

**Sayers, Margery**

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**From:** Teresa Hughes <tkhughes8@gmail.com>  
**Sent:** Tuesday, September 17, 2019 10:16 AM  
**To:** CouncilMail; Walsh, Elizabeth  
**Subject:** Support for CB38 Crucial to Ellicott City

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

Good morning,

I am writing to voice my support for CB38. It is crucial to maintaining what is left of the historic Ellicott City area and the prevention measures are definitely needed to prevent any future loss of life from these floods.

My daughter is a Howard County teacher and lived in the historic area for 8 years. We frequented many of the now missing merchants and businesses that were on Main Street - Johnny's Bistro, Bean Hollow and her favorite, Sweet Elizabeth Jane which was in the devastated former Caplan's location & has now moved to a higher location next to Su Casa. We spent many years Christmas shopping there during the charming Midnight Madness events. La Palapa's chefs jumped my car once when my battery died in the pouring rain. I've given gift certificates to the Wine Bin, another favorite pet friendly spot.

And, while some of the merchants have been able to come back, the most horrific aspect of the recent floods has been the loss of life. The videos of the flash flooding on Main Street are still astonishing to watch.

Our daughter was out-of-town for the first catastrophic flood meeting her future in-laws. I texted her saying, "OMG! EC is flooding!" and she replied, "It always floods, Mom." Then I sent her the links to the onslaught of videos. We cried. She was prophetic then saying, "It's all the building and townhouses they put in. They cut down all the trees during the construction and the water can't be soaked up anywhere. It's created a natural funnel of a river running down Main Street!" Everyone assumed it was an unusual event which would rarely happen and rebuilt. But, then it happened again.

There were real heroes trying to save lives during both floods. Let's honor them and the hero, Sgt. Eddie Hermond, who lost his life trying to save others by ensuring as best we can that the merchants, residents and shoppers are protected when visiting this otherwise beautiful spot in Maryland. Please, please support CB38. OEC is depending on you.

Teresa Hughes

## Sayers, Margery

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**From:** Lili Shippe <lili.shippe@gmail.com>  
**Sent:** Monday, September 16, 2019 9:20 PM  
**To:** CouncilMail  
**Subject:** Vote yes for CB-38

[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 urge you to vote yes for Bill No. 38 -2019 The Patapsco Lower North Branch Bill. We have to stop overdevelopment and reserve the environment for our children and for the generations to come.

Sincerely,  
Lili Shippe  
District 2

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Lili Shippe  
Realtor®  
Taylor Properties  
Cell: (443) 472-0575  
Office: (800) 590-0925  
Fax: (410) 224-7265

## Sayers, Margery

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**From:** Melissa Metz <melissametz725@gmail.com>  
**Sent:** Monday, September 16, 2019 9:01 PM  
**To:** CouncilMail  
**Subject:** CB38 Testimony

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

Dear Members of the County Council,

I support the goals of CB38, to:

- Ensure that any new development in the Old Ellicott City (Tiber-Hudson) watershed and Patapsco river in the vicinity of Tiber-Hudson manages stormwater runoff to the level of the 2016 flood. The 2011, 2014, 2016, and 2018 floods in Ellicott City show that this is necessary. (Note that in this testimony stormwater management refers to quantity, not quality.)
- Remove the option for developers to pay fees in lieu of compliance. Fees in lieu are not an appropriate solution, as: i) there is little control to ensure that the funding goes to support the goal of managing stormwater runoff in the areas to be affected by the development; ii) the Hydraulic and Hydrology study of the Tiber-Hudson watershed found that there is very little land on which the government can build adequate stormwater management facilities; and iii) the Hydraulic and Hydrology study of the Plumtree/Little Plumtree watershed found that within the constraints of the study flooding could not be fully mitigated on the Little Plumtree watershed.
- Protect steep slopes and forests, which help with water retention and have other environmental benefits for our County.
- Disallow waivers of these important requirements for developers.

I am concerned about a few aspects of the bill:

- As written, it may have the unintended consequence of hindering individual homeowners who wish to put a small addition on their house. Can the bill be adjusted to allow for homeowners to conduct minor works as long as they comply with existing (pre-CB38) requirements?
- It covers an important geographic area, but it leaves out another important area – the Plumtree and Little Plumtree watersheds. These watersheds were affected by the 2011, 2014 (which was worse in Chatham/Valley Mede than in Old Ellicott City), 2016, and 2018 floods. The issue is so dire that the County has acquired two homes and has knocked down one of them already. The fact that the County Council voted to include Plumtree/Little Plumtree in the “moratorium” bill of 2018 shows that the Council considers this area of concern. Please consider including this area in the bill.
- The largest scope for improvement in stormwater management in the relevant watersheds is to adjust existing stormwater management facilities to accommodate volumes of water seen in these flood events (particularly 2016). CB38 allows for such works to take place. CR-123 should go further and include options for the county government to work with property owners to carry out such works through easements, funding, and any other required elements. Stormwater infrastructure is a public good, and as such we should expect the government to fund it.

Some in County government may worry that more stringent requirements would result in lawsuits that the County would lose, in which these requirements would be considered a “taking” of the developer’s private property. The county government’s fear of “takings” seems to be exaggerated. In the Supreme Court case *Murr v. Wisconsin*, the Court applied a standard that a taking would exist *only* if the government has taken all economic value from the property, *not* that it reduced the property’s value below its maximum value. This leaves much more room for Howard County to apply higher standards to developers that would improve the quality of life in our county. Furthermore, Howard County government allows waivers when a developer shows a financial hardship, but legal precedent shows that financial issues do not qualify as “hardship”.

Thank you for your consideration.

Best,

Melissa Metz

Woodstock, MD

Resident of/Permanent address in Ellicott City 1985-2005 and 2016-2019

District 5

## Sayers, Margery

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**From:** Angela LaPier <angelalapier@gmail.com>  
**Sent:** Monday, September 16, 2019 8:39 PM  
**To:** CouncilMail  
**Subject:** CB 38-2019  
**Attachments:** CB 38 2019 A LaPier.pdf

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

Good evening,

Attached please find a letter in support of CB 38-2019.

Thank you,  
Angela LaPier

**Angela LaPier**

6997 Silent Dell Lane Columbia, Md. 21044

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September 16, 2019

VIA E-MAIL

Howard County Council  
George Howard Building  
3430 Court House Drive  
Ellicott City, Maryland 21043

Dear Council Members:

Thank you for considering CB-38-2019. I'm writing to express my **support for Council Bill 38** so that we protect against future flooding risks in the Patapsco Lower North Branch Watershed. We can no longer allow development so close to floodplains, wetlands, and on steep slopes. This bill would prohibit residential infill for communities that currently lack appropriate storm water infrastructure. Developers receive too many waivers that excuse them from current environmental laws. Prohibiting those waivers, except for projects that improve storm water management, is the right thing to do. **Please vote in favor of CB-38-2019.**

Very truly yours,



Angela LaPier

## Sayers, Margery

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**From:** Gayle Killen <killchar@gmail.com>  
**Sent:** Monday, September 16, 2019 7:13 PM  
**To:** CouncilMail  
**Subject:** Fwd: Testimony Signup  
**Attachments:** Testimony in favor of CB38 - Gayle Killen.pdf

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

Greetings, Council.

Please find testimony attached.

Thank you for your thoughtful consideration,  
Gayle Killen  
8572 Main St  
ECMD  
443-467-1142  
[killchar@gmail.com](mailto:killchar@gmail.com)

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

From: <[hcgwebsitemailbox@howardcountymd.gov](mailto:hcgwebsitemailbox@howardcountymd.gov)>  
Date: Mon, Sep 16, 2019 at 12:08 PM  
Subject: Testimony Signup  
To: <[killchar@gmail.com](mailto:killchar@gmail.com)>

First Name:Gayle  
Last Name:Killen  
Address 1:8572 Main Street  
Address 2:  
City:ELLCOTT CITY  
State:Maryland  
Zipcode:21043  
Phone:(443) 467-1142

Agenda: CB38-2019  
Stance: For  
Speaking for a group?: No  
Organization Name:  
Organization Street:  
Organization City:  
Organization State:  
Organization Zip:  
Comments:

Testimony is limited to three minutes for an individual or five minutes for the single representative of an organization. If you have prepared written testimony, please provide 7 copies when you testify.

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Every great advance in natural knowledge has involved the absolute rejection of authority.  
~Thomas H. Huxley



September 16, 2019

Testimony in favor of CB38  
County Council Hearing - Howard County, Maryland

My name is Gayle Killen and I live in the original Icehouse of Ellicott City. Built in 1809, this strong resilient structure is located between Main Street and The Hudson Branch about halfway between Rogers Avenue and Ellicott Mills Drive.

The quantity and speed of water sent down the steep slopes of this particular watershed have gone under-regulated and have reached catastrophic and deadly levels. It is easy to understand how large rain events tear down steep slopes. Less obvious is the impact of every day rainfall, or the long term health impacts on community. DPZ waving regulations and permitting fee-in-lieu results in accelerated runoff, which is neither Safe nor Sound. Money cannot replace working vegetation and floodplains. Support CB38 and other similar legislation because we need to take every precaution to slow the flow.

Our wee watershed has forever moved water. Quaker constructed features in this Mill Town took every drop into account. Stone walls and retention areas help slow and channel water running to meet the Patapsco River. Not very long ago, a stone wall paralleled Main St between my house and the truck repair facility. The speed of runoff was broken by the walls edge, and then water was allowed to pool in what used to be a vegetated area before re-entering the Hudson Branch channel. That working retention area is now broken because the stone wall was replaced with a grassy slope devoid of vegetation.

The hillside across Main St from my home is steep and until last month, held by old growth trees. The plan to remove those old trees from that steep slope was in place long before we all figured out that vegetation is the answer to slowing the flow.

The old buildings here were built to last, made of historically strong lumber on top of beastly foundations crafted by gifted masons. Advances in technology present amazing opportunities to preserve, protect, and sustain a healthy and safe community.

Today there was a funeral for my neighbor known as Granny. Her husband Carl passed not long ago, their family has been here for generations. They rebuilt their home in 2011, 2016 and 2018. I cannot ignore the health of all of my neighbors deteriorating with traumatic exposure and the long term effects of a chronic disaster zone.

Howard County has a choice to make. It may choose to sacrifice the health and safety of this community, in exchange for the opportunity for new business to thrive. But if we choose to protect these buildings and the beautiful community pouring their hearts into it, we will foster a stronger healthier community for generations to come. Support CB38 because we can't wait.

## Sayers, Margery

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**From:** Wendy Baird <wendy@insight180.com>  
**Sent:** Monday, September 16, 2019 7:00 PM  
**To:** CouncilMail  
**Subject:** Cb38

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

Council members, thank you for the important work you are doing. Please protect the watershed and support CB38.

A concerned business owner (more than 20 years) in Ellicott City.

Kind regards,  
Wendy Baird

Sent from my iPhone

September 16, 2019

**Re: OPPOSITION OF the Watershed Moratorium (CB38-2019)**

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

The Howard County Chapter of the Maryland Building Industry Association (MBIA) writes in strong opposition of Council Bill 38, which attempts to address flooding in Ellicott City with a moratorium on all development throughout a large section of Howard County.

This is a very broad bill with significant unintended consequences.

This legislation would eliminate waivers, disturbances, variances, grading, removing vegetative cover, fees in lieu, and any residential infill development unless it retrofits existing facilities, installs new infrastructure that improves stormwater management, or enhances public stormwater management. Additionally, more problematically, all development including residential infill development will be subject to severe open space requirements. These proscriptions are extreme and will stop all development in a large section of Howard County. That includes homebuilding and industrial/commercial projects, but also individual homeowners who want to build something as small as a patio in their backyard. Projects the County wants and needs will be infeasible.

While we appreciate the intention to eliminate flooding in Ellicott City and prevent further loss of life, this bill will not accomplish those goals, and will only hurt Howard County residents in the meantime.

We respectfully request the Council to vote no on CB38-2019.

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,



Angelica Bailey, Esq., Vice President of Government Affairs

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

## **Testimony against CB38**

Bruce T. Taylor, M.D., Taylor Service Company, Taylor Properties Community Association

Village Crest Neighborhood Association, 4100 College Ave., Ellicott City, MD 21043

CB38 is a bad bill, flawed at its core, and should not be passed or even amended. It overreaches on all fronts. It includes watershed areas that do not impact Old Ellicott City (OEC). It will have a negative effect on OEC, Howard County and its citizens. It will make development in its designated areas nearly impossible and unaffordable, raising the cost of new housing, eliminating projects that would provide Moderate Income Housing Units (MIHUs) and thereby reduce needed housing for workers in the County. It makes one wonder if the goal of the bill isn't to enforce xenophobic fears. Howard County and the OEC area should be inclusive, not exclusive to the well to do.

Five generations of my family have been working to improve OEC for over 120 years. Our Main Street, New Cut Road and St. Paul St. properties are still recovering from the last two major floods. With this heavy investment in OEC we, as much or more than anyone, want to continue to improve OEC and Howard County as much as possible. CB38 will do the opposite even though it is supposed to be protective. The County water or hydrology study published in June 2017 recognized development as only a minor contributor to flooding of OEC, pointing out that even if all the 3.7 square miles of the OEC watershed were undeveloped forest, about 80% of the floodwaters would still have occurred in 2016. This small contribution of existing development is because of two factors: 1) soaking rains for days before the flood saturate most surfaces, even in woodlands, so that they cannot accept more water; and 2) old development, predating new Storm Water Management (SWM) regulations in the 1980's, accounts for most of the developed area in the watershed. The fact is that development by today's standards, and even more so if CR122 & CR123 pass, will help OEC by providing SWM that retains many acre-feet of water. Each new development will provide quality and quantity controls which do not exist today; many of these SWM benefits will be on line at no cost to the County before all the features of the excellent flood mitigation plan of County Executive Ball can be completed. The more area that is developed or re-developed the more SWM that will be provided. CB38 if passed will stop or greatly reduce development which will, therefore, mean there will be no change from current conditions which have contributed to flooding. Development and re-development is exactly what OEC needs to help keep acre feet of water from reaching Main Street.

In general, the more development there is the more the tax base and revenues increase in addition to adding to housing stock and needed workforce housing. If we make development too costly, new projects will not proceed, revenues will decline and diversity will suffer. Taylor Highlands will add over \$200 Million to the County tax base.

In addition, life for existing homeowners is going to be worse. Property values will drop since properties will be less valuable since less can be done with them. The ability and cost to do simple deck additions or other home improvements will be prohibitive with the open space requirements. Revenues will drop as home values drop. The County might be faced with multiple lawsuits from owners who feel their property has effectively been taken by this bill and the County. With no grandfathering, property owners with projects in line for years will need to abandon or completely re-design their projects.

The bill also restricts all sorts of waivers to SWM projects only, yet the County itself needs waivers to install and maintain needed infrastructure well beyond SWM. We cannot cripple our ability to put these vital projects and schools in place.

As the President of the Taylor Properties Community Association and of the Village Crest Neighborhood Association, we also oppose CB38. These associations represent the over 1000 residents who live in Taylor Village at the top of College Avenue. Portions of these developments fall outside the OEC watershed yet are included in CB38. Each week the architectural review process considers multiple applications for simple homeowner property improvements; many of these will be impossible or unaffordable if CB38 passes. Residents are rightly concerned that their ability to use and enjoy their property and their values will drop as a result.

**In summary, we urge you to vote against CB38 which will have a negative impact of OEC, the County and its residents.**

## Sayers, Margery

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**From:** John Fritz <jlfdep@gmail.com>  
**Sent:** Monday, September 16, 2019 6:15 PM  
**To:** CouncilMail  
**Subject:** Support for CB38 from District 1 Resident

[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'm writing in support of CB38 introduced by my Council Member Liz Walsh. As a resident adjacent to the proposed Lawyers Hill Overlook (PB 445), which I also oppose, I want to see existing environmental law enforced, not waived by a fee or loophole.

If not, now when will we change our business as usual -- and preferred approach -- to smart growth. If not you, then who will do so. Please act responsibly and pass CB38.

Sincerely,

John Fritz  
5824 Judge Dobbin Ct.  
Elkridge, MD 21075  
410.245.2226

## Sayers, Margery

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**From:** Burnet Chalmers <burnetchalmers@outlook.com>  
**Sent:** Monday, September 16, 2019 6:09 PM  
**To:** CouncilMail  
**Cc:** William Wade Sapp Jr.& Lee Hamilton (wade.lee.614@gmail.com); Dale N. Schumacher MD MEd MPH (dalenschumacher@aol.com); Fern@Nerhood.net  
**Subject:** I strongly support CB 38

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

My name is Burnet Chalmers. I live at 6560 Belmont Woods Road, Elkridge, MD 21075. I'm 72 and am a lifelong resident of Howard County.

In 1972 Hurricane Agnes caused extreme flooding in our area. It inflicted extensive damage along the Patapsco River Valley, including Ellicott City and Elkridge. After Agnes, Howard County took a strong leadership position developing storm water laws and regulations. One of my daughters is a wetlands specialist with Vermont Department of Natural Resources. She's told me that Vermont and several other states modeled their regulations after those developed here after Agnes. She has asked what went wrong that allowed such intensive development in our area that contributed to devastating flooding of Ellicott City twice in recent years. My answer was that, very sadly, many years of waivers, fees in lieu of and various other exceptions took the teeth out of our exemplary laws and regulations.

The word radical means return to basics or roots. It also means far reaching thorough change of course. Once far off course, radical action often is needed to return to basics or roots.

CB 38 will get us back to basics; to our roots of good stewardship.

Please support CB 38.

Sincerely,  
Burnet Chalmers

Sent from [Mail](#) for Windows 10

## Sayers, Margery

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**From:** Meg Ricks <capizziricks@gmail.com>  
**Sent:** Monday, September 16, 2019 5:46 PM  
**To:** CouncilMail  
**Subject:** In Support of CB38  
**Attachments:** cb38.2019Ricks.odt

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

please see attached testimony



Virus-free. [www.avast.com](http://www.avast.com)

Dear Council Members,

I am writing in support of CB38-2019. I would hope that we can learn from the mistakes of the past and do better going forward. You must act in the best interest of our community and for the health and safety of us all, not in the interests of developer profits. Please pass CB38.

Meg Ricks  
Elkridge (District 1)



## Sayers, Margery

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**From:** Mukesh Kumar <mksingh562@gmail.com>  
**Sent:** Monday, September 16, 2019 5:44 PM  
**To:** CouncilMail  
**Subject:** CB38-2019

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

Good Afternoon,

I am resident of Elliott City and live very close to the historic downtown. I express my **strong opposition to the CB38-2019 bill in the current format**. This bill does not represent the best for the existing property owners in the area. I own a piece of land that i would like to sub-dvide to fund my kids education and to gain some retirement money. If this bill goes through as is, it will deprive me of such property rights and will also lead to lower value for my house.

One main reason for the uncontrollable flood was the failure of existing storm water management systems. I have myself experienced one such system that did not even operate the way it was supposed to during the 2018 flood and resulted in a sheet flow of water in front of my own house.

Banning new development is not going to fix such systems. The need is for careful evaluation of existing mitigation systems and for sensible development without sacrificing growth. This bill is not balanced and fails to propose anything for such evaluation & mitigation. We don't need emotional knee-jerk reactions like this bill, but sensible planning that doesn't sacrifice one thing over other.

Sincerely,

Mukesh Kumar

## Sayers, Margery

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**From:** Karen Knelly <hampandkaren@gmail.com>  
**Sent:** Monday, September 16, 2019 5:24 PM  
**To:** CouncilMail  
**Subject:** 38-2019, CB40-2019, and CB42-2019

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

Dear Council Members:

We are writing to you to let you know about our strong feelings in reference to [CB38-2019](#). We want you to vote in favor of saving all of the Howard County watersheds and their tributaries-Patapsco, Little Patapsco, Middle Patapsco, and the Patuxent. Once they have been used up, we can never get them back. The chopping down of trees, putting more homes and buildings on the land as well as paving around these places-especially around Old Ellicott City-have been the major cause of the current flooding problems-not climate change.

We also want to urge you to vote in favor of CB40-2019, that will continue the temporary prohibition of permits, and, vote in favor of CB42-2019, increasing the school surcharge for new homes.

We are thanking you, in advance, for considering our opinions.

Hampton and Karen Knelly

## Sayers, Margery

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**From:** Karen Knelly <hampandkaren@gmail.com>  
**Sent:** Monday, September 16, 2019 5:24 PM  
**To:** CouncilMail  
**Subject:** 38-2019, CB40-2019, and CB42-2019

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

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We also want to urge you to vote in favor of CB40-2019, that will continue the temporary prohibition of permits, and, vote in favor of CB42-2019, increasing the school surcharge for new homes.

We are thanking you, in advance, for considering our opinions.

Hampton and Karen Knelly

## Sayers, Margery

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**From:** Eric Crowe <ericcrowe@gablecompany.com>  
**Sent:** Monday, September 16, 2019 5:14 PM  
**To:** CouncilMail  
**Cc:** Eric Crowe  
**Subject:** Testimony Opposing CB38

**Importance:** High

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

Hello, my name is Eric Crowe. I am here on behalf of Unusual Company located on Lower Main Street in Old Ellicott City testifying in opposition to ACT CB38-2019.

CB38 fails to address how Old Ellicott City will rebuild itself and thrive if all land development is stopped within the watershed. Stopping land development in and around Old Ellicott City does nothing to help fix the current flooding issues. CB38 fails to address the many acres of parking lots & asphalt areas along route 29 & 100 that have no Storm Water Management that all drain to lower main street, Ellicott City.

CR122 and 123 have a fee in lieu option, if the new development, which has to have 100 year flood management, can't achieve the "storm of record" (2016) storm water management on-site, then the development must pay huge dollars to the County. The County would in turn use those monies to retro-fit the areas that currently have no storm water management in place.

It is true that CR122 & 123 is costly to developers, but it will help fix the current flooding issues by boring the large tunnel & widening the Tiber Channel to divert the flood waters.

Although, I do not believe either plan will prevent a total flooding emergency with Old Ellicott City, it is clear to me that Calvin Ball's CR122 & 123 plan helps fix the issues and allows responsible growth within & around Old Ellicott City to get more "FEET ON THE STREET" to allow OEC to thrive.

I urge you to stand with me and support all small businesses of Old Ellicott City in opposition of ACT CB38-2019.

Sincerely,

Eric Crowe  
President  
Unusual Company  
8137 Main Street  
Ellicott City, MD 21043

**Eric Crowe**  
Sr. Vice Pres. - Corporate & Retail Accounts



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Direct 443-817-0303 | Cell 301-399-4959 | Main 800-854-0568  
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OCTOBER 15-19, 2019

**OUR** TEAM  
PEOPLE  
CULTURE



Baltimore | Boston | Charleston | Chattanooga | Dallas | Las Vegas | Minneapolis | Tampa | Washington D.C. | York, PA

## Sayers, Margery

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**From:** Richard D <rdeutschmann2@gmail.com>  
**Sent:** Monday, September 16, 2019 4:56 PM  
**To:** CouncilMail  
**Cc:** Senator Guy Guzzone; Delegate Vanessa Atterbeary; Delegate Shane Pendergrass;  
Delegate Jen Terrasa  
**Subject:** CB38

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

To the members of the Council -

I am writing in strong support of CB38 - The Patapsco Lower North Branch Bill.

This is a bill that is decades overdue. Having been a Howard County resident for more than 48 years, I have watched as valuable pieces of our forest, stream buffer and steep sloped land have inexplicably disappeared in favor of a steady march of development. The result has undoubtedly led to stormwater surges into our streams and rivers, loss of forest diversity and vitality, and an increase in flooding in special places like historic Ellicott City.

Now, we have an opportunity to bring about smarter, more environmentally sound development practices to the county. Given that we are densely developing the downtown Columbia area, this should be coupled with a much stricter guidance for developing on or near our ecologically valuable forests and lands in the county. CB38 would do just that, putting a much higher bar on where and how we gain approvals for clearing the limited remaining forests in the county. It would also eliminate the "fees in lieu" of compliance, which in our business of energy development are known to result in much lower quality forested areas than the original.

We urge the Council to vote in favor of this bill, and to resist and vote against any weakening amendments to this forward-looking legislation.

Thank you -

Richard & Vanessa Deutschmann  
9485 Hickory Limb  
Columbia, MD 21045  
M – (410)707-4368

## Sayers, Margery

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**From:** Elaine Lutz - ext. 2165 <ELutz@cbf.org>  
**Sent:** Monday, September 16, 2019 4:56 PM  
**To:** CouncilMail  
**Subject:** CBF Support for CB38-2019  
**Attachments:** 8-16-19 CBF support HoCo CB38-2019.pdf

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

Dear Honorable Members of the Howard County Council – Attached please find testimony in support of CB38-2019 from the Chesapeake Bay Foundation. This bill would provide critical and sensible protections for the Patapsco Lower North Branch watershed. Please feel free to contact me with any questions.

Thank you,

*Elaine Lutz*

Maryland Staff Attorney  
Chesapeake Bay Foundation  
6 Herndon Avenue  
Annapolis, MD 21403  
(443) 482-2165



## CHESAPEAKE BAY FOUNDATION

*Saving a National Treasure*

### OFFICERS

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Jane P. Balten  
VICE CHAIR

Arnold I. Richman  
VICE CHAIR

William C. Baker  
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David Fogle  
TREASURER

William A. Agee  
SECRETARY

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

September 16, 2019

### Re: Support County Bill CB38-2019 – The Patapsco Lower North Branch Bill

### TRUSTEES

R. Bruce Bradley

George L. Bunting Jr.

D. Keith Campbell

Michael J. Chiaromonte

Thomas M. Davis III

Robert S. Evans

Harry S. Gruner

Michael J. Hanley

Jeanne Trimble Hoffman

Ann D. Horner

Mark J. Hourigan

Otis S. Jones

Robert A. Kinsley II

Burks B. Lapham

Katie Z. Leavy

Pamela B. Murphy

Devan B. Ogburn

Elizabeth Oliver-Farrow

Mark S. Ordan

Anna R. Pauletta

Ann Pelham

J. Sedwick Sollers III

Sandra E. Taylor

Preston M. White

Susan P. Wimmerding

Stephen M. Wolf

Dear Honorable Members of the County Council:

Thank you for the opportunity to provide comments on County Bill CB38-2019, an important step in protecting the Patapsco Lower North Branch watershed and local water quality. The Chesapeake Bay Foundation (CBF) urges your support of this legislation. CBF and our over 6,000 members in Howard County have a vested interest in the health and quality of local rivers, streams, and the Chesapeake Bay. One of the most significant causes of pollution and local water quality impairments in Howard County is polluted stormwater runoff from developed lands. Urban land generates 68% of the sediment pollution within the Patapsco River Lower North Branch watershed.<sup>1</sup> Regulations regarding stormwater, forest conservation, stream buffers, and floodplains are the first line of defense against sediment and nutrient pollution that is caused by development and other land disturbances. This bill would ensure that these laws and regulations are not arbitrarily sacrificed in the Patapsco River Lower North Branch watershed where they are needed the most.

It is well established that impervious surfaces such as roads, buildings, and parking lots have a direct impact on a watershed, as impervious surfaces disrupt the natural hydrological cycle by preventing infiltration of stormwater into the ground. Numerous studies have found that higher amounts of impervious surfaces in a watershed diminish the health and water quality of the surface waters in that watershed.<sup>2</sup> Generally, studies have found that water quality starts to significantly degrade when the watershed contains 10% or greater impervious surfaces, although negative impacts can be seen at much lower percentages as well.<sup>3</sup> Much of the degradation is due to the fact that impervious surfaces collect and funnel stormwater runoff to local surface waters at a much higher volume, velocity, and temperature than would occur on natural, filtering

### HONORARY TRUSTEES

Donald F. Boesch, Ph.D.

W. Russell G. Byers Jr.

Louisa C. Duemling

Richard L. Franzo

Alan R. Griffith

Carolyn Groobey

Ann Fritz Hackett

C.A. Porter Hopkins

Robert A. Kinsley

T. Gaylon Layfield III

Byron F. Marchant

M. Lee Marston

Wayne A. Mills

Marie W. Ridder

James E. Rogers

Truman T. Semans

Simon Sidamon-Eristoff

Jennifer Stanley

Thomas H. Stoner

Bishop Eugene Taylor Sutton

Alan L. Wurtzel

<sup>1</sup> Patapsco Lower North Branch Sediment Total Daily Maximum Load (TMDL). 9/30/2011.

<sup>2</sup> Center for Watershed Protection, Impacts of Impervious Cover on Aquatic Systems, 2003; Morgan and Cushman, 2005 (studies of Eastern Piedmont and Coastal Plain streams in Maryland); Moore and Palmer, 2005 (study of headwater streams in Montgomery County MD).

<sup>3</sup> *Id.*; see also, Maryland Biological Stream Survey, indicating poor health in every stream with watershed imperviousness above 15%.

CBF HEADQUARTERS

6 HERNDON AVENUE | ANNAPOLIS, MD 21403 | 410-268-8816 | CBF.ORG



surfaces.<sup>4</sup> This increase in volume and velocity may also contribute to localized or regional flooding, sometimes catastrophically as has been seen in Ellicott City.

State and local regulations have attempted to reduce the negative impact of development and impervious surface on water quality and other environmental impacts, but do not fully prevent or offset those impacts. Under the Chesapeake Assessment Scenario Tool (CAST)<sup>5</sup>, which is the analytical tool used for the Chesapeake Bay clean up, the conversion of natural land to developed land carries a large pollution increase even with the application of all relevant best management practices and regulations. Of course, the impact of development on hydrology and water quality is even more severe when the regulations regarding stormwater, forest conservation, wetlands, steep slopes and floodplains are not even applied in full or on-site due to variances or the payment of fees-in-lieu.

Local laws regarding stormwater, forest conservation, wetlands, steep slopes, and floodplains are no different from other zoning restrictions, which are meant to be enforced and complied with. Maryland's highest court has recognized that the purpose of zoning and other restrictions is "to prevent exceptions as far as possible," and stated that specific needs for variances "must be substantial and urgent and not merely for the convenience of the applicant."<sup>6</sup> Unfortunately, current County law allows variances to these critical laws under criteria that bear no relation to the impacts of those variances. Current variance criteria do nothing to protect human health and the environment, and certainly do not require the appropriate demonstration of substantial and urgent need to deviate from the law. This bill would recognize the importance of strict application of these critical laws and appropriately narrow the allowance for variances.

Finally, CBF is in strong support of the legislation's proposal for 100' buffers for wetlands and waterways in the Patapsco Lower North Branch Watershed and the Ellicott City floodplain. Buffers are critical to the health and function of streams and wetlands. Riparian buffers prevent nutrient and sediment pollution from entering waterways, provide critical stabilization for stream banks, provide food and habitat for wildlife, and keep streams cool. One study found that forested riparian buffers had up to 200-800% less nitrogen pollution than non-forested streams.<sup>7</sup> The Chesapeake Bay Program Expert Panel on riparian buffers recommend a 100 foot buffer width,<sup>8</sup> which this legislation would implement.

In conclusion, CBF urges a favorable vote from the Council on CB38-2019. Local waters and communities in the Patapsco Lower North Branch Watershed need to be protected before the next potentially catastrophic storm event.

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<sup>4</sup> Stormwater runoff also collects a large variety of pollutants as it runs over impervious surfaces, such as grease, pesticides, pet waste, fertilizers, and more, which are delivered directly to surface waters.

<sup>5</sup> Chesapeake Bay Program, 2017. Chesapeake Assessment and Scenario Tool (CAST) Version 2017d. Chesapeake Bay Program Office.

<sup>6</sup> *Belvoir Farms Homeowners Ass'n, Inc. v. North*, 355 Md. 259, 734 A.2d 227 (1999).

<sup>7</sup> Sweeny et al. *Riparian deforestation, stream narrowing, and loss of stream ecosystem services*. PNAS, September 2004; 101: 14132-14137.

<sup>8</sup> Chesapeake Bay Program Forestry Workgroup. *Recommendations of the Expert Panel to Reassess Removal Rates for Riparian Forest and Grass Buffers Best Management Practices*. October 2014.

## Sayers, Margery

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**From:** Michael Thompson <thompson624@gmail.com>  
**Sent:** Monday, September 16, 2019 4:33 PM  
**To:** CouncilMail  
**Subject:** CB 38-2019 support

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

Dear Council Members

I am writing to express my support for CB38. Waivers/variances/alternative compliance have long been an issue here in Howard County and they are typically granted to the detriment of our environment. I am an ecologist working at an ecological restoration firm here in Maryland. My specialty is stream assess and restoration so I am well aware of the negative consequences of developments, both with and without stormwater management. The need for legislation to limit impacts is vital to the health of our community and all the life within it. More and more studies are linking human health benefits to the surrounding environment and placing a larger monetary value on the ecosystem services provided by intact natural systems. The economic benefit of forest is beginning to outweigh the cost associated with developing them regardless of the tax income afforded to a municipality.

Waivers for "hardships" should not be based upon economic hardships that may be incurred by the developer. Just because a site has too many environmental features to prevent a developer from mitigating the 100-yr storm event does not mean that a waiver should be request. What should be the result of this circumstance should be that there are fewer lots constructed. Most developers seem to be operating under the assumption that it is their God given right to place 100 homes on a 50 acre parcel in the R-20 zone regardless of the environmental features. I also feel that off-site reforestation should not be allowed nor should stormwater management waivers. All of these lead to the further degradation of our natural resources and the potential for hazardous downstream flooding.

I also feel that parcels that contain stormwater management features should not be deeded over to the Department of Rec and Parks. This becomes a tax burden for the residents of the county and a maintenance burden for the county. There is a development currently proposed in the Plumtree watershed that proposes a stormwater management facility being deeded over to Rec and Parks that has the potential to be a Class B or Class C hazard facility due to the number of homes located downstream of this facility that are within the 100-yr floodplain. This facility has the potential to impact MD Route 40 and both the Valleymede and Dunloggin neighborhoods. This has the potential to be an extreme liability for the county. <https://www.harfordcountymd.gov/DocumentCenter/View/3997/Maryland-Dam-Safety-Regulations-MD-378-PDF>

In addition to the language proposed in CB 38, I would suggest adding the Plumtree watershed to all the provisions of this bill as well as provisions to require public notice for any variance/waiver/alternative compliance request and that all potentially hazardous stormwater management facilities be maintained by the developer or the home owners association. Home owners need to be made aware of such facilities that may be within their HOA due to potential maintenance costs and downstream homeowners that may reside in the 100-yr floodplain also need to be aware of any such facility.

I would be happy to discuss any of these issues further if so desired.

Sincerely

Michael Thompson

9806 Michaels Way  
Ellicott City, MD 21042

## Sayers, Margery

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**From:** Gina Desiderio <desiderio@gmail.com>  
**Sent:** Monday, September 16, 2019 4:32 PM  
**To:** CouncilMail  
**Subject:** Written Testimony in Support of CB38

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

Thank you, Council Member Liz Walsh, for introducing CB38. I am unequivocally in support of this legislation to make sure the County starts actually working toward being responsible stewards of our last small areas of undeveloped land by eliminating developer entitlements. This bill is critical toward reducing future flood risks. Any Council Member who votes against CB38 is voting against not only the preservation of Howard County land, but against the lives of our citizens and against Old Ellicott City.

For too long, past Council Members have superficially shown support for Old Ellicott City or pretended to be stewards of our land, but posing for photo opps, mucking around in boots, or attending re-opening ceremonies fails to actually do anything to help us in the future or address why we face so many risks today.

We can be supportive of industry, development, commerce, and new housing while also protecting our land. It doesn't have to be one or the other, but we have to stop allowing developer entitlements.

Please, Council Members, show your support for Howard County. Let us know you want to protect the safety of your constituents in a concrete way by voting for CB38.

Sincerely,  
Gina Desiderio Edmison  
9822 Sawmill Branch Trail  
Ellicott City, MD 21043

## Sayers, Margery

---

**From:** Wayne Davis <wayne.davis103@gmail.com>  
**Sent:** Monday, September 16, 2019 4:24 PM  
**To:** CouncilMail  
**Subject:** Strongly Support CB-38!

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

I wish I could testify in person for this bill, but this email will have to suffice. It is time to STOP the WAIVERS that are polluting our streams, increasing runoff, and contributing to flooding. Please support CB-38 prohibiting waivers in the Patapsco Lower North Branch Watershed and prohibiting disturbance of land in the Ellicott City Floodplain.

Our County is in a crisis and a very expensive one. The flooding and increased pollution caused by continued disturbance of the floodplain and subsequent runoff is causing flood damage, erosion, increased sedimentation, and violations of water quality standards. Please support the smart decisions to stop these WAIVERS which appear to the public to be political favors to developers.

Water quality in Howard County is getting worse with more pollution affecting our rivers, streams, reservoirs/lakes and wetlands. As in the Patapsco watershed, the Little Patuxent River watershed has been decimated by development and what once was a decent bass fishery is now filled with silt-tolerating species. Why not try to reverse the damage from the past 20 years? Smart development is needed along with prohibiting waivers, and even development itself, in watersheds that could meet water quality standards with the proper restoration and cessation of pollution from runoff.

Regards,  
Wayne Davis  
3rd District  
Kings Contrivance, 21046

## Sayers, Margery

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**From:** Kimberlee Drake <kimdrakeenv@gmail.com>  
**Sent:** Monday, September 16, 2019 4:10 PM  
**To:** CouncilMail  
**Subject:** Sept. legislation

[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,

This is not testimony.

I support CB38, CB40, and CB42  
(that is not to say I don't support the others, but that I am only writing to you about these)

As a degreed environmental scientist and a member of the HoCo Sierra club board, I would like you to know that I am in favor of CB38. Councilwoman Walsh did a presentation to explain the details of the bill and it is quite comprehensive. With her background in Engineering, I trust her approach to land use is sound. We should not allow developers to work around their responsibility to proper land use by being granted waivers. I have not been able to read all the legislation presented this session, but I support anything that prevents developers from essentially doing whatever they want regardless of environmental, infrastructure and social consequences. In this vein, I support raising developer fees like the school facilities surcharge and not allowing fee in lieu for such things such as storm water management or tree plantings.

I also support CR112-2019.

Thank you for your time.  
Kim Drake  
District 2

## Sayers, Margery

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**From:** Carolyn Weibel <carolinasandsunsurf2@gmail.com>  
**Sent:** Monday, September 16, 2019 3:56 PM  
**To:** CouncilMail  
**Subject:** Council Bill 38-2019: Patapsco Lower North Branch Watershed

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

Good afternoon, County Council Members,

I can't attend tonight's County Council meeting. I am in favor of passing this bill.

Thank you

Carolyn Weibel  
Valley Mede

## Sayers, Margery

---

**From:** Meagan Braganca <mbragancatrl@gmail.com>  
**Sent:** Monday, September 16, 2019 3:41 PM  
**To:** CouncilMail  
**Subject:** Written Testimony CB38 IN FAVOR Meagan Braganca  
**Attachments:** CB38-2019 Written Testimony MBraganca.pdf

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

Please see attached

Meagan Braganca



HOWARD COUNTY COUNCIL PUBLIC HEARING

September 16, 2019

7:00 pm

**CB 38-2019**

**In Favor**

Meagan Braganca

3720 Valerie Carol Court

Ellicott City, MD 21042

Jessica Watsula

Joseph Anthony Blevins

Eddison "Eddie" Hermond

Names that have not been mentioned nearly enough. Innocent victims of the 2016 & 2018 Ellicott City floods. Visitors who came here to enjoy one of the best spots Howard County has to offer, swept up in the consequences of our own dereliction.

There is no doubt that unchecked development has largely contributed to the danger of the rushing waters that occurred on July 30, 2016 and May 27, 2018. Engineering experts have verified this. <https://www.baltimoresun.com/maryland/howard/ph-ho-cf-flood-development-0523-story.html>

The question is, how do we move forward? What steps do we take to start to minimize these atrocious consequences? It starts with addressing the dereliction. Waivers, lax regulations, haphazard allowances. That is what has led us to tonight. And residents speak of them again in the very room that has witnessed so many other Howard County citizens asking, *pleading* to stop certain developments, to not allow waivers, to put the brakes on the county build-out until we can assess what's best for our community. The walls of the Banneker Room still hold whispers of their pleas. It is virtually all that's left of their requests, because their appeals were not heard, heeded or acted upon.

With CB 38, we have a chance to change all of that. It can be a first step towards an era of progress, where the county government REPRESENTS the people - listen to them, and act on the pleas. Councilwoman Walsh has put together a comprehensive bill of action, to treat our waterways as places to be cared for, our people as the amazing community they are, and flooding as the danger it represents.

Members of the county council, this is your chance to show WHY you were elected, because this bill is a culmination of *years in the making* of what the community has been asking for. I've heard the pleas myself, I know you have too. The only way forward is to pass CB38.

Thank you

## Sayers, Margery

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**From:** Home <thetersiguels@gmail.com>  
**Sent:** Monday, September 16, 2019 2:57 PM  
**To:** CouncilMail  
**Subject:** CB38/CR122/CR123

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

Dear Council Members -

It would be really fair to suggest that those of us directly impacted in the Tiber and Plumtree Watersheds, have been very demanding on your time. Even more fair to say, that we have asked a lot of questions and made a lot of requests regarding legislation that would further protect us. The bill (CB-38) and resolutions (CB-122, CB-123) currently presented before the council have their own strengths and weaknesses. I, for one will be the first to admit, I do not know how to go about legislating for our greater, more detrimental problem, climate change.

A strength of CB-38 is it's protecting the last of the last. It's weakness, it has diminished private land use in the entire watershed and seems to be way too little, way too late. It also limits its scope of protection. If natural resources is the number one concern, why is this legislation not for all of Howard County?

CR-122's strength is that it's a long overdue increase in fees, and is in line with surrounding districts. It's weakness, is it enough to address the challenges and cost of SWM in these two watersheds? I would further recommend these fees be dedicated solely for the purpose of SWM in these watersheds.

CR-123's strength is it is by far the most comprehensive in addressing multiple issues across the board regarding land use, development, and SWM to protect all of our assets. It's weakness, there certainly could be room to increase and streamline legislation that would incentivize, support and encourage communities to upgrade SWM and in some areas of the watersheds, implement if for the first time.

I cannot support CB-38 as it stands, and I do support CR-122, CR-123 along with these suggestions.

Thank you and sincerely,

Angela Tersiguel  
3113 The Oaks Rd  
Ellicott City, MD 21043

## Sayers, Margery

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**From:** Tara Simpson <thsimpson@gmail.com>  
**Sent:** Monday, September 16, 2019 1:03 PM  
**To:** CouncilMail  
**Subject:** CB38 IN FAVOR from District 1.

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

Dear County Council:

I am writing to you as a resident of District 1 and am in support of CB38. It is essential that we protect and preserve this watershed in a radically different way than we have been. No more excuses, no more exceptions. Let's put the existing watershed first- over future housing and retail development. This legislation is real, meaningful, essential and timely.

Please don't wait.

I support CB38 and appreciate the opportunity to share this with you.

Thanks-  
Tara Simpson.

--  
Tara Simpson, Psy.D.  
Licensed Psychologist

8 Reservoir Circle	8894 Stanford Blvd.
Suite 105	Suite 103
Pikesville, Md. 21208	Columbia, Md. 21045

410-303-3402  
[thsimpson@gmail.com](mailto:thsimpson@gmail.com)

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## Sayers, Margery

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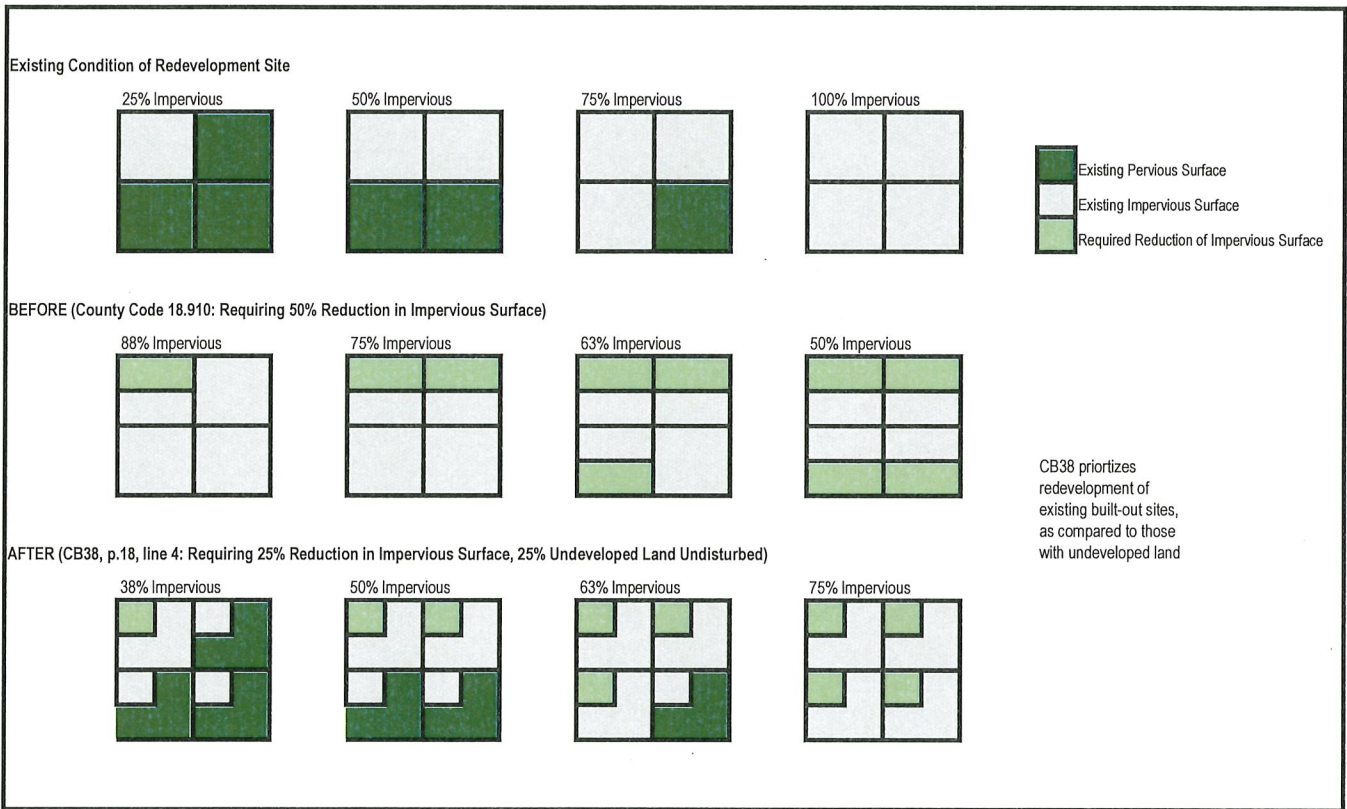
**From:** Walsh, Elizabeth  
**Sent:** Monday, September 16, 2019 1:03 PM  
**To:** CouncilMail  
**Cc:** Jones, Diane; Glendenning, Craig; Harrod, Michelle R; Fisher, Karina; Dvorak, Nicole  
**Subject:** Redevelopment Summary Chart  
**Attachments:** RedevelopmentChartforCB38.2018.09.15.pdf

Colleagues: Referenced in yesterday's summary chart for CB38 (Item 6) was this graphic showing comparative requirements for reducing impervious surfaces on potential redevelopment sites. As you'll see, CB38 prioritizes redevelopment of existing fully built-out sites, as compare to those with undeveloped land. (I am not making an argument for how best the land would be used under either scenario, just the most linear depiction I could think of as to how the land would be apportioned.)

As always, happy to discuss, clarify, reformat... as may be most helpful to you.

# Prioritizing Redevelopment of Existing Built-Out Sites

## CB38 Proposed Changes to 18.910(b)



## Sayers, Margery

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**From:** Beth D <exaa2011@gmail.com>  
**Sent:** Monday, September 16, 2019 2:45 PM  
**To:** CouncilMail  
**Subject:** CB38-2019

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

September 16, 2019

Re: CB38-2019

Dear Honorable County Council members,

Please vote YES for Council Bill 38. I strongly believe more needs to be done to address the preservation of our forests and to protect our watershed. I strongly support this bill and the benefits it will provide to help reduce flooding risks to our community.

I am tired of seeing the Department of Planning and Zoning give waivers to developments so they do not have to follow regulations. This bill seeks to restrict the waivers being given in vulnerable environmental areas, to stop the rampant deforestation that increases flooding concerns and is removing most of our green space. Given the recent floods, this bill makes perfect sense.

Please vote YES for Council Bill 38. Do the right thing for our environment and our safety.

Thank you for your consideration.

Sincerely,  
Beth Daniel  
3247 Old Fence Court  
Ellicott City, MD 21042  
(District 5)

## Sayers, Margery

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**From:** Susan Garber <buzysusan23@yahoo.com>  
**Sent:** Monday, September 16, 2019 2:09 PM  
**To:** CouncilMail  
**Subject:** In support of CB-38

[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 urge ALL of you to support and pass CB-38 as written. It will demonstrate that you have truly learned something and are willing to put constituent interests above those of the development community. This bill takes precisely the steps I've been hoping for in order to face the reality of our current state of development, where:

- the Department of Planning and Zoning FACILITATES rather than REGULATES development
- no developer request is considered too onerous to not permit it by simply paying the tiniest of application fees
- the County's own projects frequently require waivers, thus modeling the bad behavior for others who expect the same approval
- no magnitude of flooding or death toll appears sufficient to apply reason to stop development on steep slopes, in mature forests, or in wetlands
- our developer attorney-written ambiguous regulations always leave the door open to 'exceptions' which fail to protect lives, property, the environment, or our quality of life.

Thank you Council Member Walsh for bringing this comprehensive bill forward. I would sincerely hope that similar legislation would be brought forward to protect other watersheds throughout the County in the future. This strong stance is needed County-wide.

Please don't yield to developer arguments. It is crucial, as the amount of buildable land is reduced, that we follow the basic principal of building WITH what the land presents. Engineers may think they can conquer the land to maximize units but as we have seen too often—that doesn't usually end well.

Some challenging land must simply be preserved as open space which serves the critical function of protection from disaster.

(I regret I am unable to testify in person before you this evening.)

Sincerely,

Susan Garber



## Sayers, Margery

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**From:** Rigby, Christiana  
**Sent:** Monday, September 16, 2019 1:59 PM  
**To:** Sayers, Margery  
**Subject:** FW: Please oppose CB 38

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

From: Myrtle Webb <user@votervoices.net>  
Sent: Monday, September 16, 2019 1:48 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.

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,

Myrtle Webb  
8314 Wades Way  
Jessup, MD 20794  
myrtlesellshomes@aol.com

## Sayers, Margery

---

**From:** Rigby, Christiana  
**Sent:** Monday, September 16, 2019 1:42 PM  
**To:** Sayers, Margery  
**Subject:** FW: I Urge You to Vote NO on Council Bill 38-19

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

From: Thomas Stebbins <Tstebbins@willisconcrete.com>  
Sent: Monday, September 16, 2019 1:38 PM  
To: Rigby, Christiana <crigby@howardcountymd.gov>  
Subject: I Urge You to Vote NO on Council Bill 38-19

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

Dear Chair Rigby,

The Maryland Building Industry Association, representing 100,000 employees of the building industry across the State of Maryland, strongly opposes Council Bill 38-19.

This expensive and overly broad bill will make any new development infeasible, with drastic results across the County.

This bill is bad for communities and bad for Howard County. MBIA respectfully requests the Council vote NO on Council Bill 38-19.

Sincerely,

Thomas Stebbins  
Job Coordinator  
Willis Concrete Construction  
10964 Guilford Rd  
Annapolis Junction, MD 20701  
Tstebbins@willisconcrete.com

## Sayers, Margery

---

**From:** Pfeifer, Ken - OPA <Pfeifer.Ken@dol.gov>  
**Sent:** Monday, September 16, 2019 1:26 PM  
**To:** CouncilMail  
**Cc:** Ball, Calvin B  
**Subject:** Support of the Bill CB38-2019

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

Dear HOCO County Council,

I am writing you to ask that you please **pass Bill CB38-2019.**

I have lived in the county since 1992 and am tired of seeing the rural eastern areas, including the scenic roads of the Ilchester area, decimated by development. It seems that once again the "developers" are unabaitedly ruling the county.

Please help the homeowners in the east and pass CB38-2019.

Thanks, Ken Pfeifer

5378 Briar Oak Ct.

EC MD 21043

## Sayers, Margery

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**From:** Gregory Breazeale <braaz@me.com>  
**Sent:** Monday, September 16, 2019 12:37 PM  
**To:** CouncilMail  
**Subject:** CB38

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

I would like to add my voice to those who support this bill.

As a 20 year resident of Ellicott City, I have watched as acre after acre of land has been given over for development. The events of the past couple years have spoken loud and clear for the need for smart development.

I believe this bill is a step in the right direction.

Thank You

Greg Breazeale

Greg Breazeale  
410-418-5825  
4644 Huntley Dr  
Ellicott City  
Braaz@me.com

## Sayers, Margery

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**From:** William Lilley <ecrfpres@aol.com>  
**Sent:** Monday, September 16, 2019 12:29 PM  
**To:** CouncilMail  
**Subject:** CB38

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

Please Pass This Bill!

Help us protect and save that which is so important!

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

## Sayers, Margery

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**From:** Rigby, Christiana  
**Sent:** Monday, September 16, 2019 12:19 PM  
**To:** Sayers, Margery  
**Subject:** FW: CB38 Environmental Considerations  
**Attachments:** PatapscoBillResponseV7NRVLEM.docx

**From:** LEILA MAHLIN <samlnbm@comcast.net>  
**Sent:** Saturday, September 14, 2019 12:05 PM  
**To:** Rigby, Christiana <crigby@howardcountymd.gov>  
**Cc:** Neal Vanderlipp <nrv@xcal-sol.com>  
**Subject:** Environmental Considerations

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

Dear Council Chair Mercer Rigby,

The mission of protecting the Patapsco Lower North Branch is carried forth and reflected in the construction of CB 38-2019. This is in light of the recent flash flooding in Old Ellicott City. We support the amendments and additions to the Howard County Code that are mentioned in this bill. We would like the Council to pass this bill and for it to be signed by the County Executive.

If portions of the bill were applied to the rest of the County where flooding issues have also occurred this would do even more to protect County citizens and their property.

Many of the waivers or exceptions in the Howard County Code are only available to smaller areas, apparently with the belief that since they are so small it won't significantly impact the County. This focus misses the important analytical step that should be required to proceed with development. There have been negative environmental impacts from relatively small changes to existing surrounding neighborhoods and businesses. This can result in an increased tax burden and financial loss to local businesses and residents.

We have three major recommendations:

1) We should begin to think in terms of "Compact-Environments".

2) Howard County should create an environmental "Watchway".

3) Including in the General Plan a 50 year vision of economic and environmental health will guide our county to keep growing in a healthy sustainable way.

**For elaboration of these recommendations and analysis of the bill please read the attached.**

*We do not want these to interfere with the passing of the 38-2019 bill but think these items are important to the health of Howard County and should be given timely consideration.*

Sincerely,

Leila Mahlin

Neal Vanderlipp

## Bill No 38-2019 The Patapsco Lower North Branch Bill Introduced by Liz Walsh

The mission of protecting the Patapsco Lower North Branch is carried forth and reflected in the construction of CB 38-2019. This is in light of recent flash flooding in Old Ellicott City. We support the amendments and additions to the Howard County Code that are mentioned in this Bill. We would like the Council to pass this bill and for it to be signed by the County Executive.

If portions of the bill were applied to the rest of the County where flooding issues have also occurred this would do even more to protect County citizens and their property.

Many of the waivers or exceptions in the Howard County Code are only available to smaller areas, apparently with the belief that since they are so small it won't significantly impact the County. This focus misses the important analytical step that should be required to proceed with development. There have been negative environmental impacts from relatively small changes to existing surrounding neighborhoods and businesses. This can result in an increased tax burden and financial loss to local businesses and residents.

We have reviewed and commented on the sections only listed in Bill 38-2019 and have attached some specific suggestions that we would like for the Council to consider implementing. *We do not want these to interfere with the passing of the 38-2019 bill but think these items are important to the health of Howard County and should be given timely consideration.*

We have three major recommendations:

- 1) We should begin to think in terms of "Compact-Environments", or smaller undeveloped or less developed areas. These are often comprised of streams, open space, and forests and serve as critical conduits to our "Greenways". When environmentally degraded, they collectively impact the County as a whole. Numerous exemptions or waivers are often given to developments to the detriment of their Compact-Environments. Development with insufficient environmental protection or foresight can negatively impact all of us; in fact, many argue, it already has.
- 2) Howard County should create an environmental "Watchway". Just as we have a Green Infrastructure Network or "Greenway" where we wish to protect and connect our greenspace, we need to create a system of vigilance to protect local residential and business neighborhoods. This would include an easy system to report flooding, erosion, new springs, or road icings. This information would be collected and mapped to help the County stay ahead of major problems.
- 3) The County should continue to be forward thinking so that our legacy is not a 2 year horizon of environmental loss or a 20 year County financial deficit because of erosion of tax base due to lack of residential and business sustainability. Including in the General Plan a 50 year vision of economic and environmental health that takes into account regional environmental trends will guide our county to keep growing in a healthy sustainable way.



Below are a list of changes for the Council to consider as they address the effects that various weather events are having on numerous areas throughout the County.

**-Section-16.116 (c) (1) and (2) (d) (2)** Planning, zoning and subdivisions and land development regulations, Subdivision and land development regulations, Design standards and requirements, Protection of wetlands, streams, and steep slopes

*These portions refer to protection of wetlands, streams and steep slopes by limiting grading in certain proximity to wetlands, waterways and steep slopes.*

By applying these portions to the entire County the "Greenway" would be enhanced and the "Watchway" would be reduced.

**-Section-16.121.(b) (2) (i) (ii)** Subdivision and land development regulations, Design standards and requirements, Public sites and open space

*These portions refer to how open space fee-in-lieu is managed.*

Stringent protections should include the entire County such that there be a very high threshold for any fee-in-lieu.

-Specifically there are concerns with the ease of elimination of an open space area of less than half an acre.

- In addition to losing the protection of the vegetation and associated wildlife it may also increase the ability to develop and change density which would also impact the local environment.

-This does not protect the existing homes and businesses that are impacted by loss of the natural protections of the environment.

- This section appears to allow significant opportunities for developers to utilize this to develop or rebuild via significant additions with existing or new subdivisions.

There are areas in local communities that are negatively impacted when areas of less than half an acre are built upon. For example even a neighbor removing vegetation and adding a decorative wall can cause flooding in nearby yards.

**-Section 16.121 (b) (3)** Subdivision and land development regulations, Design standards and requirements, Public sites and open space

*This refers to fee-in-lieu payments used to acquire open space in the general area of the development.*

Open space should be encouraged to remain on the developed property or on bordering properties. The tendency is to transfer many items like this to less developed areas which may serve to harm the properties nearby the sending location and its Compact-Environment.

**-Section-16.127 (d) (2)** Subdivision and land development regulations, Design standards and requirements, Residential infill development

*This refers to disallowing residential infill development if there is not adequate stormwater management infrastructure.*

The major concern with this is the difficulty that existing communities have in conveying recent environmental changes that have occurred adjacent to potential development. Many Howard County Communities are having flooding, periodic muddy soil, erosion, road degradation and new or increased hydric soils.

How does a resident prove issues of stormwater management before there is any significant home or municipal destruction?

-It needs to be documented, passed on to the proper governmental agencies and then added to official documentation

-This process alone may take up to a year.

-Some types of these typical stormwater issues include basement flooding, loss of business inventory and personal property due to mold or water damage, or increased underground water flow that infiltrates the roads and damages them when frozen.

-These are examples of problems that are not publicly noted and not easily able for nearby affected businesses or residents to find documentation on.

We need to install a “user friendly” system of citizen reporting environmental issues in the County. These reports should be connected to proposed development sites so that DPZ staff as well as State environmental staff and the public can access it. This system would serve not only to monitor ongoing issues, but also to provide data for future studies of our development process.

**Section 16.1204- (d) (10)** Subdivision and land development regulations, Forest conservation, Forest conservation plan

*This refers to requirements about retention, reforestation or afforestation and the requirement of a two year maintenance agreement for these items except for certain circumstances for a minor subdivision.*

Even a minor subdivision which meets forest conservation requirements via forest retention should be required to have a 2 yr maintenance agreement. Leaving these types of subdivisions and the surrounding areas vulnerable to unforeseen environmental destruction is not in the best interest of the citizens or the County. We should sustain the benefits of the forests of minor developments.

**-Section 16.1210- (a)** Subdivision and land development regulations, Forest Conservation, Fee-in-lieu of afforestation or reforestation

*This refers to payment of a fee-in-lieu for afforestation or reforestation off-site.*

-There should be a higher standard for allowing fee-in-lieu payments and when they are allowed it should be required that the fees go to replanting on site or on adjacent communities, not at remote locations that do not provide protection for the immediate Compact-Environments.

-Add a statement (3) that adjacent community (business and residential) should be notified 45 days prior to removal of trees or granting of permit in order for them to have time to respond. In addition any replanting should occur on the affected property or if not feasible on adjacent property.

**-Section 18.902A (b) (1) (2)** Public Works, Stormwater Management, Stormwater management and measures

*This refers to exemptions for stormwater management measures and exemptions for single family detached structures or developments that disturb less than 5,000 square feet of land area.*

Buildings, additions, modifications or developments that disturb less than 5,000 square feet of land area should **not** be exempt from storm water management. This should be required for all building that impacts 500 square feet or more.

To put this 5,000 square foot exemption into perspective:

- It is about twice the size of an average single-family home.
- This is ten times the minimum required size of a Senior Community Center For Age Restricted Conditional Use.
- An infield of a major league baseball diamond is 8,000 square feet.
- A two-story mansion of this footprint size would be 10,000 square feet inside.
- This is nearly the average size of newly built grocery stores such as Trader Joe's and Aldi'

**This stormwater management exemption for development of less than 5,000 square feet combined with the communities' burden of proving inadequate SWM (mentioned in 16.127 (d) (2)) makes it difficult to protect the Compact-Environments which support the Greenway.**

**-Section 18.909-** Public Works, Stormwater management, Fee-in-lieu of implementing best management practices

*This refers to fee-in-lieu for stormwater management.*

Fee-in-lieu should be eliminated for SWM.

**-Section 16.1204- (d) (4)** Subdivision and land development regulations, Forest Conservation, Forest Conservation Plan

*This refers to Critical root depiction.*

It would be helpful if depiction of trees in diameter of 25 inches or greater could also be depicted in this manner. Those are trees that within a short period of time may be specimen trees and are worthy of tracking in a development.

Please refer to Howard County CB38-2019 for more detail.

## Sayers, Margery

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**From:** Mimi Mathews <deacmimi9120@gmail.com>  
**Sent:** Monday, September 16, 2019 12:17 PM  
**To:** CouncilMail  
**Subject:** Please support CB38-thank you!

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

## Sayers, Margery

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**From:** mona@howardcountyissues.org  
**Sent:** Monday, September 16, 2019 11:51 AM  
**To:** CouncilMail; Yungmann, David  
**Subject:** council bill 38

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

Not sure if this bill addresses the overall planning and zoning failures, but here's my story on the failure to hold developers to the approved plan for water handling:

My name is Mona Eurice and I moved in to a new development in 2002. A new street was developed, along with water-handling on various properties. The plan reflected the low point of water accumulation to be at a neighboring culvert. However, since the road was put in, the low point has been the driveway entrance on my property and a long list of damages have occurred, and expenses incurred. The lack of water-handling has affected both the house and outbuilding, the driveways, in addition to a list of other entities.

When I contacted the county, they said the road was put in incorrectly, and not according to the plan, and the low point was miscalculated as a result. I'd like to know how this got approved, and when a culvert will be installed at my driveway entrance, in addition to the other regrading to handle the massive run off, over a foot high water rushing onto my property. I'm sure the taxpayers wouldn't want the stretch of road to be rebuilt, so a culvert is a reasonable request.

When plans aren't enforced, TAXPAYERS LOSE.

Mona Eurice  
District 5

## Sayers, Margery

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**From:** Alexis M. McKenzie <amlaske@gmail.com>  
**Sent:** Monday, September 16, 2019 11:41 AM  
**To:** CouncilMail  
**Subject:** Support for CB-38

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

Dear Council Members,

I am writing in support of CB-38. I am in support of prohibiting further building in the watershed within 100' of the floodplain, waterways and wetlands and 50' from steep slopes.

Thank you,

Alexis McKenzie  
5945 Meadow Rose, Elkridge, MD 21075

## Sayers, Margery

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**From:** Scott Armiger <Scott@orcharddevelopment.com>  
**Sent:** Monday, September 16, 2019 11:40 AM  
**To:** CouncilMail  
**Subject:** CB 38-2019  
**Attachments:** CB38-2019.docx

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

Please see attached.

**L. Scott Armiger**  
**President**  
**Orchard Development Corporation**  
**5032 Dorsey Hall Drive**  
**Ellicott City, Maryland 21042**  
**Office: 410-964-2334**  
**Cell: 443-506-7050**  
[www.orcharddevelopment.com](http://www.orcharddevelopment.com)

Howard County Council  
George Howard Building  
3430 Court house Drive  
Ellicott City, MD 21043

RE: CB38-2019

Dear Council members:

I want to express my sincere opposition to CB38-2019.

**This Bill is bad policy and bad for the County.**

This bill is more concerned with shutting down development than actually controlling flooding in Ellicott City or helping the environment.

The bill is Anti-business and will Stop development, including homebuilding, retail, and other desirable commercial/industrial projects.

There are many Unintended consequences – individual property owners can't use their property like they want to, and even County projects are infeasible.

Howard County needs development. New development is vital to the financial health of Howard County; the county needs to keep its tax base to continue to provide quality services.

No amendments. Nothing could make this bad bill better.

Sincerely,

Scott Armiger  
12108 Serenity Lane  
Marriottsville, MD 21104



## Sayers, Margery

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**From:** Paul Revelle <paul.revelle@gmail.com>  
**Sent:** Monday, September 16, 2019 11:25 AM  
**To:** CouncilMail  
**Subject:** CB 38-2019  
**Attachments:** Testimony on CB 38-2019- final.docx

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

I plan to testify in person but I am also submitting my testimony by email- see attached.

Paul Revelle

**Testimony  
CB 38-2019  
Paul Revelle  
7017 Meandering Stream Way  
Fulton, MD 20759**

I agree with efforts to protect the watershed and improve stormwater protections. But I don't agree that this bill accomplishes either goal.

Raising standards and requirements necessarily increases costs. That is to be expected and is appropriate given the loss of life, jobs, and homes on Main Street.

But this Bill eliminates the means to pay for most of the new environmental and stormwater protections- development.

I heard an Elkridge resident testifying in a zoning case the other night that she has repeatedly asked the County over the past 20 years to address the flooding in their neighborhood. She described car doors and refrigerators being pushed downstream from the junkyard next door by stormwater until they block the culvert under a bridge and the storm water backs up into her property. She has been shuffled from office to office each time she called or wrote about it. When the neighboring property proposed a residential development and proposed to manage the flooding she testified in favor of it. She said it was the first time anyone had offered to do anything about their flooding.

By so severely limiting development in the watershed with this Bill, that Elkridge woman's frustrating experience will be repeated by other residents again and again.

We have a project in the Tiber watershed- Dorsey's Ridge. As soon as the Tiber/Plumtree moratorium was proposed we started working on a stormwater plan that would manage the worst flooding events of the past 2 + years. We worked closely with the County and used the storm event data that they have built into the Design Manual changes being proposed in CB 42-2019. We have submitted the stormwater design to the County for review and we are ready to build it now- even though we can't move ahead with the subdivision until next summer because of APFO.

This bill would prevent us from being able to finance and build the new stormwater protections. We don't think that makes sense and we don't believe this is what you intended. Instead we urge you to approve the new Design Manual.

## Sayers, Margery

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**From:** Liz Larson <ealarson1@verizon.net>  
**Sent:** Monday, September 16, 2019 11:24 AM  
**To:** CouncilMail  
**Cc:** ealarson1@verizon.net; 'Lew's Mail'  
**Subject:** CB38-2019

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

Ho Co Council Members -- as constituents of District 3, we are writing in support of Council Bill 38-2019, which, if passed, would be a good first step toward limiting some of the egregious and destructive overdevelopment in Howard County. As home owners in Columbia since 1975 we have been appalled and dismayed at the continual lack of appropriate planning and protection of our most precious asset, the environment. Promised open space and low-density housing areas have continually been re-zoned or "exempted" in order to allow powerful developers, who seem to rule in Howard County, to destroy natural resources in order to garner huge financial profits at the expense of Ho Co residents. If there is one lesson to be learned from the 2 disastrous floods in Ellicott City in the past few years, it should be that Ho Co Council Members and our County Executive should no longer allow such rampant overdevelopment, which is never accompanied by adequate environmental planning, and always facilitated by the incredibly low fees developers pay to build in Howard County. All of this negatively affects our quality of life and that of the environment and wildlife we treasure -- as a wealthy county, surely we can do better.

Please do the right thing despite the risk of losing developer-sourced campaign money, pass this bill, and then advocate for additional long-overdue measures to preserve the remaining quality of life we have.

Thank you.

Elisabeth and Lewis Larson  
9774 Polished Stone  
Columbia, MD  
21046

## Sayers, Margery

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**From:** Alicia B <foxfieldfarm@msn.com>  
**Sent:** Monday, September 16, 2019 11:13 AM  
**To:** CouncilMail  
**Subject:** Please Pass Council Bill CB38

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

Dear Howard County Council,

Please pass Council Bill CB38. I am a Howard County Master Gardener and farm owner and I care about protecting vulnerable environmental areas and green space. I live in District 5.

Thank you,

Alicia Buxton  
2728 Jennings Chapel Road  
Woodbine, MD 21797

## Sayers, Margery

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**From:** Rigby, Christiana  
**Sent:** Monday, September 16, 2019 11:02 AM  
**To:** Sayers, Margery  
**Subject:** FW: CB 38

**From:** Richard Freas <rafreas@gmail.com>  
**Sent:** Sunday, September 15, 2019 2:38 PM  
**To:** Rigby, Christiana <crigby@howardcountymd.gov>  
**Subject:** CB 38

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

My name is Richard Freas and I live at 9465 Glen Ridge drive, Laurel MD 20723-1338. I am in favor of this legislation but have some concerns.

While I know that this bill is directed at a certain area around Ellicott City for obvious reasons, I'm concerned that it misses the fact that the conditions addressed are widespread in Howard County. The continued practice of allowing "in lieu of" fees guarantees that rampant development continues everywhere which further damages our environment. (Other similar "escape clauses" keep us from building real affordable housing in communities but that's another issue.) Far too many "hardship exemptions" are allowed everywhere which circumvents existing environmental regulations and further degrades our ecosystems. I sat on the recent APFO update committee and became disillusioned by the apparent control the building industry has over development. Every single proposal to make changes to this system or adding realistic development fees was shot down by the industry representatives on the committee. I feel that we need to seriously address these issues not just in Ellicott City but all of Howard County.

Sincerely,  
Richard Freas

## Sayers, Margery

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**From:** Mary Nichols <marynichols18@gmail.com>  
**Sent:** Monday, September 16, 2019 11:00 AM  
**To:** CouncilMail  
**Subject:** I urge you to support CB38. It is time for Howard County to take responsibility for past zoning decisions and do the right thing for future generations!!

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

## Sayers, Margery

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**From:** Samantha Norris <thesamanthanorris@gmail.com>  
**Sent:** Monday, September 16, 2019 10:51 AM  
**To:** CouncilMail  
**Subject:** CB38 Support  
**Attachments:** CB38 Support.pdf

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

Dear Council Members,

Attached is a letter in support of CB38.

Samantha Norris

Support for CB38

Good Morning,

I am writing from District 2 to express my support for Council Bill 38, limiting development in our area. For years our county has been overdeveloped and undermaintained. It is irresponsible to continue to allow development at the rates proposed. Environment, social and infrastructure impacts need to be considered.

As demonstrated by the floods in Old Ellicott City and, to a lesser degree, Elkridge our area cannot handle the development. There is nowhere for the runoff to go, and if we continue to develop, especially with high density housing, we will find ourselves even worse off.

Furthermore, our schools and road cannot handle the increased population that would result. Our traffic is already disastrous, and schools can't provide the necessary services for the number of children seeking their education in our school system.

Again, I urge you to support this bill, for the future of our county.

Sincerely,

Samantha Norris



## Sayers, Margery

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**From:** Brian Levine <brianl@gbc.org>  
**Sent:** Monday, September 16, 2019 10:42 AM  
**To:** CouncilMail  
**Subject:** Testimony in Opposition to Bill No. 38 Attached  
**Attachments:** Howard County Council Bill No. 38 -2019 -- The Patapsco Lower North Branch Bill.pdf

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

Attached is the Greater Baltimore Committee's testimony in opposition to Bill No. 38. Thank you.

### Brian Levine

Senior Vice President of Government Relations  
Greater Baltimore Committee  
111 S. Calvert Street, Suite 1700  
Baltimore, Maryland 21202  
Phone: (410) 727-2820  
E-Mail: [brianl@gbc.org](mailto:brianl@gbc.org)

[www.gbc.org](http://www.gbc.org)

Follow the GBC on Twitter: [twitter.com/GBCorg](https://twitter.com/GBCorg)

Become a GBC fan on Facebook: [facebook.com/GBCorg](https://facebook.com/GBCorg)

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### Upcoming GBC Events

**September 27** Newsmaker Breakfast: Baltimore City Community College President Dr. Debra L. Mc Curdy  
**October 18** Newsmaker Breakfast: Senator Chris Van Hollen  
**October 21** Bridging the Gap Diversity, Equity and Inclusion Summit  
**November 5** GBC Economic Outlook Conference  
**November 13** Newsmaker Breakfast: Howard County Executive Calvin Ball  
**November 15** Breakfast Briefing: Hunger & Poverty in Baltimore  
**November 18** Bridging the Gap Awards  
**December 12** 45<sup>th</sup> Annual Mayor's Business Recognition Award Luncheon  
**December 16** Newsmaker Breakfast: Baltimore County Executive John Olszewski, Jr.

GREATER BALTIMORE COMMITTEE: Regional business leaders creating a better tomorrow...today!

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# POSITION STATEMENT

TESTIMONY PRESENTED TO THE HOWARD COUNTY COUNCIL

**BILL NO. 38 -2019 -- THE PATAPSCO LOWER NORTH BRANCH BILL**

September 16, 2019

**BRIAN LEVINE  
SENIOR VICE PRESIDENT  
GREATER BALTIMORE COMMITTEE**

**Position: Oppose**

The Greater Baltimore Committee (GBC) opposes Bill No. 38 -2019 -- *The Patapsco Lower North Branch Bill*. While the GBC is strongly supportive of responsible development and reasonable environmental protections, Bill No. 38 vastly exceeds the necessary and reasonable standards. Passage of this bill would hinder economic activity, job growth, and affect economic viability.

The GBC's mission is to improve the business climate of the Greater Baltimore region, which includes Howard County, by organizing its corporate and civic leadership to develop solutions to the problems that affect the region's competitiveness and viability. The GBC contends that Bill No. 38 is contrary to this mission.

The GBC maintains that responsible development growth standards are an important and necessary component for economic growth, but Bill No. 38's effectively imposes a growth moratorium within the Patapsco Lower North Branch Watershed. Furthermore, creating a development framework that requires vastly different rules within Howard County creates inconsistency, confusion, and is unworkable.

The GBC has a number of specific concerns with Bill No. 38. First, the bill is not in alignment with the Howard County General Plan, which already strives to achieve managed growth, environmental conservation and sustainable practices. A moratorium on growth does not fit within the confines of the General Plan. While responsible growth in Howard County's watershed is vital, curtailing virtually all future development impedes important and necessary redevelopment, including on the Route 1 corridor. The bill's overly prohibitive language would even preclude Howard County government from planning and carrying out public works projects that benefit residents residing in the watershed.

Furthermore, those living in the watershed would be prevented from making virtually any minor improvements on their own property as most would put them in violation of the bill's provisions. For developers, the bill would not only halt future projects, but likely jeopardize approved projects or those currently in the pipeline for approval. This would make Howard County susceptible to legal challenges, which could lead to costly lawsuits.

Oftentimes, legislation with entirely good intentions can create unfortunate unintended consequences. While it is appropriate for policymakers to address issues related to development in Howard County, these solutions should be responsible and balanced. The provisions contained in Bill No. 38 do not present a responsible or balanced approach for the Patapsco Lower North Branch Watershed. This approach would inhibit future growth, create confusion and negatively affect the region's economic viability.

**For these reasons, the Greater Baltimore Committee urges the Howard County Council to defeat Bill No. 38 -2019.**

*The Greater Baltimore Committee (GBC) is a non-partisan, independent, regional business advocacy organization comprised of hundreds of businesses -- large, medium and small -- educational institutions, nonprofit organizations and foundations located in Anne Arundel, Baltimore, Carroll, Harford, and Howard counties as well as Baltimore City. The GBC is a 64-year-old, private-sector membership organization with a rich legacy of working with government to find solutions to problems that negatively affect our competitiveness and viability.*

**GREATER BALTIMORE COMMITTEE**

111 South Calvert Street • Suite 1700 • Baltimore, Maryland • 21202-6180

(410) 727-2820 • [www.gbc.org](http://www.gbc.org)

## Sayers, Margery

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**From:** chileclouds@aol.com  
**Sent:** Monday, September 16, 2019 10:38 AM  
**To:** CouncilMail  
**Subject:** In Favor of County Bill 38

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

Greetings,

I reside in District 1, and I am appalled daily at the over development that the County has permitted. As a resident of Columbia for over 3 decades I have seen what the construction frenzy has caused; the eradication of forests, meadows, and streams and the nightmarish increase in traffic. Just 25 years ago, the path off our street was wonderfully alive with lightening bugs, butterflies, frogs and lush streams. Now the streams are dry, choked with stilt grass, the trees are diseased and failing, the healthy ecology is gone. Deer and raccoons invade our yards because their habitat has been taken over by shopping centers (as if we need more) and homes. This obsession to construct at all costs has got to end. I am in favor of Council Bill 38 as it puts an end to the granting of waivers. This is at least a start to more intelligent and considered planning.

Thank you, Claudia Koenig

4042 Larkspring Row  
Ellicott City , Md.