CR 122-2019

Sayers, Margery

From: Melissa Metz <melissametz725@gmail.com>
Sent: Monday, September 16, 2019 9:04 PM
To: CouncilMail
Subject: CR122 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,

CR-122 amends fees-in-lieu for constructing stormwater management facilities. I have several concerns about this Resolution:

- It uses the term "stormwater management" without specifying whether it refers to quality or quantity management. I would expect that projects that manage stormwater quantity would be more expensive, as they would have to capture a greater volume of water.
- I was unable to locate the current schedule of fees, so it is unclear whether this represents increasing or decreasing the fees, and by how much.
- The fees appear to be quite low. On what basis were these determined? Did they consider the cost of managing stormwater quantity as per the recent engineering studies in Ellicott City?
- The approach to the fees is the same across the county. In practice, each property would have a different profile and impact on flood risk. How can uniform fees be applied?

I support increasing developer drainage fees and severely limiting any fees-in-lieu as I have written in my testimony on CR-123. Specifically:

- The option to provide a fee in lieu into an established flood mitigation capital project will only displace funding that the county government would get through other means (taxes, state government, local government). This would not address the *additional* infrastructure required to mitigate flood risk that the developer's project would add to the area. This is an important loophole that should be closed. Cash contribution to a capital project could be considered *only if* that cash contribution increases the capacity of the capital project to deal with the increased risk of flooding from the proposed development. The best option would be to remove fees-in-lieu altogether.
- The option to provide a fee in lieu into an "established stormwater bank" is unclear. What is this "bank"? Is it a fund managed by the county government? This option should be removed. It does not guarantee any of the following: i) that the funding would go to fund stormwater management infrastructure that would address the incremental flood risk added by the development; or ii) that it would not displace funding that the county government was going to make available for projects anyway. This option should be removed from CR-123.
- I support the other two options for mitigating stormwater quantity that are included in CR-123.

Best,

Melissa Metz

Woodstock, MD

District 5

MARYLAND BUILDING INDUSTRY ASSOCIATION

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

September 16, 2019

Re: OPPOSITION OF Increasing Fee in Lieu and Stormwater Management Standards in Ellicott City (CR122-2019 and CR123-2019)

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

The Howard County Chapter of the Maryland Building Industry Association (MBIA) writes to oppose Council Resolutions 122 and 123, which increases the fee that developers pay when land cannot accommodate stormwater management facilities on-site, and escalates the standards for stormwater management facilities in the Tiber Branch and Plumtree watersheds.

This package, though narrowly tailored to affect only Ellicott City and its immediate surrounding landscape, are burdensome and expensive. Providing runoff for 24-hour, 100-year and 3.55-hour, 6.6 inch storm events will be difficult and expensive. Furthermore, with several hurdles already in place, and a high cost of $72,000 per acre-foot of water storage, paying a fee in lieu of any amount is already difficult. Additional legislation is unnecessary.

While we oppose these resolutions as currently drafted, we support the Administration's attempt to alleviate flooding in Ellicott City and look forward to continuing to work together towards an effective solution. We respectfully request the Council to vote no on Council Resolutions 122 and 123.

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 or (202) 815-4445.

Best regards,

Angelica Bailey, Esq., Vice President of Government Affairs

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

Testimony against CR122 & CR 123

Bruce T. Taylor, M.D., Taylor Service Company, 4100 College Ave., Ellicott City, MD 21043

While CR 122 & CR123 are overly burdensome to developers, asking new projects to do more than their fair share, they do get us back on track to answer the questions posed by CB56 and provide a framework for solutions making CB 38 and CB40 totally unnecessary. CR 122 & CR 123 should be amended in some less restrictive form to allow the moratorium to end and development which will benefit Ellicott City and the County to proceed.

More than doubling the fees for offsite projects seems too steep under CR 122.

Asking new projects in the watershed to increase their retention by about one third also seems a bit much.

The facts of the County water or hydrology study published in June 2017 recognized development as only a minor contributor to flooding of Old Ellicott City (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. The study notes that even if all the remaining undeveloped property were fully developed it would not have made the flooding worse. It didn't, however, point out an important fact, which is that any new development, with existing or even more stringent standards, will help. Even if all the remaining undeveloped land and all the re-development currently planned were to retain all the rainfall hitting the property, it would not stop Old Ellicott City from flooding as it is only a few percent of the entire 3.7 square miles of the watershed.

In order to stop flooding we need as a community to concentrate on large scale projects as the Administration is doing in its flood mitigation plan. We also need to work more on reducing our footprint on the environment while fostering development in order to reduce climate change.

Each new development under current standards 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. New and redeveloped sites often feature green building aspects which are not part of older construction, helping the environment.

Raising the cost of new housing, when and if it can happen, may eliminate projects that would provide Moderate Income Housing Units (MIHUs) and thereby reduce needed housing for workers in the County.

With no grandfathering, property owners with projects in line for years may need to abandon or completely re-design their projects, leaving the County with less revenue.

In summary, we urge you to amend and pass CR 122 & CR 123 to reduce the increase in cost of new projects, possibly putting off or cancelling projects which would benefit Ellicott City and Howard County

Sayers, Margery

From: Carolyn Weibel <carolinasandsunsurf2@gmail.com>
Sent: Monday, September 16, 2019 3:31 PM
To: CouncilMail
Subject: Council Resolution 122-2019: Stormwater management facilities

[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,

As I am unable to attend this evening's County Council Meeting, I am concerned about any fees-in-lieu for constructing storm water management facilities. I am against such fees.

Simply stated, if stormwater management facilities cannot be accommodated on-site due to engineering or site constraints, then developers can't build. Find another use for the land. No amount of money can fix the problems - safety, loss of personal property, peace of mind, etc.

Thank you for your time.

Carolyn Weibel
Valley Mede

Sayers, Margery

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

From: Rigby, Christiana
Sent: Monday, September 16, 2019 1:14 PM
To: Sayers, Margery
Subject: FW: My support for the Ball resolutions 122, and 123 and disapproval of CB 38

From: Cindi Ryland <taylorscollective@gmail.com>
Sent: Thursday, September 12, 2019 11:46 AM
To: Jones, Opel <ojones@howardcountymd.gov>; Yungmann, David <dyungmann@howardcountymd.gov>; Rigby, Christiana <crigby@howardcountymd.gov>; Jung, Deb <djung@howardcountymd.gov>
Subject: Fwd: My support for the Ball resolutions 122, and 123 and disapproval 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 Dr Ball and Howard County Council Members:

I am writing to you as a Howard County resident and business owner in Old Ellicott City. I believe that we can fix the flooding issues and continue to grow; we need more people living, working and shopping on Main Street and its surrounds - we cannot allow our wonderful historic gem to become stagnant and die!

Walsh bill CB 38, designed to stop development in the whole Patapsco watershed, will do nothing to reduce or manage flooding and it would certainly not allow our glorious county or our wonderful town to thrive or prosper.

Respectfully submitted,

Cindi K. Ryland
Howard County Resident
10212 Queen's Camel Ct.
Ellicott City, MD 21042

and

President
Retropolitan Ltd
8197 Main St.
Ellicott City, MD 21043