

Introduced	<u>7/1/19</u>
Public Hearing	<u>9/16/19</u>
Council Action	<u>10/7/19</u>
Executive Action	
Effective Date	<u>/</u>

**County Council of Howard County, Maryland**

2019 Legislative Session

Legislative Day No. 9

**Bill No. 38 -2019**

The Patapsco Lower North Branch Bill

Introduced by: Liz Walsh

AN ACT to prohibit certain waivers in the Patapsco Lower North Branch Watershed; to prohibit certain disturbance of land in the Ellicott City Floodplain; to prohibit specified activities in certain buffers; to provide certain open space requirements in the Patapsco Lower North Branch Watershed; to eliminate certain fees-in-lieu; to prohibit residential infill under specified circumstances; to prohibit the issuance of certain variances in the Patapsco Lower North Branch Watershed; adding certain requirements related to forest conservation plans; to limit forest cover clearing in the Patapsco Lower North Branch Watershed; to specify the afforestation level in certain cases; to alter requirements and procedures to control the adverse impacts associated with stormwater; and generally relating to subdivision and land development regulations.

Introduced and read first time July 1, 2019. Ordered posted and hearing scheduled.  
*Life extended 7/29/19* By order Jessica Feldmark  
Jessica Feldmark, Administrator

Having been posted and notice of time & place of hearing & title of Bill having been published according to Charter, the Bill was read for a second time at a public hearing on September 16, 2019.  
 By order Diane A. Jones  
Jessica Feldmark, Administrator

This Bill was read the third time on October 7, 2019 and Passed  Passed with amendments  Failed   
 By order Diane A. Jones  
Jessica Feldmark, Administrator

Sealed with the County Seal and presented to the County Executive for approval this \_\_\_\_\_ day of \_\_\_\_\_, 2019 at \_\_\_\_\_ a.m./p.m.  
 By order Diane A. Jones  
Jessica Feldmark, Administrator

Approved by the County Executive \_\_\_\_\_, 2019  
 \_\_\_\_\_  
 Calvin Ball, County Executive

NOTE: [[text in brackets]] indicates deletions from existing law; TEXT IN SMALL CAPITALS indicates additions to existing law; Strike-out indicates material deleted by amendment; Underlining indicates material added by amendment.

1 **Section 1. Be It Enacted** by the County Council of Howard County, Maryland, that the  
2 Howard County Code is amended as follows:

3 *By adding:*

4 *Title 16. Planning, zoning and subdivisions and land development regulations.*

5 *Subtitle 1. Subdivision and land development regulations.*

6 *Article II. - Design standards and requirements*

7 *Section 16.115(e).*

8 *By amending:*

9 *Title 16. Planning, zoning and subdivisions and land development regulations.*

10 *Subtitle 1. Subdivision and land development regulations.*

11 *Article I. General*

12 *Section 16.104(d).*

13 *Article II. - Design standards and requirements*

14 *Section 16.116(c) and (d).*

15 *Section 16.121(a) and (b).*

16 *Section 16.125(b).*

17 *By adding:*

18 *Title 16. Planning, zoning and subdivisions and land development regulations.*

19 *Subtitle 1. Subdivision and land development regulations.*

20 *Section 16.127(d).*

21 *By amending:*

22 *Title 16. Planning, zoning and subdivisions and land development regulations.*

23 *Subtitle 7. Floodplain*

24 *Section 16.711(c)(2).*

25 *Subtitle 12. - Forest Conservation*

26 *Section 16.1204(b) and (d).*

27 *Section 16.1206(c).*

28 *Section 16.1207(c).*

29 *Section 16.1210(a).*

30 *Section 16.1215.*

1           *By adding:*  
2           *Title 16. Planning, zoning and subdivisions and land development regulations.*  
3                     *Subtitle 7. Floodplain*  
4                             *Section 16.1206(d).*  
5                             *Section 16.1207(d).*

6           *By amending:*  
7           *Title 18. Public Works*  
8                     *Subtitle 9. Stormwater Management.*  
9                             *Section 18.902A. (b) and (c).*  
10                            *Section 18.903(a).*  
11                            *Section 18.908(a).*  
12                            *Section 18.910(b).*

13          *By adding:*  
14          *Title 18. Public Works*  
15                     *Subtitle 9. Stormwater Management.*  
16                             *Section 18.909(f).*  
17                             *Section 18.910(e).*

18  
19           **Title 16. Planning, zoning and subdivisions and land development regulations.**

20                     **Subtitle 1. Subdivision and land development regulations.**

21                             **Article I. General**

22           **Section 16.104. Waivers.**

23           (d) *No Waivers of FOREST CONSERVATION, Floodplain, Wetland, Stream, or Steep Slope*  
24           *Regulations in the [[Tiber Branch]] PATAPSCO LOWER NORTH BRANCH Watershed.*

25           (1) [[The Department may not grant waivers of any requirement of section 16.115  
26           or section 16.116 of this title for any property located in the Tiber Branch Watershed  
27           unless the waiver]] WAIVERS SHALL NOT BE ALLOWED FOR DIVISION OR DEVELOPMENT OF  
28           LAND IN THE PATAPSCO LOWER NORTH BRANCH WATERSHED FROM ANY ON-SITE  
29           REQUIREMENT OF SUBTITLE 12 OF THIS TITLE OR ARTICLE II OF THIS SUBTITLE UNLESS THE  
30           EXEMPTION IS NECESSARY:

- 1                    [[ (1) Was requested on or before November 7, 2016;
- 2                    (2) Is necessary for the reconstruction of existing structures or
- 3 infrastructure damaged by flood, fire, or other disaster
- 4                    (3) Is necessary for the construction of a stormwater management or flood
- 5 control facility as part of a redevelopment project
- 6                    (4) Is necessary for the retrofit of existing facilities or installation of new
- 7 facilities intended solely to improve stormwater management or flood control for
- 8 existing development
- 9                    (5) Is requested as part of a development proposal and the Director of the
- 10 Department of Public Works, or his designee serving as Floodplain Administrator,
- 11 finds that upon completion of construction of the development, which may
- 12 include off-site improvements within the Tiber Branch Watershed, there will be
- 13 improvement to flood control in the Tiber Branch Watershed at least ten percent
- 14 more than what would otherwise be required by law; or
- 15                    (6) Is necessary for the construction of an addition, garage, driveway or
- 16 other accessory use improvement of an existing residential structure on property
- 17 located within the Tiber Branch Watershed that increases the square footage of t
- 18 he impervious surfaces on the property by no more than 25 percent over the
- 19 square footage of impervious surfaces that existed on the property prior to the
- 20 effective date of this bill]]

21                    (1) TO RETROFIT EXISTING FACILITIES OR TO INSTALL NEW INFRASTRUCTURE

22 SOLELY INTENDED TO IMPROVE STORMWATER MANAGEMENT OR FLOOD CONTROL

23 FOR EXISTING DEVELOPMENT; OR

24                    (2) TO CONSTRUCT, ENHANCE, OR REPAIR PUBLIC STORMWATER

25 MANAGEMENT INFRASTRUCTURE OR FLOOD CONTROL FACILITIES.

26

27 **Sec. 16.108. - Rules of construction; definitions.**

28 (b) *Definitions.* As used in these regulations, the following terms shall be defined as

29 follows:

1 (36.1) *PATAPSCO LOWER NORTH BRANCH WATERSHED* MEANS THE WATERSHED THAT THE  
2 MARYLAND DEPARTMENT OF THE ENVIRONMENT REFERS TO AS WATERSHED BASIN CODE  
3 02130906 AND THAT IS SHOWN AS EXHIBIT A ATTACHED TO COUNCIL BILL 38-2019.  
4

5 **Article II. - Design standards and requirements**  
6

7 **Section 16.115. Floodplain preservation.**

8 (E) *DISTURBANCE WITHIN ELLICOTT CITY FLOODPLAIN*. DISTURBANCE OF LAND IS NOT  
9 ALLOWED WITHIN THE 2016 ELLICOTT CITY FLOODPLAIN OR WITHIN 100' OF THE  
10 FLOODPLAIN UNLESS NECESSARY:

11 (1) TO RETROFIT EXISTING FACILITIES OR TO INSTALL NEW INFRASTRUCTURE  
12 SOLELY INTENDED TO IMPROVE STORMWATER MANAGEMENT OR FLOOD CONTROL  
13 FOR EXISTING DEVELOPMENT; OR

14 (2) TO CONSTRUCT, ENHANCE, OR REPAIR PUBLIC STORMWATER  
15 MANAGEMENT INFRASTRUCTURE OR FLOOD CONTROL FACILITIES.  
16

17 **Section 16.116. Protection of wetlands, streams, and steep slopes.**

18 (C) *PATAPSCO LOWER NORTH BRANCH WATERSHED*.

19 GRADING, REMOVING VEGETATIVE COVER INCLUDING TREES, PAVING, OR BUILDING  
20 ANY NEW STRUCTURES IN THE PATAPSCO LOWER NORTH BRANCH WATERSHED IS NOT  
21 ALLOWED:

22 (1) WITHIN 100' OF ANY WETLANDS OR WATERWAYS; OR

23 (2) WITHIN 50' OF STEEP SLOPES.

24 ~~[[c]]~~ (D) *Necessary Disturbance*:

25 (1) Grading, removal of vegetative cover and trees, and paving are not permitted  
26 in wetlands, streams, wetland buffers, stream buffers or steep slopes unless the  
27 Department of Planning and Zoning determines based on a detailed justification provided  
28 by the developer that:

1 (i) It is necessary for construction of public or private roads, driveways,  
2 utilities, trails, pathways, or stormwater management facilities which are essential  
3 for reasonable development of the property;

4 (ii) The design minimizes disturbance;

5 (iii) There is no other reasonable alternative; and

6 (iv) The cost of an alternative improvement shall not be a factor in  
7 deciding whether the criteria in subject subsection (i) above can be met.

8 (2) Reasonable development, for the purpose of this subsection, does not  
9 guarantee maximum possible development under the zoning regulations for density  
10 receiving subdivisions in the RC and RR zoning districts. In any zoning district,  
11 achieving the maximum possible density is not sufficient justification alone to allow  
12 disturbance.

13 (3) IN THE PATAPSCO LOWER NORTH BRANCH WATERSHED, GRADING, REMOVING  
14 VEGETATIVE COVER INCLUDING TREES, PAVING, OR BUILDING ANY NEW STRUCTURES IS NOT  
15 ALLOWED WITHIN 100' OF ANY WETLANDS OR WATERWAYS OR WITHIN 50' OF STEEP  
16 SLOPES UNLESS NECESSARY:

17 (1) TO RETROFIT EXISTING FACILITIES OR TO INSTALL NEW INFRASTRUCTURE  
18 SOLELY INTENDED TO IMPROVE STORMWATER MANAGEMENT OR FLOOD CONTROL  
19 FOR EXISTING DEVELOPMENT; OR

20 (2) TO CONSTRUCT, ENHANCE, OR REPAIR PUBLIC STORMWATER  
21 MANAGEMENT INFRASTRUCTURE OR FLOOD CONTROL FACILITIES.

22 (4) If permitted, the grading, removal of vegetative cover and trees, or  
23 construction shall only be to the extent required to accommodate the necessary  
24 improvements. In these cases, the Department of Planning and Zoning shall require the  
25 least damaging designs, such as bridges, bottomless culverts or retaining walls, as well as  
26 environmental remediation, including the planting of the areas where grading or removal  
27 of vegetative cover or trees has taken place utilizing best practices for ecological  
28 restoration and water quality enhancement projects.

1           [[ (4) ]] (5) An applicant shall request permission from the Department of Planning  
2 and Zoning for a necessary disturbance exception in writing for the grading, removal of  
3 vegetative cover and trees, or paving as described in subsection (c) of this section.

4           [[ (5) ]] (6) The Department of Planning and Zoning shall make available to the  
5 County Council and the public on the Department's webpage a monthly report that  
6 includes the following information for each application for a necessary disturbance  
7 exception:

8                   (i) The name of the applicant;

9                   (ii) The date of the application;

10                  (iii) Project name;

11                  (iv) Project type;

12                  (v) A description of the project;

13                  (vi) The action of the Department to deny the application, approve the  
14 application, or advise the applicant to seek alternative compliance; and

15                  (vii) If approved, include in the report the applicant's mitigation  
16 requirement.

17  
18 **Section 16.121. Public sites and open space.**

19 *(a) Open Space Requirements:*

20           (1) *Purpose.* The [[purpose]] PURPOSES of open space requirements are:

21                   (i) To properly locate and preserve open space which protects  
22 environmental resources and provides for recreation or public use; and

23                   (ii) To equitably apportion costs of providing the sites necessary to serve  
24 the additional families brought into the community by subdivisions or  
25 developments on the basis of the additional need created.

26           (2) [[*Calculated as percentage of gross area of proposed subdivision or site*  
27 *development*]] *Method to calculate.*

28           (1) EXCEPT AS PROVIDED IN PARAGRAPH (2)(II) OF THIS SUBSECTION, REQUIRED  
29 [[Required]] open space shall be calculated as the following percentage of the gross area  
30 of the proposed subdivision or development. The area of any overhead utility

1 transmission line easements shall be deducted from gross area before calculating the open  
2 space requirement.

3 (ii) FOR A PROPERTY IN THE PATAPSCO LOWER NORTH BRANCH WATERSHED, THE  
4 MINIMUM OPEN SPACE REQUIRED IS 75% OF THE NET TRACT AREA OF THE SUBDIVISION OR  
5 DEVELOPMENT, AND THE MAXIMUM PERMITTED LIMIT OF DISTURBANCE IS 25% OF THE NET  
6 TRACT AREA.

7 (b) Dedication of Required Open Space; ~~[[In-Lien]]~~ IN-LIEU Fee Payments:

8 (1) At the discretion of the County, all or a portion of the open space area shall be  
9 dedicated and deeded without charge to Howard County or to the State of Maryland if  
10 adjacent to an existing State park. For condominium or rental unit site development  
11 plans, the open space may be transferred to the County by deed rather than a subdivided  
12 lot.

13 (2) The Department of Planning and Zoning may at the Department's discretion  
14 require the developer to pay a fee-in-lieu of actual establishment of open space if:

15 (i) The subdivision does not use the optional lot size provision in the R-20  
16 or R-12 zoning district and the Department of Recreation and Parks has  
17 determined that creation of open space is not necessary or desirable;

18 (ii) The size of the area required for dedication is small (generally under  
19 one-half acre) and has no potential for expansion via the subdivision of an  
20 adjacent parcel; ~~[[and]]~~

21 (iii) The open space would have little environmental or recreational  
22 purpose ~~[[. ]]~~ ; AND

23 (IV) THE PROPERTY IS NOT LOCATED IN THE PATAPSCO LOWER NORTH  
24 BRANCH WATERSHED.

25 (3) In-lieu fee payments shall be:

26 (i) As established in the fee schedule adopted by the County Council; and

27 (ii) Held in escrow and used by the County for the purpose of acquiring  
28 open space land in the general area of the subdivision or development and shall be  
29 used for this and no other purpose.

30



1 **Section 16.125. Protection of scenic roads.**

2 (b) *Guidelines for Development of Land Abutting a Scenic Road.*

3 Because scenic landscapes vary greatly, design solutions for development will  
4 vary. The following guidelines provide direction for the development of land abutting a  
5 scenic road. They are to be applied as appropriate, given the constraints of the particular  
6 site and the relative priority of other County policies and requirements such as public  
7 safety, farmland preservation, forest conservation, protection of sensitive environmental  
8 features and the need to construct public facilities.

9 (1) *General.*

10 (i) Use the cluster subdivision provisions of the zoning regulations  
11 to site buildings and roads in locations that minimize the impact of the  
12 subdivision on views from the scenic road. Generally structures and uses  
13 should be located away from the right-of-way for scenic roads unless  
14 screened by topography or vegetation.

15 (ii) Minimize tree and vegetation removal. In addition to  
16 requirements for protection of forests, steep slopes, streams and wetlands,  
17 emphasize the protection of vegetation adjacent to the scenic road, as well  
18 as mature trees and hedgerows visible from the road.

19 (iii) Minimize grading; retain existing slopes along the scenic road  
20 frontage.

21 (iv) Orient lots so that houses do not back up to a scenic road. If  
22 this cannot be avoided, houses should be sited as far as possible from the  
23 road and well screened.

24 (v) Locate and design utilities, stormwater management facilities,  
25 drainage structures, bridges, lighting, fences and walls to be unobtrusive  
26 and to harmonize with the surroundings to maintain existing view  
27 corridors. Subdivision entrance features should be low, open, and in  
28 keeping with the scenic character of the area in accordance with section  
29 128 of the zoning regulations.

1 (vi) Locate parking lots, loading areas and storage areas so that  
2 these uses are screened from the scenic road.

3 (vii) Use vegetation commonly found on the site or in the area for  
4 landscaping.

5 (viii) For density receiving subdivisions in the RC and RR zoning  
6 districts, achieving the maximum possible density is not sufficient  
7 justification to allow impacts on scenic roads.

8 (2) *Forested or wooded areas.* Any new developments located along scenic roads  
9 must maintain at least a 35-foot buffer of existing forest or wooded area between the road  
10 and the new development. The buffer shall be wide enough to maintain the road's visual  
11 character with a minimum width of at least 35 feet from the road right-of-way.

12 (3) *Areas with open views.*

13 (i) Cluster development to retain as much as possible of the open character  
14 of the site and to minimize interference with panoramic views from the road.

15 (ii) Where possible, site new buildings behind natural screening or cluster  
16 development in or along the edges of forests, at the edges of fields and  
17 hedgerows, or near existing buildings.

18 (iii) Preserve the foreground meadow, pasture or cropland and place  
19 development in the background as viewed from the road.

20 (iv) Avoid placing structures on the tops of prominent ridges.

21 (v) If new construction cannot be made unobtrusive through siting or the  
22 use of natural screening, use landscaping, including berms, to buffer development  
23 from the scenic road.

24 (4) *Administrative waivers.*

25 (i) SUBJECT TO PARAGRAPH (4)(III) OF THIS SUBSECTION, A [[A]] developer  
26 seeking an administrative waiver from the scenic road requirements shall give  
27 written notice within one week of the filing date of the waiver petition, via first-  
28 class mail to:

29 a. All adjoining property owners identified in the records of the  
30 State Department of Assessments and Taxation; and

1 b. All attendees of record of the presubmission community  
2 meeting; and

3 c. All interested parties on file with the Department of Planning  
4 and Zoning.

5 (ii) The Department shall not approve any petition for a scenic road  
6 requirement waiver within 30 days of meeting the written notice requirement to  
7 allow for public comment.

8 (iii) A WAIVER OF A SCENIC ROAD REQUIREMENT APPLICABLE TO ANY  
9 SUBDIVISION OR DEVELOPMENT IN THE PATAPSCO LOWER NORTH BRANCH  
10 WATERSHED IS NOT ALLOWED.

11  
12 **Section 16.127. Residential infill development.**

13 (D) *RESTRICTIONS.*

14 RESIDENTIAL INFILL DEVELOPMENT IS NOT ALLOWED IN:

15 (1) THE PATAPSCO LOWER NORTH BRANCH WATERSHED; OR

16 (2) ANY EXISTING COMMUNITY THAT LACKS ADEQUATE INFRASTRUCTURE TO  
17 MANAGE STORMWATER UNDER CURRENTLY APPLICABLE REQUIREMENTS.

18  
19 **Subtitle 7. Floodplain**

20  
21 **Section 16.711. Variances.**

22 (c) *Variance Prohibited.*

23 (2) [[A variance may not be issued for any property located in the Tiber Branch  
24 Watershed unless the variance:

25 (i) Was requested on or before November 7, 2016;

26 (ii) Is necessary for the reconstruction of existing structures or  
27 infrastructure damaged by flood, fire, or other disaster;

28 (iii) Is necessary for the construction of a stormwater management or  
29 flood control facility as part of a redevelopment project;

1 (iv) Is necessary for the retrofit of existing facilities or installation of new  
2 facilities intended solely to improve stormwater management or flood control for  
3 existing development;

4 (v) Is requested as part of a development proposal and the Director of the  
5 Department of Public Works, or his designee serving as Floodplain Administrator,  
6 finds that upon completion of construction of the development, which may  
7 include off-site improvements within the Tiber Branch Watershed, there will be  
8 improvement to flood control in the Tiber Branch Watershed at least ten percent  
9 more than what would otherwise be required by law; or

10 (vi) Is necessary for the construction of an addition, garage, driveway or  
11 other accessory use improvement of an existing residential structure on property  
12 located within the Tiber Branch Watershed that increases the square footage of  
13 the impervious surfaces on the property by no more than 25 percent over the  
14 square footage of impervious surfaces that existed on the property prior to the  
15 effective date of this bill.]]

16 A VARIANCE SHALL NOT BE ISSUED FOR ANY PROPERTY LOCATED IN THE PATAPSCO  
17 LOWER NORTH BRANCH WATERSHED UNLESS THE VARIANCE IS NECESSARY:

18 (1) TO RETROFIT EXISTING FACILITIES OR TO INSTALL NEW INFRASTRUCTURE  
19 SOLELY INTENDED TO IMPROVE STORMWATER MANAGEMENT OR FLOOD CONTROL  
20 FOR EXISTING DEVELOPMENT; OR

21 (2) TO CONSTRUCT, ENHANCE, OR REPAIR PUBLIC STORMWATER  
22 MANAGEMENT INFRASTRUCTURE OR FLOOD CONTROL FACILITIES.

## 23 24 **Subtitle 12. - Forest Conservation**

### 25 26 **Section 16.1204. - Forest conservation plan.**

27 (b) *Professionally Prepared.* The forest conservation plan shall be prepared by a licensed  
28 [[forester,]] FORESTER OR landscape architect [[or other qualified professional as defined  
29 in the Forest Conservation Manual]].

30

1 (d) *Forest Conservation Plan*. A forest conservation plan shall:

2 (1) State the net tract area, area of forest conservation required and the area of  
3 forest conservation proposed on-site and/or off-site;

4 (2) Show the proposed limits of disturbance;

5 (3) Show locations for proposed retention of existing forest and/or proposed  
6 reforestation or afforestation;

7 (4) DEPICT TO SCALE THE CRITICAL ROOT ZONE OF SPECIMEN TREES THAT ARE ON  
8 OR THAT ADJOIN THE PROPERTY;

9 (5) DELINEATE ANY HUBS AND CORRIDORS COMPRISING PART OF THE COUNTY'S  
10 GREEN INFRASTRUCTURE NETWORK THAT ARE ON OR ADJOIN THE PROPERTY;

11 (6) DELINEATE ANY TARGETED ECOLOGICAL AREAS AS DESIGNATED BY THE STATE  
12 OF MARYLAND THAT ARE ON OR ADJOIN THE PROPERTY;

13 (7) Justify the following, if existing forest cannot be retained:

14 (i) How techniques for forest retention have been exhausted;

15 (ii) Why the priority forests specified in section 16.1205 cannot be left in  
16 an undisturbed condition;

17 (iii) If priority forests and priority areas cannot be left undisturbed, where  
18 on the site in priority areas reforestation or afforestation will occur in compliance  
19 with subsection 16.1208(a);

20 (iv) How the sequence for preferred reforestation or afforestation methods  
21 will be followed in compliance with subsection 16.1208(b); and

22 (v) Why reforestation or afforestation requirements cannot reasonably be  
23 accomplished on or off-site, if the applicant proposes payments of an in-lieu fee to  
24 the forest conservation fund;

25 [[(5)]] (8) Show proposed locations and types of protective devices to be used  
26 during construction to protect trees and forests designated for conservation;

27 [[(6)]] (9) In the case of reforestation or afforestation, include a reforestation or  
28 afforestation plan, with a timetable, description of needed site and soil preparation, and  
29 the species, size, and spacing of plantings;

1           [[ (7)]] (10) Include a binding two-year maintenance agreement as specified in the  
2 Manual that details how the areas designated for retention, reforestation or afforestation  
3 will be maintained to ensure protection and satisfactory establishment, including a  
4 reinforcement planting provision if survival rates fall below required standards. Financial  
5 security shall be provided for the maintenance agreement as provided in section 16.1209  
6 and the Manual. Minor subdivisions which meet forest conservation requirements  
7 entirely by forest retention are not required to have a two-year maintenance agreement;

8           [[ (8)]] (11) Include a long-term, binding forest conservation and management  
9 agreement with a plat of the forest conservation easement area, as specified in the Manual  
10 that:

11                   (i) Provides protection for areas of forest retention, reforestation and  
12 afforestation; and

13                   (ii) Limits uses in areas of forest conservation to those uses that are  
14 designated and consistent with forest conservation, including recreational  
15 activities and forest management practices that are used to preserve forest;

16           [[ (9)]] (12) Include other information the Department determines is necessary to  
17 implement this subtitle; and

18           [[ (10)]] (13) Be amended or a new plan prepared, as provided in the Manual, if  
19 required as a result of changes in the development or in the condition of the site.  
20

21 **Section 16.1206. Reforestation.**

22 (c) *Calculating the Amount of Reforestation Required.* SUBJECT TO SUBSECTION (D) OF  
23 THIS SECTION, THE [[The]] amount of reforestation required depends upon the amount of  
24 forest cover existing and removed from the net tract area and the land use being  
25 developed.

26 (D) *PATAPSCO LOWER NORTH BRANCH WATERSHED.* DIVISION OR DEVELOPMENT OF LAND IN  
27 THE PATAPSCO LOWER NORTH BRANCH WATERSHED SHALL NOT CLEAR MORE THAN 25%  
28 OF THE EXISTING FOREST COVER ON THE NET TRACT AREA.  
29

30 **Section 16.1207. Afforestation.**

1 (c) *Calculating the Amount of Afforestation Required.* SUBJECT TO SUBSECTION (D) OF  
2 THIS SECTION, THE ~~[[The]]~~ amount of afforestation required depends upon the amount of  
3 forest cover existing and removed from the net tract area and the land use being  
4 developed.

5 (D) DIVISION OR DEVELOPMENT OF LAND IN THE PATAPSCO LOWER NORTH BRANCH  
6 WATERSHED SHALL PROVIDE FOR ON-SITE AFFORESTATION COVERING AT LEAST 50% OF  
7 THE NET TRACT AREA.

8  
9 **Section 16.1210. - Fee-in-lieu of afforestation or reforestation.**

10 (a) Fee-In-Lieu Authorized:

11 (1) The Department may approve the payment of a fee-in-lieu of afforestation  
12 or reforestation:

13 (i) 1. When afforestation or reforestation requirements cannot be  
14 reasonably accomplished on-site or off-site based on criteria in the Manual; or

15 ~~[[ii]]~~ 2. When a landowner requests a modification of a recorded forest  
16 conservation easement ~~[[. ]]~~; AND

17 (ii) IF THE PROPERTY IS NOT LOCATED IN THE PATAPSCO LOWER NORTH  
18 BRANCH WATERSHED.

19 (2) The fee-in-lieu of shall be calculated on a square-foot basis at a rate established in  
20 the fee scheduled adopted by resolution of the County Council, but in no event shall it be  
21 less than the minimum set by State law.

22  
23 **Section 16.1215. - Waivers.**

24 (a) SUBJECT TO SUBSECTION (B) OF THIS SECTION, THE ~~[[The]]~~ Department may grant  
25 waivers to the requirements of this subtitle in accordance with the standards and  
26 procedures of subsection 16.103(c) of the subdivision regulations, provided that the  
27 Department must find that granting of the waiver will not adversely affect water quality.

28 (b) A WAIVER OF A REQUIREMENT OF THIS SUBTITLE IS NOT ALLOWED ON ANY  
29 SUBDIVISION OR DEVELOPMENT IN THE PATAPSCO LOWER NORTH BRANCH WATERSHED  
30 UNLESS THE WAIVER IS NECESSARY:

1 (1) TO RETROFIT EXISTING FACILITIES OR TO INSTALL NEW INFRASTRUCTURE  
2 SOLELY INTENDED TO IMPROVE STORMWATER MANAGEMENT OR FLOOD CONTROL  
3 FOR EXISTING DEVELOPMENT; OR

4 (2) TO CONSTRUCT, ENHANCE, OR REPAIR PUBLIC STORMWATER  
5 MANAGEMENT INFRASTRUCTURE OR FLOOD CONTROL FACILITIES.

6 (c) Notice of a request for a waiver shall be given by the Department of Planning and  
7 Zoning to the Maryland Department of Natural Resources within 15 days of receipt of a  
8 request for a waiver.

9 **Title 18. Public Works**

10 **Subtitle 9. Stormwater Management.**

11 **Section 18.902A. - Requirement to provide stormwater management measures,**  
12 **exemptions.**

13 (b) Exemptions. EXCEPTING SITES LOCATED IN THE PATAPSCO LOWER NORTH BRANCH  
14 WATERSHED, STORMWATER [[Stormwater]] management is not required for:

15 (1) Additions or modifications to existing single-family detached residential  
16 structures that do not disturb over 5,000 square feet of land area;

17 (2) Developments that disturb less than 5,000 square feet of land area;

18 (3) Land development activities which are regulated under specific State laws  
19 regarding the management of stormwater; or

20 (4) Agricultural land management practices.

21 (C) *PATAPSCO LOWER NORTH BRANCH WATERSHED.*

22 IN NO EVENT SHALL THE RUNOFF VOLUME AND CHARACTERISTICS FROM ANY SITE  
23 IN THE PATAPSCO LOWER NORTH BRANCH WATERSHED EXCEED PREDEVELOPMENT  
24 RUNOFF UNDER 2016 PEAK FLOOD CONDITIONS.

25  
26 **Section 18.903. - Design criteria; minimum control requirements; alternatives.**

27 (a) The minimum control requirements established in this section and the design  
28 manual are as follows:

29 (1) The County shall require that the planning techniques, nonstructural  
30 practices, and design methods specified in the design manual be used to implement ESD



1 to the MEP. The use of ESD planning techniques and treatment practices must be  
2 exhausted before any structural BMP is implemented. Stormwater management for  
3 development projects subject to this subtitle shall be designed using ESD sizing criteria,  
4 recharge volume, water quality volume, and channel protection storage volume criteria  
5 according to the design manual. The MEP standard is met when channel stability is  
6 maintained, predevelopment groundwater recharge is replicated, nonpoint source  
7 pollution is minimized, and structural stormwater management practices are used only if  
8 determined to be absolutely necessary.

9 (2) Control of the two-year and ten-year frequency storm event is required  
10 according to the design manual and all subsequent revisions if the County determines that  
11 additional stormwater management is necessary because historical flooding problems  
12 exist and downstream floodplain development and conveyance system design cannot be  
13 controlled.

14 (3) One-hundred-year peak management control is required according to the  
15 design manual. For purposes of calculating the 100-year 24-hour storm event, 8.51 inches  
16 of rainfall depth shall be the minimum depth used.

17 (4) The County may require more than the minimum control requirements if:

18 (i) Hydrologic or topographic conditions warrant; or

19 (ii) Flooding, stream channel erosion, or water quality problems exist  
20 downstream from a proposed project.

21 (5) SITES IN THE PATAPSCO LOWER NORTH BRANCH WATERSHED MUST CONTROL  
22 NO LESS THAN 2016 PEAK FLOOD CONDITIONS.

23  
24 **Section 18.908. - Waivers; watershed management plans.**

25 (a) *Waiver Requests.* A request for a waiver under this section shall:

26 (1) Be in writing;

27 (2) Contain sufficient descriptions, drawings, and any other information that is  
28 necessary to demonstrate that ESD has been implemented to the MEP; and

29 (3) [[Be prohibited for any property located in the Tiber Branch Watershed  
30 unless the waiver:

- 1 (i) Was requested on or before November 7, 2016;
- 2 (ii) Is necessary for the reconstruction of existing structures or  
3 infrastructure damaged by flood, fire, or other disaster;
- 4 (iii) Is necessary for the construction of a stormwater management or  
5 flood control facility as part of a redevelopment project;
- 6 (iv) Is necessary for the retrofit of existing facilities or installation of  
7 new facilities intended solely to improve stormwater management or flood control  
8 for existing development;
- 9 (v) Is requested as part of a development proposal and the Director of  
10 the Department of Public Works, or his designee serving as Floodplain  
11 Administrator, finds that upon completion of construction of the development,  
12 which may include off-site improvements within the Tiber Branch Watershed,  
13 there will be improvement to flood control in the Tiber Branch Watershed at least  
14 ten percent more than what would otherwise be required by law; or
- 15 (vi) Is necessary for the construction of an addition, garage, driveway or  
16 other accessory use improvement of an existing residential structure on property  
17 located within the Tiber Branch Watershed that increases the square footage of  
18 the impervious surfaces on the property by no more than 25 percent over the  
19 square footage of impervious surfaces that existed on the property prior to the  
20 effective date of this bill [Dec. 9, 2016].]

21 BE PROHIBITED FOR ANY PROPERTY LOCATED IN THE PATAPSCO LOWER NORTH BRANCH  
22 WATERSHED UNLESS THE WAIVER IS NECESSARY:

23 (1) TO RETROFIT EXISTING FACILITIES OR TO INSTALL NEW INFRASTRUCTURE  
24 SOLELY INTENDED TO IMPROVE STORMWATER MANAGEMENT OR FLOOD CONTROL  
25 FOR EXISTING DEVELOPMENT; OR

26 (2) TO CONSTRUCT, ENHANCE, OR REPAIR PUBLIC STORMWATER  
27 MANAGEMENT INFRASTRUCTURE OR FLOOD CONTROL FACILITIES.

28  
29

**Section 18.909. - Fee in lieu of implementing best management practices.**

( ) ( )  
1 (F) SITES IN THE PATAPSCO LOWER NORTH BRANCH WATERSHED ARE NOT ELIGIBLE TO  
2 PAY FEES IN LIEU OF IMPLEMENTING REQUIRED STORMWATER MANAGEMENT.  
3

4 **SECTION 18.910. - REDEVELOPMENT.**

5 (b) EXCEPT AS PROVIDED IN SUBSECTION (E) OF THIS SECTION, ALL [[All ]] redevelopment  
6 projects shall reduce existing impervious area within the limit of disturbance by at least  
7 50 percent. Where site conditions prevent the reduction of impervious area, then ESD  
8 practices shall be implemented to provide qualitative control for at least 50 percent of the  
9 site's impervious area. When a combination of impervious area reduction and stormwater  
10 management practice implementation is used, the combined reduction shall equal or  
11 exceed 50 percent of the existing impervious area within the limit of disturbance.

12 (E) ALL REDEVELOPMENT PROJECTS IN THE PATAPSCO LOWER NORTH BRANCH  
13 WATERSHED SHALL REDUCE EXISTING IMPERVIOUS AREA ON THE SITE BY AT LEAST 25  
14 PERCENT. NO MORE THAN 25 PERCENT OF THE SITE'S UNDEVELOPED LAND SHALL BE  
15 PERMITTED WITHIN THE LIMIT OF DISTURBANCE. 100 PERCENT OF THE SITE SHALL BE  
16 REQUIRED TO CONTROL NO LESS THAN 2016 PEAK FLOOD CONDITIONS.  
17

18 *Section 2. And Be It Further Enacted by the County Council of Howard County,*  
19 *Maryland that this Act shall apply to all projects that have been not been issued building*  
20 *permits on the effective date of this Act and to all projects that are on hold due to the*  
21 *2018 Watershed Safety Act (CB56-2018) and Extension of 2018 Watershed Safety Act*  
22 *(CB20-2019).*  
23

24 *Section 3. And Be It Further Enacted by the County Council of Howard County,*  
25 *Maryland that this Act shall become effective 61 days after its enactment.*

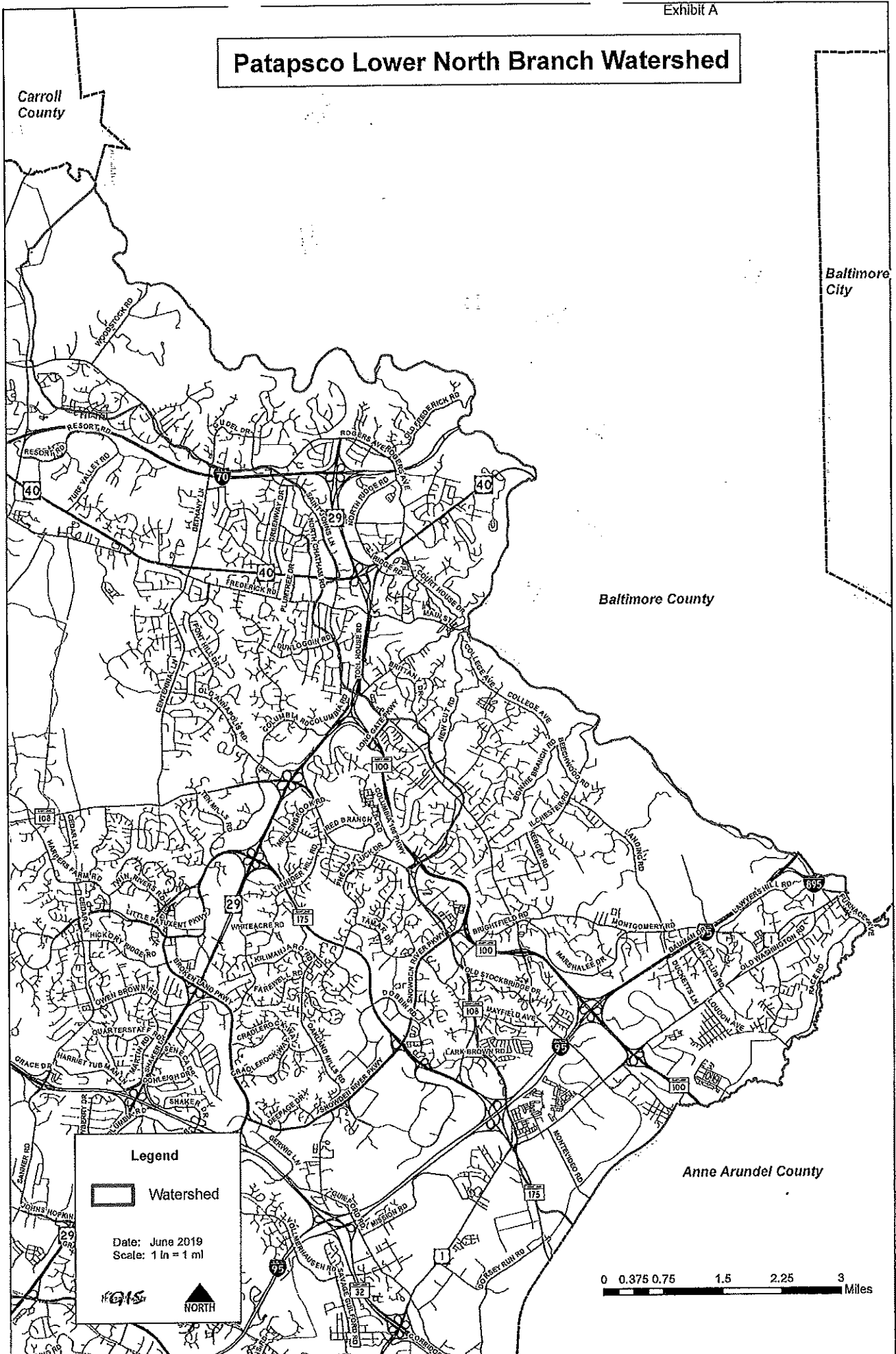
# Patapsco Lower North Branch Watershed

Carroll County

Baltimore City

Baltimore County

Anne Arundel County

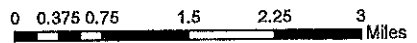


**Legend**

- Watershed

Date: June 2019  
Scale: 1 in = 1 mi

NORTH



Amendment 1 to Council Bill No. 38-2019

BY: Liz Walsh

Legislative Day No. 12

Date: October 7, 2019

Amendment No. 1

*(This amendment provides an exemption for smaller projects that do not need a grading permit or a sediment and erosion control plan.)*

1 On page 3:

- 2 • in line 23, strike "OR".  
3 • In line 25, before the period, insert:

4 “; OR

5 (3) TO CONSTRUCT OR REPAIR A PROJECT THAT DOES NOT NEED A GRADING PERMIT OR A  
6 SEDIMENT AND EROSION CONTROL PLAN UNDER SECTION 3.402(B) OF THE COUNTY CODE”.  
7

8 On page 11:

- 9 • in line 20, strike "OR".  
10 • In line 22, before the period, insert:

11 “; OR

12 (3) TO CONSTRUCT OR REPAIR A PROJECT THAT DOES NOT NEED A GRADING PERMIT OR A  
13 SEDIMENT AND EROSION CONTROL PLAN UNDER SECTION 3.402(B) OF THE COUNTY CODE”.  
14  
15

ADOPTED 10/7/2019

FAILED \_\_\_\_\_

SIGNATURE Deann St. Jones

Amendment 2 to Council Bill No. 38-2019

BY: Liz Walsh

Legislative Day No. 12

Date: October 7, 2019

Amendment No. 2

*(This amendment removes the Necessary Disturbance requirement the Patapsco Lower North Branch Watershed.)*

- 1
- 2
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On page 5, in line 2, after “pathways,” insert “OPEN SPACE”.

On the same page, strike lines 13 – 21, in their entirety.

Renumber the remainder of the section accordingly.

ADOPTED 10/7/2019.  
FAILED  
SIGNATURE Diane A. Jones

Amendment 3 to Council Bill No. 38-2019

BY: Liz Walsh

Legislative Day No. 12

Date: October 7, 2019

Amendment No. 3

*(This amendment removes the proposal that Patapsco Lower North Branch Watershed and clarifies references to "2016 peak flood conditions".)*

1 On page 2, strike line 9, in its entirety.

2

3 On page 15, strike lines 13 and 14, in their entirety, and substitute:

4 "(b) Exemptions. Stormwater management is not required for:"

5

6 On the same page, strike lines 21 – 24, in their entirety.

7

8 On page 16, strike lines 21 - 22, in their entirety, and substitute the following:

9

"(5) DEVELOPMENT WITHIN THE PATAPSCO LOWER NORTH BRANCH WATERSHED SHALL BE REQUIRED TO PROVIDE PEAK MANAGEMENT CONTROL FOR 24-HOUR, 10-YEAR STORM EVENTS AND 24-HOUR, 100-YEAR STORM EVENTS, AS WELL AS 3.55-HOUR, 6.6-INCH STORM EVENTS. MANAGEMENT IS DEFINED AS THE REDUCTION OF THE PEAK RUNOFF FOR THE PROPOSED DESIGN CONDITION TO BE EQUAL OR LESS THAN THE PREDEVELOPED SITE CONDITIONS MODELED AS WOODS IN GOOD CONDITIONS."

10

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On page 18, in line 14, strike ". NO" and substitute ", AND NO".

17

18

On the same page, strike beginning after the period in line 15 through the period in line 16, and

ADOPTED 10/7/2019

FAILED \_\_\_\_\_

SIGNATURE Dianne A. Jones

Amendment 4 to Council Bill No. 38-2019

BY: Liz Walsh

Legislative Day No. 12

Date: October 7, 2019

Amendment No. 4

*(This amendment removes the proposed Floodplain Preservation requirement for the Patapsco Lower North Branch Watershed.)*

- 1 On the Title page, beginning in the first line of the purpose paragraph, delete “to prohibit certain
- 2 disturbance of land in the Ellicott City Floodplain;
- 3 On page 1, strike lines 3 – 7, in their entirety.
- 4
- 5 On page 4, strike lines 7 – 15, in their entirety.
- 6

ADOPTED 10/7/2019  
FAILED \_\_\_\_\_  
SIGNATURE *Deanne A. Jones*



Amendment 4 to Council Bill No. 38-2019

BY: Liz Walsh

Legislative Day No. 12

Date: October 7, 2019

Amendment No. 4

*(This amendment removes the proposed Floodplain Preservation requirement for the Patapsco Lower North Branch Watershed.)*

1  
2  
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5

On page 1, strike lines 3 – 7, in their entirety.

On page 4, strike lines 7 – 15, in their entirety.

~~ADOPTED~~ 10/7/2019  
FAILED  
SIGNATURE Diane Jones

**Amendment 1 to Amendment 4 to Council Bill No. 38-2019**

**BY: Liz Walsh**

**Legislative Day No. 12**

**Date: October 7, 2019**

**Amendment No. 1 to Amendment 4**

*(This Amendment makes a technical correction to the Bill Title.)*

1 On page 1, before line 1, insert:

2

3 "On the Title page, beginning in the first line of the purpose paragraph, delete "to prohibit certain

4 disturbance of land in the Ellicott City Floodplain:"."

ADOPTED 10/7/2019  
FAILED Dianna Jones  
SIGNATURE Dianna Jones

Amendment 5 to Council Bill No. 38-2019

BY: Liz Walsh

Legislative Day No. 12

Date: October 7, 2019

Amendment No. 5

*(This amendment eliminates revisions to § 16.127 Residential infill development.)*

1 On the Title page, in the fifth line of the purpose paragraph, delete "to prohibit residential infill  
2 under specified circumstances;

3 On page 1, strike lines 17 – 20, in their entirety.

4

5 On page 10, strike lines 12 through 17 in their entirety.

6

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ADOPTED 10/7/2019  
FAILED   
SIGNATURE David Jones

**Amendment 1 to Amendment 5 to Council Bill No. 38-2019**

**BY: Liz Walsh**

**Legislative Day No. 12**

**Date: October 7, 2019**

**Amendment No. 1 to Amendment 5**

*(This Amendment makes a technical correction to the Bill Title.)*

1 On page 1, before line 1, insert:

2  
3 “On the Title page, in the fifth line of the purpose paragraph, delete “to prohibit residential infill  
4 under specified circumstances;”.”

5

ADOPTED 10/7/2019  
FAILED \_\_\_\_\_  
SIGNATURE Deane Jones

Amendment 5 to Council Bill No. 38-2019

BY: Liz Walsh

Legislative Day No. 12

Date: October 7, 2019

Amendment No. 5

*(This amendment eliminates revisions to § 16.127 Residential infill development.)*

- 1 On page 1, strike lines 17 – 20, in their entirety.
- 2
- 3 On page 10, strike lines 12 through 17 in their entirety.
- 4
- 5
- 6
- 7

ADOPTED 10/7/2019  
FAILED ~~\_\_\_\_\_~~  
SIGNATURE *Diana Jones*

Amendment 6 to Council Bill No. 38-2019

BY: Liz Walsh

Legislative Day No. 12

Date: October 7, 2019

Amendment No. 6

*(This amendment removes the proposed enhanced open space requirement.)*

- 1 On the Title page, beginning in the third line of the purpose paragraph, delete “to provide certain
- 2 open space requirements in the Patapsco Lower North Branch Watershed;
- 3 On page 1, in line 15, strike “(a) and”.
- 4
- 5 On page 6, strike beginning in line 19 through line 6 on page 7, in its entirety.
- 6
- 7 Renumber the remainder of the section accordingly.
- 8
- 9
- 10
- 11
- 12

ADOPTED 10/7/2019  
FAILED \_\_\_\_\_  
SIGNATURE Diana J. Jones

**Amendment 1 to Amendment 6 to Council Bill No. 38-2019**

**BY: Liz Walsh**

**Legislative Day No. 12**

**Date: October 7, 2019**

**Amendment No. 1 to Amendment 6**

*(This Amendment makes a technical correction to the Bill Title.)*

1 On page 1, before line 1, insert:

2  
3 “On the Title page, beginning in the third line of the purpose paragraph, delete “to provide  
4 certain open space requirements in the Patapsco Lower North Branch Watershed;”.”

ADOPTED 10/7/2019  
FAILED  
SIGNATURE [Signature]

Amendment 6 to Council Bill No. 38-2019

BY: Liz Walsh

Legislative Day No. 12

Date: October 7, 2019

Amendment No. 6

*(This amendment removes the proposed enhanced open space requirement.)*

1 On page 1, in line 15, strike “(a) and”.

2

3 On page 6, strike beginning in line 19 through line 6 on page 7, in its entirety.

4

5 Renumber the remainder of the section accordingly.

6

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ADOPTED 10/7/2019

FAILED \_\_\_\_\_

SIGNATURE Diana Torres



Amendment 7 to Council Bill No. 38-2019

BY: Liz Walsh

Legislative Day No. 12

Date: October 7, 2019

Amendment No. 7

*(This amendment removes the proposed enhanced forest conservation requirement.)*

1 On the Title page, beginning in the seventh line of the purpose paragraph, delete “to limit forest  
2 cover clearing in the Patapsco Lower North Branch Watershed; to specify the afforestation level  
3 in certain cases;

4 On page 1, strike lines 27 – 28, in their entirety.

5  
6 On page 13, strike beginning with “SUBJECT” in line 22 through the first “THE” in line 23 and  
7 strike both sets of square brackets in line 23.

8  
9 On the same page strike lines 26 – 28, in their entirety.

10  
11 On page 14, strike beginning with “SUBJECT” in line 1 through the first “THE” in line 2 and strike  
12 both sets of square brackets in line 2.

13  
14 On the same page strike lines 5 – 7, in their entirety.

15  
16  
17  
18  
19  
ADOPTED 10/7/2019  
PAILED  
SIGNATURE [Signature]

**Amendment 1 to Amendment 7 to Council Bill No. 38-2019**

**BY: Liz Walsh**

**Legislative Day No. 12**

**Date: October 7, 2019**

**Amendment No. 1 to Amendment 7**

*(This Amendment makes a technical correction to the Bill Title.)*

1 On page 1, before line 1, insert:

2

3 “On the Title page, beginning in the seventh line of the purpose paragraph, delete “to limit forest  
4 cover clearing in the Patapsco Lower North Branch Watershed; to specify the afforestation level  
5 in certain cases;”.”

6

7

ADOPTED 10/7/2019  
FAILED  
SIGNATURE Dionne J. Jones

Amendment 7 to Council Bill No. 38-2019

BY: Liz Walsh

Legislative Day No. 12

Date: October 7, 2019

Amendment No. 7

*(This amendment removes the proposed enhanced forest conservation requirement.)*

1 On page 1, strike lines 27 – 28, in their entirety.

2

3 On page 13, strike beginning with “SUBJECT” in line 22 through the first “THE” in line 23 and  
4 strike both sets of square brackets in line 23.

5

6 On the same page strike lines 26 – 28, in their entirety.

7

8 On page 14, strike beginning with “SUBJECT” in line 1 through the first “THE” in line 2 and strike  
9 both sets of square brackets in line 2.

10

11 On the same page strike lines 5 – 7, in their entirety.

12

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ADOPTED

10/7/2019

FAILED

SIGNATURE

*[Handwritten Signature]*

Amendment 8 to Council Bill No. 38-2019

BY: Liz Walsh

Legislative Day No. 12

Date: October 7, 2019

Amendment No. 8

*(This amendment eliminates revisions to § 16.115 and revises § 16.125 to indicate that a waiver is subject to compliance with § 16.104.)*

1 On page 9, in line 25, strike “PARAGRAPH (4) (III) OF THIS SUBSECTION” and substitute “THE  
2 CONDITIONS OF § 16.104 OF THIS SUBTITLE”.

3

4 On page 10, strike lines 8 – 10, in their entirety.

5

6

7

8

ADOPTED 10/7/2019  
FAILED \_\_\_\_\_  
SIGNATURE *Diane A. Jones*

Amendment 9 to Council Bill No. 38-2019

BY: Liz Walsh

Legislative Day No. 12

Date: October 7, 2019

Amendment No. 9

*(This amendment accommodates the possible enactment of Council Bill 40-2019, which would further extend the 2018 Watershed Safety Act.)*

- 1 On page 18, in line 21, strike "and" and substitute a comma.
- 2 In line 22, before the period, insert "and any subsequent extensions of the Effective Period".
- 3
- 4
- 5

**withdrawn**

Amendment 1 to Council Bill No. 38-2019

BY: Liz Walsh

Legislative Day No. 12

Date: October 7, 2019

Amendment No. 1

*(This amendment provides an exemption for smaller projects that do not need a grading permit or a sediment and erosion control plan.)*

1 On page 3:

- 2 • in line 23, strike “OR”.
- 3 • In line 25, before the period, insert:

4 “; OR

5 (3) TO CONSTRUCT OR REPAIR A PROJECT THAT DOES NOT NEED A GRADING PERMIT OR A

6 SEDIMENT AND EROSION CONTROL PLAN UNDER SECTION 3.402(B) OF THE COUNTY CODE”.

7

8 On page 11:

- 9 • in line 20, strike “OR”.
- 10 • In line 22, before the period, insert:

11 “; OR

12 (3) TO CONSTRUCT OR REPAIR A PROJECT THAT DOES NOT NEED A GRADING PERMIT OR A

13 SEDIMENT AND EROSION CONTROL PLAN UNDER SECTION 3.402(B) OF THE COUNTY CODE”.

14

15

Amendment 2 to Council Bill No. 38-2019

BY: Liz Walsh

Legislative Day No. 12

Date: October 7, 2019

Amendment No. 2

*(This amendment removes the Necessary Disturbance requirement the Patapsco Lower North Branch Watershed.)*

- 1
- 2
- 3
- 4
- 5
- 6
- 7

On page 5, in line 2, after “pathways,” insert “OPEN SPACE”.

On the same page, strike lines 13 – 21, in their entirety.

Renumber the remainder of the section accordingly.

Amendment 3 to Council Bill No. 38-2019

BY: Liz Walsh

Legislative Day No. 12

Date: October 7, 2019

Amendment No. 3

*(This amendment removes the proposal that Patapsco Lower North Branch Watershed and clarifies references to "2016 peak flood conditions".)*

1 On page 2, strike line 9, in its entirety.

2

3 On page 15, strike lines 13 and 14, in their entirety, and substitute:

4 "(b) Exemptions. Stormwater management is not required for:".

5

6 On the same page, strike lines 21 – 24, in their entirety.

7

8 On page 16, strike lines 21 - 22, in their entirety, and substitute the following:

9 "(5) DEVELOPMENT WITHIN THE PATAPSCO LOWER NORTH BRANCH WATERSHED SHALL  
10 BE REQUIRED TO PROVIDE PEAK MANAGEMENT CONTROL FOR 24-HOUR, 10-YEAR STORM  
11 EVENTS AND 24-HOUR, 100-YEAR STORM EVENTS, AS WELL AS 3.55-HOUR, 6.6-INCH STORM  
12 EVENTS. MANAGEMENT IS DEFINED AS THE REDUCTION OF THE PEAK RUNOFF FOR THE  
13 PROPOSED DESIGN CONDITION TO BE EQUAL OR LESS THAN THE PREDEVELOPED SITE  
14 CONDITIONS MODELED AS WOODS IN GOOD CONDITIONS."

15

16 On page 18, in line 14, strike ". No" and substitute ", AND NO".

17

18 On the same page, strike beginning after the period in line 15 through the period in line 16, and



1 substitute the following:

2 “DEVELOPMENT WITHIN THE PATAPSCO LOWER NORTH BRANCH WATERSHED SHALL BE  
3 REQUIRED TO PROVIDE PEAK MANAGEMENT CONTROL FOR 24-HOUR, 10-YEAR STORM  
4 EVENTS AND 24-HOUR, 100-YEAR STORM EVENTS, AS WELL AS 3.55-HOUR, 6.6-INCH STORM  
5 EVENTS. MANAGEMENT IS DEFINED AS THE REDUCTION OF THE PEAK RUNOFF FOR THE  
6 PROPOSED DESIGN CONDITION TO BE EQUAL OR LESS THAN THE PREDEVELOPED SITE  
7 CONDITIONS MODELED AS WOODS IN GOOD CONDITIONS.”.  
8  
9  
10  
11  
12

**Amendment 4 to Council Bill No. 38-2019**

**BY: Liz Walsh**

**Legislative Day No. 12**

**Date: October 7, 2019**

**Amendment No. 4**

*(This amendment removes the proposed Floodplain Preservation requirement for the Patapsco Lower North Branch Watershed.)*

1  
2  
3  
4  
5

On page 1, strike lines 3 – 7, in their entirety.

On page 4, strike lines 7 – 15, in their entirety.

**Amendment 5 to Council Bill No. 38-2019**

**BY: Liz Walsh**

**Legislative Day No. 12**

**Date: October 7, 2019**

**Amendment No. 5**

*(This amendment eliminates revisions to § 16.127 Residential infill development.)*

1 On page 1, strike lines 17 – 20, in their entirety.

2

3 On page 10, strike lines 12 through 17 in their entirety.

4

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Amendment 6 to Council Bill No. 38-2019

BY: Liz Walsh

Legislative Day No. 12

Date: October 7, 2019

Amendment No. 6

*(This amendment removes the proposed enhanced open space requirement.)*

1 On page 1, in line 15, strike “(a) and”.

2

3 On page 6, strike beginning in line 19 through line 6 on page 7, in its entirety.

4

5 Renumber the remainder of the section accordingly.

6

7

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10

**Amendment 7 to Council Bill No. 38-2019**

**BY: Liz Walsh**

**Legislative Day No. 12**

**Date: October 7, 2019**

**Amendment No. 7**

*(This amendment removes the proposed enhanced forest conservation requirement.)*

1 On page 1, strike lines 27 – 28, in their entirety.

2  
3 On page 13, strike beginning with “SUBJECT” in line 22 through the first “THE” in line 23 and  
4 strike both sets of square brackets in line 23.

5  
6 On the same page strike lines 26 – 28, in their entirety.

7  
8 On page 14, strike beginning with “SUBJECT” in line 1 through the first “THE” in line 2 and strike  
9 both sets of square brackets in line 2.

10  
11 On the same page strike lines 5 – 7, in their entirety.

12  
13  
14  
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16  
17

Amendment 8 to Council Bill No. 38-2019

BY: Liz Walsh

Legislative Day No. 12

Date: October 7, 2019

Amendment No. 8

*(This amendment eliminates revisions to § 16.115 and revises § 16.125 to indicate that a waiver is subject to compliance with § 16.104.)*

1 On page 9, in line 25, strike “PARAGRAPH (4) (III) OF THIS SUBSECTION” and substitute “THE  
2 CONDITIONS OF § 16.104 OF THIS SUBTITLE”.

3  
4 On page 10, strike lines 8 – 10, in their entirety.

5  
6  
7  
8

Amendment 9 to Council Bill No. 38-2019

BY: Liz Walsh

Legislative Day No. 12

Date: October 7, 2019

Amendment No. 9

*(This amendment accommodates the possible enactment of Council Bill 40-2019, which would further extend the 2018 Watershed Safety Act.)*

- 1 On page 18, in line 21, strike “and” and substitute a comma.
- 2 In line 22, before the period, insert “, and any subsequent extensions of the Effective Period”.
- 3
- 4
- 5

**Sayers, Margery**

---

**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

---

**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

--

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

## Sayers, Margery

---

**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**

---

**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



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

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,

A handwritten signature in black ink, appearing to read "abailey", is written over a horizontal line.

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

---

**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

---

**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-divide 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

---

**From:** Karen Knelly <hampankaren@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

---

**From:** Karen Knelly <hampankaren@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:

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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

---

**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.

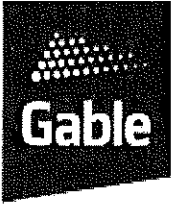
Although, I do not believe either plan will prevent a total flooding emergency with Old Ellicott City, it is clear to me that Calvin Ball's CR122 & 123 plan helps fix the issues and allows responsible growth within & around Old Ellicott City to get more "FEET ON THE STREET" to allow OEC to thrive.

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

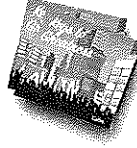


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Website | LinkedIn | Instagram | Our Culture

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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**

---

**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*

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Robert S. Evans

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Orlando Ogden

Elizabeth Oliver Luttrell

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Edward Seibert III

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Susan W. Winstadling

Stephen M. Wolf

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Dan G.H. Boesch, PhD

W. Russell G. Byers Jr.

Annex C. Dunning

Richard U. Frango

Alan R. Griffith

Carlyle C. Gockley

Arnold H. Hackett

C. A. Porter Hopkins

Robert A. Kinley

T. Gaylan Stephens III

Byron F. Murchant

M. Lee Marston

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Marie W. Ridder

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Timothy E. Squires

Simon Solomon, PhD

Rebecca Starley

Thomas H. Stone

Bishop Eugene Taylor Sellen

Alan Whitsett

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**

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

<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%.

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

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**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**

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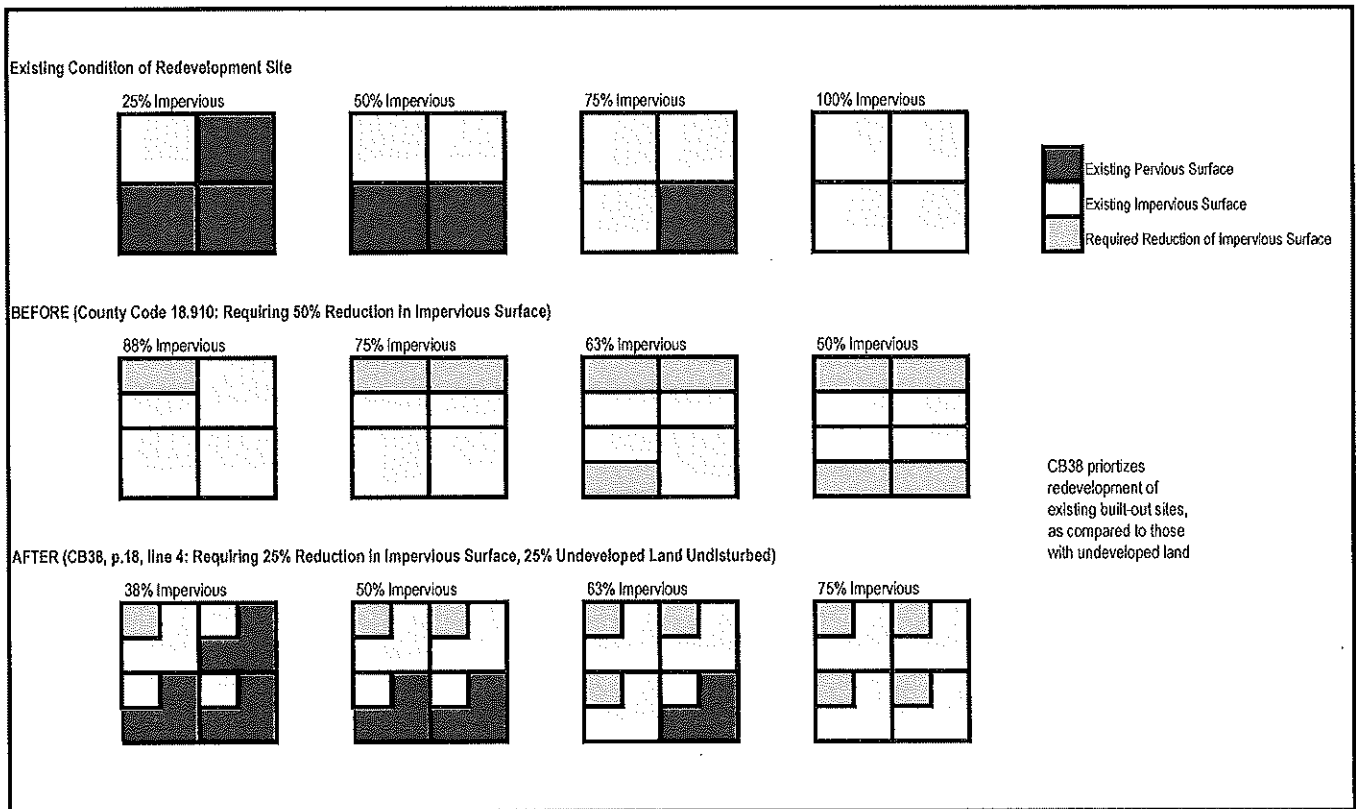
**From:** Walsh, Elizabeth  
**Sent:** Monday, September 16, 2019 1:03 PM  
**To:** CouncilMail  
**Cc:** Jones, Diane; Glendenning, Craig; Harrod, Michelle R; Fisher, Karina; Dvorak, Nicole  
**Subject:** Redevelopment Summary Chart  
**Attachments:** RedevelopmentChartforCB38.2018.09.15.pdf

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@votervoice.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 unabatedly 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 <samlmbm@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 enviornmental 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)

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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

**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.

### **CB38-2019**

Old Ellicott City has been flooded many times, but until recently, that flooding has been largely caused by a rising Patapsco River that has inundated the lower reaches of the town. The two most recent floods have been quite different – now the water has been coming down from the hills above and spreading destruction throughout the entire length of Main Street.

The cause is obvious – the once wooded slopes above the town that retained sudden stormwater have been stripped and filled with impermeable roads, driveways and rooftops. This would be less of a problem if suitable stormwater retention facilities had been required as a critical requirement for construction.

Unfortunately, developers have been able to dodge their responsibilities by paying in-lieu fees and thus allowing their floodwaters to rush down into Ellicott City unimpeded. This can no longer be allowed to continue. If a builder cannot find a way to contain the rainwater that falls on a property, construction should not be allowed. Period.

DPZ has been too accommodating. The impression is that they are more interested in coddling developers and enhancing the tax base than in protecting lives, property and our heritage. It is an ironic proposition – the added tax revenue does not begin to compensate for the havoc wrought and the cost to the county.

Furthermore, the two recent floods were not anomalies. Our warming climate guarantees that the future will only bring us more sudden downpours and resulting destruction unless we take corrective action.

I urge you to support CB38-2019.

Dick Boulton  
4669 Hallowed Stream  
Ellicott City, MD 21042  
410-884-2964  
ddboulton@verizon.net

Testimony for Howard County Council  
Support for CB 38  
Submitted by: Kerri Bentkowski Li, District 1

Good Evening.

Thank you for the opportunity to present my testimony before the County Council in support for CB-38.

My name is Kerri Bentkowski Li and my family has resided in Ellicott City for more than 30 years. I owned property within the Route 1 corridor for 16 years and currently reside in Ellicott City. In addition to being a constituent, I have worked in the field of environmental protection and restoration for nearly two decades. Most that time was focused on implementing programs designed to reduce stormwater and improve water quality using a series of innovative stormwater management techniques. From both of these perspectives, there is absolutely no question that the council must take strong action now and Approve Bill 38.

Howard County and its taxpayers are on the hook for a \$140 million plan to mitigate flood concerns in Old Ellicott City. This \$140 million plan is our best hope to treat existing development and impervious cover so that people, businesses, jobs, and tax base will return. This \$140 million plan does address any new or proposed development within the watershed, and so allowing any development without fully addressing stormwater management needs on-site would be a direct contradiction the plan. Every new drop of untreated stormwater that is allowed to enter the watershed (whether through an ILF payment or variance) is in effect an additional drop of stormwater the \$140 million plan will need to manage. It contradicts and jeopardizes the success of the plan. Therefore, I am here today to request the County Council approve Bill 38.

By allowing developers to skirt environmental laws through waivers and inadequately control harmful stormwater runoff through fee-in-lieu, Howard County has allowed the building industry to *privatize its profits*, and *socialize its costs for too long*. Given soil conditions, steep slopes, history of flash flooding, and the \$140 MILLION plan, Howard County residents do not want Howard County Department of Planning and Zoning to allow the building industry to operate “**business as usual**” within this unique and vulnerable watershed.

I urge the council to listen to technical experts in the written testimony submitted by the Association of State Floodplain Managers. Resist developer pressure and say NO to the allowance of fee-in-lieu for stormwater and absolutely NO to waivers that weaken the resiliency of this watershed’s green infrastructure. Insist that developers maintain optimal riparian buffer width.

By approving Bill 38, the council will **safeguard** the Patapsco North Branch by making a meaningful change to the stormwater management within the watershed and improve the resiliency of communities of District 1. Bill 38 is a thorough and achievable series of meaningful measures that the county needs to implement if they are truly to move forward in the redevelopment of Old Ellicott City and revitalize Elkridge in the most cost effective way for taxpayers.

Please Approve CB 38. Thank you for your consideration.

September 16, 2019

County Council,

My name is Sherry Fackler-Berkowitz, up until February 2019. I owned a building and business at 8069 Main Street, the historic stucco building. Due to the 2016 and 2018 floods my building has been purchased by the county and is sited to be torn down.

I am in support of CB-38. Climate change is real. We need to start working with the environment and not against it.

In my 40 years that I have been a business owner in Historic Ellicott City I have watched the county along with developers destroy New Cut Road, which was designated as a scenic byway. Look at New Cut now, we can never put back what has been destroyed.

20+ years ago, New Cut road was a beautiful way to come into the Historic District, with wild life all around, and then the development began. Since the 2018 flood the road has been closed and the beautiful scenic byway has suffered from the decisions the Howard County Government, along with developers have made over the years.

Flooding in the county is everywhere and the county never seems to find a solution to preventing the flooding or to fix the flooding problems that already exist. Rt 29 has major flooding when there are heavy storms. It wasn't always that way in the time I have lived and worked in Howard County.

Maybe Mother Earth is trying to tell us there are areas that should not be developed to help prevent them from flooding other areas.

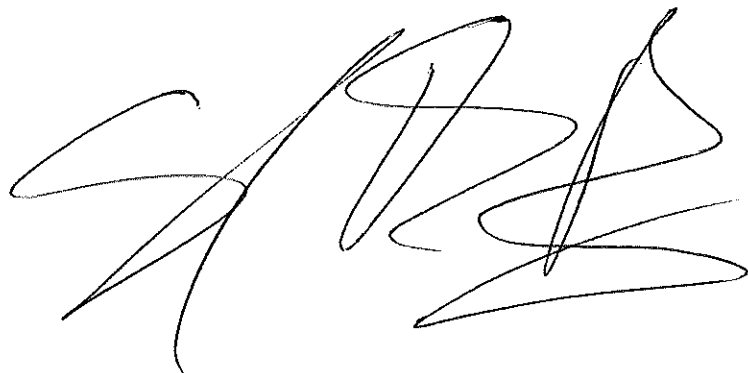
The idea of charging developers (CR-122) more to develop in an area that should not be used for development seems ridiculous. Where has the previous money for storm water management gone?

As we speak here tonight there is a development taking place right above the Historic District.

Many of my friends and business owners have spent a great deal of time and money to get up and running. If this bill CB-38 passes, I hope it will halt the develop that is being planned for the future, in the watershed and surrounding areas.

Let's pass CB-38, it's for all of our future.

*I also support Bill 40-2019*

A large, stylized handwritten signature in black ink, likely belonging to Sherry Fackler-Berkowitz, located at the bottom right of the page.



Testimony of Carl Gutschick, PE  
Howard County Council Bill 38-2019  
September 16, 2019

Good evening

I am a professional engineer and a partner in an engineering firm that is very involved in Howard County. We help create a variety of projects in the county, including residential, commercial, industrial, and public. Many of these projects have floodplains, and all have stormwater facilities.

In college, I specialized in hydrology, floodplain analysis, and stormwater management, and have been involved in these fields ever since.

CB 38 appears to be about the Patapsco floodplain, and the so-called bottom-up flooding of lower Main Street in historic Ellicott City. As you must know, the 2016 and 2018 floods were of the top-down variety, and therefore not due to the backwater effect of the Patapsco.

I can assure you that the severe regulation of the Howard County half of the watershed will not make a material difference in the periodic flooding of the Patapsco. The remaining developable land, compared to the watershed size, is simply not enough to make a difference.

What CB 38 will do is render certain properties undevelopable, either in a practical sense, or in the case of properties defined as "Infill", in an absolute sense. This extreme regulation will affect all types of development, and severely impact the shelter industry from providing much needed housing. The population is growing, and each person needs a roof over his or her head.

In addition to its unnecessary severity, CB 38 has flaws and unintended consequences. Please do not enact this Bill.

Testimony in Favor of CB38-2019  
Dawn Popp, District 1

Good evening. I am here tonight to express my support for CB38-2019. Given the changes in weather patterns and the increase in severe weather we've experienced in recent years, and especially in light of the repeated catastrophic flooding in Old Ellicott City, it should be obvious to everyone that we need to be extra-vigilant about stormwater management and protecting our watershed.

From my perspective as a citizen, it appears that waivers and "fee in lieu" payments are now so freely granted by DPZ that these discretionary loopholes have overtaken the underlying Code requirements that were adopted by the Council in accordance with a public process. This bill would shift that balance so that the relevant Code provisions intended for general applicability are, in fact, generally applied and not subject to the discretion of unelected DPZ employees.

I do have one suggestion in terms of a potential amendment. I would like to see a narrowly tailored amendment that would allow additional flexibility, if necessary, to accommodate public projects such as planned improvements to Troy Park and, most importantly in my opinion, High School 14.

Thank you.



# CLEAN WATER ACTION | CLEAN WATER FUND

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

Re: CB38-2019, Protect This Watershed Act

**Position: Favorable**

Dear Chairwoman Mercer Rigby and Members of the Council,

Clean Water Action is a grassroots advocacy group with over 7,000 supporting members in Howard County. Our focus is on policies that protect drinking water quality by preventing pollution flows into surface waterways and groundwater. We support CB38-2019 for its changes that will improve safeguards of the Lower North Branch of the Patapsco River, an impaired waterway.

The Lower North Branch of the Patapsco River is an impaired waterway, which means that it is not meeting the water quality standards for its designated use (water contact recreation and protecting aquatic life). The watershed is largely suburban, meaning that most of the impairments are due to suburban land uses and development patterns. The watershed is largely paved, which is a significant contributor to impairments. Pavement prevents soils and vegetation from being able to slow and filter runoff. As impervious surfaces increase, water runs faster and with higher volumes, quickly scouring sediment and transporting pollutants.

There are many policies in place that are supposed to require practices that slow and filter stormwater runoff and protect the water quality of the waterways throughout Maryland and the Lower North Branch.

**Forests:** Forests are a gold standard land use for slowing and filtering stormwater runoff. Forests have tremendous capacity to absorb runoff, store it in vegetation, and filter pollutants out of the water before it overwhelms downstream infrastructure. Much like other central Maryland counties, Howard County is not adequately protecting its remaining contiguous forests and is not charging sufficient fees to replant the acres below the conservation threshold that developers are removing. In 2019, state law changed to place the burden of replanting on counties that accept fees-in-lieu for forest conservation. Howard County will be responsible for replanting the lost acreage for which they accept



fees-in-lieu.

**Floodplain:** Development in floodplains paves land that naturally serves as an overspill for large rain events. Floodplains are designed to capture, slow, and absorb high water levels in streams and rivers. By allowing development to encroach on floodplains in a sensitive area, the county enables the building of more vulnerable places while diminishing the ability of the floodplain to operate.

**Wetlands and Streams:** Wetlands are additional, natural features that capture, slow, and filter stormwater, improving water quality and addressing issues with water quantity. Buffers around wetlands and streams slow and filter stormwater runoff and help preserve these features as habitat for native species.

Especially concerning is when the county approves waivers for disturbing areas around streams, drastically reducing the space available to filter runoff and disturbing the forest around the stream which prevents erosion and cools temperatures. Temperature impairments are a growing problem in Maryland waterways and create an inhospitable environment for native species.

**Steep Slopes:** Steep slopes are features that are very sensitive to changing water flow patterns around them. When the county approves waivers for disturbing steep slopes, they are creating a situation where erosion can increase drastically, adding unnecessary vulnerabilities to increased sedimentation.

When these regulations were put into place, waivers and fees-in-lieu were allowed to enable added flexibility for compliance. Unfortunately, in Howard County waivers and fees-in-lieu have become too common and are undermining the protections that these regulations were supposed to afford.

A case in point was the waiver given to allow disturbances at Riverwatch in Elkridge, where a waiver was approved for a “necessary disturbance” to construct a gazebo. It is difficult to understand how a gazebo can be a necessary disturbance. Removing forested buffer, encroaching on steep slope, and building close to a waterway have water quality ramifications. The subsequent collapse of the steep slope and its resulting sediment to the Patapsco River is frustrating when existing environmental protections should have been sufficient to prevent this man-made problem.

As the county prepares massive investment for additional stormwater facilities for greater volume in Old Ellicott City and residents throughout the watershed experience increased flood events, property damage, and risk to human health, measures need to be put into place to require greater compliance with these regulations.

Floodwaters are dangerous, even when they are slow moving and seemingly innocuous. Howard County experiences regular sewer overflows into waterways, including those in the watershed of the Lower North Patapsco Branch. Flooded roads and backyards create public health problems where people can be exposed to fecal bacteria outside of catastrophic flooding in Ellicott City.

It is time to adhere to the existing environmental protections that should, and could already, be in place for a watershed besieged by stormwater problems.

Thank you,

Emily Ranson  
Maryland Program Coordinator  
Clean Water Action  
[eranson@cleanwater.org](mailto:eranson@cleanwater.org)



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

I, Emily Ranson, have been duly authorized by  
*(name of individual)*

Clean Water Action to deliver testimony to the  
*(name of nonprofit organization or government board, commission, or task force)*

County Council regarding CB38-2019 to express the organization's  
*(bill or resolution number)*

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

Printed Name: Emily Ranson

Signature: \_\_\_\_\_

Date: 9/12/19

Organization: Clean Water Action

Organization Address: Baltimore, MD 21202

Baltimore, MD 21202

Number of Members: 7000 (Howard County)

Name of Chair/President: Bob Wendelgass

*This form can be submitted electronically via email to [councilmail@howardcountymd.gov](mailto:councilmail@howardcountymd.gov) no later than 5pm the day of the Public Hearing or delivered in person the night of the Public Hearing before testifying.*



## Position Statement

### OPPOSE

Howard County Council

September 16, 2019

### CB-38-2019

*An ACT to prohibit certain waivers in the Patapsco Lower North Branch Watershed; to prohibit certain disturbance of land in the Ellicott City Floodplain; to prohibit specified activities in certain buffers; to provide certain open space requirements in the Patapsco Lower North Branch Watershed; to eliminate certain fees-in-lieu; to prohibit residential infill under specified circumstances; to prohibit the issuance of certain variances in the Patapsco Lower North Branch Watershed; adding certain requirements related to forest conservation plans; to limit forest cover clearing in the Patapsco Lower North Branch Watershed; to specify the afforestation level in certain cases; to alter requirements and procedures to control the adverse impacts associated with stormwater; and generally relating to subdivision and land development regulations.*

Baltimore Gas and Electric Company (BGE) opposes County Bill 38-19 as introduced because the legislation has the potential to negatively impact BGE efforts to supply future and maintain existing gas and electric infrastructure and service to our customers.

As proposed CB-38 has the potential to negatively impact vegetation clearance activity on BGE transmission, gas and distribution facilities. As well, it may have a significant impact on BGE's transmission rights of way infrastructure maintenance and the repair of roads, bridges, culverts, etc.

In addition, CB-38-19 may also conflict with the *Maryland Electricity Service Quality and Reliability Act of 2011* and the regulations adopted by the Public Service Commission. Trees growing into or near electric power lines often cause hazards and risk to the reliability of the electricity system. Limiting tree removal would hinder BGE's ability to meet the electric service and reliability standards set in state law. Maryland Code provides that a county or municipal corporation may not adopt or enforce a local law, rule, or regulation or take any other action that interferes with, or materially increases the cost of the work of an electric company toward, compliance with the vegetation management standards adopted by the Public Service Commission (See, Public Utilities Article §7-213(e)(4)).

BGE appreciates the Sponsor's and this Council's recognition of the importance of electric and natural gas system reliability; and for the reasons outlined above, BGE encourages the Council to vote unfavorable on CB 38-19. BGE would recommend that a better approach to addressing the objectives of this legislation is for the County Council to work with professionals and stakeholders knowledgeable of watershed management to develop a plan to meet its goals of protecting Ellicott City to the extent practicable. BGE would welcome an opportunity to be part of such an effort.

BGE, headquartered in Baltimore, is Maryland's largest gas and electric utility, delivering power to more than 1.2 million electric customers and more than 655,000 natural gas customers in central Maryland. The company's approximately 3,400 employees are committed to the safe and reliable delivery of gas and electricity, as well as enhanced energy management, conservation, environmental stewardship and community assistance. BGE is a subsidiary of Exelon Corporation (NYSE: EXC), the nation's leading competitive energy provider.

Megan M. Eaves  
410-470-2575



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

I, MEGAN M. EAVES, have been duly authorized by  
(name of individual)

BALTIMORE GAS & ELECTRIC CO to deliver testimony to the  
(name of nonprofit organization or government board, commission, or task force)

County Council regarding CB-38-19 to express the organization's  
(bill or resolution number)

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

Printed Name: MEGAN M. EAVES

Signature: Megan M Eaves

Date: 9/13/19

Organization: BALTIMORE GAS + ELECTRICAL CO

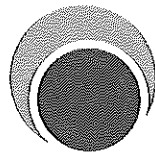
Organization Address: 2 CENTER PLAZA 110 W. FAYETTE ST

BALTIMORE, MD

Number of Members: N/A

Name of Chair/President: CALVIN BUTLER

*This form can be submitted electronically via email to [councilmail@howardcountymd.gov](mailto:councilmail@howardcountymd.gov) no later than 5pm the day of the Public Hearing or delivered in person the night of the Public Hearing before testifying.*



# Sheppard Pratt

## HEALTH SYSTEM

### Sheppard Pratt Health System Written Testimony

Bill No. 38 -2019

The Patapsco Lower North Branch Bill

**Position: Opposed**

#### Executive Summary

In 2017, there were 1,985 overdose deaths involving opioids in Maryland—a rate of 32.2 deaths per 100,000 persons, which is twofold greater than the national rate of 14.6 deaths per 100,000 persons. The State ranks in the top 5 for opioid-related overdose death rates with the largest increase attributed to cases involving synthetic opioids (mainly fentanyl).

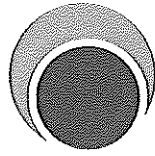
According to the National Institutes of Mental Health, nearly one in five adults in the United States experienced a mental or behavioral health problem. In addition, data indicate approximately 21 percent of youth aged 13-18 experiences a severe mental disorder at some point in their life; for children aged 8-15, the estimate is 13 percent. Children throughout Maryland face many mental health challenges in school, at home and in their community, no matter their demographic group, education, income level, race or culture.

Roughly 1.2 million Maryland residents experience mental illness every year. The overwhelming majority do not receive treatment, with 6 in 10 who need a mental health service not getting it, and 9 in 10 who need substance use treatment, not receiving it. Untreated mental health disorders can lead to a host of adverse consequences, including homelessness, academic failure, unemployment, contact with the criminal or juvenile justice system, and suicide

To address the unmet need for mental health and substance use services, the Sheppard Pratt Health System (Sheppard Pratt) is committed to and investing in much needed outpatient and community-based services to allow residents of Howard County to live, work and thrive closer to home. This bill will harm access to life-saving care at a time when we have a behavioral health crisis and opioid epidemic.

#### Background

Among its continuum of services, Sheppard Pratt operates two freestanding psychiatric hospitals, one in Towson and a second in the Ellicott City community of Howard County. Between the two hospitals, there are nearly 10,000 admissions a year. After more than 16 years as tenants in the Sheppard Pratt at Ellicott City facility, the organization has moved forward and begun construction of a state-of-the-art replacement hospital facility. The new hospital, Sheppard Pratt at Elkridge, is being built on a 39 acre



## Sheppard Pratt HEALTH SYSTEM

parcel of land at the intersection of Route 1 and Meadowridge Road in the Elkridge community of Howard County.

The location was chosen based on accessibility to 1-95, the Baltimore Washington Parkway, Route 100 and the ICC – allowing easy access to Howard County residents as well as those from neighboring counties and D.C. Many jurisdictions that are seriously under resourced for psychiatric inpatient services.

The new hospital and medical office building will bring 300 new jobs to Howard County.

### **Current Hospital Project**

Sheppard Pratt is currently in the process of constructing a new hospital in Howard County. This will be an 85-bed, 156,000 square foot hospital to include inpatient, day hospital, and crisis services. The current plan for the hospital will include the following:

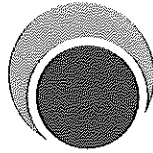
- 5 inpatient units: Adolescent, Young Adult, Adult, Co-Occurring Disorders, and Psychotic Disorders;
- 4 day hospitals: Adolescent, Adult (with a Co-Occurring Disorders track), Psychotic Disorders, and Eating Disorders; and
- A Crisis Walk-In Clinic for urgent assessments

The new building allows us to go from 78 to 85 licensed beds. Although the number does not appear to be a big increase, we are moving from all doubles (and even some triples) to all private rooms. This is not only a patient satisfier but also allows us to use the beds to full capacity because none would need to be closed due to gender occupancy or patient needs, among other regulatory restrictions.

The facility is being constructed and equipped at a capital cost of approximately \$96.5 million – this includes both State and County investment in the project. In addition to the broader array of inpatient and day hospital services, there will be an extension of some of the specialty, tertiary services now offered exclusively on the Towson campus to the Elkridge location.

### **Impact of Bill No. 38-2019**

Specifically, Bill No. 38-2019 will impact any additional construction on this nearly 40 acre property. In addition to the new hospital, this campus is intended to include a small expansion to the hospital under construction and to house a new medical office building.



# Sheppard Pratt

## HEALTH SYSTEM

The medical office building will include community-based and addiction services to meet the needs of the residents of Howard County including those without insurance and Medicaid. Although we have not begun leasing the space, we envision the building to include the following:

- Primary care
- Mental health
- Addiction treatment services including medication assisted treatment
- Walk-in clinic
- Eating disorders – inpatient, outpatient and partial hospitalization
- Autism diagnosis and treatment
- Linkages to Care, Chronic Care Management, Care Coordination, In-home Support
- Center of Excellence for Treatment Resistant Disorders, Second Opinions
- Anxiety Disorders
- Technology and innovation center (e.g., telepsych hub for our services to be available across the State)
- Social service linkages and social service access points to meet community need

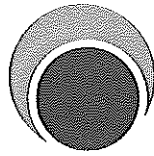
### Community Impact

Sheppard Pratt provides an extensive and comprehensive array of behavioral health services in Maryland serving over 70,000 Marylanders. Nearly 50,000 of those people we serve, receive community-based services. This bill has the potential to impact the amount of services we can provide in Howard County.

Specifically, this bill will impact our expansion into additional community-based care in Howard County. The services listed for our planned medical office building include services that will not only impact the community but are based on community needs. For example, there is a tremendous need at this time for addiction treatment services. At the same time, the patients we see are some of the most vulnerable in the State, linking these patients with primary care services is a much needed effort – especially considering they have a much higher percentage of not seeing a primary care physician.

Social service linkages will allow us to work with the County to determine community needs. Be it employment services or veterans services, Sheppard Pratt stands ready to assist the County with the pressing needs of the day. Working with the County, we can be nimble enough to pivot to the needs of the community as they arise.





# Sheppard Pratt

## HEALTH SYSTEM

### **Conclusion: The Legislation Under Consideration**

While well intentioned, the bill under consideration will have negative effects on the behavioral and mental health facilities and options in Howard County. In addition to the health care effects, the bill will cut job growth in the County. Sheppard Pratt would support legislation that is more finely tailored to meet specific needs of the community while allowing smart growth to meet the growing needs (particularly the health needs) of the community, County and State.

### **About Sheppard Pratt**

Sheppard Pratt Health System is the largest nonprofit provider of mental health, substance use, special education, developmental disability, and social services in the country. As a nationwide resource, Sheppard Pratt provides 2.3 million services each year across a comprehensive continuum of care, spanning both hospital- and community-based services. Since its founding in 1853, Sheppard Pratt has been an innovator in the fields of research and best practice implementation, with a focus on improving the quality of mental health care on a global level. We have been consistently ranked as a top national psychiatric hospital by *U.S. News & World Report* for nearly 30 years.



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

I, Jeffrey Grossi, have been duly authorized by  
(name of individual)

Sheppard Pratt Health System to deliver testimony to the  
(name of nonprofit organization or government board, commission, or task force)

County Council regarding bill 38-2019 to express the organization's  
(bill or resolution number)

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

Printed Name: Jeffrey Grossi

Signature: Jeffrey Grossi

Date: 9/13/2019

Organization: Sheppard Pratt Health System

Organization Address: 6501 North Charles Street  
Baltimore, Maryland 21204

Number of Members: \_\_\_\_\_

Name of Chair/President: Harsh Trivedi

***This form can be submitted electronically via email to [councilmail@howardcountymd.gov](mailto:councilmail@howardcountymd.gov) no later than 5pm the day of the Public Hearing or delivered in person the night of the Public Hearing before testifying.***

## 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. <sup>Development and</sup> re-development is exactly what OEC needs to help keep acre feet of water from reaching Main Street. <sup>Along with the County Flood Mitigation Plan,</sup>

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. ~~Currently planned projects~~ will add over \$200 Million to the County tax base. <sup>If allowed to proceed.</sup>

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 on OEC, the County and its residents.**

The first part of the document discusses the importance of maintaining accurate records of all transactions. It emphasizes that every entry, no matter how small, should be documented to ensure transparency and accountability. This includes recording the date, amount, and purpose of each transaction.

Furthermore, it is crucial to review these records regularly to identify any discrepancies or errors. This process helps in detecting potential issues early on and allows for timely corrections. Consistent record-keeping also provides a clear historical overview of financial activities, which is essential for budgeting and financial planning.

In addition, the document highlights the benefits of using digital tools for record management. Digital records are easier to store, search, and share compared to physical documents. They also reduce the risk of loss or damage to important information. However, it is important to ensure that digital records are secure and backed up regularly to prevent data loss.

Overall, the document stresses that diligent record-keeping is a fundamental aspect of sound financial management. It not only helps in tracking expenses and income but also provides valuable insights into spending patterns and financial health. By following these guidelines, individuals and organizations can maintain accurate and reliable financial records.

**Financial Summary**

This section provides a detailed overview of the financial performance over the specified period. It includes a breakdown of total income, expenses, and net profit. The data is presented in a clear and concise manner, allowing for easy comparison with previous periods and budgetary targets.

Key findings from the summary include a steady increase in revenue, which is attributed to improved sales strategies and market expansion. While expenses have also increased, they remain within the budgeted limits, indicating effective cost management. The overall financial health is positive, with a significant contribution to the bottom line.

The document also identifies areas for improvement, such as optimizing operational costs and exploring new revenue streams. These insights are derived from a thorough analysis of the financial data and are intended to guide future decision-making and strategic planning.

In conclusion, the financial summary demonstrates a strong performance and a clear path forward. By continuing to focus on revenue growth and cost efficiency, the organization can achieve its long-term financial goals and maintain a competitive edge in the market.



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

✓ I, Bruce T. Taylor, have been duly authorized by  
Taylor Properties Community Association, Inc. &  
Village Crest Neighborhood Association to deliver testimony to the  
*(name of nonprofit organization or government board, commission, or task force)*

County Council regarding CB 38 / CB 40 to express the organization's  
*(bill or resolution number)*

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

Printed Name: Bruce T. Taylor

Signature: *Bruce T. Taylor*

Date: 9/16/19

Organization: Taylor Properties Community Association, Inc  
Village Crest Neighborhood Association

Organization Address: 5304 Dorsey Hall Dr.  
Ellicott City Md 21042

Number of Members: over 1000 homeowners in Taylor Village

Name of Chair/President: Bruce T. Taylor (for both)

*This form can be submitted electronically via email to [councilmail@howardcountymd.gov](mailto:councilmail@howardcountymd.gov) no later than 5pm the day of the Public Hearing or delivered in person the night of the Public Hearing before testifying.*

Amy Lynne

3000 Westchester Ave

Ellicott City, MD 21043

Bill CB-38

I live just over the bridge from Historic Ellicott City. I am technically in Baltimore County but I call Ellicott City my home and my community. I have watched in horror as my community has been destroyed twice by devastating flash floods in 2016 and 2018. It is my belief that a combination of climate change and uncontrolled development has been the cause of these floods.

My wish, my hope is that all development affecting these watersheds cease, permanently. No more green space removed, not another tree cut down, no more apartments, no more townhouses, no more parking lots. The fact that there are still development projects proceeding forward after two devastating and deadly floods sickens me.

I support bill CB-38 because it is a monumental step in the right direction. It is simply outright corruption to allow developers to pay their way out of environmental regulations. Howard County government must do a much better job protecting its citizens and historic communities.

**Sayers, Margery**

---

**From:** Pat Hersey <trishhersey@hotmail.com>  
**Sent:** Monday, September 16, 2019 10:24 AM  
**To:** CouncilMail  
**Subject:** CB 38 and CB 42

[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 am writing to encourage your support of CB 38 and CB 42.

We are in a climate crisis and the reality is we need to declare a climate emergency. CB 38 is a microcosm of the bigger issue we have in this county and worldwide. This bill is a powerful statement to illustrate the importance of dealing with the existential threat that is upon us.

CB 42 is long past due. I would encourage 8 dollars per square foot.

Thank you for all you do.

Sincerely,  
Pat Hersey

Sent from my iPad

**Sayers, Margery**

---

**From:** Kari George <kari\_george@verizon.net>  
**Sent:** Monday, September 16, 2019 9:32 AM  
**To:** CouncilMail  
**Subject:** CB 38

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

Please support Council Bill 38 for better stormwater management. We need to eliminate fees-in-lieu-of-compliance options.

Thank you,

Kari George



## Sayers, Margery

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**From:** Adrienne Breidenstine <abreidenstine@gmail.com>  
**Sent:** Monday, September 16, 2019 9:32 AM  
**To:** CouncilMail  
**Subject:** Pass CB38-2019

[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 ask you to support CB38-2019. I live along Ilchester Road in Ellicott City so this bill would directly impact my neighborhood. As a resident, I am supportive of efforts that seek to protect the Patapsco Lower North Branch watershed.

The Patapsco Lower North Branch Watershed is a precious resource—in particular in eastern Howard County—that must have a more meaningful degree of protection than county law currently provides. CB38 will implement much needed land development reforms that will protect this natural beauty in Howard County and prevent flooding in District One.

In order to protect the watershed, the County must stop permitting developers to receive variances and waivers or exemptions to certain land development rules, unless absolutely necessary. The county's current land development regulations has not done enough to protect the watershed and has contributed to the flooding in District One.

**I urge the Council to please pass CB38.** Thank you for your thoughtful consideration.

Sincerely,

--

Adrienne Breidenstine  
Resident of District One  
Ellicott City, MD

**Sayers, Margery**

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**From:** Paul Marzin <paul.marzin@gmail.com>  
**Sent:** Monday, September 16, 2019 9:29 AM  
**To:** CouncilMail  
**Cc:** Ball, Calvin B  
**Subject:** CB38-2019 Written testimony  
**Attachments:** Testimony CB38-2019 MARZIN.pdf

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

Please accept my written testimony for Bill CB38-2019 that is being reviewed today.

If you would like to explore any part of my testimony in detail, please let me know. I would be more than happy to meet with you and discuss it further. I tried to meet with some of you and was successful with a couple of you.

Thanks and I appreciate the time and effort,

Paul Marzin  
cell 443-255-8552

## CB38-2019 Written Testimony

September 14, 2019

Paul Marzin  
4450 Ilchester Road  
Ellicott City, MD 21043

### **Dear Council Members and the County Executive,**

I am a resident and live in the area that directly applies to the extended watershed (the Patapsco Lower Branch Watershed area). I live on Ilchester Road adjacent to the Patapsco Valley State Park. I support the passage of CB38-2019 and thank the Council for drafting this legislation.

Land that is located in and near the watershed has been over-developed. Look at College Avenue with Taylor Village, Ilchester Road with Wind Power Way, Jeans Way and now Oak Hill Manor. All of these projects asked for the maximum density allowed to build and received it from The Howard County Department of Planning & Zoning (DPZ). They were approved even though they are within a mile of each other, in the watershed and proposed watershed extension, as well within close proximity of the Patapsco River. All of these projects should have been with less density. With all of this development in such a close proximity, the Oak Hill Manor property, as well any property on lower Ilchester Road, is now really the last remaining open space. This should obviously be protected and any legislation that helps protect it and similar cases should be put in place.

After the last flood event, roads were destroyed in this area. In fact, one is still closed - River Road. The roads that were impacted in this area are Bonnie Branch, Thistle, College, and Ilchester. The sewage infrastructure and gas line was destroyed on Bonnie Branch Road. Sewage entered the Patapsco River through Bonnie Branch creek. Infrastructure is already stressed with so much over-development on the slopes above. I saw firsthand how hard the Dept. of Public Works had to work to repair roads, the sewer lines, the gas lines with BGE, and everything on Main Street in Ellicott City. Let's not put them in this situation again.

We have a systemic problem here in the Eastern part of Howard County. Maybe it's driven from a mis-guided master plan and intention-able, but I would think balance between development and preservation is common sense. It should be equal in all parts of the County. It's been abused here. Especially in District One. The school systems are at over capacity. The infrastructure is not there and a lot of the existing infrastructure was taxed and stressed from the recent flooding events. This is not sustainable.

This legislation would help curb the bad development and site plans that are getting waivers to grade on steep slopes, removing large specimen trees and seeking to build maximum density lots where they should really have less density - or be evaluated to see if disturbing them is even the right thing to do. The existing process is very biased towards people seeking solely to gain financially from developing and building. While I am not against people having this opportunity, and it is their right to do what they want with their properties, it has to be done with consideration to the topography, location, and impact on adjacent properties. Maybe the solution is to have an independent engineering firm that is not being paid by the developer to evaluate the possibilities and hold real community meetings with a DPZ engineer present.

## CB38-2019 Written Testimony

On the topic of scenic roads. While I understand that if a farm in the Western part of the County is on a designated scenic road, and has lots of acreage, they should have relaxed restrictions or none. Perhaps the real intent and purpose of a waiver would be to look at these rural cases and evaluate them appropriately. In the Eastern part of the County, most if not all, the farms are gone. The scenic roads are really crucial in the Eastern part of the County to allow for balance from all the over-development. They, and their adjacent properties that are left, should be protected at all costs from unnecessary development. This is our buffer to the sensitive ecological areas that we have left.

The Patapsco River and State Park is a valuable natural resource and we need to be responsible so that future generations can enjoy it just as previous generations did for us. The State of Maryland considers this area a sensitive targeted ecological area. The Bloede Dam removal was a good example how Counties, State, and a non-profit national organization, like American Rivers, can do good for an area. Why can't we do the same here within Howard County? DPZ needs to seek to understand what is possible by utilizing State, Federal, and other resources. It would seem to be a no brainer to eliminate, limit or reconsider development on topography that is around the Patapsco Valley State Park and especially the Ilchester area.

I believe this legislation would also help DPZ make better decisions. Since they can only go by the regulations that are in place, it's imperative that you vote for this Bill and get legislation in place immediately so they can do their jobs effectively. It's not fair to them or us, if you leave the regulations the same and not pass this legislation.

We, the people, voted you in to influence change. Not the building industry, lobbyists, lawyers, or the entire ecosystem that feeds off of the emotions and regulation loopholes that exist today, and who have had their influence over past administrations. Give us a chance this time.

Again, this legislation will help balance the inequality between bad development decisions and protecting the little that is left in the eastern part of the County and especially in the existing and extended watershed areas.

I urge you to vote and approve CB38.

Thanks for reading my testimony and your consideration for my thoughts.

Sincerely,

*Paul Marzin*

**Paul Marzin**  
Ilchester Road  
Ellicott City, MD

**Sayers, Margery**

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**From:** Tom Harman <tom.harman111@gmail.com>  
**Sent:** Monday, September 16, 2019 9:26 AM  
**To:** CouncilMail  
**Subject:** CB38, District 1

[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 Members,

I am a resident of Howard County in District 1. I am writing to express my strong support of Council Bill 38. I strongly believe more needs to be done to address the preservation of our forests and to protect our watershed. I am in favor of this bill and the benefits it will provide to help reduce flooding risks to our community. Please vote in support of this bill.

Very truly,  
*Tom Harman*

## Sayers, Margery

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**From:** Carol Heidhausen <cheidhausen@gmail.com>  
**Sent:** Monday, September 16, 2019 9:24 AM  
**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.]

To Whom it May Concern:

Please help our county to be responsible stewards of the last bits of undeveloped land, eliminating developer entitlements, and reducing future flood risks by voting FOR Liz Walsh's bill CB38. Our environment is in your hands as our elected council. I am a Howard County voter from District/Precinct 4006.

Thank you,  
Carol Heidhausen  
3100 Spring House Ct,  
Woodbine, MD 21797  
410 707-5794

**Sayers, Margery**

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**From:** Pete K <airmank@gmail.com>  
**Sent:** Monday, September 16, 2019 8:48 AM  
**To:** CouncilMail  
**Cc:** Rhea  
**Subject:** CB38 watershed

[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 to enforce strict watershed regulations.

I spend a lot of time on the water and have seen the damage from runoff and it is heartbreaking. We should be building buffers to slow the water. Columbia is doing that to great effect but we need developers help with this.

Peter Kaloroumakis  
Columbia

Sent from my iPhone

## Sayers, Margery

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**From:** Sunmy Brown <s\_brown0304@yahoo.com>  
**Sent:** Monday, September 16, 2019 6:50 AM  
**To:** CouncilMail  
**Subject:** Support Council Bill 38

[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 support Council Bill 38. If there was ever a more urgent time to address storm water management in Howard County, it is now. How can we forget the catastrophic flooding that took place in Historic Ellicott City in 2016 and 2018? We witnessed residents of the Valley Meade community being rescued by neighbors. Dunloggin residents were trapped in their homes due to flooding on their streets. In all of these flooding scenarios, people's lives were at risk.

We must protect our trees, forests, and waterways to circumvent future flooding. We cannot continue to jeopardize the safety and welfare of communities throughout Howard County. The proposals being made in CB38 are pragmatic and thoughtful. To name a few, eliminating developer entitlements, prohibiting residential infill in existing communities lacking infrastructure for storm water management, controlling runoff in existing communities, and requiring site development plans to assess environmental impact will mitigate the increasing problems we have witnessed in our communities and water ways.

In order to sustain the quality of life in Howard County, we must provide sensible solutions in storm water management. Supporting Council Bill 38 is a step in the right direction. This cannot wait. We cannot afford to wait for the next flood to destroy another community. Please support Council Bill 38.

Best Regards,

Sunmy Brown  
Ellicott City, District 1



Sayers, Margery

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**From:** Laura Wisely <laura.wisely@gmail.com>  
**Sent:** Monday, September 16, 2019 5:41 AM  
**To:** CouncilMail  
**Subject:** Support Council Bill 38  
**Attachments:** CB 38-2019 testimony.docx

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

Attached is my testimony to support Council Bill 38.  
Thank you

September 16, 2019

Howard County Council  
George Howard Building, 1<sup>st</sup> Floor  
3430 Courthouse Drive  
Ellicott City, MD 21043

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

Dear Members of the Council,

I am writing to support CB 38-2019. It is time for our land to have an advocate. We must advocate to preserve the health of our Patapsco watershed in every decision. Those who live within the watershed want this to be protected for not only its beauty, its habitat, but also its safety. I live in the Main Street area of Elkridge. We have had rising waters and we have felt the aftermath of our past two historic floods. Our community volunteers have picked up loads and loads of debris that have been washed downstream from Ellicott City Flooding. What is all of this debris and flash flooding doing to the health of the riverbeds and the animals who live within?

Riverwatch is an example of a development that should not have been built so close to our watershed. Please look at the pictures or come and see for your self the land alongside the riverbank behind this development. The land is literally eroding and falling away and the community gazebo is mere feet from the edge.

CB 38-2019 will tighten our planning for communities. It is responsible. Howard County priorities should focus on safety and healthy communities- both in the human environment as well as our natural environment.

I want to be proud of our county once again. I want other counties to see us as holding the highest standards possible to protect our land and watershed.

Please lend your support to this bill CB 38-2019.

Thank you,

Laura Wisely  
5811 Main Street  
Elkridge, MD 21075

## Sayers, Margery

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**From:** Sharon Harman <sharon.harman104@gmail.com>  
**Sent:** Sunday, September 15, 2019 10:41 PM  
**To:** CouncilMail  
**Subject:** CB38, District 1

[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 Members,

I am a resident of Howard County in District 1. I am writing to express my strong support of Council Bill 38. As a resident of the county, and one who lives in close proximity to Main Street and it's issues with flooding, I am in favor of this bill and the benefits it will provide to help reduce flooding risks to our community. Please vote in support of this bill.

Thank you,  
Sharon Harman

## Sayers, Margery

---

**From:** Jill Bateman <jtbateman2@gmail.com>  
**Sent:** Sunday, September 15, 2019 8:33 PM  
**To:** CouncilMail  
**Subject:** I SUPPORT CB38!

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

Dear Council Members,

There have been too many decades of developers decimating our county, with the permission of county politicians. We need to preserve open space, be citizen centered in planning for Route 1 and we need sensible, up-to-date storm water management.

My children have attended over-crowded schools since Kindergarten. My father fought for an Elkridge HS for decades. Sidney Cousin, before he retired, promised the next HS would go in the northeast. Many of us are tired of lip service.

Voting in favor of CB38 will show the citizens of the NE that you do care about those of us who have chosen to live in an area that has so much potential. Start making decisions that favor this area. Show us you care about our quality of life.

Vote for CB38!

Jill Bateman  
Elkridge resident for more than 5 decades  
443-939-0705

## Sayers, Margery

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**From:** Jack Guarneri <jackguarneri@gmail.com>  
**Sent:** Sunday, September 15, 2019 7:57 PM  
**To:** CouncilMail  
**Cc:** Walsh, Elizabeth; Jung, Deb; Rigby, Christiana; Jones, Opel; Yungmann, David  
**Subject:** Written Testimony in Support of CB38-2019  
**Attachments:** Guarneri Testimony to Council In Favor CB38-19.docx

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

Council Members,  
Attached and below is my testimony in support of passage of Council Bill 38-2019.

Respectfully,

James M. (Jack) Guarneri  
10224 Little Brick House Court  
Ellicott City, MD 21042  
[jackguarneri@gmail.com](mailto:jackguarneri@gmail.com)  
(301)844-8930  
District 1

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### Jack Guarneri Testimony in support of CB38

Over the past 10 years as an active advocate for improvements in accessibility for bicyclists and pedestrians I have worked closely with County Government – elected, appointees, and employees from Public Works (PW) and Planning and Zoning (P&Z). There have been two primary issues that have limited progress by failing to mitigate the impact of new development:

1. Consistent bureaucratic delays in needed updates to regulations and policy that would more appropriately shape development. These include: PW Design Manuals and P&Z updated Development Regulations and changes in the County General (Zoning) Plan. In the past these Departments have ignored or been passive/aggressive in response to Council Resolutions.
2. A mindset in P&Z that their responsibility is to facilitate development rather than ensure that zoning, environmental, and infrastructure issues are considered. This results in a persistent pattern of recommending waivers and rezoning (usually approval of increasing density) while at the same time allowing developers to buy out of requirements for affordable (less profitable) housing and environmental limitations.

Each year without updated Development Regulations (implementing mandatory limitations of the impact on the environment/quality of life) in Howard County results in ~1700 new units of housing, thousands of additional car trips per day and students, lost trees, and additional threat of flooding.

CB38-19 is a first step by Council in providing a gapfiller until the legal documentation to control and shape development can be mandated by Council Bill and forced out of County Departments. CB38 will in the interim help protect and preserve trees, forest and waterways by providing reasonable limitations:

- Requiring new developments to control runoff to a level commensurate with the undeveloped site under 2016 flood conditions
- Prohibiting further building in the watershed within critical distances
- Eliminating P&Z granting developer waiver or 'alternative compliances in the watershed and returning this responsibility to Planning and Zoning Board review.

- Eliminating developer ability to pay 'fee in lieu' instead of complying with open space and forest conservation
- Prohibiting residential infill in existing communities lacking adequate stormwater infrastructure
- Requiring site development plans to provide adequate detail to allow assessment of true environmental impact

These legal limitations should have been already been in effect and must be in future revised Development Regulations/Code, but until they are it is up to Council to ensure that further damage is not done to the County's environment or our quality of life NOW. It cost much more to remediate the damage caused by inadequate control of development (to be partially addressed by CB42) than it would be to assess and ensure the control of the environmental impact of new development is adequately addressed by Council Bills such as CB38.

**James M. (Jack) Guarneri**  
10224 Little Brick House Court  
Ellicott City, MD 21042  
Council District 1

Testimony for County Council for September 16, 2019 Hearing on Council Bill 38-2019

Over the past 10 years as an active advocate for improvements in accessibility for bicyclists and pedestrians I have worked closely with County Government – elected, appointees, and employees from Public Works (PW) and Planning and Zoning (P&Z). There have been two primary issues that have limited progress by failing to mitigate the impact of new development:

1. Consistent bureaucratic delays in needed updates to regulations and policy that would more appropriately shape development. These include: PW Design Manuals and P&Z updated Development Regulations and changes in the County General (Zoning) Plan. In the past these Departments have ignored or been passive/aggressive in response to Council Resolutions.
2. A mindset in P&Z that their responsibility is to facilitate development rather than ensure that zoning, environmental, and infrastructure issues are considered. This results in a persistent pattern of recommending waivers and rezoning (usually approval of increasing density) while at the same time allowing developers to buy out of requirements for affordable (less profitable) housing and environmental limitations.

Each year without updated Development Regulations (implementing mandatory limitations of the impact on the environment/quality of life) in Howard County results in ~1700 new units of housing, thousands of additional car trips per day and students, lost trees, and additional threat of flooding.

CB38-19 is a first step by Council in providing a gapfiller until the legal documentation to control and shape development can be mandated by Council Bill and forced out of County Departments. CB38 will in the interim help protect and preserve trees, forest and waterways by providing reasonable limitations:

- Requiring new developments to control runoff to a level commensurate with the undeveloped site under 2016 flood conditions
- Prohibiting further building in the watershed within critical distances
- Eliminating P&Z granting developer waiver or 'alternative compliances in the watershed and returning this responsibility to Planning and Zoning Board review.
- Eliminating developer ability to pay 'fee in lieu' instead of complying with open space and forest conservation
- Prohibiting residential infill in existing communities lacking adequate stormwater infrastructure
- Requiring site development plans to provide adequate detail to allow assessment of true environmental impact

These legal limitations should have been already been in effect and must be in future revised Development Regulations/Code, but until they are it is up to Council to ensure that further damage is not done to the County's environment or our quality of life NOW. It cost much more to remediate the damage caused by inadequate control of development (to be partially addressed by CB42) than it would be to assess and ensure the control of the environmental impact of new development is adequately addressed by Council Bills such as CB38.

**Sayers, Margery**

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**From:** Angela Katenkamp <akatenkamp@gmail.com>  
**Sent:** Sunday, September 15, 2019 4:59 PM  
**To:** CouncilMail  
**Subject:** Support CB38  
**Attachments:** CB38.docx

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



Dear Council Members,

Please support CB38. Since moving to Howard County in 2005 I have seen an increase in flooding. This bill will strengthen our ability to protect our trees and watershed and help protect both citizens and the environment.

Sincerely,

Angela Katenkamp Shiplet

## Sayers, Margery

---

**From:** Marybeth Steil <marybeth.steil@gmail.com>  
**Sent:** Sunday, September 15, 2019 2:41 PM  
**To:** CouncilMail  
**Subject:** Support for CB38

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

Dear Council members:

My name is Marybeth Steil, I live with my family on South Wind Circle in the River Hill section of Columbia. I live in District #4.

I am writing to voice my support for Council Bill CB38 – to protect and preserve our watershed.

I support this bill because the catastrophic floods in the past several years have shown us that watershed protection is an issue affecting life and property, as well as our environment.

We need to introduce and pass real legislation to protect our watershed from development.

Thank you.

Marybeth Steil  
6448 South Wind Circle  
Columbia, MD

## Sayers, Margery

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**From:** SOPHIA THOMAS <st2girls@comcast.net>  
**Sent:** Sunday, September 15, 2019 2:20 PM  
**To:** CouncilMail  
**Subject:** Council Bill 38: The Patapsco Lower North Branch Bil

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

I am a lifelong resident of Howard County (+50 years) . I support the above bill in order to alleviate the constant development in our county. We don't need more houses. Traffic has become unbearable, our schools are suffering due to overcrowding, and our climate is suffering due to the pollution.

Sophia Thomas

7013 Long View Road

Columbia, MD

**Sayers, Margery**

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**From:** Walsh, Elizabeth  
**Sent:** Sunday, September 15, 2019 1:28 PM  
**To:** CouncilMail  
**Cc:** Jones, Diane; Glendenning, Craig; Harrod, Michelle R; Fisher, Karina; Dvorak, Nicole  
**Subject:** CB38 Summary Chart  
**Attachments:** SummaryChartforCB38.2018.09.15.pdf

Colleagues: Attached is the summary chart, latest version, that D1's put together for CB38. Happy to explain, add to, clarify... whatever you may need. Thanks very much.

# Summary Chart for CB38

Prepared by D1, 9/15/2019

	What Changes	Code Section	Before	After	CB38	Code Section	What's Affected	Potential Amendments
1	Extending the building moratorium by 3 months	CB56-2018 (Watershed Safety Act), CB16-2019 (earlier three-month extension)	Effective Period ends October 26, 2019	Effective Period ends January 26, 2020		CB40-2019	Two projects released from 'school wait bin' during moratorium: Long Gate Overlook (79SFA, 7.6 of 7.4-acre site within limit of disturbance, per 19Oct17 SDP) and Taylor Place (248SFA, proposes to pay fees in lieu of 9.16 acres' reforestation; DPZ granted WP-17-048 to remove 72 specimen trees on 21Feb2018.)	
2	Encompassing the entire Patapsco Lower North Branch watershed	CB56-2018	OEC and Plumtree	PLNB	p.4, line 1	16.108(b)(36.1)	See GIS map attached to legislation.	

# Summary Chart for CB38

Prepared by D1, 9/15/2019

What Changes	Code Section	Before	After	CB38	Code Section	What's Affected	Potential Amendments
3 Expanding buffers protecting most-sensitive environmental features							
Floodplain	16.115(a) through (d)	0'	100'	p.4, line 9	16.115(e)	No more than 1200 acres total in the PLNB watershed, per February 2005 <i>Characterization of the PLNB in Howard County, Maryland</i> . (p.11)	Swapping out "2016 Ellicott City" floodplain to "100-year" floodplain identified in existing Code, last mapped in DATE; and eliminating two exceptions as duplicative of revised 16.104(d)
Wetlands	16.116(a)(1)	25'	100'	p.4, line 22	16.116(c)	No more than 150 acres total in the PLNB watershed, per February 2005 <i>Characterization of the PLNB in Howard County, Maryland</i> (p.vi). "These wetlands represent about half of one percent of the total area in the watershed," (p.9).	
Waterways	16.116(a)(2)	0'-100' depending on category of stream (man-made waterway, intermittent and perennial streams and MDE-classified Use I, III and IV streams)	100'	p.4, line 22	16.116(c)	*In Howard County's portion of the Patapsco Lower North Branch (LNB) watershed, all streams and other surface waters are designated Use 1 for Water Contact Recreation and Protection of Aquatic Life* per February 2005 <i>Characterization of the PLNB in Howard County, Maryland</i> (p.3), i.e., require a 75' buffer per existing Code 16.116(a)(2)(ii).	
Steep slopes	16.116(b)	0'	50'	p.4, line 23	16.116(c)		

# Summary Chart for CB38

Prepared by D1, 9/15/2019

What Changes	Code Section	Before	After	CB38	Code Section	What's Affected	Potential Amendments
4 Enhancing existing environmental requirements						No more than ##% undevelopable land in the PLNB.	
Forest conservation	16.1206 and 16.1207	Depends upon the amount of forest cover existing and removed	No more than 25% existing forest cleared; on-site afforestation must cover at	p.13, line 26; p.14, line 5.	16.1206(d); 16.1207(d)		
Open space	16.121(a)	0-50% depending on zoning (RC, RR = 0; R-20, R-12 vary from 6-40%; R-SC, R-SA-8, R-A-15 and RMH = 25%; and R-ED = 50%)	75%	p.7, line 3	16.121(a)(2)(i)		
Stormwater control	18.902A and 18.903A	"10-year and 100-year peak management control," per Stormwater Design Manual, p.5-3	"2016 peak flood conditions," including redevelopment sites	p.15, line 21; p.16, line 21; p.18, line 15	18.902A(c); 18.903(a)(5); 18.910(e)		Deleting revisions to 18.902A as duplicative of revisions at 18.903; adding specificity, to control "the 3.55-hour, 6.6-inch storm event."

Summary Chart for CB38

Prepared by D1, 9/15/2019

What Changes	Code Section	Before	After	CB38	Code Section	What's Affected	Potential Amendments
5 Eliminating Developer exemptions (waivers and/or fees-in-lieu of compliance)						No more than ##% undevelopable land in the PLND. What's not affected: "construction of public or private roads, driveways, utilities, trails, pathways, or stormwater management facilities..." per County Code 16.116(c), Necessary Disturbances (which was the subject of CB4-2019).	
Eliminating waivers, generally	16.104(d)(1)	Excludes waivers of 16.115 and 16.116 only, and subject to various exceptions	Applies to "division or development of land," adds rest of Article II requirements and forest conservation, limits exception to SWM/flood control	p.2, line 22	16.104(d)		To simplify numbering, just (d) (no numbered subsections necessary)
Floodplain	Also 16.711(c)(2)	Not waivable, subject to various exceptions	Not waivable, then repeated again in floodplain-specific "variances" exception limited to SWM/flood control	Also p.10, line 21			
Wetlands		Not waivable, subject to various exceptions	Not waivable, exception limited to SWM/flood control				Eliminating/clarifying proposed change to 16.116(d)(3), so that necessary disturbance exemption remains intact.
Waterways		Not waivable, subject to various exceptions	Not waivable, exception limited to SWM/flood control				Eliminating/clarifying proposed change to 16.116(d)(3), so that necessary disturbance exemption remains intact.
Steep slopes		Not waivable, subject to various exceptions	Not waivable, exception limited to SWM/flood control				Eliminating/clarifying proposed change to 16.116(d)(3), so that necessary disturbance exemption remains intact.



# Summary Chart for CB38

Prepared by D1, 9/15/2019

What Changes	Code Section	Before	After	CB38	Code Section	What's Affected	Potential Amendments
Forest conservation	Also 16.1215	Waivable	Not waivable, exception limited to SWM/flood control	p.14, line 28	16.1215(b)		
Open space		Waivable	Not waivable, exception limited to SWM/flood control				
Scenic roads		Waivable	Not waivable, exception limited to SWM/flood control				
Stormwater control	18.908 and 18.910 (specific to redevelopment)	Waivable	Not waivable, exception limited to SWM/flood control; 100% of redevelopment site required to comply	p.17, line 21; p.18, line 15 (specific to redevelopment)	18.908(3) and 18.910(e) (specific to redevelopment)		
Eliminating fees-in-lieu							
Stormwater control	18.909	Payable	Not payable	p.18, line 1	18.909(f)	Prior testimony confirmed no fees-in-lieu not used/received for some number of years.	
Forest conservation	16.1210	Payable	Not payable	p.14, line 17	16.1210(a)(1)(f)		
Open space	16.121(b)(2)	Payable	Not payable	p.7, line 23	16.121(b)(2)(iv)		

# Summary Chart for CB38

Prepared by D1, 9/15/2019

What Changes	Code Section	Before	After	CB38	Code Section	What's Affected	Potential Amendments
6 Prioritizing redevelopment of existing impervious sites	18.910(b)	Existing impervious area within limit of disturbance reduced by 50%, unless it's not.	Existing impervious area on site reduced by 25%, but no more than 25% of site's undeveloped land within limit of	p.18, line 12	18.910(e)	See D1 graphic showing comparative requirements, existing law and proposed.	
7 Limiting infill development to capacity	16.127	Allowed	Excluded in PLNB, plus in any existing community lacking adequate stormwater infrastructure to manage currently applicable requirements	p.10, line 12	16.127(D)		

# Summary Chart for CB38

Prepared by D1, 9/15/2019

What Changes	Code Section	Before	After	CB38	Code Section	What's Affected	Potential Amendments
8 Enhancing forest conservation self-reporting requirements County-wide							
Professionally prepared	16.1204(b)		Removes "qualified professionals" from eligibility; requires professional licensing	p.11, line 26	16.1204(b)	The one or two entities who perform a disproportionate amount of County forest conservation and wetland delineations do so without professional education, training or licensure.	
Depicting to scale "critical root zones" of "specimen" trees	County Forest Conservation Manual, Exhibit G-1	"On all forest conservation plan sheets, isolated specimen trees should be noted with their critical root zones and all forest stands to be saved should be noted by the edges of their critical root zones and not just by the	Requires CRZ to be depicted to scale on plan, versus simply "noted"	p.12, line 7	16.1204(d)(4)		Amend to also include edges of forest stands, per Forest Conservation Manual (Exhibit G-1); amend to define "specimen."
Delineating County-designated Green Infrastructure Network	None		Requires plans to include GIN	p.12, line 9	16.1204(d)(5)	The County's Office of Community Sustainability has identified and mapped the component "hubs" and "corridors" County-wide, but no part of DPZ review, approval or otherwise appears to consider or prioritize the County-designated Green Infrastructure Network.	
Delineating State-designated Targeted Ecological Areas	None		Requires plans to include TEA	p.12, line 11	16.1204(d)(6)	Targeted Ecological Areas are lands and watersheds of high ecological value that have been identified as conservation priorities by Maryland DNR for natural resource protection. These areas represent the most ecologically valuable areas in the State; they are the "best of the best". TEAs are preferred for conservation funding through Stateside Program Open Space.	

**Sayers, Margery**

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**From:** Alice Pham <alicekpham@yahoo.com>  
**Sent:** Sunday, September 15, 2019 11:56 AM  
**To:** CouncilMail  
**Subject:** In support of CB 38 on Developer Waivers

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

I support Councilwoman's bill, CB38. There is no reason for developers to be granted waivers. Howard County is a very desirable place for any developer to invest, and these waivers just put more burden on the current residents.

Alice Pham  
9650 Sandlight Ct  
Columbia MD 21046

## Sayers, Margery

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**From:** Beth Rada <bethrada@gmail.com>  
**Sent:** Sunday, September 15, 2019 11:48 AM  
**To:** CouncilMail  
**Subject:** Support for Council Bill 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'm a resident of Ellicott City, and I believe in SMART and THOUGHTFUL county development, with consideration to the ENVIRONMENT, particularly around stormwater management as well as mature forests and space for natural habitats. I also urge the Council to act with a keen sense of purpose here, by UPHOLDING principles of QUALITY LIVING. In addition to flood prevention and stormwater management, the Council should be including considerations of new TRAFFIC burdens, school burdens, etc when taking into account new development approvals.

There's a reason why people love living in EC and Howard County and it's because of the quality of life that Members of this Council has helped create over the past few decades. I urge the Council Members to take a stand by voting in support of Council Bill 38, realizing this is difficult to do when there's often heavy political pressure and heavy voices/pockets of the developers. It's clear to me that there needs to be public standards and requirements for the developers to follow. With the new regulations included in Bill #38, developers can and will continue to thrive in this county.

If not apparent, I'm expressing support for Council Bill 38 so that we protect against future flooding risks in the Patapsco Lower North Branch Watershed.

Sincerely,

Beth Rutman

--

Beth Rutman

## Sayers, Margery

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**From:** Nicole (Bosch) Tsang <nrbosch@yahoo.com>  
**Sent:** Sunday, September 15, 2019 9:10 AM  
**To:** CouncilMail  
**Subject:** Support for CB-38 - District 1 voter

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

I'm writing to express my full support of bill CB-38. It is time to close the loopholes that allow developers to get around the environmental laws already on the books. What good is a law if no one follows it? It is time for the county to forgo short term profits at the cost of our environment. This short-sightedness by the county has long term negative consequences on every individual living in the county.

Climate change is here. One of the best ways to combat the effects of climate change is to start at the local level. It is much easier for local governments to pass protective and aggressive measures to combat climate change than at the federal level. Howard County should be a leader in the state of Maryland and an example for the rest of the state. The easiest way to begin is to pass CB-38 and close environmental loopholes for developers.

A single tree, let alone a forest is worth so much than any short term profits gained by new development. Let me remind you of some of the ways trees positively impact us all.

- Trees combat climate change: They absorb CO<sub>2</sub>, storing the carbon and releasing oxygen.
- Trees clean the air- they absorb pollutant gases like nitrogen oxides, ammonia, and sulfur dioxide.
- In one year an acre of mature trees can provide enough oxygen for 18 people. Approximately 320,000 people live in Howard County. This means the county needs at least 17,777 acres of mature forest.
- Trees cool the streets and the city
- Trees save water by slowing evaporation.
- Tree help prevents water pollution - they reduce runoff which is a very big problem in many parts of the county including Old Ellicott City.
- Trees prevent soil erosion
- Trees shield children from ultra-violet rays - trees reduce UV-B exposure by about 50%
- Trees heal - studies have shown that forest walks can boost mental health.
- Trees provide a canopy and habitat for wildlife

Pass CB-38. The citizens of Howard County demand a healthy environment. Remember, you work for "We the people" not "We the developers." Pass CB-38 and close the loopholes.

Concerned Citizen,

Nicole Tsang  
4172 Brittany Drive  
Ellicott City, MD 21043  
703-774-7454

## Sayers, Margery

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**From:** Kevin Greene <krfgreene@gmail.com>  
**Sent:** Sunday, September 15, 2019 7:40 AM  
**To:** CouncilMail  
**Subject:** CB 38 Council Member: Liz Walsh

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

I support CB 38. I live next to a gas station on Old Columbia Pike. The owners applied for a waiver to build a structure within 30 feet of my property line.

I oppose their proposal. Up until now I was under the impression that there was nothing I could do about it. I have a one-year-old at home. The construction alone with dust and noise would be enough to affect his health and well-being. Not to mention the environmental concerns about disturbing the soil, uprooting trees, fuel fumes, and hazmat runoff. I'm told the process could last six months. This would make my home uninhabitable for my family and me.

I appreciate your attention to my concerns on this matter.

--

K Greene

**Sayers, Margery**

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**From:** ve hung <vwlh465@yahoo.com>  
**Sent:** Saturday, September 14, 2019 11:29 PM  
**To:** CouncilMail  
**Subject:** Please support CB-38-2019

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

Dear County Council Members,

I am writing in support of Bill CB-38-2019 that protects the Patapsco Watershed in Elkridge and Ellicott City. It is important that we protect against future flooding risks by preventing development close to floodplains, wetlands and on steep slopes. We also must not allow developers to receive all these waivers that excuse them from current environmental laws. We need to improve stormwater management so that flooding damage does not continually happen in Ellicott City year after year. Please stand up for protecting our environment and improving stormwater management.

Sincerely,

Verona Hung  
9180 Windflower Dr.,  
Ellicott City MD 21042

*If you forward this e-mail, please delete my e-mail address to reduce spam, viruses & identity theft.*



## Sayers, Margery

---

**From:** Chiara D'Amore <chiaradamore@yahoo.com>  
**Sent:** Saturday, September 14, 2019 9:36 PM  
**To:** CouncilMail  
**Subject:** support for 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,

I am writing in strong support of CB-38. As an environmental scientist and educator I cannot overstate the importance of legislation that prioritizes the ecological health of our community over the economic profit of developers. The health of ecological systems such as watersheds has a direct impact on the health and safety of the people that live in and depend on them. With the more extreme weather that will continue to be our new normal under climate change, business as normal will not protect our community from the types of tragic scenarios we saw with the Ellicott City floods. It is critical that waivers not be provided to excuse developers from environmental laws. We can take care of our people and our place by ensuring that future development prioritizes affordable housing and ecologically protective strategies. CB-38 closes loop-holes and proactively protects vulnerable areas. Once damage has been done and green places and their ecosystem services have been lost it is very difficult to make things right again. Let's focus on bolstering equity AND protecting the environment - they are not mutually exclusive goals unless people with pockets to fill set up a false juxtaposition to maximize their private benefit.

Thank you for all you do for our community!  
Chiara D'Amore  
District 4, Columbia

*Chiara D'Amore, Ph.D.*  
*President, The Community Ecology Institute*  
*Director, Columbia Families in Nature*  
*\*\*Visit the new online store for my nature art at [www.chiaradamore.smugmug.com](http://www.chiaradamore.smugmug.com)\*\**

## Sayers, Margery

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**From:** Jennifer Y. Grams <jygrams@gmail.com>  
**Sent:** Saturday, September 14, 2019 4:16 PM  
**To:** CouncilMail  
**Subject:** Support for CB38

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

I am writing to express my support for CB38.

The granting of waivers, exemptions and exceptions for development are destroying our watershed.

Please vote yes on CB38 to strengthen our county policies and to protect our county's natural environment for future generations.

Jennifer Grams  
Ellicott City  
District 1

**Sayers, Margery**

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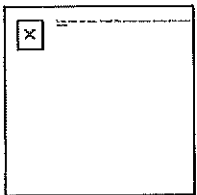
**From:** Mitch Ford <mitchellford1@gmail.com>  
**Sent:** Saturday, September 14, 2019 11:38 AM  
**To:** CouncilMail  
**Subject:** CB38 - Written Testimony in Support of Bill

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

Dear Councilmembers:

**Please vote YES to support CB #38.** Council Bill 38 will improve the environmental quality and quality of life for the Lower Patapsco Watershed, and is desperately needed in order to control the levels of uncontrolled and unplanned development in Elkridge and Ellicott City.

Thank you,  
Mitchell Ford  
Council District: 1 (Elkridge - Liz Walsh)



**MITCH FORD**

## Sayers, Margery

---

**From:** Peter Green <pgreen547@gmail.com>  
**Sent:** Saturday, September 14, 2019 11:32 AM  
**To:** CouncilMail  
**Subject:** CB 38

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

I urge Council support and passage of CB38. With two 500 year floods in old Ellicott City in 22 months, we should be good for another 1000 years, right? No, I expect we aren't.

My wife and I have lived at 9117 Northfield Road in Dunloggin for 43 years. We are not located in any flood plains and are on the highest local point of land. Despite this, we carry flood insurance and have spent a not inconsiderable amount of money directing water away from our house, and on installing more drainage in and around our house. Despite this, during the rain event of June 2018, we were compelled to supplement our sump pump by using a manual bilge pump for about an hour and a half. I am 79 and my wife is 76, so this was no small thing. Finally, the rain and runoff slackened enough for the sump pump to keep up and we could stop "manning the pumps." If we had been away, or the electricity had gone off, our finished basement would have flooded.

My guess is that the flooding problems in old Ellicott City were caused 2/3 by climate change and 1/3 by upstream development. Locally, we can do nothing about climate change, but we can do something about upstream development, and CB38 is part of that something. I would recommend extending it to include the Plum Tree Branch watershed as well.

While some may say that not granting waivers to developers will cause them hardship and amount to a taking, events strongly suggest that the waivers that have been granted are causing current residents recurring hardships and might be viewed as a recurring partial taking of the value of their property, as well as interfering with peaceful enjoyment under current conditions of climate change.

Thanks for your consideration.

Peter Green  
9117 Northfield Road  
Ellicott City, MD 21042

**Sayers, Margery**

---

**From:** Margaret Glyder <glyders@comcast.net>  
**Sent:** Saturday, September 14, 2019 10:13 AM  
**To:** CouncilMail  
**Subject:** Pass CB38

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

Dear Council Members :

Please pass CB38. I have lived in Howard County for 23 years. I was married in Howard County and have chosen to raise my family here. I have been an active community member. The reasons we love living here will cease to exist if we don't stop this. Stop allowing developers to have their way. Stop cutting down every last tree to shove a couple of houses in or to make things easier and more profitable for developers. Please listen to the interests of your current constituents over people and companies who come here just to make money while forever changing our community.

I urge you to Pass CB 38!!

Margaret Glyder  
9905 Springfield Drive  
Ellicott City

Glyders@comcast.net

Sent from my iPhone

**Sayers, Margery**

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**From:** Van Wensil <farmvan@gmail.com>  
**Sent:** Saturday, September 14, 2019 10:10 AM  
**To:** CouncilMail

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

Please support CB38. We in District 1 are very vulnerable to the impact of no or poor water runoff management. Please, consider the safety of our community. We had one water rescue last year putting our first responders also at risk. Thank you.

## Sayers, Margery

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**From:** Steffany Palulis <paluliss@gmail.com>  
**Sent:** Friday, September 13, 2019 8:02 PM  
**To:** CouncilMail  
**Subject:** Council bill CB38

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

I am a life-long resident of both Howard County and Catonsville and am of the opinion that the recent floods have resulted from over-development of the Ellicott City watershed. I strongly support bill CB38 and hope it passes. This can only get worse. Please fix it!!!

Steffany Palulis  
Council district 1

## Sayers, Margery

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**From:** Patricia Williams <pwilliamsmd@verizon.net>  
**Sent:** Friday, September 13, 2019 7:04 PM  
**To:** CouncilMail  
**Subject:** CB 38

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

To all Council Members,

I strongly support the bill, CB 38, proposed by Liz Walsh regarding the Patapsco River Watershed. I beg that the Plum Tree area watershed which affects Valley Mede be included as well.

So far, nothing much has been done to prevent flooding in the Valley Mede neighborhood, upstream or down. For that reason I don't think ANY developing in that area be allowed to proceed under ANY circumstances. Why add to the problems that have not yet been solved? If it is solely David Yungmann's responsibility to add this to CB 38, I am passionately requesting him to make that move. Allowing more development then seeing more , and perhaps worse, flooding in the Plum Tree watershed would be irresponsible and too late to do anything about it.

Sincerely,  
Pat Williams  
District 5



## Sayers, Margery

---

**From:** Kaitlyn McKay <kaitmckay@gmail.com>  
**Sent:** Friday, September 13, 2019 5:39 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.]

Good evening,

I'm sending this email to offer my support of Council Bill 38. I'm from Council District 3 & I live in Columbia.

Thank you,

Kaitlyn McKay

## Sayers, Margery

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**From:** Holly Huntley <hhuntley@lmdagency.com>  
**Sent:** Friday, September 13, 2019 5:20 PM  
**To:** CouncilMail  
**Subject:** CB38 support from District 4

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

I support this bill and live in District 4.

Please act now.

Holly Huntley



**holly huntley**  
VP of Consulting & Client Services  
[301.498.6656](tel:301.498.6656) (o)  
[410.456.4494](tel:410.456.4494) (m)  
[LMDagency.com](http://LMDagency.com)

[Find and follow us on Facebook](#)  
GSA Schedule Contract GS-07F-0086T  
WOSB, 8(m), SBR, MBE

**Sayers, Margery**

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**From:** Jones, Diane  
**Sent:** Friday, September 13, 2019 4:44 PM  
**To:** Sayers, Margery  
**Subject:** FW: Testimony for CB38, CR122 and CR123  
**Attachments:** CB38 CR122 CR123\_Lilly.pdf

Margery, can you please remove Ms. Lilly from the testifying list and include her testimony?

Thank you,

Diane

**From:** Lori Lilly <lorililly@gmail.com>  
**Sent:** Friday, September 13, 2019 4:34 PM  
**To:** Walsh, Elizabeth <ewalsh@howardcountymd.gov>; Jones, Opel <ojones@howardcountymd.gov>; Rigby, Christiana <crigby@howardcountymd.gov>; Jung, Deb <djung@howardcountymd.gov>; Yungmann, David <dyungmann@howardcountymd.gov>  
**Cc:** Jones, Diane <dijones@howardcountymd.gov>  
**Subject:** Testimony for CB38, CR122 and CR123

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

Good afternoon,

I was not able to submit written testimony through the online sign-up (and accidentally signed up to testify in person though I will not be able to attend. Diane, can you remove me and include this written testimony below?).

Thank you very much.

9/13/2019

Dear Members of the Howard County Council,

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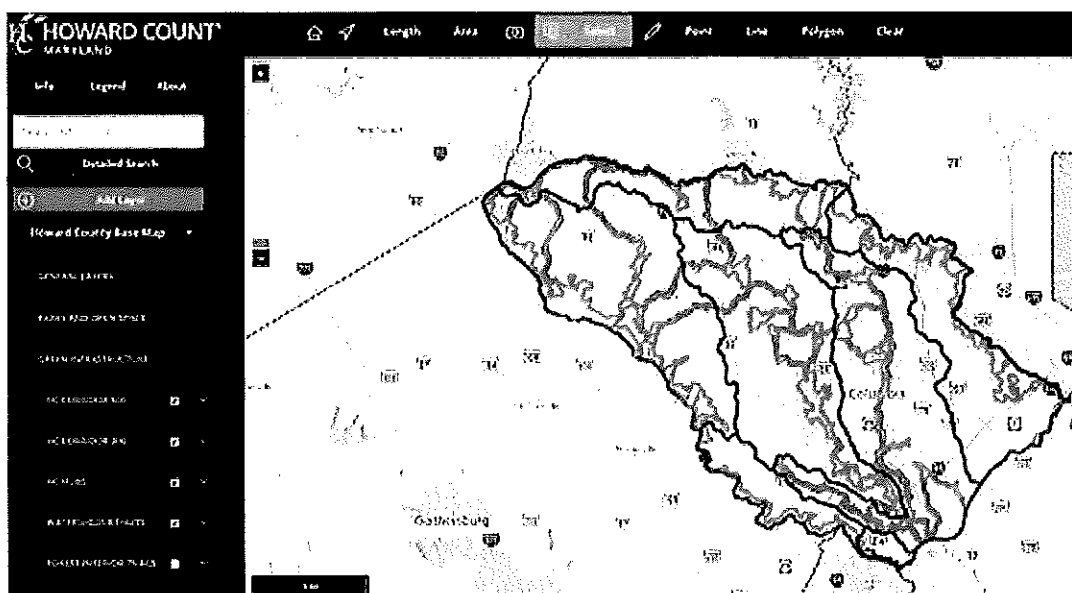
Thank you for considering these comments in your review of CB38, CR122 and CR123. Please note that these comments are from myself as an individual and resident of Howard County and do not represent the organization or Board Members of Howard EcoWorks.

With regards to CB38, first, thank you to Council Member Walsh for putting forth this legislation to protect the Lower North Branch Patapsco Watershed. It is heartening to have a council representative with so much dedication to protecting our natural resources.

I do have some reservations with regards to this legislation. While I know it was put forward with the best of intentions, the geographic scope seems arbitrary. If the legislation had been limited to the Tiber Hudson or Plumtree, I would have had no question. I do not understand the justification for the legislation to the entire

Lower North Branch Patapsco as compared to other areas in the County. I feel these protections should be applied to all of our sensitive resources and, to that end, my recommendation would be to apply this legislation to the entirety of Howard County's Green Infrastructure Network (GIN).

The GIN represents our County's most important ecological areas. The County has done extensive planning and GIS analysis to identify and map these special areas yet there is no regulatory protection, and every year the GIN becomes more and more fragmented. Ecosystem services function best when they are connected and what we need, with threats of climate change looming right in front of us, is resilient natural infrastructure, that is, a functional network of hubs and corridors that is maximized for benefits to people and wildlife. If you are not familiar with the GIN, below is a screenshot from [Howard County's interactive map](#) noting the location throughout all of your districts.



Recently I attended the County Executive's announcement about Howard County becoming a Bee City. I applaud this initiative but the irony was not lost on me that, as we all stood in the meadow at the Howard County Conservancy to extol an effort to benefit ecosystem services, the sounds of bulldozers rumbled in the background as areas directly adjacent to the Conservancy and Patapsco Park were (and still are) being plowed under for a new development. That particular parcel is, strangely, not in the GIN even though it sits between two protected pieces of land. Part of the Conservancy is not in the GIN either. In discussions with the Office of Community Sustainability about why a portion of the Conservancy or this area under development are not identified for inclusion in the GIN, the answer is that the mapping was a high level planning exercise and it is not perfect. And I get that, which is why I think that we need to protect both the GIN and a buffered area around its perimeter, have triggers in place when development is occurring within or adjacent to the GIN, and then regulatory legislation as outlined in CB38 to provide protection for these exceptional resources. In addition, restoration of the GIN is needed as so much has already been fragmented. Just one example of the affects of this fragmentation, is the number of car collisions with deer. Deer thrive on "edge" habitat and every year we make more and more of that such that the wildlife do not have safe places to travel and therefore endanger our own travel-ways. What is the rate of deer collisions over the past couple of

decades? I did not have time to look it up, but my best guess is that it has increased significantly over the years.

In conclusion with regards to CB38, I hope that the Council will consider **bold** action to extend Council Member's Walsh's legislation to the entirety of Howard County's Green Infrastructure Network. That truly would be an incredible act that would provide benefits to many future generations while preparing our County and its people for the uncertainties that we face with climate change.

With regards to CR122 and CR123 – while my preference would be for a complete and indefinite moratorium on development in the Tiber Hudson and Plumtree watersheds, I support these resolution and modifications to the Howard County Design Manual as a positive step that will help to limit and dissuade development in the watershed. I hope that you will pass these resolutions as a next step in protecting Ellicott City.

Thank you for your consideration of this testimony.

Sincerely,

Lori Lilly  
10520 Old Frederick Rd.  
Woodstock, MD 21163

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Lori A. Lilly, CEP, CBLP

9/13/2019

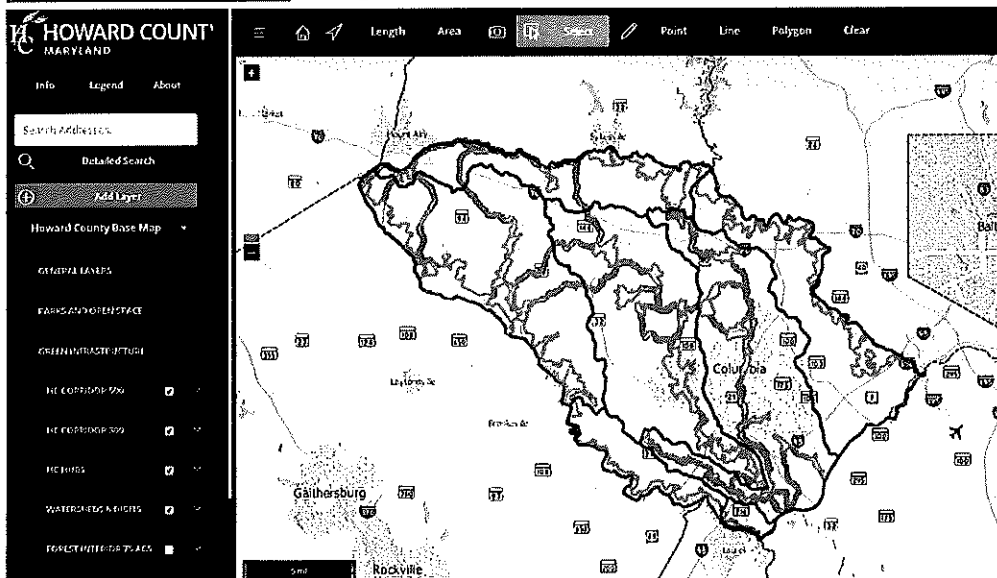
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In conclusion with regards to CB38, I hope that the Council will consider **bold** action to extend Council Member's Walsh's legislation to the entirety of Howard County's Green Infrastructure Network. That truly would be an incredible act that would provide benefits to many future generations while preparing our County and its people for the uncertainties that we face with climate change.

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Thank you for your consideration of this testimony.

Sincerely,

Lori Lilly  
10520 Old Frederick Rd.  
Woodstock, MD 21163

**Sayers, Margery**

---

**From:** Kittie Murray <kittiebx@hotmail.com>  
**Sent:** Friday, September 13, 2019 4:31 PM  
**To:** CouncilMail  
**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.]

- 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

Kittie Murray  
Elliott City



**Sayers, Margery**

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**From:** B Illum <buffy.illum@gmail.com>  
**Sent:** Friday, September 13, 2019 4:24 PM  
**To:** CouncilMail  
**Subject:** I support CB-38

[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,

I am writing in support of CB-38. We sorely need to see leadership on storm water in Howard County. We were fortunate that there wasn't another catastrophic event this summer but 2011, 2016 and 2018 are still fresh memories. I know all of you will never forget the people who lost their lives on Main Street or the people in Valley Meade who had to be rescued from flood waters by their neighbors, residents in Dunloggin that were trapped in their houses. There are probably other storm stories I don't know about. Now's the time to act to avoid the next crisis.

I support cutting out the loop holes, like "fees in lieu", that undermine public safety, the Main Street business community and sends pollution into the Chesapeake Bay. And I support updating regulation so that it matches the extreme weather events that are our new normal. I know that it's hard not to become cynical and the times we live in. Some Howard County residents are probably what you could call "anti-development" and want to protect their neighborhood from change. I'm not one of them. I support ecologically sound development and affordable housing. It's the county that sets the rules to make sure that happens though. Let's be real, today's developers aren't running non-profits. To be sure, they play a role in our county's economic health but it's the county leadership that can make sure the developers' contribution isn't at the expense of public safety, small business owners and our Chesapeake Bay goals. I know there's a lot to balance and weigh in the county right now. I think you are the people that can figure out how to bolster equity AND protect the environment. Let's show why Howard County is a model county - your thoughtful leadership matters in that.

Thanks for all you do to support our community!  
Buffy Illum  
District 1

## Sayers, Margery

---

**From:** Steve Breeden <sbreeden@sdcgroupp.com>  
**Sent:** Friday, September 13, 2019 4:10 PM  
**To:** CouncilMail  
**Subject:** Bill 38-2019

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

Dear Council,

Unfortunately I can't be there Monday night to testify in person AGAINST proposed Bill No. 38-2019. I try not to testify and waste your time on things that really don't matter to most of the people in this county. However, this bill does matter to many, especially the taxpayers. It is effectively a taking as I see it. Anyone within this area of the county will no longer have any rights to reasonably develop, or in many cases, even maintain their property. I believe that the county is not allowed to take substantially all of the use of someone's property without compensation. This bill will open up the county to multiple lawsuits, the result of which is likely to be that the county will need to compensate property owners the fair value of the property that will have been taken.

This bill affects all of the properties in this large area, and would be a terrible mistake that will have significant costs to both home prices, (as no new homes will be able to be built), as well as affecting all commercial and industrial properties. The only way that home prices can be lowered is through the production of new homes, and this bill will further exacerbate the problem.

There are already a plethora of green initiatives and growth limiting laws on the books, as well as currently proposed by the administration, to handle stormwater runoff and other environmental concerns.

This bill is ill willed, as it would stop everything in this area of the county. It may be the worst bill I have ever seen proposed, and I have seen some very bad bills.

Thank you for reading this.

Steven K. Breeden  
587 Gaither Road  
Sykesville, MD 21784

**Sayers, Margery**

---

**From:** Karla Whittaker <whittaker.karla@gmail.com>  
**Sent:** Friday, September 13, 2019 4:00 PM  
**To:** CouncilMail  
**Subject:** CB 38

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

Hello,

I live in District 1 and I am writing to support CB 38. Our watershed needs to be protected in order to minimize future flooding risks. We cannot continue the level of development that we have seen to date. Please support this legislation.

Karla Whittaker

Sent from my iPhone

## Sayers, Margery

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**From:** A Judd <bakkj55@hotmail.com>  
**Sent:** Friday, September 13, 2019 3:49 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 support CB38. I can't understand how the abomination on Old Annapolis got approved. The last 100 flood resulted in the worst flooding I have seen on Old Annapolis Rd. I believe the massive Centennial Overlook development contributed greatly. And then you guys approved the development featured in the Liz Walsh video.

Enough, already.

Aileen Judd

Liz Walsh.

IF YOU SUPPORT: Being responsible stewards of the last bits of undeveloped land, eliminating developer entitlements, and reducing future flood risks, then #CB38 is your bill. And we need to hear from you.

The public hearing for Council Bill 38 is this coming Monday, September 16 at 7 pm. To sign up to testify, visit:  
<https://apps.howardcountymd.gov/otestimony/>

\*\*Per new testimony guidelines, individuals MUST sign up by 7 pm on Monday in order to testify. Organizations must sign up by 5 pm on Monday and complete the form found through the above link.

And please send your written support to the Council (also very important) to: [councilmail@howardcountymd.gov](mailto:councilmail@howardcountymd.gov).

To learn more, visit: <https://cc.howardcountymd.gov/LinkClick.aspx?fileticket=-7oD9DHc0s4%3d&tabid=535&portalid=0>



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

September 10, 2019

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

**RE: CB 38 – The Patapsco Lower North Branch Bill**

Dear Councilwoman Rigby:

Throughout its history, Historic Ellicott City has been prone to flooding. Floods of 2016 and 2018 have many calling for more stringent requirements to development impacting the historic district. Since 2018, a development moratorium has been in place for the historic district until further studies could be completed. Like many county residents and property owners, the Chamber agrees that the historic district and surrounding neighborhoods are jewels that should be protected.

As with most legislative matters, it's not the intent that is questioned but rather the details. What started out as protecting Historic Ellicott City from flooding has seemingly expanded to the entire watershed and now impacts both Ellicott City and Elkridge. It is important that legislation balance environmental concerns with business and marketplace realities. In our opinion, this legislation does not do that.

If the legislation before us passes, the County stands to be impacted in a myriad of ways. This legislation prohibits an inordinate amount of commercial and residential activities thereby impacting land usage and redevelopment in Route 1, a key commercial thoroughfare. There are also inconsistencies with previously adopted county policies and plans. Albeit years on the horizon, this bill threatens key public facilities yet to be built in the Elkridge community namely that of HS 14. It also impacts utility maintenance and infrastructure expansion. Lastly, it lessens the value of land because of the increase percentage of land now dedicated to easements.

CB 38 – The Patapsco Lower North Branch Bill

September 10, 2019

p. 2

For the reasons outlined above, the Howard County Chamber respectfully opposes CB 38 and request a “No” vote.

Respectfully,

A handwritten signature in black ink that reads "Leonardo McClarty". The signature is written in a cursive style with a long, sweeping tail on the final letter.

Leonardo McClarty, CCE

President/CEO, Howard County Chamber

CC: Dr. Calvin Ball, Howard County Executive  
Howard County Chamber Board of Directors  
Legislative Affairs Committee

## Sayers, Margery

---

**From:** Connie Ennis <ennis.connie@yahoo.com>  
**Sent:** Friday, September 13, 2019 2:44 PM  
**To:** CouncilMail  
**Subject:** CB 38. Patapsco Lower North Branch Bill

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

I live at 4045 St Johns lane Ellicott City (District 1). My residence is located within the watershed boundaries of Patapsco Lower North Branch. I also own a business located at 3723 Old Columbia Pike, Ellicott City (District 1) located within the watershed boundaries of Patapsco Lower North Branch.

This is sent to register my support of CB 38 to protect my family and my investment in 2 properties located with in this area against future flooding and to protect against any further risk to the public health, safety and welfare of others living or visiting in this area.

Sent from my iPad

## Sayers, Margery

---

**From:** Kerri Bentkowski Li <kerri.bentkowski@gmail.com>  
**Sent:** Friday, September 13, 2019 2:11 PM  
**To:** CouncilMail  
**Subject:** Support for CB 38- Protect the Patapsco

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

Dear County Council member-

Please support CB-38-2019 that supports responsible stormwater management, protects Green space, and enforces existing environmental protections for this special part of the Patapsco watershed.

Developers & Howard County DPZ cannot continue to develop in the Ellicott City & Elkridge as "business as usual." The conditions in these areas require careful, conservative development. This bill strengthens Route 1 revitalization for the communities that live there.

I grew up in Ellicott City, owned property in Elkridge for 16 years & currently live in Ellicott City. I see the degradation from overdevelopment & poor planning impacting our waterways and our schools everyday. It is time to change our approach to growth & enforce the laws in place to protect our communities & water.

Absolutely no Fee-in-Lieu should be permitted in Ellicott City.

Thank you for your consideration.

Sincerely,  
Kerri Bentkowski Li  
9882 Century Drive  
Ellicott City



## Sayers, Margery

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**From:** Cristina Sovereign <cristina.sovereign@gmail.com>  
**Sent:** Friday, September 13, 2019 1:31 PM  
**To:** CouncilMail  
**Subject:** support CB38

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

Please pass Council Bill CB38. Howard County has sensible development requirements already on its books, but they are absolutely useless if waivers are granted to developers. Unfortunately, Howard County has granted far too many waivers in its recent history. It's pretty clear to any average citizen that flooding on Main Street has been exacerbated by the development in the surrounding hillsides. Howard County has to change its permissiveness towards developers. Promote the quality of land development over the quantity. Give priority to the protection of pre-existing homes and businesses from flooding rather than new developments.

Anybody who votes against this bill clearly is in the pockets of developers and I will make a note in my smart phone never to vote for them and warn my neighbors, colleagues and friends to do likewise.

Cristina Sovereign  
Ellicott City, MD

## Sayers, Margery

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**From:** Cynthia Vanderwagen <Cynthiavanderwagen@gmail.com>  
**Sent:** Friday, September 13, 2019 11:08 AM  
**To:** CouncilMail  
**Subject:** CB38-2019: Protect This Watershed

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

Howard County Council

MD  
US

RE: CB38-2019: Protect This Watershed

Dear Howard County Council,

As a resident of Howard County, I am very concerned about the waivers that are still being issued for developments impacting the Patapsco Lower North Branch, even though this watershed experiences stormwater and flooding issues. I live directly up the street from Main Street, and have a strong interest in supporting the businesses, families, and historic character of the area. The over development of Howard County land is very concerning to me as a parent of school-age children, a member of this community, and as someone who appreciates the beauty and history of this environment.

Waivers should be the exception, not the rule.

We are counting on the county to protect our environmental resources filter, slow, and absorb stormwater runoff before it becomes a problem.

Sincerely,  
Mrs. Cynthia Vanderwagen  
3610 Valley Rd  
Ellicott City, MD 21042  
(423) 718-0685

**Sayers, Margery**

---

**From:** Debra Radcliffe-Borsch <debra21794@yahoo.com>  
**Sent:** Friday, September 13, 2019 9:07 AM  
**To:** CouncilMail  
**Subject:** I support 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 make CB38 the law! We need to protect our environment, especially our waterways, because without clean water, we cannot live. We need to reduce erosion and the sediment buildup in the Patapsco River, which then promotes a healthier Chesapeake Bay! We have to build and repair WISELY and I believe CB38 is a step in the right direction.

Thank you,  
Debra Radcliffe-Borsch  
West Friendship, MD 21794

## Sayers, Margery

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**From:** Robin Barnes <robinebarnes4912@gmail.com>  
**Sent:** Friday, September 13, 2019 9:01 AM  
**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.]

Dear HoCo Council,

I am writing to support CB 38 concerning the Patapsco Lower Branch Watershed presented by Liz Walsh. As an Ellicott City resident of 7 years, I am greatly concerned about the flooding on Main Street the past three years as well as the excessive development that has resulted in 1000 students in our local elementary school the past several years. Please say "no" to waivers and fees for developers regarding boundaries and development requirements. Our local community has suffered so much due to these allowances and it has to be stopped. We need to be more responsible in the choices we make for the good of our citizens-especially our children.

Thank you Liz Walsh and team for all your work on this bill.

Regards,

Robin Barnes

District 1 resident

Mom of 5

Robin Barnes

<http://spiritualgrit.com/>

Sent from my iPhone

**Sayers, Margery**

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**From:** Mary Fisher <fisherprofessional1@gmail.com>  
**Sent:** Friday, September 13, 2019 8:57 AM  
**To:** CouncilMail  
**Subject:** Support of HB 38 (Council District 1)

[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 emailing my support of HB 38.

Unfortunately I will not be able to attend the meeting on Monday night. I am writing this as a constituent of District 1. I work as a Realtor in Howard County and also work as a Server on the weekends on Main Street. I live off of College Avenue. My children both attend Ellicott Mills Middle School. I am heavily invested in this community and the future of Ellicott City. Please accept my support and take into consideration the urgency of passing this bill and the impact that it will have on our future.

Thank you,

*Mary Fisher*

RE/MAX New Beginnings Real Estate Company  
1424 Sulphur Spring Rd, Baltimore, Md. 21227  
Office-410-242-0220 Cell -443-803-9355 Fax-410-242-0225  
Independently Owned and Operated



**Sayers, Margery**

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**From:** D Song <dysong1@gmail.com>  
**Sent:** Thursday, September 12, 2019 10:11 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.]

Dear Howard County Council,



I want to express my strong support for CB#38; it is a long overdue bill and will help ensure the quality of life for Howard County residents by protecting our dwindling undeveloped areas and also recoup the real costs of development from builders. Howard County is far behind other surrounding counties in charging the costs of development and in supporting our school revenues. Howard County residents will be watching to see who stands with them instead of those who bow to special interests.

Daniel Song  
12497 W Nuggett Ct  
Highland MD

## Sayers, Margery

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**From:** Walsh, Elizabeth  
**Sent:** Thursday, September 12, 2019 8:56 PM  
**To:** schmidt.nikki; CouncilMail  
**Subject:** Re: CB38 Support - from District 1

Thanks, thanks, thanks, for this strong note of support and for amplifying on social media.  

Liz Walsh, Council Member  
Howard County Council  
Serving District 1

3430 Court House Drive  
Ellicott City, MD 21043  
410.313.2001

---

**From:** schmidt.nikki <schmidt.nikki@yahoo.com>  
**Sent:** Thursday, September 12, 2019 4:58:39 PM  
**To:** CouncilMail <CouncilMail@howardcountymd.gov>  
**Subject:** CB38 Support - from District 1

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

Hello Council Members -

I write in strong support for CB38. I am a District 1 resident, and have been for 10 years. In that time I've watched with dismay as projects have been pushed through despite strong community objection about the developmental impact on the surrounding environment. Wetlands have been filled in, woodlands clear-cut, hillsides razed and fields bulldozed. We continue to devastate our green spaces in our chase for the almighty development dollar. It HAS to stop. Please vote to support CB38.

Thank You -

Nikki Schmidt  
10320 Kettledrum Ct.  
Ellicott City, MD 21042

Sent from my Verizon, Samsung Galaxy smartphone

## Sayers, Margery

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**From:** Ryan Simmons <ryan@simmons.net>  
**Sent:** Thursday, September 12, 2019 8:06 PM  
**To:** CouncilMail  
**Subject:** I support 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,

As a long-time resident of Howard County (29 years and 25 years on Bonnie Branch Road in Ellicott City, Council District 1) I have seen what over development in eastern HoCo can do. The roads can't handle the traffic, the schools can't keep up with the new housing, county services can't clear the roads quickly enough if it snows, and of course, the fatal flooding in Ellicott City. We need to stop any development that will further harm our watersheds.

Because of that, I strongly support CB38. The waivers have to stop, the building on slopes has to stop, the indiscriminate cutting of trees has to stop. Please pass CB38 and bring reason back to development in the Patapsco watershed.

Thank you.

Ryan Simmons  
4615 Bonnie Branch Road  
Ellicott City



## Sayers, Margery

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**From:** Sue <suemazzoni@gmail.com>  
**Sent:** Thursday, September 12, 2019 7:21 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.]

We are STRONGLY in favor of CB38 and adamantly oppose waivers or fees in lieu of compliance.

We moved to Howard County from Baltimore County seven years ago and are now questioning whether we made the right move given the massive development and poor decision making that we've seen since moving here. We hoped that the new council (and county executive) would be wiser than the last.

Do something right and pass CB 38 in its entirety.

David & Susan Mazzoni  
6507 Lawyers Hill Road 21075  
District 1

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- *"To give real service you must add something which cannot be bought or measured with money, and that is sincerity and integrity."*  
Douglas Adams

**Sayers, Margery**

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**From:** Haydee Herrera <lolagrande123@gmail.com>  
**Sent:** Thursday, September 12, 2019 5:54 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.]

Dear Council members:

I support bill #CB38, because I support being responsible stewards of the last bits of undeveloped land, eliminating developer entitlements, and reducing future flood risks.

Best wishes,

Haydee Herrera

**Sayers, Margery**

---

**From:** Elizabeth Suarez <easuarez48@gmail.com>  
**Sent:** Thursday, September 12, 2019 5:27 PM  
**To:** CouncilMail  
**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.]

Please pass council bill 38.

Elizabeth Suarez  
6945 Spinning Seed  
Columbia , Md 21045  
Sent from my iPhone

**Sayers, Margery**

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**From:** schmidt.nikki <schmidt.nikki@yahoo.com>  
**Sent:** Thursday, September 12, 2019 4:59 PM  
**To:** CouncilMail  
**Subject:** CB38 Support - from District 1

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

Hello Council Members -

I write in strong support for CB38. I am a District 1 resident, and have been for 10 years. In that time I've watched with dismay as projects have been pushed through despite strong community objection about the developmental impact on the surrounding environment. Wetlands have been filled in, woodlands clear-cut, hillsides razed and fields bulldozed. We continue to devastate our green spaces in our chase for the almighty development dollar. It HAS to stop. Please vote to support CB38.

Thank You -

Nikki Schmidt  
10320 Kettledrum Ct.  
Ellicott City, MD 21042

Sent from my Verizon, Samsung Galaxy smartphone

## Sayers, Margery

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**From:** Niki McGuigan <mcniki1@gmail.com>  
**Sent:** Thursday, September 12, 2019 3:14 PM  
**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 strongly support CB 38! Thank you, Liz Walsh for introducing this bill. It is long overdue. I live in Elkridge and I see firsthand what unchecked development has already done to our area. Our roads flood quickly with rain. The new apartments near Main Street, called RiverWatch, are falling into the Patapsco and more are on the way. The water gets so high in the neighborhood of Harwood Park that they have had to close the road and you recently approved more development at the Roberts Property next door.

Please do the right thing for this county!

Sincerely,

Niki McGuigan  
District 1

**Sayers, Margery**

---

**From:** Yakas Family <yakasfamily@gmail.com>  
**Sent:** Thursday, September 12, 2019 2:55 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 support council bill 38, and I hope you will too. Please do the right thing and protect your citizens from this flooding and overdeveloped mess. I live in Valleymede and I've seen first hand what flooding does. I've seen two houses purchased by the county and demolished in the past year. We need to start doing things better in this county.

Thanks,  
Kristin Yakas  
Ellicott City

## Sayers, Margery

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**From:** Michael Radinsky <mradinsk@hotmail.com>  
**Sent:** Thursday, September 12, 2019 2:55 PM  
**To:** CouncilMail; Walsh, Elizabeth  
**Subject:** CB38

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

I am writing as a resident of District 1 and ask you to support Council Bill 38 to protect the watershed.

I was in Ellicott City, working at the B&O Railroad Museum on May 28 2017 and watched as a 10 foot wall of water roared down Main Street.

I assisted out of town visitors to safety on the second floor of the museum, and stood with them and their children as they watched their car and their belongs float down Main.

I stood in terror as I tried to contact my daughter who worked at Portalli's, and her boyfriend working at Pure Wine, praying they had escaped.

They lost everything- home, job and sense of security- that day.

We must do everything practicable to protect our town and watershed, and I believe it is high time that developers begin to understand that safety trumps profit.

Thank you,  
Mike Radinsky  
3672 Joycin Court  
Ellicott City, MD 21042

Sayers, Margery

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**From:** Connie Cooney <ca.cooney@gmail.com>  
**Sent:** Thursday, September 12, 2019 2:50 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.]

Sorry previous email should have said CB38. Please support

Connie Cooney  
District 1

--

Connie Cooney



**Sayers, Margery**

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**From:** Connie Cooney <ca.cooney@gmail.com>  
**Sent:** Thursday, September 12, 2019 2:49 PM  
**To:** CouncilMail  
**Subject:** CB38 support

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

Please support CB 8. This is important legislation that is desperately needed to save our county

Connie Cooney  
District 1  
--  
Connie Cooney

## Sayers, Margery

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**From:** Chad Berginnis <cberginnis@floods.org>  
**Sent:** Thursday, September 12, 2019 2:46 PM  
**To:** CouncilMail  
**Cc:** David Conrad; cberginnis@floods.org  
**Subject:** Written Testimony on Council Bill 38: The Patapsco Lower North Branch Bill  
**Attachments:** Howard County Council Bill 38-2019\_ASFPM Testimony\_9-11-19\_Final.pdf

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

Attached please find testimony from the Association of State Floodplain Managers, Inc. on the above referenced bill.

Thank You!

Chad Berginnis, CFM | Executive Director | ASFPM  
8301 Excelsior Drive | Madison, WI 53717  
tel: 608-828-3000 | cell: 740-258-3419 | [cberginnis@floods.org](mailto:cberginnis@floods.org)



## Association of State Floodplain Managers, Inc.

8301 Excelsior Drive, Madison, WI 53717

Phone: 608-828-3000 | Email: [asfpm@floods.org](mailto:asfpm@floods.org) | Website: [www.floods.org](http://www.floods.org)

### Testimony in Support of Howard County Council Bill 38

September 11, 2019

The Association of State Floodplain Managers, a national non-profit organization dedicated to reducing flood losses in the country and protecting the natural functions of floodplains is writing today in support of Howard County Council Bill 38.

Communities across the nation do much to manage flood risk. However, a disturbing trend that ASFPM is seeing is that disaster costs are increasing, much more so in recent years. In the 1990's the nation averaged \$5.6 billion in flood losses annually, that increased to over \$10 billion in the 2000's and in this decade we are on track to double that to nearly \$20 billion annually. This trend is at least partially due to the impacts of stormwater flooding where climate change is resulting in more intense storms inland and on our coasts.

The most common tool used by communities – participation in the NFIP – while helpful, is not enough. Communities that are successful in managing flood risk use a combination of approaches and techniques to minimize the increase of flood risk to properties and lives including the recognition of the natural functions of floodplains including wetlands and riparian corridors. Council Bill 38 applies several of these approaches by:

- Ensuring that stormwater quantity management is as important as stormwater quality management. Far too many communities have inadequate stormwater management standards for the purpose of reducing or eliminating stormwater flood risk. While residential infill is important, stormwater impacts must be accounted for and addressed to ensure no adverse impacts to surrounding properties.
- Incorporating the use of setbacks or buffers for flood loss reduction and preservation of ecological and riparian function. In a collaborative report between ASFPM and the American Planning Association entitled Subdivision Design and Flood Hazard Areas, there are several recommended standards for protecting riparian areas, wetlands, waterways and steep slopes including the use of setbacks (or buffers), inventorying and preserving unimpaired riparian areas and resources in natural conditions (like tree canopies), etc. A setback of 100 feet is well within the buffer ranges for the purposes of stream stabilization, water quality protection, flood attenuation, riparian/wildlife habitat protection and the protection of coldwater fisheries.
- Recognizing the value of in-place natural resources for stormwater protection and overall watershed health. A common complaint regarding the "fees in lieu of" complying with open space requirements is that the benefits of such resources may not be in the same location as the negative impacts of the floodplain development; rather, they may be further upstream, downstream or in a different watershed entirely. Similarly, alternative compliance measures can be tricky to implement.

On behalf of our 19,000 floodplain management professionals across the nation and in Maryland, we thank you for the opportunity to provide this testimony. If we can provide any additional information, please contact ASFPM's Maryland based Water Resources Policy Advisor, David Conrad at 202-365-0565 or at [david@floods.org](mailto:david@floods.org).

**Sayers, Margery**

---

**From:** David Ryan <dcryan7@verizon.net>  
**Sent:** Thursday, September 12, 2019 8:31 AM  
**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:

It can be easy to criticize localities far away, like in Brazil, for not stopping the devastation of their environment. We look at the news and ask in horror, "Why don't they do something?!"

Hmmm, maybe we should turn the mirror on to ourselves as well?

If we here in Howard County can't take some reasonable steps to protect our local environment, then who can?

Let's do the right thing.

Pass CB38.

Respectfully yours,

David Ryan  
dcryan7@verizon.net  
m: 301-717-3747

District 1 resident

4013 Arjay Circle  
Ellicott City, MD 21042

## Sayers, Margery

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**From:** Rigby, Christiana  
**Sent:** Wednesday, September 11, 2019 1:24 PM  
**To:** Sayers, Margery  
**Subject:** FW: Please oppose CB 38

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

From: Syed Rizvi <Amir1040@gmail.com>  
Sent: Wednesday, September 11, 2019 1:11 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,

Syed Rizvi  
8052 Leishear Rd  
Laurel, MD 20723  
Amir1040@gmail.com

## Sayers, Margery

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**From:** Walsh, Elizabeth  
**Sent:** Wednesday, September 11, 2019 12:38 PM  
**To:** CouncilMail  
**Subject:** FW: CB38 and CB40 Requests  
**Attachments:** moratoriumplanschartCB40.docx; CR99-2019 2019 School Capacity Bin (5).pdf

Colleagues: I thought you might find the highlighted text below instructive, regarding the specific subject of CB40, proposing to extend the Watershed Safety Act by three months, from October 26, 2019 to January 26, 2020. That is, DPZ reports no fiscal impact resulting from the short-term extension proposed by CB40.

And, although the first chart attached (both prepared by DPZ) lists those projects affected by the moratorium that would be subject to that further, brief extension, DPZ since has confirmed that only two of the major subdivisions there listed—Long Gate Overlook on Montgomery Road across from the Target (items 22 and 23 on the list) and Taylor Place on College Avenue (items 28 and 29) have yet to be released from the also-applicable closed school waiting bin. The other projects on the second chart attached noted as “Tiber” or “Plumtree”—and having only “4<sup>th</sup> failed test” or fewer—could not be released from that pre-existing hold any earlier than June 2020.

David, you’ll note Bethany Glen, which was left off earlier versions of the first chart, is now also included.

Happy to discuss with each of you individually as you’d like.



Liz Walsh, Council Member  
Howard County Council  
Serving District 1: Ellicott City, Dorsey’s Search, Elkridge & Hanover  
3430 Court House Drive  
Ellicott City, MD 21043  
410.313.2001

**From:** Lazdins, Valdis  
**Sent:** Wednesday, August 28, 2019 10:08 AM  
**To:** Sidh, Sameer <[SSidh@howardcountymd.gov](mailto:SSidh@howardcountymd.gov)>; Pope, Patrick <[ppope@howardcountymd.gov](mailto:ppope@howardcountymd.gov)>; Sager, Jennifer <[jsager@howardcountymd.gov](mailto:jsager@howardcountymd.gov)>; Robbins, Lonnie <[lrobbins@howardcountymd.gov](mailto:lrobbins@howardcountymd.gov)>  
**Cc:** Hernandez, Shaina <[shernandez@howardcountymd.gov](mailto:shernandez@howardcountymd.gov)>; Sheubrooks, Kent <[ksheubrooks@howardcountymd.gov](mailto:ksheubrooks@howardcountymd.gov)>; Bronow, Jeff <[jbronow@howardcountymd.gov](mailto:jbronow@howardcountymd.gov)>  
**Subject:** FW: CB38 and CB40 Requests

Hi:

Please review and let us know if we can release this email and attachment to the Auditor.

### CB40-2019

- Could you provide the most up to date listing of plans impacted by the CB56/CB20 moratorium? In addition to the standard fields provided in the past, please identify the street address, occupiable square footage, # of units, and planning stage of each plan?

The list we believe the Auditor is referring to is attached and maintained by DPZ's Division of Land Development.

- Also, could you let us know if your position on the temporary moratorium's impact to the County is consistent with that shared in the attached memo called 'CB20-2019 DPZ Attachment'? If this memo is no longer accurate to your department's stance we would just like to know how it has changed and why.

The general conclusion remains the same, that another short term extension of the moratorium (3 months or less) would have a minimal fiscal impact. Eventually though, with continued extensions, short term turns into long term and this could result in fiscal impacts over time. However, DPZ sees no reason to again extend the moratorium since CB 36 and Council Resolutions 122 and 123 have been filed.

**CB38-2019**

- Could you provide a revised 'PLNBW Residential Units by Planning Stage' document (attached) that adds columns for the occupiable square footage, street address and the planning area of each plan listed?

Attached is the information to address your question. However, not all development plans have addresses nor do we have the square footage of units. That information is not known until building permits are issued by DILP.

Thanks, Val

**Valdis Lazdins**

Director  
Department of Planning and Zoning  
Howard County Government  
410.313.4301  
[vlazdins@howardcountymd.gov](mailto:vlazdins@howardcountymd.gov)

---

**From:** Sheubrooks, Kent  
**Sent:** Tuesday, August 27, 2019 12:59 PM  
**To:** Bronow, Jeff <[jbronow@howardcountymd.gov](mailto:jbronow@howardcountymd.gov)>; Lazdins, Valdis <[vlazdins@howardcountymd.gov](mailto:vlazdins@howardcountymd.gov)>  
**Cc:** Conrad, Peter <[pconrad@howardcountymd.gov](mailto:pconrad@howardcountymd.gov)>  
**Subject:** RE: CB38 and CB40 Requests

Attached is the updated chart for CB 40 auditor request. Please note that PMG, ECP-18-036 was removed from the chart since not affected by moratorium for no increase in impervious area. Bethany Glen, SP-19-005 and SMO Dash-In Shell Station, ECP-19-043 were new plans added to the chart.

Kent

---

**From:** Bronow, Jeff  
**Sent:** Monday, August 26, 2019 2:37 PM  
**To:** Lazdins, Valdis <[vlazdins@howardcountymd.gov](mailto:vlazdins@howardcountymd.gov)>  
**Cc:** Sheubrooks, Kent <[ksheubrooks@howardcountymd.gov](mailto:ksheubrooks@howardcountymd.gov)>; Conrad, Peter <[pconrad@howardcountymd.gov](mailto:pconrad@howardcountymd.gov)>  
**Subject:** RE: CB38 and CB40 Requests

Val, please see my responses below.

---

**From:** Lazdins, Valdis  
**Sent:** Monday, August 26, 2019 2:11 PM  
**To:** Bronow, Jeff <[jbronow@howardcountymd.gov](mailto:jbronow@howardcountymd.gov)>

Cc: Sheubrooks, Kent <[ksheubrooks@howardcountymd.gov](mailto:ksheubrooks@howardcountymd.gov)>; Conrad, Peter <[pconrad@howardcountymd.gov](mailto:pconrad@howardcountymd.gov)>  
Subject: FW: CB38 and CB40 Requests

Hi: Is this possible by this date and time? Thanks Val

**Valdis Lazdins**

Director  
Department of Planning and Zoning  
Howard County Government  
410.313.4301  
[vlazdins@howardcountymd.gov](mailto:vlazdins@howardcountymd.gov)

From: Clark, Owen  
Sent: Monday, August 26, 2019 2:07 PM  
To: Lazdins, Valdis <[vlazdins@howardcountymd.gov](mailto:vlazdins@howardcountymd.gov)>  
Cc: Sheubrooks, Kent <[ksheubrooks@howardcountymd.gov](mailto:ksheubrooks@howardcountymd.gov)>; Bronow, Jeff <[jbronow@howardcountymd.gov](mailto:jbronow@howardcountymd.gov)>;  
Glendenning, Craig <[cglendenning@howardcountymd.gov](mailto:cglendenning@howardcountymd.gov)>  
Subject: CB38 and CB40 Requests

Team,

I have a few requests to facilitate the fiscal analysis we're performing for CB38-2019 and CB40-2019.

**CB40-2019**

- Could you provide the most up to date listing of plans impacted by the CB56/CB20 moratorium? In addition to the standard fields provided in the past, please identify the street address, occupiable square footage, # of units, and planning stage of each plan?
- Also, could you let us know if your position on the temporary moratorium's impact to the County is consistent with that shared in the attached memo called 'CB20-2019 DPZ Attachment'? If this memo is no longer accurate to your department's stance we would just like to know how it has changed and why.

**CB38-2019**

- Could you provide a revised 'PLNBW Residential Units by Planning Stage' document (attached) that adds columns for the occupiable square footage, street address and the planning area of each plan listed? Can you let us know if you can provide this information by EOB Thursday? Please advise if there are any issues with preparing this information.

Thank you,

*Owen Clark*

Howard County Government  
County Auditor  
Legislative Audit Manager  
410-313-3063 (phone)  
[oclark@howardcountymd.gov](mailto:oclark@howardcountymd.gov)



SCHOOL BIN LIST AND PASS/FAIL STATUS FOR NEW SCHOOL CAPACITY CHART TO BE ADOPTED ON JULY 1, 2019 (CR-99 2019)

	File Number	File Name	Elementary District	School Region	Middle District	High District	School Capacity Test	Allocations	Unit Type	Number of School Capacity Test Failures	Watershed				
1	F-15-005	Gladys Woods	Waterloo	Pass	Northeast	Pass	Ellicott Mills	Fail	Howard	Fail	Pass	2	SFD	Passes by default - 5th failure	
2	F-15-024	Sunset Plains	Waterloo	Pass	Northeast	Pass	Ellicott Mills	Fail	Howard	Fail	Pass	1	SFD	Passes by default - 5th failure	
3	SP-15-013	Lacey Property	Veterans	Fail	Northeast	Pass	Dunloggin	Fail	Mt Hebron	Fail	Fail	12	SFD	4th failed test	Tiber
4	S-17-007	The Towns at Court Hill	Veterans	Fail	Northeast	Pass	Dunloggin	Fail	Mt Hebron	Fail	Fail	8	SFA	4th failed test	Tiber
5	SP-15-016	Hampton Hills	Worthington	Pass	Northeast	Pass	Ellicott Mills	Fail	Mt Hebron	Fail	Pass	13	SFD	Passes by default - 5th failure	
6	S-17-004	Dorsey Center	Hanover Hills	Fail	Northeast	Pass	Thomas Viaduct	Fail	Long Reach	Fail	Fail	230	APT	3rd failed test	
7	F-17-088	Keohn Property	Waterloo	Pass	Northeast	Pass	Ellicott Mills	Fail	Howard	Fail	Fail	1	SFD	3rd failed test	
8	S-17-005	Dorsey's Ridge	Veterans	Fail	Northeast	Pass	Ellicott Mills	Fail	Centennial	Fail	Fail	52	SFA	4th failed test	Tiber
9	SP-15-013	Taylor Highlands	Worthington	Pass	Northeast	Pass	Ellicott Mills	Fail	Mt Hebron	Fail	Pass/Fail	252	88 SFA & 164 APT	Passes by default 248 units - 5th failure, 4th failed test for 4 units	Tiber
10	SDP-12-001	Buch Property	Hanover Hills	Fail	Northeast	Pass	Thomas Viaduct	Fail	Long Reach	Fail	Fail	16	SFA	2nd failed test	
11	F-16-095	Goldberg Property	Hollifield Station	Fail	North	Pass	Dunloggin	Fail	Mt Hebron	Fail	Fail	1	SFD	4th failed test	
12	F-14-112	Centennial Choice	Northfield	Fail	North	Pass	Dunloggin	Fail	Centennial	Fail	Pass	2	SFD	Passes by default - 5th failure	Plumtree
13	F-15-057	Crestleigh Property	Northfield	Fail	North	Pass	Dunloggin	Fail	Centennial	Fail	Pass	1	SFD	Passes by default - 5th failure	Plumtree
14	F-16-034	Van Stone Property	Northfield	Fail	North	Pass	Dunloggin	Fail	Centennial	Fail	Pass	1	SFD	Passes by default - 5th failure	Plumtree
15	F-17-021	Honrao's Property	Northfield	Fail	North	Pass	Dunloggin	Fail	Centennial	Fail	Fail	1	SFD	4th failed test	
16	S-18-002	Beechwood Manor	Gorman Crossing	Fail	Southeast	Pass	Murray Hill	Fail	Reservoir	Fail	Fail	30	19 SFD & 11 SFA	3rd failed test	
17	F-19-022	Magnolia Manor	Gorman Crossing	Fail	Southeast	Pass	Murray Hill	Fail	Reservoir	Fail	Fail	3	SFD	2nd failed test	
18	F-17-105	Mill Haven Lots 8 & 9	Talbot Springs	Pass	Columbia East	Pass	Oakland Mills	Pass	Oakland Mills	Pass	Pass	1	SFD		
19	F-17-099	Gopez Property	Fulton	Fail	West	Pass	Hammond	Pass	Reservoir	Fail	Fail	1	SFD	3rd failed test	
20	F-18-079	Isia's Woods	Fulton	Fail	West	Pass	Hammond	Pass	Reservoir	Fail	Fail	5	SFD	2nd failed test	
21	F-18-118	Willow Nook	Pointers Run	Fail	West	Pass	Clarksville	Pass	Atholton	Pass	Fail	1	SFD	2nd failed test	
22	SP-17-010	Lyhus Property	Fulton	Fail	West	Pass	Lime Kiln	Pass	Reservoir	Fail	Fail	26	SFD	2nd failed test	

(1) This plan has actually failed 4 times, however it took on the status of Corridor Square (SDP-19-002) by swapping in May, 2018, so the failure status is now 3 times.

(2) This plan has failed four times for the remaining 4 2019 units.

(3) This plan had been voided but was reactivated on June 13, 2019.



Project Name, Zoning & Street Address	File Number & Plan Stage	Watershed
28. Taylor Place (RA-15) College Avenue	SP-16-013 Pre. Eq. Sketch Plan	Tiber Branch
29. Gatherings at Taylor Place College Avenue (RA-15)	WP-19-072 Alternative Comp.	Tiber Branch
30. Terrapin (Tiber) Woods (RSC), Frederick Road	F-18-001 Final Plan	Tiber Branch
31. The Towns at Court Hill (RA-15), 3614 Court House Drive	S-17-007 Sketch Plan	Tiber Branch
32. Van Stone Property (R-20) Saint Johns Lane	F-16-034 Final Plat	Plum Tree Branch
33. SMO Dash-In Store (B-2) 4205 Montgomery Road	ECP-19-043 Env. Concept Plan	Tiber Branch
34. SMO Dash-In Store 4205 Montgomery Road	WP-19-091 Alternative Com.	Tiber Branch

Total Number of Lots/Units = 156

3/14/19

atorium Letter 11/07/18

er sent on 8/21/19

turned to Consultant on 6/02/17

d at DPZ, Hold Letter sent 9/20/18

d at DPZ, Hold Letter sent 9/20/18

/29/15 - No New Permits- DILP

FO Hold Bin Letter 7/02/19

atorium Letter sent on 8/10/18

sn

Project Name, Zoning & Street Address	File Number & Plan Stage	Watershed	Number & Type of Units. & Occupiable Square Footage	
19. Howard Heights, Lot 26-A (R-20), 2940 Southview Rd	ECP-18-049 Env. Concept Plan	Plum Tree Branch	1 SFD Unit, SF Unknown	Plan on Hold
20. Lacey Property (R-ED) 3538 Church Road	SP-15-013 Pre. Eq. Sketch Plan	Tiber Branch	13 SFD Units, SF Unknown	Closed School
21. Legacy at Ellicott's Retreat (POR), 8910-8950 Carls Ct	SDP-14-090, POR Site Dev. Plan	Tiber Branch	162 Apt. Units, SF Unknown Age Restricted	SDP Signed on
22. Long Gate Overlook(RA15) Montgomery Road	F-16-048 Final Plat	Tiber Branch	79 SFA Units. SF Unknown	Originals on ho
23. Long Gate Overlook(RA15) Montgomery Road	SDP-14-074 Site Dev. Plan	Tiber Branch	Same as above	Originals on hol
24. Lutheran Village (PSC) Frederick Road	F-17-103 Final Plat	Plum Tree Branch	0 Units, Easement Plat	Plat Original Rel
25. Maple Grove (R-12) 9060 Upton Road	S-18-005 Sketch Plan	Tiber Branch	9 SFD Units, SF Unknown	Moratorium Lett
26. Maple Grove (R-12) 9060 Upton Road	WP-19-033 Alternative Comp.	Tiber Branch	Same as above	Plan on Hold Mc
27. Nobel Manor (R-20) 9061 Upton Road	ECP-19-029 Env. Concept Plan	Tiber/Plum Tree	3 SFD Units, SF Unknown	Revision Letter :

Project Name, Zoning & Street Address	File Number & Plan Stage	Watershed
9. Dorsey's Ridge (CEF-R) 3956 Cooks Lane	S-17-006 Sketch Plan	Tiber Branch
10. Dorsey's Ridge (CEF-R) 3956 Cooks Lane	WP-18-136 Alternative Comp.	Tiber Branch
11. Dorsey's Ridge (CEF-R) 3956 Cooks Lane	F-19-047 Final Plat	Tiber Branch
12. Fels Lane Property (RVH) Fels Lane (No Address #)	ECP-16-067 Env. Concept Plan	Tiber Branch
13. Gatherings at Taylor Place (POR), College Avenue	ECP-18-028, POR Env. Concept Plan	Tiber Branch
14. Gatherings at Taylor Place (POR), College Avenue	WP-19-072, POR Alternative Comp.	Tiber Branch
15. Geier Subdivision (R-20) 9307 Dunloggin Road	SDP-18-062 Site Dev. Plan	Plum Tree Branch
16. Goins Property (R-20) 2778 Saint Johns Lane	F-14-045 Final Plat	Plum Tree Branch
17. Honrao's Property (R-20) 4060 Saint Johns Lane	F-17-021 Final Plat	Plum Tree Branch
18. Howard Heights, Lot 25-A (R-20), 3004 Southview Rd	SDP-18-016 Site Dev. Plan	Plum Tree Branch

PFO Hold Bin Letter 7/02/19, on hold

PFO Hold Bin Letter 7/02/19, on hold

d at DPZ, Moratorium Hold Letter

d at DPZ, Moratorium Hold Letter

requested on 8/09/19

requested on 8/08/19

Letter 1/10/19

ent 9/25/18, Moratorium Hold

DER CB 20-2019

**PLANS IN PROCESS AFFECTED BY CB 56-2018 MORATORIUM & EXTENSION OF MORATORIUM**

August 28, 2019

<u>Project Name, Zoning &amp; Street Address</u>	<u>File Number &amp; Plan Stage</u>	<u>Watershed</u>	<u>Number &amp; Type of Units. &amp; Occupiable Square Footage</u>	
1. Ahmad Property (R-20) 3350 Saint Johns Lane	F-18-030 Final Plat	Plum Tree Branch	2 SFD Units, SF Unknown	Revision Letter
2. Ahmad Property (R-20) 3350 Saint Johns Lane	WP-19-037 Alternative Comp.	Plum Tree Branch	Same as above	Moratorium Hold
3. Bethany Glen (R-20) 9891 Old Frederick Road	SP-19-005 Pre. Eq. Sketch Plan	Plum Tree Branch	112 SFD Lots, SF Unknown	Revised Plans Filed
4. Bethany Glen (R-20) 9891 Old Frederick Road	WP-19-118 Alternative Comp.	Plum Tree Branch	Same as above	Revised Plan Resubmitted
5. Bethel Bapt. Church (RSI) 4261 Montgomery Road	F-15-018 Final Plat	Tiber Branch	0 Units, 13,900 SF Church	Originals on hold on 8/10/18
6. Bethel Bapt. Church (RSI) 4261 Montgomery Road	SDP-15-011 Site Dev. Plan	Tiber Branch	Same as above	Originals on hold on 8/10/18
7. Centennial Choice (R-20) 4040 Saint Johns Lane	F-14-112 Final Plat	Plum Tree Branch	3 SFD Units, SF Unknown	Released from A moratorium
8. Crestleigh Property (R-20) 4218 Club Court	F-15-057 Final Plat	Plum Tree Branch	2 SFD Units, SF Unknown	Released from A moratorium

Sayers, Margery

CB 38-2019

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

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

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

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

Very Respectfully,  
Brianna Sanden

## Sayers, Margery

---

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

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

Dear Chair Rigby,

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

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

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

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

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

Please vote NO on CB 38.

Sincerely,

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



## Sayers, Margery

---

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

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

Dear Chair Rigby,

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

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

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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,

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

## Sayers, Margery

---

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

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

Dear Chair Rigby,

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

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,

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

## Sayers, Margery

---

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

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

Dear Chair Rigby,

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

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

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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,

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

## Sayers, Margery

---

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

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

Dear Chair Rigby,

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

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

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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,

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

## Sayers, Margery

---

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

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

I wrote 2 emails yesterday opposing this bill.

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

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

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

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

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

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

Thanks.  
Barry Mehta

## Sayers, Margery

---

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

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

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

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

Dear Chair Rigby,

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

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

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,

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

## Sayers, Margery

---

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

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

Good Morning,

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

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

Sincerely,

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



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

September 10, 2019

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

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

Dear Chairperson Mercer Rigby and Members of the Council,

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

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

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

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

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

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





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Web [www.hear.org](http://www.hear.org)

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

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

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

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

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

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

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

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

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



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

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

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

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

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

These legal challenges could take the following forms:

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

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



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

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

Sincerely,

Dan Iampieri  
President  
Howard County Association of REALTORS®

## Sayers, Margery

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

Testimony sent just to CMR

### Felix Facchine

*District Aide, District 3*

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



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

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

Hello,

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

Thank you,

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

**Sayers, Margery**

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

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

I sent an email opposing this bill already. I would like to add that whoever sponsors this bill or votes for it, must preface their action by saying, " I do not care about affordable housing in Howard County"  
County housing is overly expensive as it is. This type of irresponsible bill will make home prices go thru the sky.  
Barry Mehta  
Elkridge Developers,LLC

**Sayers, Margery**

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

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

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

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

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

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

Thanks.

Barry Mehta  
Elkridge Developers, LLC

## Sayers, Margery

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

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



### SUPPORT CASE

Case Number: CS0003650

Case Opened: 08-20-2019

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

Constituent: Julia Hawrylo

[VIEW CASE](#)

#### Details:

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

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

From: Julia Hawrylo <oychoolie@yahoo.com>  
Sent: Tuesday, August 20, 2019 7:59 AM  
To: CouncilMail <CouncilMail@howardcountymd.gov>  
Cc: Ball, Calvin <cball@howardcountymd.gov>  
Subject: Headlines - Anne Arundel County Strengthens Environmental Policies for Development | Anne Arundel County, MD

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

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

Dear Council members,

Some questions for you..

Why is this not happening in Howard County?

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

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

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

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

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



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



Ref:MSG0813409



## Sayers, Margery

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

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

Good morning,

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

Thank you,  
Lisa Harbaugh

**Sayers, Margery**

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**From:** Angie Boyter <angie.boyter@gmail.com>  
**Sent:** Sunday, September 8, 2019 2:28 PM  
**To:** CouncilMail  
**Subject:** CB38-2019 Testimony  
**Attachments:** CB-38 Testimony Revised.docx

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

Attached is my testimony in support of CB38-2019, because I will not be able to attend the September 16 hearing.

Angela M Boyter

3914 MacAlpine Road

Ellicott City MD 21042

410 465-1444

## TESTIMONY ON CB38-2019

I support CB 38 in its entirety. The provisions are effective measures that should help protect the Patapsco Lower North Branch Watershed in future major storms by means of well-conceived measures such as requiring better stormwater runoff control and prohibition against building within 100' of the floodplain, waterways, and wetlands and 50' from steep slopes. The provisions to require better information on environmental impact in site development plans will also help protect and preserve our environment. It further supports good land use by no longer allowing developers to pay fees in lieu of providing open space and forest conservation. These "fees in lieu" have the effect of eliminating open space in exactly places that need it the most.

Each of these provisions is worth discussing, and many citizens could cite striking local examples of why they are needed, but I will concentrate on one that is particularly relevant to my community of Dunloggin, where I have lived since 1967. That is the prohibition against residential infill in any existing communities lacking the infrastructure necessary to manage stormwater under current standards. The community of Dunloggin began in the mid-50s on the site of a former dairy farm. This previous use was significant; one reason it was a dairy farm was that the heavy, rocky soil made it less than desirable for raising crops. It also meant that it did not perc well, so many of the lots were somewhat larger than the minimum half-acre required in the R-20 zone. This is true in a number of areas of the county. It was built out in the early 70s with a bit over 900 homes. It was considered a stable neighborhood and a lovely place to live. Then came public utilities, "infill", and "Smart Growth" (known locally as Dumb Growth).

As a result, the county has allowed a number of over-sized lots to be subdivided, often with waivers or variances, and houses were literally built in an existing front or back yard. In some cases, developers bought several adjacent oversized parcels and combined them to build multiple new homes. The placement of these homes was often less than ideal, and many shared driveways and pipestems resulted. Often, in order to accommodate a new home, beautiful mature plantings were destroyed. One section of Saint John's Lane that originally had eight homes on large lots now has 20 homes either built or planned. Most important for CB 38, adequate stormwater management for the infill is nonexistent.

The largest lots in Dunloggin, which were the most obvious targets for "infill", were often the properties with the worst drainage. There was a good reason they were large. Residents have had significant increase in stormwater management problems like flooded basements and large standing puddles and slippery or icy roads since the "infill". The median in MacAlpine Road where I live routinely becomes a fast-moving stream when there is heavy rain. This would happen once every year or two when I moved into the neighborhood 50 years ago; now it probably happens monthly or more often during the wetter seasons. Worse, my next-door neighbors had over \$14,000 in damage to their family room and an additional \$20,000 in damage to their foundation during the 2016 storm that flooded old Ellicott City. In 2018 they lost their hot water heater and den furniture during THAT flood. We can't simply blame global warming. I was in Dunloggin in 1972 during Hurricane Agnes, and Dunloggin did not experience the widespread and significant problems we have today during heavy rains. The developer of Dunloggin in the 1950s knew enough to take our drainage conditions into account. It is inexcusable that the county has ignored this and created the problems we have today. Let's not continue the past bad practices.

There seems to be pretty universal recognition of the stormwater management problem in this area, and I have heard no criticism of the proposed solution as ineffective. It is actually a very minimal solution, because most of it includes only one watershed. Over half of my community is not in the Patapsco Lower North Branch and would not have the same protections, although we definitely have the same stormwater management inadequacies. We would prefer inclusion of the Plumtree watershed as well. The only objection to this bill that I have heard is that it will essentially stop development in the relevant watershed. Insofar as that is accurate, this argument shows just how serious the problem is. The county has neglected its responsibility to protect existing residents by allowing irresponsible growth that has caused damage to many people and communities. We need a new slogan for our land use. Everyone has heard the slogan "Drink responsibly"; let's adopt a parallel slogan for our land use in Howard County, "Develop responsibly."

I urge you to support this bill to protect the Patapsco Lower North Branch and further to help protect neighborhoods throughout the county by eliminating alternative compliance provisions and fees in lieu of open space and forest conservation requirements county-wide.

## Sayers, Margery

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**From:** JTK <jtk409a@gmail.com>  
**Sent:** Saturday, September 7, 2019 8:38 PM  
**To:** CouncilMail  
**Subject:** Pass CB38

[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 strongly support CB-38.

The county has for far too long allowed developers to get waivers of regulations intended to protect forests, streams, and steep slopes in our watersheds.

I've seen this occur during my entire life here in the county. I've been shocked at what the county has allowed developers to do – the clearcutting and topographical modification of the hills above Main Street, on the once-scenic College Avenue, is one of the most egregious examples.

The last remaining undeveloped portions of eastern Howard County are environmentally sensitive areas in the Patapsco Valley watershed: Bonnie Branch Road, Beechwood, and Ilchester. We cannot allow waivers of these protections any longer.

It's time for this Council to be bold. We want to see action. We want to see you pass CB-38 as it is written – without amendments proffered by developers' attorneys in private meetings.

We need you to do this. Protect our watersheds. Pass CB-38.

Julia T. Kovacs  
Ellicott City, MD 21043

**Sayers, Margery**

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**From:** Melissa Kistler <melissa.kistler@me.com>  
**Sent:** Friday, September 6, 2019 3:50 PM  
**To:** CouncilMail  
**Subject:** CB38 and CB42

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

I just wanted to write to voice my support for both of these bills. The issues addressed by these bills are vital and long overdue!

Thank you!

Best,  
Melissa

Ellicott City, MD

Melissa Kistler  
Sent from my iPhone

**Sayers, Margery**

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**From:** Steve Cooperstein <scooperstein@gmail.com>  
**Sent:** Friday, September 6, 2019 1:58 PM  
**To:** CouncilMail  
**Subject:** CB 42 and CB 38

[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 a resident in the Glenmar subdivision off Elko Drive, and I am in favor of both CB 42 and CB 38.

The county needs to get those developer impact fees so that when my kids reach middle school and high school, they are able to get their education in brick buildings with enough classrooms, desks, and resources.

Right now, due to the actions taken over the last many years, there is neither sufficient money nor land available for more school facilities because the county council previously allowed development without concessions or impact fees. How many more students will be in the system, living in the new housing at 103/100 (apartment/condo complex), Montgomery and Brightfield (townhouses), etc? But no land was set aside to build HS14, and that will now require eminent domain actions.

Please make sure these trends have come to an end. Better late than never.

Thank you.  
-Steven Cooperstein

**Sayers, Margery**

---

**From:** Karen Lynch <karen.e.lynch1@gmail.com>  
**Sent:** Friday, September 6, 2019 1:32 PM  
**To:** CouncilMail  
**Subject:** CB 42 and CB 38

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

To Whom It May Concern,  
I am in favor of CB 42 and CB 38.

Please continue your work in trying to convince the developers to slow down the building and preserve our wetlands. Our environment as well as adequate school capacity for all the children in the county today are both more important than developer profits!

Thank you!  
Karen Lynch  
Elkridge resident



**Sayers, Margery**

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**From:** Mark Fradkin <mfradkin55@gmail.com>  
**Sent:** Friday, August 30, 2019 6:20 PM  
**To:** CouncilMail  
**Subject:** CB38-2019: Protect This Watershed

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

Howard County Council

MD  
US

RE: CB38-2019: Protect This Watershed

Dear Howard County Council,

As a resident of Howard County, I am very concerned about the waivers that are still being issued for developments impacting the Patapsco Lower North Branch, even though this watershed experiences stormwater and flooding issues.

Waivers should be the exception, not the rule.

We are counting on the county to protect our environmental resources filter, slow, and absorb stormwater runoff before it becomes a problem.

Sincerely,  
Mr. Mark Fradkin  
2535 Painted Sunset Drive  
Ellicott City, MD 21042  
(443) 844-9313

## Sayers, Margery

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**From:** ma954@aol.com  
**Sent:** Friday, August 30, 2019 2:22 PM  
**To:** CouncilMail  
**Subject:** Please Support CB38-2019

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

Dear Council Members:

I am writing you today in strong support of CB38-2019. As a Howard County resident living within the Ellicott City Historic District, this bill is especially pressing. My family and I live on Mulligans Hill Lane. The 2016 flood left our property with only minor damage; the 2018 flood, however, saw our hilltop home and our neighbor's home severely impacted by runoff and flooding. This was directly as a result of the development of 20 homes between the 2 floods. Waivers were granted, retention ponds failed, and the failure washed through our yards and into town. It's incredible the impact just one small development had on our property. This needs to stop; we value our town and its cultural history along with our fellow OEC residents' and their homes. We must act now to protect this watershed.

Thank you for your time,  
Mary-Anne Mulcahy  
3819 Mulligan Hill Lane

Sent from my iPhone

## Sayers, Margery

---

**From:** Gregory Care <gregory.p.care@gmail.com>  
**Sent:** Friday, August 30, 2019 2:19 PM  
**To:** CouncilMail  
**Subject:** Support for CB38-2019

[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 write in support of CB38-2019. As a resident of the watershed that this bill seeks to protect, I can't imagine a more necessary measure to carry out the will of the members of my community.

Like the Tiber Branch Watershed, the Patapsco Lower North Branch Watershed faces serious consequences from development and use of the land that does not take adequate and careful account of environmental factors. There are vulnerable homes and natural resources at risk, and once the harm of aggressive development where it doesn't belong is done, there is no undoing it. The people of this community issued a mandate to this Council and the County Executive to take common sense measures to protect us from the harms of overly aggressive development. Here it is.

“Build first and ask questions later” has ruined too much for us to continue with the status quo. The Department of Planning and Zoning has reflexively approved waivers for development by reading the County Code in a way that cannot be reasonably supported, which the Planning Board has historically accepted at face value. Challenges to these decisions, suggesting key data that was overlooked or ignored, have proven that the system is not working as intended. A change is needed to the County Code to address the problem at its root. This means making the intent clearer that, for example, when the law says grading on steep slopes won't be accepted without good reason, it doesn't mean just any old reason and it certainly doesn't mean that, without the waiver, the developer can't build more units and thus make more money. Larger profits for a private party isn't a valid factor in decisions that affect the stakes held by an entire community, but the maximized profit concept seems to have infiltrated the thinking of those who take direction from you. That tail-wagging-the-dog thinking is what has created degradation that we have to act now to stop. CB38 will go a long way to stopping it.

CB38 explicitly calls for vitally important data to be considered in making decisions about developments, a concept which should be beyond dispute. Indeed, much of the data that CB38 seeks to include as part of the review process was created for exactly that purpose. One such datapoint is the Targeted Ecological Areas designation that unbiased ecology experts at the Maryland Department of Natural Resources made to selected areas because, after reviewing 30 years of information, they have proven to be “lands and watersheds of high ecological value” and “**the best of the best**” in our state. See: [https://data.imap.maryland.gov/datasets/a56174cc59914d44812184ee925b9e51\\_1?geometry=-98.202%2C35.77%2C-56.345%2C41.76](https://data.imap.maryland.gov/datasets/a56174cc59914d44812184ee925b9e51_1?geometry=-98.202%2C35.77%2C-56.345%2C41.76). The Maryland Department of Planning recently noted that the Targeted Ecological Areas and related GreenPrint/Parcel Evaluation Tool were intended to be used by local authorities in making land use decisions like whether and to what extent to approve development. See: <https://mdplanningblog.com/2019/05/29/maryland-department-of-natural-resources-has-developed-a-tool-for-assessing-the-value-of-land-across-the-maryland/>.

It seems to me and my neighbors that, before our public servants approve a development that will grade into steep slopes, deforest, pave, and build on “**the best of the best**” in our county and state, they ought to consider

that impact. Inexplicably, the Department of Planning and Zoning has gone on record to the Planning Board that it does not and will not consult this resource and will not do so unless you tell them they must. Common sense says it is time to do that.

To the members of the Council who don't represent the district in which this watershed is located, I humbly suggest that bills like this implicate the principle of comity and deference to the overwhelming support this bill has in our community. I think it is also relevant that what we do to our natural resources in one place affects them everywhere. Indeed, that is the science of ecology. Help us help both ourselves and everyone else.

Vote to approve CB38. Thank you for your thoughtful consideration.

Sincerely,  
Greg Care  
Resident of District One  
Ellicott City, MD

**Sayers, Margery**

---

**From:** Meg Boyd <boydfamily11@gmail.com>  
**Sent:** Friday, August 30, 2019 1:24 PM  
**To:** CouncilMail  
**Subject:** Support CB 38

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

Councilmembers,

I am writing in strong support of CB 38 and the much needed and long overdue protections it provides for our environment and public safety.

Thank you,  
Meg Boyd

## Sayers, Margery

---

**From:** Linda Schisler <laschis@aol.com>  
**Sent:** Friday, August 30, 2019 8:51 AM  
**To:** CouncilMail  
**Subject:** Please Support CB38-2019

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

Council Members:

>

> I am writing you today in strong support of CB38-2019. As a Howard County resident living within the Ellicott City Historic District, this bill is especially pressing. I live on Mulligans Hill Lane, during the 2016 flood our property thankfully suffered only minor damage, the 2018 flood however saw our hilltop home and our neighbors home severely impacted by runoff and flooding. In between these two floods a development of 20 homes constructed, waivers were granted, retention ponds failed, and the failure washed through our yards and into town. It's incredible the impact just one small development had on our property. This needs to stop, if we value our cultural history, if we value our fellow citizens and their homes and livelihood, we must act to protect this watershed, and we must act now.

>

> Many Thanks,  
> Linda Schisler  
> 3819 Mulligans Hill Lane  
> Ellicott City, MD 21043

**Sayers, Margery**

---

**From:** Christopher Schisler <metalmanc@gmail.com>  
**Sent:** Friday, August 30, 2019 6:38 AM  
**To:** CouncilMail  
**Subject:** Please Support CB38-2019

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

Council Members:

I am writing you today in strong support of CB38-2019. As a Howard County resident living within the Ellicott City Historic District, this bill is especially pressing. I live on Mulligans Hill Lane, during the 2016 flood our property thankfully suffered only minor damage, the 2018 flood however saw our hilltop home and our neighbors home severely impacted by runoff and flooding. In between these two floods a development of 20 homes constructed, waivers were granted, retention ponds failed, and the failure washed through our yards and into town. It's incredible the impact just one small development had on our property. This needs to stop, if we value our cultural history, if we value our fellow citizens and their homes and livelihood, we must act to protect this watershed, and we must act now.

Many Thanks,  
Christopher Schisler  
3819 Mulligans Hill Lane  
Ellicott City, MD 21043

**Sayers, Margery**

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**From:** Marisa McCurdy <marisahiggins@hotmail.com>  
**Sent:** Thursday, August 29, 2019 9:41 PM  
**To:** CouncilMail  
**Subject:** Support for CB 38 - Protect-this-Watershed Bill

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

Please, please, please pass CB38!!! We need to protect the Patapsco Lower North Branch watershed! We can all see the detrimental effect of overdevelopment in our immediate neighborhoods and need to it stop. I live in a historic neighborhood tucked back in Patapsco State Park just above the Patapsco River. We love this area but are scared for its future. Please pass CB 38 to help protect our watershed!

Marisa McCurdy  
6802 Norris Lane  
Elkridge, MD 21075



**Sayers, Margery**

---

**From:** BVivrette <bvivrette@gmail.com>  
**Sent:** Thursday, August 29, 2019 3:33 PM  
**To:** CouncilMail  
**Subject:** CB38 support

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

Dear Council,

Please protect our watershed and pass CB38. It is vital legislation to the future of our local environment, as well as life safety. We must be responsible and prioritize this as we face serious climate change head on.

Thank you,  
Brian Vivrette

**Sayers, Margery**

---

**From:** Mary Lou Clark <doctorfx\_99@yahoo.com>  
**Sent:** Thursday, August 29, 2019 2:16 PM  
**To:** CouncilMail  
**Subject:** Support of CB38-2019  
**Attachments:** HCBC CB39-2019 (3).docx

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

Please distribute the attached letter to all Howard County Councilmembers.

Members of Howard County Council  
George Howard Building  
3430 Courthouse Drive  
Ellicott City, MD 21043  
[councilmail@howardcountymd.gov](mailto:councilmail@howardcountymd.gov)

Dear Members of the Howard County Council:

The Howard County Bird Club (HCBC) supports CB38-2019, introduced by Councilperson Walsh. We are, of course, supportive of measures to help mitigate flooding in Ellicott City. But our support for the bill is occasioned by its benefits to our environment and especially to the birds that inhabit it. As is well known, the forests on private lands upstream from Ellicott City continue to erode due to development. This bill would curtail waivers of Forest Conservation, Floodplain, and Steep Slope regulations in the Patapsco North Branch, and further bar development within 100 feet of the floodplain and 50 feet of steep slopes. It would also prohibit the payment of in lieu fees to avoid open space and forest conservation requirements.

We believe these measures will help preserve habitat for both migrant and resident birds as well as some Forest Interior Dwelling Species (FIDS) such as Wood Thrush, Ovenbird, and Scarlet Tanager. All these species were confirmed within the area of application during the Second Atlas of Breeding Birds of Maryland and the District of Columbia conducted 2002-2006. They continue to occur there today. The private lands preserved will also help buffer the core of Patapsco Valley State Park, which is a stronghold for FIDS, and has been declared an Important Bird Area for that very reason. Edge habitats are deleterious to FIDS, and keeping the edge back from the core of PVSP will help prevent nest predators such as crows and cowbirds from pillaging the nests of FIDS such as Scarlet Tanagers. Our members can also attest as to how wooded yards in the area of application host migrant warblers, such birds as Black-throated Blue, Cape May, and the rare Bay-breasted Warblers during spring and fall migration.

For these reasons, HCBC supports CB38-2019 and asks that you, too, support it to benefit both flood mitigation, as well as our resident and migrant birds.

The Howard County Bird Club is a volunteer organization of over 200 members, which seeks to promote the knowledge, development, protection, and conservation of bird life and other naturally occurring species and their habitats. We are a chapter of the Maryland Ornithological Society ([www.mdbirds.org](http://www.mdbirds.org)).

Thank you for consideration of our views.

Sincerely,

Kurt R. Schwarz  
Conservation Chair  
9045 Dunloggin Ct.  
Ellicott City, MD 21042  
410-461-1643  
[krschwa1@verizon.net](mailto:krschwa1@verizon.net)

Mary Lou Clark  
President  
5153 Morningside Lane  
Ellicott City MD 21043  
(410) 465-4061  
[doctorfx\\_99@yahoo.com](mailto:doctorfx_99@yahoo.com)

**Sayers, Margery**

---

**From:** Tammy Bean <saveoldec@aol.com>  
**Sent:** Thursday, August 29, 2019 1:47 PM  
**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.]

Good Afternoon Council Members,

I am writing this in support of CB-38. Howard County has seen the effects of developers and the waivers and approval of alternative compliance for far too long. Howard County is a beautiful suburb, let's keep it that way.

No more allowing developers to do as they please, no more "hardship" being used when they cannot make enough money off of a development project. No more allowing developers to buy their way out of compliance! We are in a climate crisis, trees and green space MUST be saved at all costs. Let's leave a beautiful county for future generations.

Thank you,  
Tammy L Bean

## Sayers, Margery

---

**From:** Bookkeeping <joseph@josephhauser.com>  
**Sent:** Thursday, August 29, 2019 11:55 AM  
**To:** CouncilMail  
**Subject:** 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 persons,

I highly support Ms. Walsh's proposed legislation.

As a property owner who has suffered more than 100,000.00 in damage from my neighbors runoff,

I would gratefully support all of you who commit to support Ms. Walsh's bill. It is time to act for the good, not for the connected.

Joseph Hauser

## Sayers, Margery

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**From:** Gayle Killen <killchar@gmail.com>  
**Sent:** Wednesday, August 28, 2019 10:59 PM  
**To:** CouncilMail  
**Subject:** Pass CB-38

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

Greetings, Council members.

Thank you in advance for your thoughtful consideration of our community. I live in the historic district of Ellicott City, directly on Main St about halfway between Rogers Ave and Ellicott Mills Drive. We are a small but mighty and very special watershed. We absolutely must increase the vegetation protecting our steep slopes.

There's no other way to protect historic value, character and the families that have carried this age old town through generations. I'm terrified of the hills around us, especially when trees are removed. Old practices must end, we simply will not survive any attempts to accelerate runoff. We must learn to slow the flow at every chance. Elaborate terraces would be lovely but just simple plants will do. Start by thinking about "additive landscaping". If a slope needs stabilization, add to it! Do not take away any more vegetation.

Please support CB-38 and grab every opportunity to add vegetation to our steep slopes.

V/R,  
Gayle Killen  
8572 Main St  
Ellicott City, MD  
21043  
443-467-1142

**Sayers, Margery**

---

**From:** Laura Provan <lprovan@comcast.net>  
**Sent:** Tuesday, August 27, 2019 12:26 PM  
**To:** CouncilMail  
**Subject:** CB38 support

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

I'm an Ellicott City resident, and I strongly support CB38 to protect and preserve the entire watershed.

- Laura Provan



## Sayers, Margery

---

**From:** Dan McDonold <dmcdonold1@yahoo.com>  
**Sent:** Tuesday, August 27, 2019 8:45 AM  
**To:** CouncilMail  
**Cc:** dmcdonold1@yahoo.com; hguthm@yahoo.com  
**Subject:** Support for CB38

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

Hello,

I am writing to send my strong support for #CB38. As a resident of Ellicott City, I truly and deeply value and love old ellicott city. I am saddened by the floods that have occurred these past couple years. I am also frustrated by what I deem to be inadequate governance surrounding land usage and development, especially when I see new apartment development on steep hills such as, for example, the Burgess Mill station development among others. I think it's our responsibility to do what we can to curb such development that negatively impacts the watershed and that unnecessarily increases the likelihood of these uphill floods.

This bill is essential because it will eliminate the loophole that allows developers to simply pay their way out of ensuring proper stormwater management on their sites. Ms. Walsh, I want to applaud you for working to impose these safety measures and for working to eliminate the ridiculous fees-in-lieu-of compliance allowance (which I am just baffled exists and is a blatant measure by the county to just make more money at the expense of preserving what many of us cherish in this town).

Thank you!  
Dan McDonold  
443-465-1518

Sent from my iPhone

**Sayers, Margery**

---

**From:** Deborah Belchis <dbelchis@gmail.com>  
**Sent:** Monday, August 26, 2019 11:37 AM  
**To:** CouncilMail  
**Subject:** CB38-2019: Protect This Watershed

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

Howard County Council

MD  
US

RE: CB38-2019: Protect This Watershed

Dear Howard County Council,

As a resident of Howard County, I am very concerned about the waivers that are still being issued for developments impacting the Patapsco Lower North Branch, even though this watershed experiences stormwater and flooding issues.

Waivers should be the exception, not the rule.

We are counting on the county to protect our environmental resources filter, slow, and absorb stormwater runoff before it becomes a problem.

Sincerely,  
Dr. Deborah Belchis  
10310 Cromwell Ct  
Ellicott City, MD 21042  
(410) 913-5605

## Sayers, Margery

---

**From:** Adam White <djadamwhite@gmail.com>  
**Sent:** Monday, August 26, 2019 10:27 AM  
**To:** CouncilMail  
**Subject:** CB38-2019: Protect This Watershed

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

Howard County Council

MD  
US

RE: CB38-2019: Protect This Watershed

Dear Howard County Council,

As a resident of Howard County, I am very concerned about the waivers that are still being issued for developments impacting the Patapsco Lower North Branch, even though this watershed experiences stormwater and flooding issues.

Waivers should be the exception, not the rule.

We are counting on the county to protect our environmental resources filter, slow, and absorb stormwater runoff before it becomes a problem.

Sincerely,  
Mr. Adam White  
5905 Gentle Call Clarksville MD 21029  
Clarksville, MD 21029  
(410) 739-9972

**Sayers, Margery**

---

**From:** Wayne Straight <woichi01@comcast.net>  
**Sent:** Monday, August 26, 2019 9:57 AM  
**To:** CouncilMail  
**Subject:** CB38-2019: Protect This Watershed

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

Howard County Council

MD  
US

RE: CB38-2019: Protect This Watershed

Dear Howard County Council,

As a resident of Howard County, I am very concerned about the waivers that are still being issued for developments impacting the Patapsco Lower North Branch, even though this watershed experiences stormwater and flooding issues.

Waivers should be the exception, not the rule.

We are counting on the county to protect our environmental resources filter, slow, and absorb stormwater runoff before it becomes a problem.

Sincerely,  
Mr. Wayne Straight  
961 Day Rd  
Sykesville, MD 21784  
(410) 555-5555

## Sayers, Margery

---

**From:** Brian Morrison <drbpmdc@gmail.com>  
**Sent:** Saturday, August 24, 2019 10:19 AM  
**To:** CouncilMail  
**Subject:** Please Pass#CB38

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

Dear Honorable Howard County Council Member,

District 1's proposed legislation CB38—the Protect-this-Watershed Bill—would prevent the County's Department of Planning and Zoning from waiving State and County environmental laws. It is intended to protect trees and forests, wetlands and flood plains, waterways and steep slopes. Particularly in the Patapsco Lower North Branch watershed.

CB#38 would eliminate the practice of assessing fees in lieu of abiding by land-use regulations. Currently developers simply pay a "fee" not to comply.

CB38 aims to change a long-established mindset that prioritizes maximum buildout of a given site over basic human safety and environmental sustainability.

Please pass CB38.

Thank you.

**Sayers, Margery**

---

**From:** gxlarkin@outlook.com  
**Sent:** Saturday, August 24, 2019 8:36 AM  
**To:** CouncilMail  
**Subject:** District 1's proposed legislation CB38

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

I am in total support of CB38 as a 40+year resident of Elkridge. We are regularly impacted by more flooding now of greater frequency and severity. We are currently involved with a proposed development in Elkridge where the surrounding existing community is already experiencing regular extreme runoff, erosion, road flooding and storm water damage. CB38 is required to protect our existing property and lives of our residents.

Gloria Larkin  
6044 Old Lawyers Hill Rd  
Elkridge

Sent from my iPhone

## Sayers, Margery

---

**From:** Sarah Egan (Sarah's Stitches) <sonshineyellow@gmail.com>  
**Sent:** Saturday, August 24, 2019 8:28 AM  
**To:** CouncilMail  
**Subject:** Please pass CB38

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

We do not need more development that endangers lives and property downstream.

Sarah Egan  
Howard County, MD

--

John 8:7

<http://ecofamilygoods.com/>

<http://hyenacart.com/sarahsstitches/>

<https://www.etsy.com/shop/wetbagsbysarah>

[Check out novels on Amazon!](#)

**Sayers, Margery**

---

**From:** Walsh, Elizabeth  
**Sent:** Friday, August 23, 2019 9:58 PM  
**To:** Rich Whiting; CouncilMail  
**Cc:** walshforone@gmail.com  
**Subject:** Re: For CB38

Thank you, Rich and Cheryl, thank you!

Liz Walsh, Council Member  
Howard County Council  
Serving District 1

3430 Court House Drive  
Ellicott City, MD 21043  
410.313.2001

---

**From:** Rich Whiting <rcjwhiting@verizon.net>  
**Sent:** Friday, August 23, 2019 8:03 PM  
**To:** CouncilMail  
**Cc:** walshforone@gmail.com  
**Subject:** For CB38

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

Protect our watersheds - pass CB38!

We are Elkridge citizens and we vote!

Rich and Cheryl Whiting  
6440 Koffel Ct.  
Elkridge, MD 21075



**Sayers, Margery**

---

**From:** Rich Whiting <rcjwhiting@verizon.net>  
**Sent:** Friday, August 23, 2019 8:03 PM  
**To:** CouncilMail  
**Cc:** walshforone@gmail.com  
**Subject:** For CB38

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

Protect our watersheds - pass CB38!

We are Elkridge citizens and we vote!

Rich and Cheryl Whiting  
6440 Koffel Ct.  
Elkridge, MD 21075

## Sayers, Margery

---

**From:** no-reply@howardcountymd.gov  
**Sent:** Friday, August 23, 2019 7:40 PM  
**To:** Amylynne3000@gmail.com  
**Subject:** Council - CB38

**First Name:** Amy  
**Last Name:** Lynne  
**Email:** [Amylynne3000@gmail.com](mailto:Amylynne3000@gmail.com)  
**Street Address:** 3000 Westchester ave  
**City:** Ellicott City  
**Subject:** CB38

**Message:** I actually live right over the bridge from old Ellicott City in Baltimore county, but I am a resident of old EC. You MUST protect this fragile area from further damage from flooding. No more waivers! Lives are at stake, communities are at risk. All further development in the watershed that affects Ellicott City need to end. Now.

## Sayers, Margery

---

**From:** no-reply@howardcountymd.gov  
**Sent:** Friday, August 23, 2019 7:40 PM  
**To:** Amylynne3000@gmail.com  
**Subject:** Council - CB38

**First Name:** Amy  
**Last Name:** Lynne  
**Email:** [Amylynne3000@gmail.com](mailto:Amylynne3000@gmail.com)  
**Street Address:** 3000 Westchester ave  
**City:** Ellicott City  
**Subject:** CB38

**Message:** I actually live right over the bridge from old Ellicott City in Baltimore county, but I am a resident of old EC. You MUST protect this fragile area from further damage from flooding. No more waivers! Lives are at stake, communities are at risk. All further development in the watershed that affects Ellicott City need to end. Now.

**Sayers, Margery**

---

**From:** Susan Webber <56suew@gmail.com>  
**Sent:** Wednesday, August 21, 2019 11:44 AM  
**To:** CouncilMail  
**Subject:** CB-38 Protect The Watershed

[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 write to encourage all of you to vote in favor of CB 38 - Protect This Watershed bill. It is time to prioritize protecting the watersheds, forests, wetlands, parks, and scenic by ways of the county.

In the 27 years we have lived here, I have seen continued large scale building up of residential and commercial sites, and ongoing in-fill building. Every three years or so the battle of AFPO and school redistricting reignites because school populations change with each new large development.

It is time to prioritize the protections of greenspace and watersheds under the existing laws. No more waivers by DPZ acting to appease builders and developers whose goal is profit in a county which may be seen as greedy for more property tax revenue dollars.

Susan R, Webber  
5471 Autumn Field Court  
Ellicott City, Md. 21043

## Sayers, Margery

---

**From:** Julia Hawrylo <oychoolie@yahoo.com>  
**Sent:** Tuesday, August 20, 2019 7:59 AM  
**To:** CouncilMail  
**Cc:** Ball, Calvin  
**Subject:** Headlines - Anne Arundel County Strengthens Environmental Policies for Development | Anne Arundel County, MD

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

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

Dear Council members,

Some questions for you..

Why is this not happening in Howard County?

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

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

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

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

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

Sent from my iPad

## Sayers, Margery

---

**From:** Bill Withers <wwithers@rocketmail.com>  
**Sent:** Sunday, August 18, 2019 12:36 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.]

To the members of Howard County Council:

I am writing in support of CB38-2019.

When we moved into one of Howard County's beautiful historic districts nearly thirteen years ago, neighbors asked us to join a fight against several developments on our street.

We did our homework, and reassured neighbors that there was sure-fire protection for both the watershed and the historic district: rules regarding steep slopes, specimen trees, and scenic roads. What innocents new to Howard County quickly learn, however, is that waivers to rules are so routine as to be the default process for development.

A developer may show hardship as a reason for a waiver, even when they have knowingly acquired land that is encumbered by restrictions. The cynical assumption is that waivers are there for the taking, no matter what.

CB38 puts an end to this wholesale disregard for the protections that were put into place in support of a more far-sighted view of the public good. Immediate gains of a few at the expense of the environment, historical preservation, and the enjoyment of future generations is the exact opposite of the intent of the rules in place.

Please support this bold legislation as an opportunity to demonstrate your care for the citizens of Howard County.

Thank you

Bill Withers  
3615 Fels Lane  
Ellicott City MD

**Sayers, Margery**

---

**From:** Susan Garber <buzysusan23@yahoo.com>  
**Sent:** Saturday, August 17, 2019 4:38 PM  
**To:** CouncilMail; Feldmark, Joshua  
**Cc:** Ball, Calvin  
**Subject:** Revision of our forest conservation regulations  
**Attachments:** ForestConservationBriefing2.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,

I have been watching with great interest Anne Arundel County's efforts on revising their forest conservation regulations. They are proposing major changes in priority retention areas, conservation thresholds, reforestation ratios, and their fee-in-lieu structure and rates. I urge you to review the attached short briefing and to support changes comparable to AA County--or better yet, the City of Annapolis--in Howard County.

I'm sure it would be helpful to you, and to the public, to have data for a direct comparison of our existing policies with what is being proposed in AA County. I appreciate you giving this your attention as we strive to retain our remaining Green Infrastructure Network and Targeted Ecological Areas as well as to retain mature trees to absorb both storm water and carbon emissions which contribute to climate change.

Best regards,

Susan Garber

# Draft Forest Conservation Bill Briefing

August, 2019

Matt Johnston

Anne Arundel County Environmental Policy Director



# Forest Loss Estimates

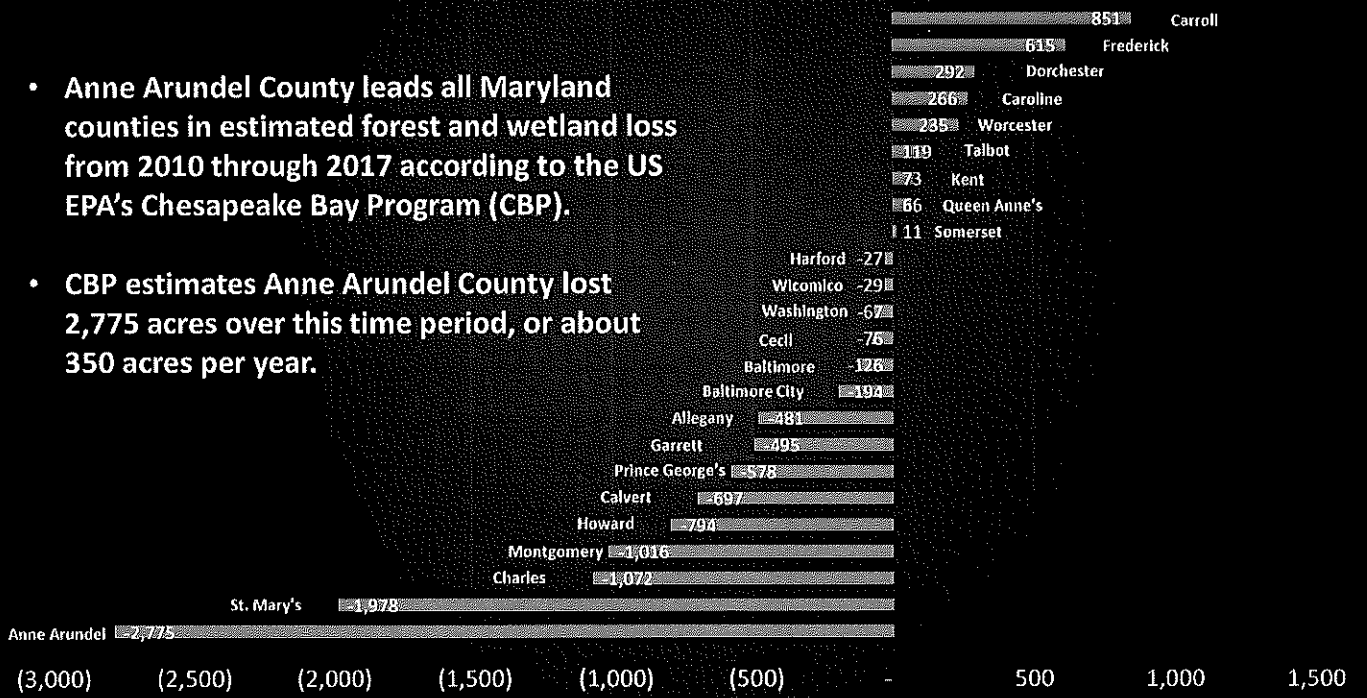
- The Office of Planning and Zoning tracks forest cleared and replanted on all development sites.
- From 2010 through 2017, OPZ reported nearly **2,400 acres** of net forest loss due to development.
- On average, nearly **300 acres** of forest were lost each year over this time period.

**Acres of Forest Loss and Gain Due to Development Activities in Anne Arundel County as Reported by Office of Planning and Zoning (2010-2017)**

Year	Acres of Forest Cleared	Acres of Forest Replanted	Net Loss/Gain
2010	-350	50	-301
2011	-292	12	-280
2012	-277	12	-265
2013	-734	34	-700
2014	-149	8	-141
2015	-660	295	-365
2016	-164	22	-142
2017	-215	18	-197
<b>Total</b>	<b>-2,840</b>	<b>450</b>	<b>-2,390</b>

EPA Chesapeake Bay Program's Estimated Forest and Wetland Gain/Loss from 2010 through 2017 for Maryland Counties

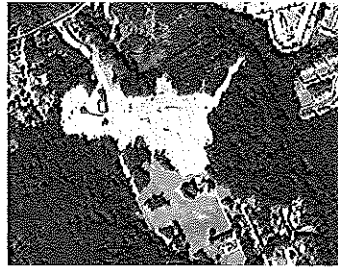
- Anne Arundel County leads all Maryland counties in estimated forest and wetland loss from 2010 through 2017 according to the US EPA's Chesapeake Bay Program (CBP).
- CBP estimates Anne Arundel County lost 2,775 acres over this time period, or about 350 acres per year.



## Tree Canopy Loss Estimates



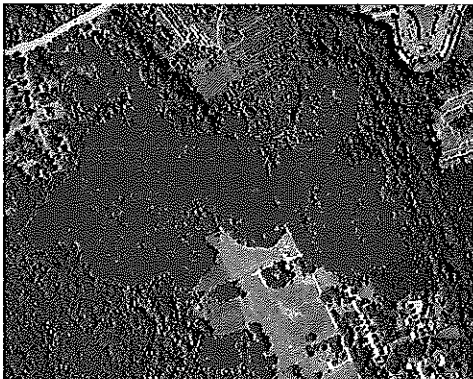
2007



2013



2017



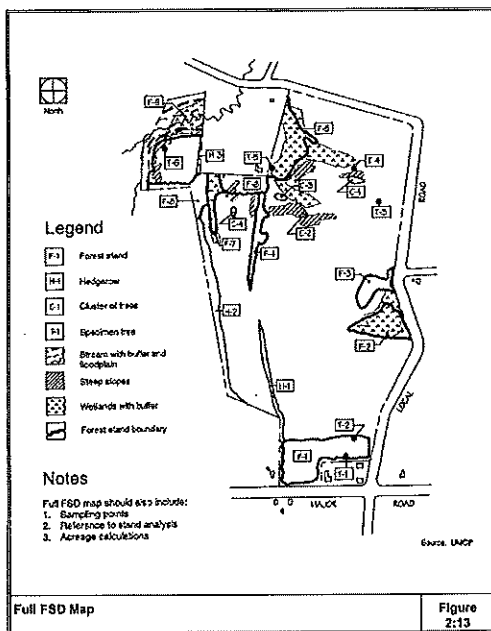
Tree Canopy Loss 2007 through 2017

- Using satellite imagery to detect tree canopy gain and loss, the Chesapeake Conservancy estimates the county lost over **5,500 acres** of tree canopy between 2007 and 2017.
- On average, **550 acres** of tree canopy were lost each year.

## Why So Much Loss?

- State law has failed to keep up with pace of “greenfield” development, especially in Anne Arundel County.
- **PRIORITY RETENTION AREAS:** Not clearly defined, and not in agreement with state code.
- **CONSERVATION THRESHOLD:** Too many acres are allowed to be cut down without mitigation.
- **REFORESTATION RATIO:** Too few trees are required to be replanted.
- **FEE IN LIEU:** Developers often pay a fee rather than replanting. The fee is too low to deter mass clearing or capture the true value of a forest.

# Priority Retention Areas Background

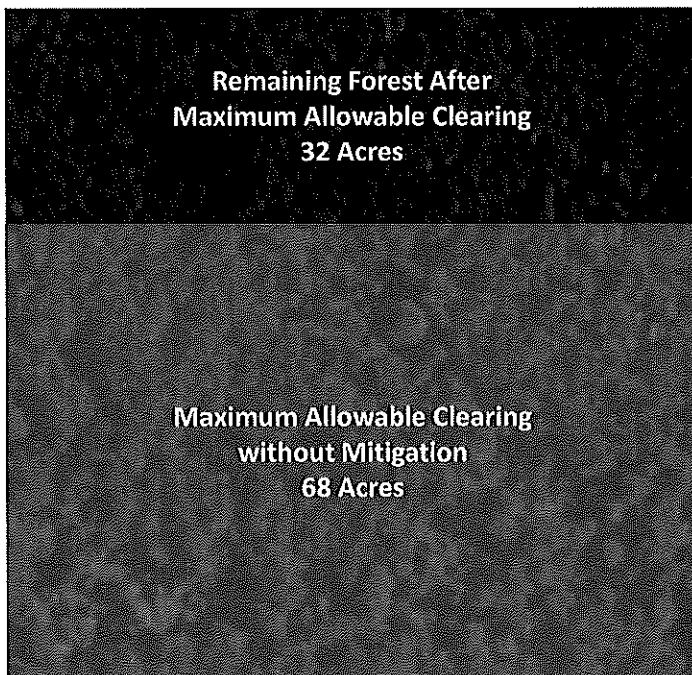


- Forest Stand Delineations (FSDs) map out trees and shrubs in sensitive areas that are meant to be left undisturbed.
- FSDs also map specimen trees (greater than 30 inches in diameter) that should remain undisturbed.
- Currently, AA County does not consider the buffers of wetlands and streams or mapped greenways as priority retention areas.
- Currently, AA County’s modification process from the FSD and retention areas is not as stringent as the state’s.

## Priority Retention Areas Proposed Changes

- Add mapped **greenways**, wetland and stream **buffers** and large, contiguous forest tracts known to be habitat for forest interior dwelling species (**FIDS**) to the list of priority retention areas.
- Make the modification process for removing mapping and removing priority areas **consistent** with state process.

# Conservation Threshold Background



- Defines the maximum allowable forest clearing **before** replanting, mitigation or fee-in-lieu requirements.
- Currently, a hypothetical 100-acre forested site could be cleared of 68 acres for mixed use **before** replanting, mitigation or fee-in-lieu requirements.

## Current Conservation Thresholds

Type of Development	Conservation Threshold	Clearing Allowed without Mitigation on 100-Acre Forested Site
Agricultural and Resource Areas	50%	40
Medium Density Residential	25%	60
Institutional Development	20%	64
High Density Residential	20%	64
Mixed Use or Planned Unit	15%	68
Commercial or Industrial	15%	68



**Maximum Allowable Forest Clearing Without Mitigation by Site Size and Conservation Threshold**

Site Size	15%	20%	25%	30%	35%	40%	45%	50%	55%	60%	65%	70%	75%	80%	85%	90%	95%	100%
1-Acre Site	0.68	0.64	0.6	0.56	0.52	0.48	0.44	0.4	0.36	0.32	0.28	0.24	0.2	0.16	0.12	0.08	0.04	0
5-Acre Site	3.4	3.2	3	2.8	2.6	2.4	2.2	2	1.8	1.6	1.4	1.2	1	0.8	0.6	0.4	0.2	0
10-Acre Site	6.8	6.4	6	5.6	5.2	4.8	4.4	4	3.6	3.2	2.8	2.4	2	1.6	1.2	0.8	0.4	0
15-Acre Site	10.2	9.6	9	8.4	7.8	7.2	6.6	6	5.4	4.8	4.2	3.6	3	2.4	1.8	1.2	0.6	0
20-Acre Site	13.6	12.8	12	11.2	10.4	9.6	8.8	8	7.2	6.4	5.6	4.8	4	3.2	2.4	1.6	0.8	0
25-Acre Site	17	16	15	14	13	12	11	10	9	8	7	6	5	4	3	2	1	0
30-Acre Site	20.4	19.2	18	16.8	15.6	14.4	13.2	12	10.8	9.6	8.4	7.2	6	4.8	3.6	2.4	1.2	0
35-Acre Site	23.8	22.4	21	19.6	18.2	16.8	15.4	14	12.6	11.2	9.8	8.4	7	5.6	4.2	2.8	1.4	0
40-Acre Site	27.2	25.6	24	22.4	20.8	19.2	17.6	16	14.4	12.8	11.2	9.6	8	6.4	4.8	3.2	1.6	0
45-Acre Site	30.6	28.8	27	25.2	23.4	21.6	19.8	18	16.2	14.4	12.6	10.8	9	7.2	5.4	3.6	1.8	0
50-Acre Site	34	32	30	28	26	24	22	20	18	16	14	12	10	8	6	4	2	0
55-Acre Site	37.4	35.2	33	30.8	28.6	26.4	24.2	22	19.8	17.6	15.4	13.2	11	8.8	6.6	4.4	2.2	0
60-Acre Site	40.8	38.4	36	33.6	31.2	28.8	26.4	24	21.6	19.2	16.8	14.4	12	9.6	7.2	4.8	2.4	0
65-Acre Site	44.2	41.6	39	36.4	33.8	31.2	28.6	26	23.4	20.8	18.2	15.6	13	10.4	7.8	5.2	2.6	0
70-Acre Site	47.6	44.8	42	39.2	36.4	33.6	30.8	28	25.2	22.4	19.6	16.8	14	11.2	8.4	5.6	2.8	0
75-Acre Site	51	48	45	42	39	36	33	30	27	24	21	18	15	12	9	6	3	0
80-Acre Site	54.4	51.2	48	44.8	41.6	38.4	35.2	32	28.8	25.6	22.4	19.2	16	12.8	9.6	6.4	3.2	0
85-Acre Site	57.8	54.4	51	47.6	44.2	40.8	37.4	34	30.6	27.2	23.8	20.4	17	13.6	10.2	6.8	3.4	0
90-Acre Site	61.2	57.6	54	50.4	46.8	43.2	39.6	36	32.4	28.8	25.2	21.6	18	14.4	10.8	7.2	3.6	0
95-Acre Site	64.6	60.8	57	53.2	49.4	45.6	41.8	38	34.2	30.4	26.6	22.8	19	15.2	11.4	7.6	3.8	0
100-Acre Site	68	64	60	56	52	48	44	40	36	32	28	24	20	16	12	8	4	0

Green cells: 10 or fewer acres can be removed without mitigation

Yellow cells: 10-20 acres can be removed without mitigation

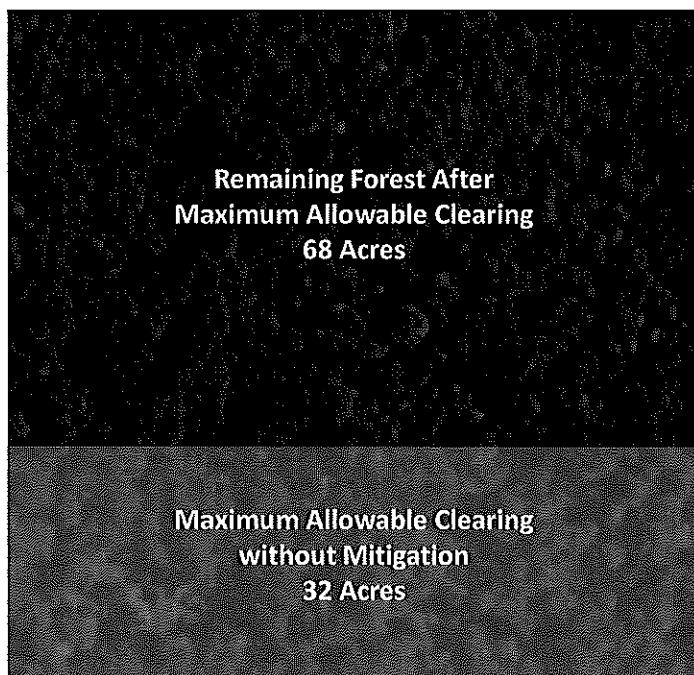
Orange cells: 20-40 acres can be removed without mitigation

Dark Orange cells: >40 acres can be removed without mitigation

# Proposed Conservation Thresholds

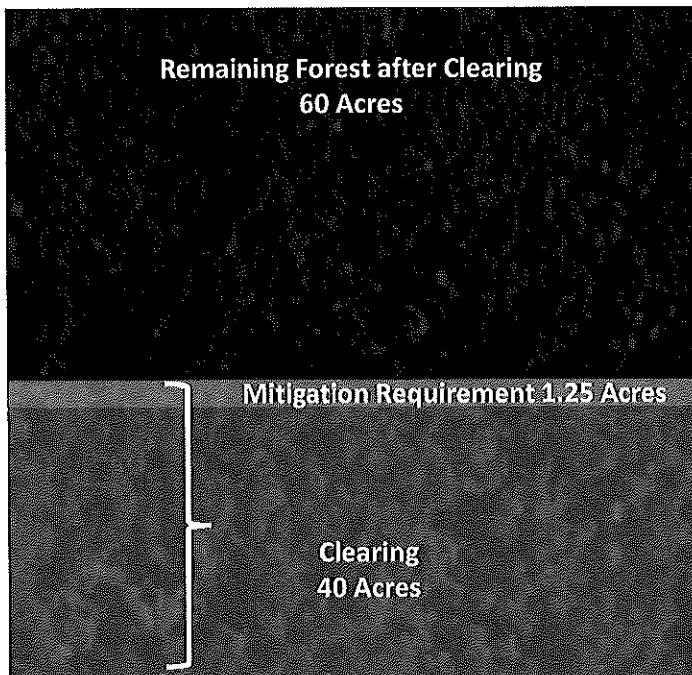
LAND USE	SITE AREA	CONSERVATION THRESHOLD
AGRICULTURAL AND RESOURCE AREAS	LESS THAN 4.99 ACRES	50% OF THE SITE
	BETWEEN 5 ACRES AND 24.99 ACRES	58% OF THE SITE
	BETWEEN 25 ACRES AND 49.99 ACRES	67% OF THE SITE
	GREATER THAN 50 ACRES	75% OF THE SITE
MEDIUM DENSITY RESIDENTIAL	LESS THAN 4.99 ACRES	25% OF THE SITE
	BETWEEN 5 ACRES AND 24.99 ACRES	40% OF THE SITE
	BETWEEN 25 ACRES AND 49.99 ACRES	55% OF THE SITE
	GREATER THAN 50 ACRES	70% OF THE SITE
INSTITUTIONAL DEVELOPMENT	LESS THAN 4.99 ACRES	20% OF THE SITE
	BETWEEN 5 ACRES AND 24.99 ACRES	35% OF THE SITE
	BETWEEN 25 ACRES AND 49.99 ACRES	50% OF THE SITE
	GREATER THAN 50 ACRES	65% OF THE SITE
HIGH DENSITY RESIDENTIAL	LESS THAN 4.99 ACRES	20% OF THE SITE
	BETWEEN 5 ACRES AND 24.99 ACRES	35% OF THE SITE
	BETWEEN 25 ACRES AND 49.99 ACRES	50% OF THE SITE
	GREATER THAN 50 ACRES	65% OF THE SITE
MIXED USE OR PLANNED UNIT DEVELOPMENT	LESS THAN 4.99 ACRES	15% OF THE SITE
	BETWEEN 5 ACRES AND 24.99 ACRES	30% OF THE SITE
	BETWEEN 25 ACRES AND 49.99 ACRES	45% OF THE SITE
	GREATER THAN 50 ACRES	60% OF THE SITE
COMMERCIAL OR INDUSTRIAL	LESS THAN 4.99 ACRES	15% OF THE SITE
	BETWEEN 5 ACRES AND 24.99 ACRES	30% OF THE SITE
	BETWEEN 25 ACRES AND 49.99 ACRES	45% OF THE SITE
	GREATER THAN 50 ACRES	60% OF THE SITE

## Proposed Conservation Threshold Continued



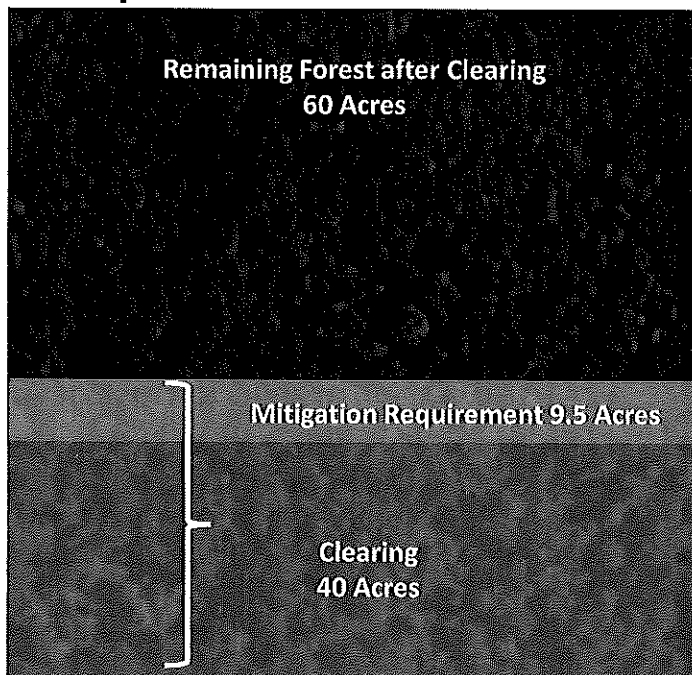
- Instead of 68 acres of allowable clearing and 32 acres of forest retained, a hypothetical 100-acre forested site will now require 68 acres of retention, and allow only 32 acres of clearing before mitigation.
- City of Annapolis allows 0 acres of clearing without mitigation.

## Reforestation Ratios



- Replanting on or offsite or payment to a mitigation bank or payment of fee-in-lieu is required if more forest is cleared than the conservation threshold allows.
- Every acre that is cleared below the conservation threshold must be replaced by **0.25 acres** of trees.
- Every acre that is cleared above the conservation threshold must be replaced by 2 acres of trees.
- On a hypothetical 100-acre site with 40 acres of clearing and a 60% conservation threshold, 1.25 acres would be replanted.

## Proposed Reforestation Ratio

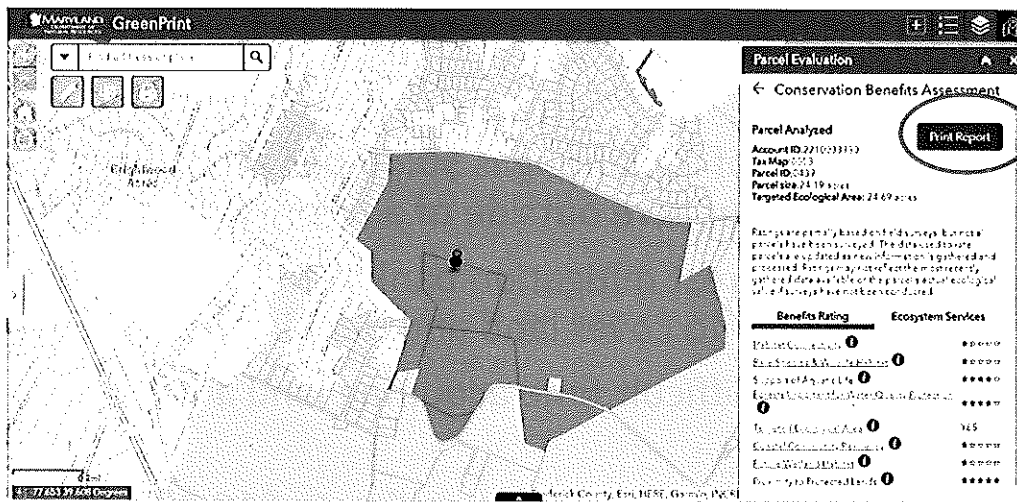


- Every acre that is cleared below the conservation threshold must be replaced by ~~0.25~~ **0.50** acres of trees.
- Every acre that is cleared above the conservation threshold must be replaced by 2 acres of trees.
- On a hypothetical 100-acre site with 40 acres of clearing and a 60% conservation threshold, ~~1.25~~ 9.5 acres would be replanted.
- City of Annapolis requires 1-for-1 replacement.

## Current Fee-in-Lieu

- The current fee-in-lieu of replanting is **\$0.40** per acre within a priority funding area or **\$0.50** per acre outside of a priority funding area.
- There are currently 0 forest mitigation bank credits available because the fee in lieu is too low to cover land and planting costs.
- The County has a very difficult time acquiring land and planting at this low amount.
- The City of Annapolis increased its fee-in-lieu to \$10.00 per square foot.

# Proposed Fee in Lieu



<https://geodata.md.gov/greenprint/>

- MD DNR’s GreenPrint tool estimates the annual ecosystem services of any given parcel.
- The average acre of AA County forest provides an estimated \$2,200 of ecosystem services each year.
- The new fee-in-lieu shall be set at 50 years of “return value” for a forest, or
  - $\$2,200 \text{ per acre-year} \times 50 \text{ years} / 43,560 \text{ square feet per acre} = \mathbf{\$2.52 \text{ per square foot}}$

## Proposed Fee in Lieu

Category	Fee or Security
Clearing in violation of forest conservation law	[[ <del>\$0.80</del> ]] \$3.00 per square foot
***	***
Fee for abandonment of forest conservation easement	[[ <del>\$0.75</del> ]] \$3.00 per square foot of conservation easement abandoned
Fee-in-lieu of planting for land outside the critical area and inside a priority funding area	[[ <del>\$0.40</del> ]] \$2.50 per square foot or the amount provided in COMAR Title 08, Subtitle 19, Chapter 4, whichever is greater
Fee-in-lieu of planting for land outside the critical area and outside a priority funding area	[[ <del>\$0.50</del> ]] \$3.00 per square foot or 20% more than the fee-in-lieu for land inside the priority funding area, whichever is greater
Fee-in-lieu of planting for land inside the critical area	[[ <del>\$1.50</del> ]] \$3.00 per square foot of mitigation required
Fee-in-lieu of planting in the critical area buffer	[[ <del>\$1.50</del> ]] \$3.00 per square foot



## Additional Items

- Exemption for **INSTITUTIONAL** projects that clear less than 20,000 square feet of trees – state exempts ALL projects, but AA County currently only exempts residential projects.
- Definition of **SITE** for conservation thresholds – site will mean contiguous properties part of a common subdivision in an attempt to close a potential loophole that would allow a 100-acre site to be submitted as 4 25-acre projects and get lower thresholds.
- **GRANDFATHER** permits or preliminary subdivision applications approved by the effective date.

## Next Steps

- August briefings
- September 3 introduction to County Council
- October 7 hearing
- Then we start to save the trees!

## Sayers, Margery

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**From:** Walsh, Elizabeth  
**Sent:** Saturday, August 10, 2019 2:06 PM  
**To:** Leslie Toussaint; CouncilMail  
**Subject:** Re: Council Bill 38—the Protect-This-Watershed Bill

Thank you, Leslie, for your support of this bill! May D1 please put you down on our mailing list? We're about to launch our inaugural newsletter issue, and it will be all about CB38 and how we can get it passed!

Liz Walsh, Council Member  
Howard County Council  
Serving District 1

3430 Court House Drive  
Ellicott City, MD 21043  
410.313.2001

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**From:** Leslie Toussaint <l2saint@gmail.com>  
**Sent:** Saturday, August 10, 2019 12:48 PM  
**To:** CouncilMail  
**Subject:** Council Bill 38—the Protect-This-Watershed Bill

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

Please support this bill. Developers will fight hard to get their waivers, but this is part of what led to the deadly flooding in Old EC. So much easier to protect the environment than repair it!

Leslie Toussaint  
Ellicott City, MD 21042

## Sayers, Margery

---

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Leslie Toussaint  
Ellicott City, MD 21042

**Sayers, Margery**

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**From:** C. Hart <hart.cmr@gmail.com>  
**Sent:** Friday, August 9, 2019 6:51 AM  
**To:** CouncilMail  
**Subject:** Support council bill 38

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

I support council bill 38 to protect the watershed.  
Thank you for the work you do for the county, Carmella Hart

**Sayers, Margery**

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**From:** elchris76 <elchris76@yahoo.com>  
**Sent:** Monday, August 5, 2019 4:03 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 CB38 because it makes sense!!!

--Thanks,  
Chris Schipper

sent from my iPhone

## Sayers, Margery

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**From:** John Stier <[john@jstier.com](mailto:john@jstier.com)>  
**Sent:** Tuesday, July 23, 2019 4:20 PM  
**To:** CouncilMail  
**Subject:** CB38 - Patapsco Lower North Branch Bill

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

I live in Columbia and work in Ellicott City. I am urging all of you to support CB38, The Patapsco Lower North Branch Bill. The floods are only going to get worse if development continues to put hard surfaces above Old Ellicott City. Enough is enough.

Thank you for your consideration,

John Stier  
5038 Teal Court  
Columbia, MD 21044

--

John J. Stier  
[john@jstier.com](mailto:john@jstier.com)  
<http://www.artistsgalleryec.com/john-stier>

## Sayers, Margery

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**From:** Ryan Simmons <ryan@simmons.net>  
**Sent:** Monday, July 22, 2019 4:29 PM  
**To:** CouncilMail  
**Subject:** Support of CB38-2019

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

To the Howard County Council,

I am writing to give my strong support to CB38-2018, introduced by Councilwoman Liz Walsh. We, the residents of Ellicott City, need to protect Old Ellicott City from future flooding as best we can. This bill will help stop additional damage from out-of-control development. Perhaps it may even help reverse a little bit of the existing damage.

My thanks to Councilwoman Walsh for taking the lead on this. Hopefully together with County Executive Ball's earlier work on protecting Ellicott City, we can save the Historic District from future devastating flooding.

Sincerely,

Ryan Simmons  
4615 Bonnie Branch Road  
Ellicott City



## Sayers, Margery

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**From:** Patricia Williams <pwilliamsmd@verizon.net>  
**Sent:** Sunday, July 21, 2019 7:08 PM  
**To:** CouncilMail  
**Subject:** 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 strongly support CB 38 with the Plumtree watershed included. Please vote to make it inclusive.

Thank you.  
Pat Williams

## Sayers, Margery

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**From:** BVivrette <bvivrette@gmail.com>  
**Sent:** Monday, July 22, 2019 8:28 PM  
**To:** CouncilMail  
**Subject:** CB17

[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 you in support of CB17 which strengthens the APFO school test for slowing development in overcapacity areas. This gives additional, much needed time for the school district to balance resources and plan better to build schools utilizing state and local funding (like the overdue impact fee increase) better. Please help improve the experience for our children, and focus on sustainable growth, utilizing and fortifying APFO as the centerpiece it should be, today.

Thank you,  
Brian Vivrette

## Sayers, Margery

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**From:** Susan Garber <buzysusan23@yahoo.com>  
**Sent:** Sunday, July 21, 2019 6:30 PM  
**To:** CouncilMail  
**Subject:** CB36 Please read before work session

[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'm writing to express my *discomfort* with CB 36-2019. I'm hearing alarm bells which I can't quiet without additional information/explanation. As Council members YOU are the only ones who can seek that greater clarification at your Work Session on July 22.

I don't want my admitted basic distrust of legislation which amends the Howard County Subdivision and Land Development Regulations (outside of a comprehensive overhaul or Code Rewrite) to color my thought processes, but I do want to share the following concerns.

More rigorous storm water management in the Tiber Hudson Branch and the Plum Tree Branch watersheds IS an obvious need. However, CB 36's intent appears to be to accommodate that SWM on open space, to in effect nullify or sacrifice open space from its intended use (recreation or environmental protection) in order to provide more space for SWM. One can't, for example, play ball in a raingarden (microbioretention facility), though both are needed and required.

The reality is that open space, especially undisturbed and forested open space, is a critical tool for absorption and retention of storm water. To consider allowing the stripping and grading of such stable land to establish artificial SWM systems is surely counterproductive. **CB-36 appears to exclude consideration of decreasing density** below the maximum # of lots achievable were this flat acreage. As with other complexly computed calculations ultimately designed to assure maximum owner/developer profit, this skeptic can't help but voice what many in the non-development community are thinking: So WHO is *THIS* bill specifically designed to benefit this time? To that one must add: How many additional properties might this apply to? Who are we fooling by further manipulating the percentages under alternative lot size scenarios??? NOT Mother Nature!

Having served on the Steering Committee for Clarion's assessment of our regulations, I am quite familiar with the recurring issues in our land use and development regulations. Chief among them is the peculiar a level of both complexity and vagueness. Such a section is:

7\*\* R-20 and infill subdivisions or re-subdivisions creating ten or fewer lots may not use the optional

8 lot size method unless there are wetland, stream or floodplain areas that the Department of

9 Recreation and Parks wants to be dedicated to the County as open space **OR IF SUFFICIENT OPEN**

10 **SPACE AREA IS NECESSARY TO PROVIDE STORM WATER MANAGEMENT AND FLOOD CONTROL**

**11 PROTECTION WITHIN THE TIBER HUDSON BRANCH AND PLUMTREE BRANCH WATERSHEDS.**

12 **[[The creation of homeowner association open space is not permitted.]]** If dedication to the County

13 is required, R-20 lot sizes may be reduced to 18,000 square feet, exclusive of the pipestem areas.

I can only hope that you, the Council members are far more clear on this section than I. What are the financial ramifications for the County and for HOAs given these new "enhanced (unproven?) protections that will substitute for Open Space? Is DRP taking on the cost of maintenance of SWMs or are HOAs? Clearly, the developer/builder will not be.

I'd like to remain optimistic and think that this bill is for the best for current and future residents but I remain wary. I look forward to watching your questions at tomorrow's work session on rebroadcast. My appointment with the retina specialist prevents me from attending.

Thank you for your assistance,

Susan Garber