuss my perspective of the impact of this legislation on those of us at the bottom of the hill in Ellicott City, please call or email me. I'm happy to meet personally, as well.

Thank you for your consideration of this matter.

*Bert Wilson, CFA*  
 Managing Director  
 EFW, Inc.  
 8060 Main Street  
 Ellicott City, MD 21043

Direct: (443) 286-1397  
[www.efwcorp.com](http://www.efwcorp.com)

**From:** Bert Wilson  
**Sent:** Tuesday, April 30, 2019 9:39 AM  
**To:** Liz Walsh (Business Fax); Nicole Dvorak (ndvorak@howardcountymd.gov)  
**Subject:** FW: District 1 Council Member Liz Walsh Files Legislation to Extend Effective Period of 2018 Watershed Safety Act  
**Importance:** High

Liz / Nicole,

**Sayers, Margery**

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**From:** Suzette, Steve & Shaun <3muggles@gmail.com>  
**Sent:** Friday, April 26, 2019 10:17 PM  
**To:** CouncilMail  
**Subject:** Watershed Moratorium

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

Dear County Council Members,

As a resident of Valley Mede where we have witnessed a significant increase in flood damage since 2011, I urge you to support Councilwoman Liz Walsh's bill to extend the 2018 Watershed Safety Act. By extending the Act's original one-year effective period, this bill will help ensure that the temporary halt in development does not lapse before the general public and members of the Council have sufficient time to consider and act upon the County Departments' forthcoming analyses and recommendations. We must act now to truly evaluate the sustainability of our county's past rampant development and its impact on the safety and viability of existing communities.

Thank you,  
Suzette and Steve Lamb  
9506 Valley Mede Court

## Sayers, Margery

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**From:** Kathryn Coleman <crosbymd@hotmail.com>  
**Sent:** Friday, April 26, 2019 9:33 AM  
**To:** CouncilMail  
**Subject:** Extend Watershed Protection

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

Dear County Council Members:

As a resident of Valley Mede where we have witnessed significant increases in flood damage since 2011, I urge you to support Councilwoman Liz Walsh's bill to extend the 2018 Watershed Safety Act. By extending the Act's original one-year effective period, this bill will help ensure that the temporary halt in development does not lapse before the general public and members of the Council have sufficient time to consider and act upon the County Departments' forthcoming analyses and recommendations. We must act now to truly evaluate the sustainability of our county's past rampant development and its impact on the safety and viability of existing communities.

Thank you,

Kathryn Coleman  
3105 Brookmede Road  
21042

Sent from my iPhone

Sent from my iPhone