

**Sayers, Margery**

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CB 38 - 2019

**From:** Brianna Sanden <brisanden@yahoo.com>  
**Sent:** Wednesday, September 11, 2019 8:31 AM  
**To:** CouncilMail  
**Cc:** Ball, Calvin  
**Subject:** Vote for the Protection of the Environment and the Community

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

Death should never be considered an acceptable cost of promoting an economy. Our environment and community have been hit with two years' of devastating flooding, yet Howard County continues to protect development that contributes to the root cause of this destruction. Old Ellicott City and Main Street are an intrinsic part of this community, and draw visitors seeking a taste of the unique history and attractions that we have. Fear driven by the flooding has caused both businesses and visitors to flee, which cannot be for the betterment of the economy. Anne Arundel County has recently enacted a bill, CB38-2019, to strengthen environmental protection, and they have not felt the loss that we have. Overly catering to businesses claiming "hardship" due to environmental restrictions does not instill confidence in the community, your constituents, and will not help to attract the types of businesses that will enrich and give back, the kind we actually want. If the Howard County Government allows businesses to threaten our environment, then the government is simply saying that destruction and death due to flooding are simply the cost of keeping businesses, that are not worth keeping, around. <https://www.aacounty.org/news-and-events/news/anne-arundel-county-strengthens-environmental-policies-for-development>

Please support the health of Howard County, and of Old Ellicott City, please stop granting waivers for businesses to put our community in danger.

Very Respectfully,  
Brianna Sanden

## Sayers, Margery

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**From:** Robbyn Harris <robbynharris@hotmail.com>  
**Sent:** Tuesday, September 10, 2019 3:16 PM  
**To:** Rigby, Christiana  
**Subject:** Please oppose CB 38

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

Dear Chair Rigby,

As a Howard County resident, I write to ask for your opposition to CB 38.

Much of the bill's focus has been on brand new development in the watershed. However, very little consideration has been given to how CB 38 will impact current residents and homeowners, including those who have lived in their communities for years.

CB 38 will drive up the cost to build new housing units in the County, and those costs are passed on area homebuyers. This will place our already expensive housing that much farther out of reach for our young families and public servants.

These new regulations will also impact the ability for long-time homeowners to obtain a mortgage, insure their dwelling, or one day sell their home for a fair price.

Nowhere in CB 38 has there been a study of how many people will be affected and what these regulations will cost area homeowners and home buyers. It would be a mistake to approve such a widespread change without this information.

Please vote NO on CB 38.

Sincerely,

Robbyn Harris  
8011 Camerado Ct  
Jessup, MD 20794  
robbynharris@hotmail.com

## Sayers, Margery

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**From:** Amreen Channu <amreen.ehsan@outlook.com>  
**Sent:** Tuesday, September 10, 2019 2:25 PM  
**To:** Rigby, Christiana  
**Subject:** Please oppose CB 38

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

Dear Chair Rigby,

As a Howard County resident, I write to ask for your opposition to CB 38.

Much of the bill's focus has been on brand new development in the watershed. However, very little consideration has been given to how CB 38 will impact current residents and homeowners, including those who have lived in their communities for years.

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Please vote NO on CB 38.

Sincerely,

Amreen Channu  
7168 Peace Chimes Ct  
Columbia, MD 21045  
amreen.ehsan@outlook.com

## Sayers, Margery

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**From:** Eva Daniels <edaniels@nvrinc.com>  
**Sent:** Tuesday, September 10, 2019 2:21 PM  
**To:** Rigby, Christiana  
**Subject:** Please oppose CB 38

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

Dear Chair Rigby,

As a Howard County resident, I write to ask for your opposition to CB 38.

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These new regulations will also impact the ability for long-time homeowners to obtain a mortgage, insure their dwelling, or one day sell their home for a fair price.

Nowhere in CB 38 has there been a study of how many people will be affected and what these regulations will cost area homeowners and home buyers. It would be a mistake to approve such a widespread change without this information.

Please vote NO on CB 38.

Sincerely,

Eva Daniels  
NVR Services Inc  
9720 Patuxent Woods Dr  
Columbia, MD 21046  
edaniels@nvrinc.com

## Sayers, Margery

---

**From:** Ann Fulks <annfulks@northropteam.com>  
**Sent:** Tuesday, September 10, 2019 2:11 PM  
**To:** Rigby, Christiana  
**Subject:** Please oppose CB 38

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

Dear Chair Rigby,

As a Howard County resident, I write to ask for your opposition to CB 38.

Much of the bill's focus has been on brand new development in the watershed. However, very little consideration has been given to how CB 38 will impact current residents and homeowners, including those who have lived in their communities for years.

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Please vote NO on CB 38.

Sincerely,

Ann Fulks  
9984 Guilford Rd Apt 104  
Jessup, MD 20794  
annfulks@northropteam.com

## Sayers, Margery

---

**From:** Barbara Seely <barb@Inf.com>  
**Sent:** Tuesday, September 10, 2019 12:02 PM  
**To:** Rigby, Christiana  
**Subject:** Please oppose CB 38

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

Dear Chair Rigby,

As a Howard County resident, I write to ask for your opposition to CB 38.

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Please vote NO on CB 38.

Sincerely,

Barbara Seely  
7315 Bobolink Ct  
Columbia, MD 21046  
barb@Inf.com

## Sayers, Margery

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**From:** Barry Mehta <elkridgedevelopers@gmail.com>  
**Sent:** Tuesday, September 10, 2019 3:28 PM  
**To:** CouncilMail  
**Subject:** CB 38-2019

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

I wrote 2 emails yesterday opposing this bill.

After second reading of this bill, I believe if the sponsor works closely with some developers to moderate the impact of this bill, it can be a good and acceptable bill.

e.g. Any project after sketch plan approval should not be impacted. Language stating building permit should be revised to initial approval e.g. Environmental Concept Plan (ECP).

You can really impact a developer seriously if a sketch plan or SDP approved project is stopped, but there is lot less investment and harm at the initial stages of development.

Also, if someone has bought a house with a large lot with the intent of creating two or three new lots, their impact on storm water would be insignificant and their investment should not be negatively impacted by this bill. I suggest that the bill address infill of 4 or more new lots.

Taking away DPZ's ability to provide waivers in appropriate situations shows lack of trust in the Administration. Howard County has the best possible administration and tying their hands down by legislation is unreasonable and inappropriate.

In summary, no bill should be supported or passed without a serious study of its impact on lot prices and affordable housing. While Main Street disaster has freaked us all out, it should not be the basis to hurt smart development in the county or do anything that makes housing more expensive.

Thanks.  
Barry Mehta

## Sayers, Margery

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**From:** Rigby, Christiana  
**Sent:** Tuesday, September 10, 2019 3:01 PM  
**To:** Sayers, Margery  
**Subject:** FW: Please oppose CB 38

-----Original Message-----

From: Barbara Seely <barb@Inf.com>  
Sent: Tuesday, September 10, 2019 12:02 PM  
To: Rigby, Christiana <crigby@howardcountymd.gov>  
Subject: Please oppose CB 38

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

Dear Chair Rigby,

As a Howard County resident, I write to ask for your opposition to CB 38.

Much of the bill's focus has been on brand new development in the watershed. However, very little consideration has been given to how CB 38 will impact current residents and homeowners, including those who have lived in their communities for years.

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Nowhere in CB 38 has there been a study of how many people will be affected and what these regulations will cost area homeowners and home buyers. It would be a mistake to approve such a widespread change without this information.

Please vote NO on CB 38.

Sincerely,

Barbara Seely  
7315 Bobolink Ct  
Columbia, MD 21046  
barb@Inf.com



## Sayers, Margery

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**From:** Lisa May <lisavm78@vt.edu>  
**Sent:** Tuesday, September 10, 2019 10:24 AM  
**To:** CouncilMail  
**Subject:** HCAR Comments on CB 38-2019  
**Attachments:** HCAR Comments on CB 38.pdf

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

Good Morning,

On behalf of the Howard County Association of REALTORS, please accept the following comments on CB 38-2019, which is set for public hearing on September 16.

We thank you in advance for your consideration of our feedback, If we can be of further assistance to the Council or provide additional information, please do not hesitate to contact us.

Sincerely,

Lisa V. May  
HCAR Government Affairs Director  
8600 Snowden River Parkway, Suite 104  
Columbia, MD 20145



Main 410-715-1437  
Fax 410-715-1489  
Web www.hcar.org

September 10, 2019

The Honorable Christiana Mercer Rigby, Chairperson  
Howard County Council  
George Howard Building, 1st Floor  
3430 Courthouse Drive  
Ellicott City, MD 21043

Re: CB 38-2019, Development in the Patapsco Lower North Branch Watershed

Dear Chairperson Mercer Rigby and Members of the Council,

On behalf of the Howard County Association of REALTORS® (HCAR), an organization representing over 2,000 professionals who live and work in Howard County, I write to offer our comments on Council Bill 38.

CB 38 is a sweeping piece of legislation which will have profound impacts both on new development and on existing properties within the Patapsco Lower North Branch Watershed. Typically, we would expect to see such legislation accompanied by a substantial body of supporting studies, legal analysis and fiscal impacts to the County. As of this writing, this research has either not been conducted or has not been widely publicized to the public. This leaves HCAR, and indeed the entire community, without the proper information and clarifications needed to fully evaluate this proposal.

As a result, we must ask for your opposition to CB 38, until and unless the County can sufficiently respond to the following issues with the current proposal:

**Several terms within CB 38 are not clearly defined.**

Our reading of CB 38 uncovered the use of several terms which are either undefined or are not clearly explained. They include:

- Section 16.115(e) – the terms “disturbance of land” and “2016 Ellicott City Floodplain” have not been previously defined in the County Code, and no definition has been provided within CB 38 itself.
- Section 16.127(d) – the conditions under which a community would “lack adequate infrastructure to manage stormwater” are unclear.



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Fax 410-715-1489  
Web www.hcar.org

- Section 18.902A(c) and Section 18.903(a)(5) – both sections describe a “2016 Ellicott City Floodplain” without delineating the boundaries of such a flood plain or the conditions which lead to this designation
- Section 18.902A(c) – a definition for the phrase “runoff volume and characteristics” does not appear to exist within either CB 38 or existing Code language.

Without these definitions, HCAR is concerned that these regulations would be difficult to interpret and implement. A full explanation of these terms is essential for proper understanding of CB 38.

**The impacts of CB 38 on housing affordability have not been quantified.**

In contrast to other legislation addressing stormwater management in Ellicott City, CB 38 encompasses a far greater land area. The Patapsco Lower North Branch Watershed comprises 38 square miles stretching from the Sykesville area to the Anne Arundel County line. Its 75,000+ acres also include areas specifically designated for future growth.

HCAR is concerned that the County has not adequately studied the impacts CB 38 would have on future housing production in the watershed. Under the bill, the area available to new development will be significantly reduced, limiting housing supply, while the costs to comply with County regulations will be increased. Wherever possible, these costs will be passed on to homebuyers in the form of higher housing prices. It may also incentivize the construction of certain types of dwellings which have higher profit margins at the expense of those which are less profitable, even if those less profitable units may better serve the future housing needs of Howard residents.

It is possible that areas outside of the watershed will feel these affordability impacts, as well. By reducing development potential within the Patapsco, developers may seek properties outside of those boundaries for their relatively lower compliance costs. This will intensify development pressures in other parts of the County and increase competition for existing properties. In short, CB 38 has the potential to distort the housing market in terms of price and inventory.

To our knowledge, the County has not quantified the number of buildable lots which will be eliminated under CB 38, nor has there been an evaluation on how these provisions will impact housing affordability. Because this is a direct and likely result of the bill, we urge that these studies be conducted before any final consideration is given to CB 38.

**CB 38 will have significant impacts on existing property owners.**

While much of the focus of CB 38 has been on how this will change practices for new development, HCAR must note that this legislation will have consequences for existing property owners in the



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Web www.hcar.org

watershed as well. The impacts include decreases in property values, difficulties in restoring and maintaining their properties, and loss of certain rights which they currently enjoy.

Our immediate concerns with this bill surround the number of properties which may be deemed as non-conforming with new stormwater provisions. Non-conforming properties are more difficult to restore to their previous condition following a fire, flood, or other natural disaster. As a result, existing property owners may have more difficulty obtaining mortgage financing and insurance coverage, or those products may be more expensive than with similar properties which are conforming. These properties may also be less desirable to potential home buyers, which lowers their market value.

CB 38 has the potential to impose a significant burden on existing property owners within the watershed, including a curtailment of private property rights, which would not be similarly imposed on others within the County. More broadly, we believe that any new regulation which creates significant increases in non-conforming properties is not a sound or sustainable planning practice. HCAR therefore requests the County to carefully evaluate how many properties would be made non-conforming under this ordinance, what the financial impacts of that non-conformity would be for existing property owners and what measures may minimize those impacts on its homeowners.

**As currently written, CB 38 exposes the County to legal challenges.**

The failure to make the above findings of fact prior to enactment of CB 38 increases the likelihood that the County will face future litigation challenging the validity of the ordinance.

These legal challenges could take the following forms:

- Actions to nullify CB 38 on “void for vagueness” grounds if the absence of necessary definitions and findings result in arbitrary or discretionary enforcement of the regulations.
- Claims of regulatory takings due to loss of current development potential and decreased property values without just compensation
- Claims that the significant increases in forestation and open space requirements in CB 38, without completion of a full impact analysis, are an unconstitutional exaction under the 5<sup>th</sup> Amendment

Based upon publicly available information, the County has not received a legal opinion on the provisions of CB 38 and the potential for legal liability in the areas of regulatory takings, exactions, or vagueness. HCAR therefore cautions moving forward with legislation that has not had such a review or the necessary empirical studies which justify the imposition of these requirements across such a large area. By doing so, the County may inadvertently delay the very changes it seeks to make in the area of stormwater management while the legal process resolves any claims.



**Main** 410-715-1437  
**Fax** 410-715-1489  
**Web** [www.hcar.org](http://www.hcar.org)

While HCAR opposes moving forward with CB 38 as currently written, there are alternative measures available to the Council which would both show a commitment to preventing future catastrophic flooding and place the County on more sound legal footing. First, the Council should consider interim measures, such as CR-122 and CR-123, as an immediate means to better manage stormwater outfalls from new development in the Ellicott City watershed. In addition, the County's planning and legal staff can be directed and given adequate time to conduct the necessary studies and evaluations to place future regulations on solid empirical and legal footing. Finally, the results of those studies can be made public so that the County's residents may fully evaluate the costs and benefits to property owners, taxpayers and area businesses.

REALTORS®, like so many others in our community, care deeply about tragic events which have unfolded in the Ellicott City watershed in recent years, and share the Council's desire to prevent future flooding which jeopardizes the lives of our residents and creates untold financial hardships. But, sweeping regulatory changes, such as those within CB 38, should only be enacted following a comprehensive evaluation of both the direct and unintended consequences of such legislation. We find that evaluation lacking to-date, and in its absence, we must strongly urge your opposition to this bill.

Sincerely,

Dan Iampieri  
President  
Howard County Association of REALTORS®

## Sayers, Margery

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**From:** Rigby, Christiana  
**Sent:** Monday, September 9, 2019 4:10 PM  
**To:** Sayers, Margery  
**Subject:** FW: a constituent in District 3, owen brown village

Testimony sent just to CMR

**Felix Facchine**  
*District Aide, District 3*

Councilwoman Christiana Mercer Rigby  
Howard County Council  
3430 Court House Drive, Ellicott City, MD 21043  
[ffacchine@howardcountymd.gov](mailto:ffacchine@howardcountymd.gov)  
O: 410.313.3108  
M: 443-945-7202



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**From:** rachel coutts <coutts.rachel@gmail.com>  
**Sent:** Friday, September 6, 2019 2:17 PM  
**To:** Rigby, Christiana <crigby@howardcountymd.gov>  
**Subject:** a constituent in District 3, owen brown village

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

Hello,

I live in Hopewell, in Owen Brown village. I am in favor of CB 42 and CB 38. Please vote in support of these.

Thank you,

Rachel Coutts  
301-785-6254  
9354 Sharp Antler, Columbia

## Sayers, Margery

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**From:** Barry Mehta <elkridgedevelopers@gmail.com>  
**Sent:** Monday, September 9, 2019 1:25 PM  
**To:** CouncilMail  
**Subject:** CB-38-2019

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

I sent an email opposing this bill already. I would like to add that whoever sponsors this bill or votes for it, must preface their action by saying, "I do not care about affordable housing in Howard County"

County housing is overly expensive as it is. This type of irresponsible bill will make home prices go thru the sky.

Barry Mehta

Elkridge Developers,LLC

## Sayers, Margery

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**From:** Barry Mehta <elkridgedevelopers@gmail.com>  
**Sent:** Monday, September 9, 2019 1:13 PM  
**To:** CouncilMail  
**Subject:** CB-38-2019

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

I am a responsible and environmentally concerned land developer and am very concerned about both the bills and strongly opposed to this bill..

I am aware that Main Street in Ellicott City has many people very concerned but a blind and blanket attack on development is a negative regressive step.

There are already very heavy plan submission fees and impact fees and financially destroying the developers is not the way to get smart development.

I will be out of the country for next two weeks and not in a position to personally attend hearings.

Thanks.

Barry Mehta  
Elkridge Developers, LLC



## Sayers, Margery

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**From:** tellhoco@howardcountymd.gov  
**Sent:** Monday, September 9, 2019 12:45 PM  
**To:** Feldmark, Jessica; Sayers, Margery; Singleton, Julia; Respass, Charity  
**Subject:** Case CS0003650 has been reassigned to your group

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



### SUPPORT CASE

Case Number: CS0003650

Case Opened: 08-20-2019

Short Description: Anne Arundel County Strengthens Environmental Policies for Development - Why not in Howard - CB38-2019

Constituent: Julia Hawrylo

[VIEW CASE](#)

#### Details:

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**08-20-2019 10:24:33 AM EDT - Mariah Hughes** Work notes

-----Original Message-----

From: Julia Hawrylo <oychoolie@yahoo.com>

Sent: Tuesday, August 20, 2019 7:59 AM

To: CouncilMail <CouncilMail@howardcountymd.gov>

Cc: Ball, Calvin <cball@howardcountymd.gov>

Subject: Headlines - Anne Arundel County Strengthens Environmental Policies for Development | Anne Arundel County, MD

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

<https://www.aacounty.org/news-and-events/news/anne-arundel-county-strengthens-environmental-policies-for-development>

Dear Council members,

Some questions for you..

Why is this not happening in Howard County?

Why don't you support reasonable bills such as CB38-2019 that only expect compliance on established environmental guidelines?

Why, in spite of several disasters, does the Department of Planning and Zoning, give waivers to any developers that claim "hardship" when it comes to environmental guidelines? Why is that ok even with the knowledge that such a waiver weakens the environment and may impact the watershed?

Howard County is beautifully unique with a historic mill town, picturesque villages and natural beauty literally freeway close and easy for visitors to access. Why do protected scenic byways have to be protected from the very department that is supposed to protect them i.e. Planning and Zoning?

Please support our environment; stop the waivers. Vote for CB38-2019.

Thank you,  
Julia Hawrylo  
3615 Fels Lane  
Ellicott City, MD 21043



[www.howardcountymd.gov](http://www.howardcountymd.gov)



Ref:MSG0813409

## Sayers, Margery

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**From:** Lisa Harbaugh <lharbaugh2@gmail.com>  
**Sent:** Monday, September 9, 2019 9:29 AM  
**To:** CouncilMail  
**Subject:** Support for CB38 & CB42

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

Good morning,

As a Howard County resident, parent of school age children, and voter, I am fully in support of CB38 and CB42. I expect the County Council to approve these bills which increase the developer surcharge and protect the Patapsco Lower North Branch watershed and in doing so show that you support and prioritize the needs of your constituents.

Thank you,  
Lisa Harbaugh