

Respass, Charity

From: Jones, Diane
Sent: Tuesday, October 8, 2019 9:17 AM
To: Sayers, Margery; Meyers, Jeff; Wimberly, Theo; Rosen, Lynne
Cc: Respass, Charity
Subject: FW: CB 38 Amendments- Departmental Feedback
Attachments: CB38-2019 redline Oct 7.pdf; 10.7.19. - CB 38. Departmental Feedback.pdf

The council received this yesterday before last night's hearing. It was forwarded to me during the hearing.

Charity, can you please print the attachments and add them to my binder so that the information will move out of my binder together?

Thank you,

Diane

From: Sager, Jennifer
Sent: Monday, October 7, 2019 7:26 PM
To: Jones, Diane <dijones@howardcountymd.gov>
Subject: FW: CB 38 Amendments- Departmental Feedback

From: Arthurs, Maureen
Sent: Monday, October 7, 2019 3:22 PM
To: Walsh, Elizabeth <ewalsh@howardcountymd.gov>; Rigby, Christiana <crigby@howardcountymd.gov>; Jones, Opel <ojones@howardcountymd.gov>; Yungmann, David <dyungmann@howardcountymd.gov>; Jung, Deb <djung@howardcountymd.gov>
Cc: Sager, Jennifer <jsager@howardcountymd.gov>; Sidh, Sameer <ssidh@howardcountymd.gov>; Hernandez, Shaina <shernandez@howardcountymd.gov>
Subject: CB 38 Amendments- Departmental Feedback

Dear Councilmembers,

Please see the attached correspondence based on amendments filed last Wednesday and discussed at Friday's work session.

Maureen

Maureen Evans Arthurs

Director of Government Affairs & Strategic Partnerships
Office of Howard County Executive Calvin Ball
George Howard Building
3430 Court House Drive
Ellicott City, MD 21043

O: 410-313-3075
M: 443-355-9890
marthurs@howardcountymd.gov

Introduced _____
Public Hearing _____
Council Action _____
Executive Action _____
Effective Date _____

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 _____, 2019. Ordered posted and hearing scheduled.

By order _____
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 _____, 2019.

By order _____
Jessica Feldmark, Administrator

This Bill was read the third time on _____, 2019 and Passed ____, Passed with amendments _____, Failed _____.

By order _____
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 _____
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(e).*~~

28 ~~*Section 16.1207(e).*~~

29 *Section 16.1210(a).*

30 *Section 16.1215.*

31 *By adding:*

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

2 *Subtitle 7. Floodplain*

3 *Section 16.1206(d).*

4 *Section 16.1207(d).*

5 *By amending:*

6 *Title 18. Public Works*

7 *Subtitle 9. Stormwater Management.*

8 ~~*Section 18.902A. (b) and (e).*~~

9 *Section 18.903(a).*

10 *Section 18.908(a).*

11 *Section 18.910(b).*

12 *By adding:*

13 *Title 18. Public Works*

14 *Subtitle 9. Stormwater Management.*

15 *Section 18.909(f).*

16 *Section 18.910(e).*

17
18 **Title 16. Planning, zoning and subdivisions and land development regulations.**

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

20 **Article I. General**

21 **Section 16.104. Waivers.**

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

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

30 [[(1) Was requested on or before November 7, 2016;

1 (2) Is necessary for the reconstruction of existing structures or
2 infrastructure damaged by flood, fire, or other disaster

3 (3) Is necessary for the construction of a stormwater management or flood
4 control facility as part of a redevelopment project

5 (4) Is necessary for the retrofit of existing facilities or installation of new
6 facilities intended solely to improve stormwater management or flood control for
7 existing development

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

14 (6) Is necessary for the construction of an addition, garage, driveway or
15 other accessory use improvement of an existing residential structure on property
16 located within the Tiber Branch Watershed that increases the square footage of t
17 he impervious surfaces on the property by no more than 25 percent over the
18 square footage of impervious surfaces that existed on the property prior to the
19 effective date of this bill]]

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

23 (2) TO CONSTRUCT, ENHANCE, OR REPAIR PUBLIC STORMWATER
24 MANAGEMENT INFRASTRUCTURE OR FLOOD CONTROL FACILITIES; OR

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

28
29 **Sec. 16.108. - Rules of construction; definitions.**

30 (b) *Definitions.* As used in these regulations, the following terms shall be defined as
31 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:

29 (i) It is necessary for construction of public or private roads, driveways,
30 utilities, trails, pathways, OPEN SPACE, or stormwater management facilities which
31 are essential for reasonable development of the property;

1 (ii) The design minimizes disturbance;
2 (iii) There is no other reasonable alternative; and
3 (iv) The cost of an alternative improvement shall not be a factor in
4 deciding whether the criteria in subject subsection (i) above can be met.
5 (2) Reasonable development, for the purpose of this subsection, does not
6 guarantee maximum possible development under the zoning regulations for density
7 receiving subdivisions in the RC and RR zoning districts. In any zoning district,
8 achieving the maximum possible density is not sufficient justification alone to allow
9 disturbance.

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

14 ~~(1) TO RETROFIT EXISTING FACILITIES OR TO INSTALL NEW INFRASTRUCTURE~~
15 ~~SOLELY INTENDED TO IMPROVE STORMWATER MANAGEMENT OR FLOOD CONTROL~~
16 ~~FOR EXISTING DEVELOPMENT; OR~~

17 ~~(2) TO CONSTRUCT, ENHANCE, OR REPAIR PUBLIC STORMWATER~~
18 ~~MANAGEMENT INFRASTRUCTURE OR FLOOD CONTROL FACILITIES;~~

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

26 ~~[(4)]~~ (5) An applicant shall request permission from the Department of Planning
27 and Zoning for a necessary disturbance exception in writing for the grading, removal of
28 vegetative cover and trees, or paving as described in subsection (c) of this section.

29 ~~[(5)]~~ (6) The Department of Planning and Zoning shall make available to the
30 County Council and the public on the Department's webpage a monthly report that

1 includes the following information for each application for a necessary disturbance
2 exception:

- 3 (i) The name of the applicant;
- 4 (ii) The date of the application;
- 5 (iii) Project name;
- 6 (iv) Project type;
- 7 (v) A description of the project;
- 8 (vi) The action of the Department to deny the application, approve the
9 application, or advise the applicant to seek alternative compliance; and
- 10 (vii) If approved, include in the report the applicant's mitigation
11 requirement.

12
13 **Section 16.121. Public sites and open space.**

14 (a) *Open Space Requirements:*

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

- 16 (i) ~~To properly locate and preserve open space which protects~~
17 ~~environmental resources and provides for recreation or public use; and~~
- 18 (ii) ~~To equitably apportion costs of providing the sites necessary to serve~~
19 ~~the additional families brought into the community by subdivisions or~~
20 ~~developments on the basis of the additional need created.~~

21 (2) ~~[[Calculated as percentage of gross area of proposed subdivision or site~~
22 ~~development]] Method to calculate.~~

23 ~~(1) EXCEPT AS PROVIDED IN PARAGRAPH (2)(II) OF THIS SUBSECTION, REQUIRED~~
24 ~~[[Required]] open space shall be calculated as the following percentage of the gross area~~
25 ~~of the proposed subdivision or development. The area of any overhead utility~~
26 ~~transmission line easements shall be deducted from gross area before calculating the open~~
27 ~~space requirement.~~

28 (II) ~~FOR A PROPERTY IN THE PATAPSCO LOWER NORTH BRANCH WATERSHED, THE~~
29 ~~MINIMUM OPEN SPACE REQUIRED IS 75% OF THE NET TRACT AREA OF THE SUBDIVISION OR~~
30 ~~DEVELOPMENT, AND THE MAXIMUM PERMITTED LIMIT OF DISTURBANCE IS 25% OF THE NET~~
31 ~~TRACT AREA.~~

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

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

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

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

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

15 (iii) The open space would have little environmental or recreational
16 purpose [[.]] ; AND

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

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

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

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

24
25 **Section 16.125. Protection of scenic roads.**

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

27 Because scenic landscapes vary greatly, design solutions for development will
28 vary. The following guidelines provide direction for the development of land abutting a
29 scenic road. They are to be applied as appropriate, given the constraints of the particular
30 site and the relative priority of other County policies and requirements such as public

1 safety, farmland preservation, forest conservation, protection of sensitive environmental
2 features and the need to construct public facilities.

3 (1) *General.*

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

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

13 (iii) Minimize grading; retain existing slopes along the scenic road
14 frontage.

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

18 (v) Locate and design utilities, stormwater management facilities,
19 drainage structures, bridges, lighting, fences and walls to be unobtrusive
20 and to harmonize with the surroundings to maintain existing view
21 corridors. Subdivision entrance features should be low, open, and in
22 keeping with the scenic character of the area in accordance with section
23 128 of the zoning regulations.

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

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

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

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

5 (3) *Areas with open views.*

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

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

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

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

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

17 (4) *Administrative waivers.*

18 (i) ~~SUBJECT TO PARAGRAPH (4)(III) OF THIS SUBSECTION~~ THE CONDITIONS
19 OF § 16.104 OF THIS SUBTITLE, A [[A]] developer seeking an administrative waiver
20 from the scenic road requirements shall give written notice within one week of the
21 filing date of the waiver petition, via first-class mail to:

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

24 b. All attendees of record of the presubmission community
25 meeting; and

26 c. All interested parties on file with the Department of Planning
27 and Zoning.

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

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

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

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

12 (2) TO CONSTRUCT, ENHANCE, OR REPAIR PUBLIC STORMWATER
13 MANAGEMENT INFRASTRUCTURE OR FLOOD CONTROL FACILITIES; OR

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

17 18 **Subtitle 12. - Forest Conservation**

19 20 **Section 16.1204. - Forest conservation plan.**

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

24
25 (d) *Forest Conservation Plan.* A forest conservation plan shall:

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

28 (2) Show the proposed limits of disturbance;

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

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

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

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

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

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

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

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

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

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

19 ~~[(5)]~~ (8) Show proposed locations and types of protective devices to be used
20 during construction to protect trees and forests designated for conservation;

21 ~~[(6)]~~ (9) In the case of reforestation or afforestation, include a reforestation or
22 afforestation plan, with a timetable, description of needed site and soil preparation, and
23 the species, size, and spacing of plantings;

24 ~~[(7)]~~ (10) Include a binding two-year maintenance agreement as specified in the
25 Manual that details how the areas designated for retention, reforestation or afforestation
26 will be maintained to ensure protection and satisfactory establishment, including a
27 reinforcement planting provision if survival rates fall below required standards. Financial
28 security shall be provided for the maintenance agreement as provided in section 16.1209
29 and the Manual. Minor subdivisions which meet forest conservation requirements
30 entirely by forest retention are not required to have a two-year maintenance agreement;

1 ~~[[8]]~~ (11) Include a long-term, binding forest conservation and management
2 agreement with a plat of the forest conservation easement area, as specified in the Manual
3 that:

4 (i) Provides protection for areas of forest retention, reforestation and
5 afforestation; and

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

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

11 ~~[[10]]~~ (13) Be amended or a new plan prepared, as provided in the Manual, if
12 required as a result of changes in the development or in the condition of the site.

13
14 **Section 16.1206. Reforestation.**

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

19 ~~(D) PATAPSCO LOWER NORTH BRANCH WATERSHED. DIVISION OR DEVELOPMENT OF LAND IN~~
20 ~~THE PATAPSCO LOWER NORTH BRANCH WATERSHED SHALL NOT CLEAR MORE THAN 25%~~
21 ~~OF THE EXISTING FOREST COVER ON THE NET TRACT AREA.~~

22
23 **Section 16.1207. Afforestation.**

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

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

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

2 (a) Fee-In-Lieu Authorized:

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

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

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

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

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

14
15 **Section 16.1215. - Waivers.**

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

20 (b) A WAIVER OF A REQUIREMENT OF THIS SUBTITLE IS NOT ALLOWED ON ANY
21 SUBDIVISION OR DEVELOPMENT IN THE PATAPSCO LOWER NORTH BRANCH WATERSHED
22 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 (c) Notice of a request for a waiver shall be given by the Department of Planning and
29 Zoning to the Maryland Department of Natural Resources within 15 days of receipt of a
30 request for a waiver.

31 **Title 18. Public Works**

1 **Subtitle 9. Stormwater Management.**

2 **Section 18.902A. - Requirement to provide stormwater management measures,**
3 **exemptions.**

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

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

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

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

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

12 (4) Agricultural land management practices.

13 ~~(C) PATAPSCO LOWER NORTH BRANCH WATERSHED.~~

14 ~~IN NO EVENT SHALL THE RUNOFF VOLUME AND CHARACTERISTICS FROM ANY SITE~~
15 ~~IN THE PATAPSCO LOWER NORTH BRANCH WATERSHED EXCEED PREDEVELOPMENT~~
16 ~~RUNOFF UNDER 2016 PEAK FLOOD CONDITIONS.~~

17
18 **Section 18.903. - Design criteria; minimum control requirements; alternatives.**

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

21 (1) The County shall require that the planning techniques, nonstructural
22 practices, and design methods specified in the design manual be used to implement ESD
23 to the MEP. The use of ESD planning techniques and treatment practices must be
24 exhausted before any structural BMP is implemented. Stormwater management for
25 development projects subject to this subtitle shall be designed using ESD sizing criteria,
26 recharge volume, water quality volume, and channel protection storage volume criteria
27 according to the design manual. The MEP standard is met when channel stability is
28 maintained, predevelopment groundwater recharge is replicated, nonpoint source
29 pollution is minimized, and structural stormwater management practices are used only if
30 determined to be absolutely necessary.

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

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

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

10 (i) Hydrologic or topographic conditions warrant; or

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

13 ~~(5) SITES IN THE PATAPSCO LOWER NORTH BRANCH WATERSHED MUST CONTROL~~
14 ~~NO LESS THAN 2016 PEAK FLOOD CONDITIONS.~~ (5) DEVELOPMENT WITHIN THE PATAPSCO
15 LOWER NORTH BRANCH WATERSHED SHALL BE REQUIRED TO PROVIDE PEAK
16 MANAGEMENT CONTROL FOR 24-HOUR, 10-YEAR STORM EVENTS AND 24-HOUR, 100-YEAR
17 STORM EVENTS, AS WELL AS 3.55-HOUR, 6.6-INCH STORM EVENTS. MANAGEMENT IS
18 DEFINED AS THE REDUCTION OF THE PEAK RUNOFF FOR THE PROPOSED DESIGN CONDITION
19 TO BE EQUAL OR LESS THAN THE PREDEVELOPED SITE CONDITIONS MODELED AS WOODS IN
20 GOOD CONDITIONS.

21
22
23 **Section 18.908. - Waivers; watershed management plans.**

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

25 (1) Be in writing;

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

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

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

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

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

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

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

14 (vi) Is necessary for the construction of an addition, garage, driveway or
15 other accessory use improvement of an existing residential structure on property
16 located within the Tiber Branch Watershed that increases the square footage of
17 the impervious surfaces on the property by no more than 25 percent over the
18 square footage of impervious surfaces that existed on the property prior to the
19 effective date of this bill [Dec. 9, 2016].]

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

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

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

27
28 **Section 18.909. - Fee in lieu of implementing best management practices.**

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

31

1 **SECTION 18.910. - REDEVELOPMENT.**

2 (b) EXCEPT AS PROVIDED IN SUBSECTION (E) OF THIS SECTION, ALL ~~[[All]]~~ redevelopment
3 projects shall reduce existing impervious area within the limit of disturbance by at least
4 50 percent. Where site conditions prevent the reduction of impervious area, then ESD
5 practices shall be implemented to provide qualitative control for at least 50 percent of the
6 site's impervious area. When a combination of impervious area reduction and stormwater
7 management practice implementation is used, the combined reduction shall equal or
8 exceed 50 percent of the existing impervious area within the limit of disturbance.

9 (E) ALL REDEVELOPMENT PROJECTS IN THE PATAPSCO LOWER NORTH BRANCH
10 WATERSHED SHALL REDUCE EXISTING IMPERVIOUS AREA ON THE SITE BY AT LEAST 25
11 PERCENT. ~~NO , AND NO MORE THAN 25 PERCENT OF THE SITE'S UNDEVELOPED LAND SHALL~~
12 ~~BE PERMITTED WITHIN THE LIMIT OF DISTURBANCE. 100 PERCENT OF THE SITE SHALL BE~~
13 ~~REQUIRED TO CONTROL NO LESS THAN 2016 PEAK FLOOD CONDITIONS. DEVELOPMENT~~
14 WITHIN THE PATAPSCO LOWER NORTH BRANCH WATERSHED SHALL BE REQUIRED TO
15 PROVIDE PEAK MANAGEMENT CONTROL FOR 24-HOUR, 10-YEAR STORM EVENTS AND 24-
16 HOUR, 100-YEAR STORM EVENTS, AS WELL AS 3.55-HOUR, 6.6-INCH STORM EVENTS.
17 MANAGEMENT IS DEFINED AS THE REDUCTION OF THE PEAK RUNOFF FOR THE PROPOSED
18 DESIGN CONDITION TO BE EQUAL OR LESS THAN THE PREDEVELOPED SITE CONDITIONS
19 MODELED AS WOODS IN GOOD CONDITIONS.

20
21 *Section 2. And Be It Further Enacted by the County Council of Howard County,*
22 *Maryland that this Act shall apply to all projects that have been not been issued building*
23 *permits on the effective date of this Act and to all projects that are on hold due to the*
24 *2018 Watershed Safety Act (CB56-2018) and, Extension of 2018 Watershed Safety Act*
25 *(CB20-2019) , and any subsequent extensions of the Effective Period.*

26
27 *Section 3. And Be It Further Enacted by the County Council of Howard County,*
28 *Maryland that this Act shall become effective 61 days after its enactment.*

CB 38: Departmental Questions/Concerns based on amendments filed Thursday, October 3rd, 2019

Work Session: Friday, October 5th, 2019

Correspondence provided: Monday, October 7th, 2019

Department of Planning and Zoning

Geographic Scope and Technical Analysis

A key issue is that CB 38 significantly expands the area to be considered and studied under CB 56. The Patapsco Lower North Branch watershed is different than the smaller and more challenging Tiber/Hudson – and with different issues. To date, the larger Patapsco Lower North Branch Watershed has not been studied to show how expanded buffers would address flooding and storm water management. The proposed short duration high intensity storm water management requirements for the Tiber Hudson were developed based on flooding in Ellicott City applying complex computer models. Portions of the PLNBW do not even currently have 100-year SWM requirements. Applying those standards to other watersheds is being done without the benefit of engineering studies and suggests that increased buffers are geared toward solving other issues.

On what technical analysis are you basing the SWM high intensity/short duration requirements?

Article I. Section 16.104. Page 2. Lines 22-23

(d) The bill continues not to permit any waivers of floodplain, wetland, stream or steep slope disturbance regulations. All jurisdictions allow some level of administrative variances and without some level of interpretation, based on specific review criteria, all such waivers will have to be decided by another body. It is not clear how an appeal of this requirement would be handled. Nevertheless, a prohibition would significantly affect the work load of either the hearing body or courts.

Would a request for relief go to the hearing board/examiner or it would have to be directly decided by the courts?

As drafted (by removing provisions on page 2, line 30 through page 3, line 19 of the amended bill) this section prohibits waivers that are necessary for reconstruction of existing structures or infrastructure damaged by flood, fire or other disaster – is that still the intent?

Page 3. Lines 25-27

(3) It is unclear what a 'project' is given that the section refers to infrastructure projects. By limiting waivers and only allowing them for projects that disturb less than 5,000 SF, developing certain properties may not be possible. This is because site constraints may limit access, infrastructure and storm water management which could only be solved by a waiver.

Is the definition of a project exclusively an infrastructure or capital project?

Article II. Section. 16.116. Page 4. Lines 22-23

Increased wetland and stream setbacks are typically related to enhancing or protecting water quality, riparian habitats and natural floodplains. Steep slope projections are typically related to controlling erosion, sedimentation and siltation of nearby streams and preventing decreased stability of the slope.

How does an increased steep slope setback relate to flood and SWM control?

What is the basis for increasing setbacks from wetlands and waterways and steep slopes, as it relates to the CB 56?

Section 16.121. Page 7. Line 17

Prohibition of in-lieu payments will limit the ability to avoid poor quality or small open spaces. Using such fees allows Recs and Parks to secure added parkland.

Section 18.903. Page 16. Line 14

Development in the Lower North Branch Watershed is required to meet the same SWM requirements as required for Tiber Branch and the Plumtree.

Is there a specific storm event and resulting flood that is being mitigated?

Section 18.909. Page 17. Line 28.

If fee in lieu is not permitted and banking is not an option, what is the recourse if geotechnical issues arise on site such as high groundwater, rock strata, or an inability to daylight an outfall pipe due to existing topography?

Section 18.910

Redevelopment standards are applicable only to non-residential sites with existing impervious area exceeding 40%.

The current regulations allow for the following options:

- 1) Removal of impervious area, or
- 2) treatment of stormwater management, or
- 3) the combination of both options to treat stormwater for 50% of the area proposed for disturbance.

Because these are options, there is no requirement to remove impervious area. As drafted, the Bill specifies that 25% of the existing impervious must be removed. No option is available to perform stormwater management as opposed to impervious area removal. Required Impervious area removal may create unintended consequences such as a zoning violation per the requirement to remove parking spaces or reduced drive lane requirements that allow to the daily operation of vehicles or emergency ingress and egress.

The proposed impervious reduction of 25% is less than the 50% removal of impervious area required by the state. Because it does not allow for the option of providing stormwater management, the only way to achieve the State's minimum requirements is to remove 50% of the site's impervious area. This would render most sites unusable and does not appear to meet the intent of this Bill.

Recreation and Parks

Section 16.116.(c) Page 4. Lines 18-23, 30

Expansion of the environmental buffers will limit the developable area available for program elements in parks and open space. Most impactful are the expanded buffers around steep slopes, specifically those slopes that are separated from streams. Requiring buffers around all steep slopes, natural or man-made, will segment available areas such that the development of athletic fields and facilities that require large, flat footprints would be difficult. If the steep slope buffer is required, we would often seek a waiver for the development of fields that we normally would not have needed and which would be prohibited by other provisions in this bill.

Section 16.116.(c) Page 4. Line 30

Does adding the term OPEN SPACE refer to allowing Recreation and Parks to build parks and public amenities?

Section 16.121.(b)(2)(iv) Page 7. Lines 17-18

Accepting fee-in-lieu is at the discretion of DRP and is typically applied for minor subdivisions or developments where the required amount of open space, if created within the development, would not be truly viable for recreational use or provide a substantial environmental benefit. Larger developments typically are required to provide open space, whether owned by HCDRP or a local HOA. Eliminating the possibility for fee-in-lieu for open space will decrease available capital funds for the acquisition of land that provides more valuable recreational and/or environmental opportunities. The fee-in-lieu funds are placed into separate funds, depending on the area of the development, so they can be used to provide beneficial open space nearby the development that paid the fee-in-lieu. Recreation and Parks will be hampered by limiting us from using fee in lieu funds just in the area it was collected, we need the flexibility to use where it can connect and extend current landholdings of the park system. There is not always the ability to purchase open space in the area that it was collected.

Section 16.1204(b). Page 11. Lines 22-23

This language [or other qualified professional as defined in the Forest Conservation Manual] should not be removed because it is required by the State of Maryland Forest Conservation Act. The Department of Recreation and Parks has four employees who create, inspect and certify forest conservation plans who have the Maryland DNR Qualified Professional Certification. If this language is removed, we will not have this ability to perform this function.

Work Session: Friday, October 5th, 2019

Correspondence provided: Monday, October 7th, 2019

Section 18.903.(a)(5) Page 16. Lines 14-20

The higher level of SWM required in this section will limit the available areas for the development of recreational amenities on DRP properties as well as add significant cost to the development of these amenities. Quantity management of the stated storms will require large detention ponds that take away available space for fields and other amenities or large underground containment systems that are very expensive to install. With limited funds available for development this would, at a minimum, delay or extend the development timeline for planned and future projects and will likely also eliminate some planned facilities due to lack of available space for required SWM.

Section 18.910.(e) Page 18. Lines 9-12, 13-19

Though most of DRP sites do not meet the definition for redevelopment (40% impervious area), requiring a 25% reduction in existing impervious without the additional language in subsection (b) in the same section, limits development more, instead of less, as was stated as the intention. Currently, if a 50% reduction cannot be attained, SWM to current levels must be provided for all existing impervious area above the 50% threshold as well as for 100% of added impervious area. If the intention is to lower this threshold with all other items remaining the same, it should be stated as such. As written, the 25% reduction does not allow any leeway if that cannot be attained. Also, the 25% LOD of undeveloped land would limit available areas for the development of recreational amenities if a DRP property was considered redevelopment. The added SWM requirements would impose similar restrictions on development as explained above in my issue with section 18.903.(a)(5). Park Development should be exempt from this section and not categorized as redevelopment.

DPW

Section 16.104. Page 3. Lines 20 to 27

Explicitly include public utilities and roads or other infrastructure for public safety. Also, reconstruction of existing structures or infrastructure by fire, flood, fire, or other disaster.

Section 16.116 (C). Page 4. Line 24

(3) Unless a Necessary Disturbance

Section 16.125 (4), Page 9. Lines 18 to 19

(i) Subject To The Conditions of Sec 16.104 of this subtitle. Only if the 16.104 is broadened with the comments above

CB 38: Departmental Questions/Concerns based on amendments filed Thursday, October 3rd, 2019

Work Session: Friday, October 5th, 2019

Correspondence provided: Monday, October 7th, 2019

Section 16.711. Page 11

Explicitly include public utilities and roads or other infrastructure for public safety. Also, reconstruction of existing structures or infrastructure by fire, flood, fire, or other disaster.

Section 16.1215. Page 14

Explicitly include public utilities and roads or other infrastructure for public safety. Also, reconstruction of existing structures or infrastructure by fire, flood, fire, or other disaster

Section 18.908. Page 17

Explicitly include public utilities and roads or other infrastructure for public safety. Also, reconstruction of existing structures or infrastructure by fire, flood, fire, or other disaster

Sayers, Margery

CB 38-2019

From: Rebecca Stratis <rebecca.stratis@gmail.com>
Sent: Sunday, October 6, 2019 10:58 PM
To: CouncilMail
Subject: Re: Watershed moratorium

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

Also, let's be accurate.

The VCNA budget collects dues from 447 units per their 2019 budget. There are 12 units under construction by Beazer on Village Crest and Hillsborough that will bring this number eventually to 459 but should not be included in this discussion.

Taylor Properties collects from these same 447 units plus an additional 397 units for a total of 844 homes according to their 2019 budget. Taylor Properties is considered the master association to which all members of VCNA must also belong ("pay").

So there are 844 homes currently in all of Taylor Village. (Add the 12 new builds now if you wish to have a total of 856).

On Sun, Oct 6, 2019 at 10:14 PM Rebecca Stratis <rebecca.stratis@gmail.com> wrote:

Please understand that neither VCNA (Village Crest Neighborhood Association) nor Taylor Properties circulated a petition to all members / homeowners of either organization regarding this issue so that they should not be able to represent us before council. They may represent their views as the developers.

The covenants do grant majority vote to them. They wrote the covenants granting themselves majority rule for the next several decades. We did not get to vote on the covenants.

Nothing is voted on here. VCNA has an "advisory board" that meets quarterly and does not vote on concerns; Taylor Properties has no means of soliciting the community's voice.

There is significant opposition to further development in Taylor Village. Last May's storm caused well over \$300,000 in damages which was paid for out of pocket by affected homeowners and the HOA's. One HOA was bankrupted by their portion of the expense. Now a large regrading plan has been completed and there will be a special (additional) assessment for almost \$1,000 on homeowners to pay for it.

Until there is a plan in place that will assure no more significant flooding, many of us do not support additional development out of fear that our land and homes, our pocketbooks and our home values will suffer. The original residents have not yet seen resale prices that match their original purchase price after ten years. Some of us plan to request reductions in the current assessed value of our homes since being in "an area that floods" or trying to sell a home that has flooded hurts resales even when the issue has been mitigated and Howard County has an aggressive home value forecast. My current taxes are based on an assessment that is significantly higher than what homes are now selling for in the community.

An additional concern is how the two routes out of the proposed development: Taylor Way/Village Crest/Hillsborough or College Avenue will be able to handle the traffic created by 800-1200 additional homes, the vast majority of which will be high density apartments. Actually we cannot believe the county approved adding this traffic burden to two narrow roads, both of which already offer driving challenges.

Good luck on extending the moratorium! Please keep us informed and let us know what we can do.

--
Rebecca Stratis

--
Rebecca Stratis

Sayers, Margery

From: Judy Hoke <judy_hoke@yahoo.com>
Sent: Sunday, October 6, 2019 10:48 PM
To: CouncilMail; Rebecca Stratis
Subject: CB 38 and CB 40

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

We are residents at Village Crest Neighborhood and our home is located at 8125 Yellow Pine Dr Unit C Ellicott City Md. We would like you to know that we are in favor of Bills CB 38 and CB 40 and would like an extension of the moratorium owned by Doctor Taylor. We are very upset and understand that somehow there was a submission made to the Council affirming his opposition to the bills made by the residents at our community. Nothing could be further from the truth. Is it legal for him to do this? I am willing to attend meeting etc for the passage of these bills

Thank you for taking the time to read this

Judith and Robert Hoke

Sayers, Margery

From: Rebecca Stratis <rebecca.stratis@gmail.com>
Sent: Sunday, October 6, 2019 10:15 PM
To: CouncilMail
Subject: Watershed moratorium

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

Please understand that neither VCNA (Village Crest Neighborhood Association) nor Taylor Properties circulated a petition to all members / homeowners of either organization regarding this issue so that they should not be able to represent us before council. They may represent their views as the developers.

The covenants do grant majority vote to them. They wrote the covenants granting themselves majority rule for the next several decades. We did not get to vote on the covenants.

Nothing is voted on here. VCNA has an "advisory board" that meets quarterly and does not vote on concerns; Taylor Properties has no means of soliciting the community's voice.

There is significant opposition to further development in Taylor Village. Last May's storm caused well over \$300,000 in damages which was paid for out of pocket by affected homeowners and the HOA's. One HOA was bankrupted by their portion of the expense. Now a large regrading plan has been completed and there will be a special (additional) assessment for almost \$1,000 on homeowners to pay for it.

Until there is a plan in place that will assure no more significant flooding, many of us do not support additional development out of fear that our land and homes, our pocketbooks and our home values will suffer. The original residents have not yet seen resale prices that match their original purchase price after ten years. Some of us plan to request reductions in the current assessed value of our homes since being in "an area that floods" or trying to sell a home that has flooded hurts resales even when the issue has been mitigated and Howard County has an aggressive home value forecast. My current taxes are based on an assessment that is significantly higher than what homes are now selling for in the community.

An additional concern is how the two routes out of the proposed development: Taylor Way/Village Crest/Hillsborough or College Avenue will be able to handle the traffic created by 800-1200 additional homes, the vast majority of which will be high density apartments. Actually we cannot believe the county approved adding this traffic burden to two narrow roads, both of which already offer driving challenges.

Good luck on extending the moratorium! Please keep us informed and let us know what we can do.

--

Rebecca Stratis

Sayers, Margery

From: Alex Jiao <alex.jiao5@gmail.com>
Sent: Sunday, October 6, 2019 6:23 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,

My name is Alex Jiao, and I am a 5th grader at Clarksville Elementary School. I am writing about Council Bill #38-2019. I am in favor of this bill being approved. This bill will help prevent the overuse of impervious surfaces. Without this bill, our community could suffer from the same floods that devastated Ellicott City in 2016, and again in 2018. We need to act now and help restrain further flooding in Howard County. Please help protect the environment for future generations.

Thank you for your consideration.

Alex Jiao

Sayers, Margery

From: Li Liu <duguli55@gmail.com>
Sent: Sunday, October 6, 2019 6:07 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 Woman Liz Walsh,

We firmly support your bill. We live in District 1. We support your bill because we are in a lego robotics team and we are very interested in impermeable surfaces.

Your bill is very timely to help Ellicott City improve its environment. By the way, we are ten years old.

Best,

Amy Gu and Audrey Gu

Sayers, Margery

From: Ruth Auerbach <rauerb@gmail.com>
Sent: Sunday, October 6, 2019 5:59 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 vigorously support Council Bill 38 to prohibit waivers in the Patapsco Lower North Branch Watershed. The planet has a climate crisis, and we need more trees, not less.

I live in Christiana Mercer Rigby's district.

Ruth Auerbach
9455 Clocktower Lane
Columbia, MD 21046

Sayers, Margery

From: judy hoke <outlook_587D322DC4723869@outlook.com>
Sent: Sunday, October 6, 2019 4:48 PM
To: CouncilMail
Subject: taylor development

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

I am in favor as is my husband of the Bills to stop development of Dr. Taylors property.

Sent from Mail for Windows 10

Sayers, Margery

From: Alice Gibson <gibbyhoot@gmail.com>
Sent: Sunday, October 6, 2019 3:07 PM
To: CouncilMail
Subject: CB38 CB40 Support

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

Dear Councilwomen Walsh

I fully support CB 38 & CB 40 to save watershed area of Ellicott City.

I am a resident of Village Crest Condo at Taylor Village. It has come to our attention that Dr. Taylor opposes these bills and has represented himself as speaking for ALL the residents of Taylor Village. He speaks ONLY for himself NO residents were contacted for him to represent us in this matter!!!

Myself and many other residents are concerned that additional building directly above Ellicott City puts the Historic area at great risk and I fully support CB 38 & CB 40.

Thank you

Alice Gibson
8270 Stone Crop Drive
Ellicott City

Sayers, Margery

From: Alex Xiang <axiang6912@gmail.com>
Sent: Sunday, October 6, 2019 2:44 PM
To: CouncilMail; Yungmann, David
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 David Yungmann or representative of District 5,

My name is Alex Xiang. I attend Mount View Middle School in Marriotsville. I live in Woodstock, which is part of District 5. I am also part of an FLL team, which takes part in a competition where a team figures out a problem based on the year's topic and comes up with a solution to solve that problem. This year, my team has decided to solve a problem based on flooding and impermeable surfaces. I know that tomorrow, the Howard County District Council will be voting on CB38. I am emailing this to support Liz Walsh's plan of action, which is CB38. Her plan is basically to make it so that when people build a house or public space, the amount of impermeable surface is limited. Originally, people were allowed to pay a fee to bypass the limit of impermeable surfaces. With CB38, this is no longer allowed. My team and I support this because although builders will have to pay extra money to build an area, the whole act of this is to protect the environment and the earth. By making CB38 possible, this community could be a better place. I am sure you have heard of both recent Ellicott City floods. By enforcing CB38, we could reduce the damage of floods and the possibility of harmful runoff into the Chesapeake Bay. We must enforce CB38 to help maintain and protect the community, and many watersheds in our county. Vote for CB38.

Thank you for your consideration,

Alex Xiang and the TechNoLimits team

Sayers, Margery

From: mandy rodriguez <mandyrodriguez682@gmail.com>
Sent: Friday, October 4, 2019 10:50 PM
To: CouncilMail; Ball, Calvin
Subject: RE: CB38 & CB40

[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,

My name is Mandy Rodriguez, my husband and I own a home at 8087 High Castle Rd. Ellicott City, MD 21043. As a homeowner of Taylor Village, I would like to voice my concerns in regards to bill CB38 and CB40. I do not oppose bill CB38 or CB40 and Dr. Bruce Taylor does not have the authority to speak on my behalf as one of your incumbents. I fully support Bill CB38 and CB40. Dr. Taylor is looking out for what's only in his best interest and not what the residents who live here want. If you have any further questions, please feel free to contact me at any time.

Respectfully,

Mandy Rodriguez

Sayers, Margery

From: JUAN RODRIGUEZ <jcrodiri84@gmail.com>
Sent: Friday, October 4, 2019 10:48 PM
To: CouncilMail; Ball, Calvin
Subject: Regarding bill CB38 and CB40

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

Mrs. Walsh/Mr. Ball

As a home owner in the Taylor Village community, I want to let you know I do NOT oppose CB38 and CB40. Dr. Taylor does not speak for my household. I fully support those bills and am glad there is a hold on new development.

Juan Rodriguez
8087 highcastle rd
Ellicott City MD 21043

Sayers, Margery

From: Elwood Buck <elwoodbuck@ymail.com>
Sent: Friday, October 4, 2019 9:43 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.]

Good evening,

Please pass CB38.

Thank you,
Elwood Buck

Sent from my iPhone

Sayers, Margery

From: Jeanne Galla <thegallas@verizon.net>
Sent: Friday, October 4, 2019 8:39 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.]

I support CB38 as written.

Jeanne Galla

Sent from Yahoo Mail on Android

Sayers, Margery

From: Elizabeth McGuire <lm81804@gmail.com>
Sent: Friday, October 4, 2019 8:16 PM
To: CouncilMail
Subject: Pass CB38 & CB40!

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

Howard County Council,

I strongly support CB38 & CB40. I hope you will vote on Monday morning to protect our Watershed. Ellicott City has already had 2 major floods in the past few years. Let's be a responsible community together.

Elizabeth McGuire
Elkridge property owner and resident

Sayers, Margery

From: andriani Buck <andrianibuck@gmail.com>
Sent: Friday, October 4, 2019 5:49 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.]

Good afternoon,

I wanted to express my support for CB38.

Andriani Buck

Sent from my iPhone

Sayers, Margery

From: Lisa Schlossnagle <lisabmrss@gmail.com>
Sent: Friday, October 4, 2019 5:41 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.]

Dear Council,

I support CB 38. This watershed is sensitive, and our existing laws and procedures are too lax to protect it adequately. The waivers and fee-in-lieu options are used so frequently that they are undermining the environmental protections we have on the books. Let's strengthen the sustainability of this watershed.

Thank you,
Lisa Schlossnagle
Fulton

Sayers, Margery

From: Robert B. Martin <robertbmartin@gmail.com>
Sent: Friday, October 4, 2019 3:44 PM
To: CouncilMail
Subject: Dr. Taylor's Testimony
Attachments: CB38-2019 public hearing testimony 9.16.pdf

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

Good afternoon,

Attached you'll find Dr. Taylor's public hearing testimony in opposition to CB38. I find it ludicrous that Dr. Taylor speaks on behalf of the more than 1,000 residents in the Taylor Village Community where I live.

I have talked to many of the residents of our community and only one individual out of the many opposes CB38 and he was a builder. If there was more time, I would organize a petition within our community in support of CB38. As it stands, Dr. Taylor has never solicited my opinion nor of the many Taylor Village residents I spoke with over the last few days. He does not represent me, a Taylor Village resident.

Kind regards,

Robert Martin

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. ^{Along with the County Flood Mitigation Plan,}

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. ^{If allowed to proceed}

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.



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: [Handwritten Signature]

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 no later than 5pm the day of the Public Hearing or delivered in person the night of the Public Hearing before testifying.

Sayers, Margery

From: elchris76 <elchris76@yahoo.com>
Sent: Friday, October 4, 2019 3:43 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.]

Please pass CB38

Let's, finally, begin to protect this watershed.



--Thanks,
Chris Schipper

sent from my iPhone

Sayers, Margery

From: Betty Jones <brandt.betty@verizon.net>
Sent: Friday, October 4, 2019 3:33 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 support this. We need to do anything possible to prevent another Ellicott City flood!
Jones 5400 Vantage Point Rd Columbia 21044

From Elizabeth L.

Sayers, Margery

From: Judy Yolken <judlar@verizon.net>
Sent: Friday, October 4, 2019 1:26 PM
To: CouncilMail
Subject: CB 38 and CB 40

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

Council members -

Please pass these 2 bills. Ellicott City and its area must be saved.

I am disgusted with an email from Dr. Taylor, who only wants to line his pockets. He sent this email to residents of Taylor Village asking us to request council members oppose these bills. I, as a resident, am in favor of the passing of these bills.

Judith Yolken
8120 Hickory High Ct. Unit Q
Ellicott City, Md. 21043

Sent from my iPhone

Sayers, Margery

From: Giselle Klimek <gmb_jas@yahoo.com>
Sent: Friday, October 4, 2019 1:26 PM
To: CouncilMail
Subject: Please help

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

I am Taylor village resident and Dr Taylor is trying to oppose bills Cb 38 and CB 40 allowing more homes to be built. The majority of Taylor village does not agree with this !! We DO NOT need anymore homes built in our community . The schools and infrastructure (potential for more flooding) cannot accommodate it !

Thank you

Sent from my iPhone

Sayers, Margery

From: Denise Abosch <denise@abosch.com>
Sent: Friday, October 4, 2019 10:54 AM
To: CouncilMail
Cc: Walsh, Elizabeth
Subject: Support of CB38 and CB40

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

Hello

I just learned that Dr. Bruce Taylor and Jared Spahn are speaking on behalf of our community. Liz, thanks for the posting on Facebook. I live in Taylor Village and I am part of VCNA and Villas V senior townhomes. I never received the communication posted on FB – the communication about personal trainers which led into the CB38 and CB40 discussion.

I am 100% in support of CB38 and CB40. I have also emailed my community president and the president of VCNA to alert them as I doubt they were aware. How can Dr. Taylor and Jared Spahn speak on our behalf.....?

Thanks for your continued efforts.

Denise Abosch
4233 Rose Petal Court
Ellicott City, MD 21043

Sayers, Margery

From: Brian Sivitz <sivitz@hotmail.com>
Sent: Thursday, October 3, 2019 11:32 PM
To: CouncilMail
Subject: Support for CB38 and CB40

[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 a homeowner in Taylor Village and unlike is erroneously stated in a recent submission supposedly on behalf of all Taylor Village homeowners, I do support bills CB38 and CB40. Please vote in favor.

Thanks,
Brian Sivitz

Sayers, Margery

From: Udayshankar Singh <uday_singh@yahoo.com>
Sent: Thursday, October 3, 2019 10:18 PM
To: CouncilMail
Subject: Oppose #CB38 and #CB40

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

Dear County Council ,

My name is Uday Singh resident of Taylor Village.

I am just wondering why the current resident have to suffer to make any amendments to there house whereas the builders get permission to build houses in a tight space in the same neighborhood.

I have made request to build sun room (14 feet above the ground in air) and deck to my house but was unable to seek permit. But in the same neighborhood the builder got permission to build houses in a very tight space. The grading of land is such a way that all water from the area will drain into same water surge pond as my house. BUT I DO NOT GET PERMISSION?

therefore I oppose the Bill CB38 and CB40.

In my opinion county needs to be fair to all the residents.

Regrads,
uday

Sayers, Margery

From: Aurora Schmidt <auroraschmidt@gmail.com>
Sent: Thursday, October 3, 2019 9:34 PM
To: CouncilMail
Subject: I support CB38 and CB40

[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 a resident of Howard County and I support CB38 and CB40 because protection of sensitive lands is key to protecting against catastrophic flood consequences as well as supports responsible development in our county. Please support these bills.

Thank you,
Aurora Schmidt

Sayers, Margery

From: Jung, Deb
Sent: Thursday, October 3, 2019 4:52 PM
To: Sayers, Margery
Subject: FW: Please oppose CB 38

Deb Jung
Councilmember, District 4
Howard County Council
3430 Court House Dr., Ellicott City, MD 21043
410-313-2001

Sign-up for my District Update here.

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

From: Amy Sadacca <amysadacca@gmail.com>
Sent: Friday, September 13, 2019 10:30 PM
To: Jung, Deb <djung@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 Councilmember Jung,

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,

Amy Sadacca
7667 President St

Fulton, MD 20759
amysadacca@gmail.com

Sayers, Margery

From: Jung, Deb
Sent: Thursday, October 3, 2019 4:51 PM
To: Sayers, Margery
Subject: FW: Please oppose CB 38

Deb Jung
Councilmember, District 4
Howard County Council
3430 Court House Dr., Ellicott City, MD 21043
410-313-2001

Sign-up for my District Update here.

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

From: Scott Miller <scott@scottomiller.com>
Sent: Monday, September 16, 2019 8:33 AM
To: Jung, Deb <djung@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 Councilmember Jung,

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,

Scott Miller
10440 Little Patuxent Pkwy

Columbia, MD 21044
scott@scottomiller.com

Sayers, Margery

From: Jung, Deb
Sent: Thursday, October 3, 2019 4:51 PM
To: Sayers, Margery
Subject: FW: Please oppose CB 38

Deb Jung
Councilmember, District 4
Howard County Council
3430 Court House Dr., Ellicott City, MD 21043
410-313-2001

Sign-up for my District Update here.

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

From: JoAnn Alexander <JoAnn.Alexander@Longandfoster.com>
Sent: Monday, September 16, 2019 8:46 AM
To: Jung, Deb <djung@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 Councilmember Jung,

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,

JoAnn Alexander
10888 Harmel Dr

Columbia, MD 21044
JoAnn.Alexander@Longandfoster.com

Sayers, Margery

From: Jung, Deb
Sent: Thursday, October 3, 2019 4:51 PM
To: Sayers, Margery
Subject: FW: Please oppose CB 38

Deb Jung
Councilmember, District 4
Howard County Council
3430 Court House Dr., Ellicott City, MD 21043
410-313-2001

Sign-up for my District Update here.

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

From: Debbie Gottwals <debbie@thewendyslaughterteam.com>
Sent: Monday, September 16, 2019 10:04 AM
To: Jung, Deb <djung@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 Councilmember Jung,

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,

Debbie Gottwals
6313 Dewey Dr

Columbia, MD 21044
debbie@thewendyslaughterteam.com

Sayers, Margery

From: Jung, Deb
Sent: Thursday, October 3, 2019 4:51 PM
To: Sayers, Margery
Subject: FW: Please oppose CB 38

Deb Jung
Councilmember, District 4
Howard County Council
3430 Court House Dr., Ellicott City, MD 21043
410-313-2001

Sign-up for my District Update here.

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

From: David Leonard <daveleonard747@gmail.com>
Sent: Monday, September 16, 2019 10:08 AM
To: Jung, Deb <djung@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 Councilmember Jung,

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,

David Leonard
Realtor

RE/MAX 100
10440 Little Patuxent Pkwy
Columbia, MD 21044
daveleonard747@gmail.com

Sayers, Margery

From: Jung, Deb
Sent: Thursday, October 3, 2019 4:50 PM
To: Sayers, Margery
Subject: FW: Please oppose CB 38

Deb Jung
Councilmember, District 4
Howard County Council
3430 Court House Dr., Ellicott City, MD 21043
410-313-2001

Sign-up for my District Update here.

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

From: Carol Gamble <cjgamble@comcast.net>
Sent: Monday, September 16, 2019 10:09 AM
To: Jung, Deb <djung@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 Councilmember Jung,

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,

Carol Gamble
5416 Fallriver Row Ct

Columbia, MD 21044
cjgamble@comcast.net

Sayers, Margery

From: Jung, Deb
Sent: Thursday, October 3, 2019 4:50 PM
To: Sayers, Margery
Subject: FW: Please oppose CB 38

Deb Jung
Councilmember, District 4
Howard County Council
3430 Court House Dr., Ellicott City, MD 21043
410-313-2001

Sign-up for my District Update here.

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

From: Renee Mankoff <renee.mankoff@longandfoster.com>
Sent: Monday, September 16, 2019 10:09 AM
To: Jung, Deb <djung@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 Councilmember Jung,

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,

Renee Mankoff
10722 Symphony Way

Columbia, MD 21044
renee.mankoff@longandfoster.com

Sayers, Margery

From: Jung, Deb
Sent: Thursday, October 3, 2019 4:50 PM
To: Sayers, Margery
Subject: FW: Please oppose CB 38

Deb Jung
Councilmember, District 4
Howard County Council
3430 Court House Dr., Ellicott City, MD 21043
410-313-2001

Sign-up for my District Update here.

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

From: Karen Tamalavicz <karen.tam@comcast.net>
Sent: Monday, September 16, 2019 10:11 AM
To: Jung, Deb <djung@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 Councilmember Jung,

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,

Karen Tamalavicz
RE/MAX 100

10440 Little Patuxent Pkwy
Columbia, MD 21044
karen.tam@comcast.net

Sayers, Margery

From: Jung, Deb
Sent: Thursday, October 3, 2019 4:50 PM
To: Sayers, Margery
Subject: FW: Please oppose CB 38

Deb Jung
Councilmember, District 4
Howard County Council
3430 Court House Dr., Ellicott City, MD 21043
410-313-2001

Sign-up for my District Update here.

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

From: Olivia Vaught <olivia.vaught@longandfoster.com>
Sent: Monday, September 16, 2019 10:15 AM
To: Jung, Deb <djung@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 Councilmember Jung,

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,

Olivia Vaught
6412 Ripe Apple Ln

Columbia, MD 21044
olivia.vaught@longandfoster.com

Sayers, Margery

From: Jung, Deb
Sent: Thursday, October 3, 2019 4:50 PM
To: Sayers, Margery
Subject: FW: Please oppose CB 38

Deb Jung
Councilmember, District 4
Howard County Council
3430 Court House Dr., Ellicott City, MD 21043
410-313-2001

Sign-up for my District Update here.

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

From: Cynthia DelZoppo <cindydelzoppo@northroprealty.com>
Sent: Monday, September 16, 2019 10:18 AM
To: Jung, Deb <djung@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 Councilmember Jung,

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,

Cynthia DelZoppo
11710 Stonegate Ln

Columbia, MD 21044
cindydelzoppo@northroprealty.com

Sayers, Margery

From: Jung, Deb
Sent: Thursday, October 3, 2019 4:50 PM
To: Sayers, Margery
Subject: FW: Please oppose CB 38

Deb Jung
Councilmember, District 4
Howard County Council
3430 Court House Dr., Ellicott City, MD 21043
410-313-2001

Sign-up for my District Update here.

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

From: Garry Taylor <scott.taylor10@gmail.com>
Sent: Monday, September 16, 2019 10:21 AM
To: Jung, Deb <djung@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 Councilmember Jung,

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,

Garry Taylor
6180 Wicker Basket Ct

Columbia, MD 21044
scott.taylor10@gmail.com

Sayers, Margery

From: Jung, Deb
Sent: Thursday, October 3, 2019 4:50 PM
To: Sayers, Margery
Subject: FW: Please oppose CB 38

Deb Jung
Councilmember, District 4
Howard County Council
3430 Court House Dr., Ellicott City, MD 21043
410-313-2001

Sign-up for my District Update here.

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

From: John Koenig <john425koenig@gmail.com>
Sent: Monday, September 16, 2019 10:21 AM
To: Jung, Deb <djung@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 Councilmember Jung,

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,

John Koenig
5138 Oven Bird Grn

Columbia, MD 21044
john425koenig@gmail.com

Sayers, Margery

From: Jung, Deb
Sent: Thursday, October 3, 2019 4:49 PM
To: Sayers, Margery
Subject: FW: Please oppose CB 38

Deb Jung
Councilmember, District 4
Howard County Council
3430 Court House Dr., Ellicott City, MD 21043
410-313-2001

Sign-up for my District Update here.

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

From: Gretchen Conley <Gretchen@GretchenConley.com>
Sent: Monday, September 16, 2019 10:45 AM
To: Jung, Deb <djung@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 Councilmember Jung,

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,

Gretchen Conley
Long & Foster Real Estate

10805 Hickory Ridge Rd
Columbia, MD 21044
Gretchen@GretchenConley.com

Sayers, Margery

From: Jung, Deb
Sent: Thursday, October 3, 2019 4:49 PM
To: Sayers, Margery
Subject: FW: Please oppose CB 38

Deb Jung
Councilmember, District 4
Howard County Council
3430 Court House Dr., Ellicott City, MD 21043
410-313-2001

Sign-up for my District Update [here](#).

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

From: Donna Myers <donna.myers@inf.com>
Sent: Monday, September 16, 2019 11:25 AM
To: Jung, Deb <djung@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 Councilmember Jung,

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,

Donna Myers
5323 High Wheels Ct

Columbia, MD 21044
donna.myers@Inf.com

Sayers, Margery

From: Jung, Deb
Sent: Thursday, October 3, 2019 4:49 PM
To: Sayers, Margery
Subject: FW: Please oppose CB 38

Deb Jung
Councilmember, District 4
Howard County Council
3430 Court House Dr., Ellicott City, MD 21043
410-313-2001

Sign-up for my District Update here.

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

From: Robert Parker <user@votervoice.net>
Sent: Monday, September 16, 2019 11:25 AM
To: Jung, Deb <djung@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 Councilmember Jung,

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,

Robert Parker
Maryland Real Estate Network

7625 Maple Lawn Blvd
Fulton, MD 20759
bobparker5@verizon.net

Sayers, Margery

From: Jung, Deb
Sent: Thursday, October 3, 2019 4:49 PM
To: Sayers, Margery
Subject: FW: Please oppose CB 38

Deb Jung
Councilmember, District 4
Howard County Council
3430 Court House Dr., Ellicott City, MD 21043
410-313-2001

Sign-up for my District Update here.

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

From: Michael Ball <michael@michaelmball.com>
Sent: Monday, September 16, 2019 11:20 AM
To: Jung, Deb <djung@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 Councilmember Jung,

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,

Michael Ball
RE/MAX 100

10440 Little Patuxent Pkwy
Columbia, MD 21044
michael@michaelmball.com

Sayers, Margery

From: Jung, Deb
Sent: Thursday, October 3, 2019 4:49 PM
To: Sayers, Margery
Subject: FW: Please oppose CB 38

Deb Jung
Councilmember, District 4
Howard County Council
3430 Court House Dr., Ellicott City, MD 21043
410-313-2001

Sign-up for my District Update here.

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

From: Norine Thomas <norinecthomas@gmail.com>
Sent: Monday, September 16, 2019 11:31 AM
To: Jung, Deb <djung@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 Councilmember Jung,

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,

Norine Thomas
6196 Llanfair Dr

Columbia, MD 21044
norinecthomas@gmail.com

Sayers, Margery

From: Jung, Deb
Sent: Thursday, October 3, 2019 4:49 PM
To: Sayers, Margery
Subject: FW: Please oppose CB 38

Deb Jung
Councilmember, District 4
Howard County Council
3430 Court House Dr., Ellicott City, MD 21043
410-313-2001

Sign-up for my District Update here.

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

From: Karen Lee Everhart <karene@Inf.com>
Sent: Monday, September 16, 2019 12:16 PM
To: Jung, Deb <djung@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 Councilmember Jung,

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,

Karen Lee Everhart
5571 Suffield Ct

Columbia, MD 21044
karene@Inf.com

Sayers, Margery

From: Jung, Deb
Sent: Thursday, October 3, 2019 4:49 PM
To: Sayers, Margery
Subject: FW: Please oppose CB 38

Deb Jung
Councilmember, District 4
Howard County Council
3430 Court House Dr., Ellicott City, MD 21043
410-313-2001

Sign-up for my District Update here.

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

From: Dean Dworkin <dean.dworkin@cbmove.com>
Sent: Monday, September 16, 2019 12:18 PM
To: Jung, Deb <djung@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 Councilmember Jung,

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,

Dean Dworkin
5570 Vantage Point Rd Apt 4

Columbia, MD 21044
dean.dworkin@cbmove.com

Sayers, Margery

From: Jung, Deb
Sent: Thursday, October 3, 2019 4:48 PM
To: Sayers, Margery
Subject: FW: I Urge You to Vote NO on Council Bill 38-19

Deb Jung
Councilmember, District 4
Howard County Council
3430 Court House Dr., Ellicott City, MD 21043
410-313-2001

Sign-up for my District Update here.

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

From: Kathleen Hubbard <khubbard48@gmail.com>
Sent: Monday, September 16, 2019 12:37 PM
To: Jung, Deb <djung@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 Councilmember Jung,

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,

Kathleen Hubbard
10143 Spring Pools Ln
Columbia, MD 21044
khubbard48@gmail.com

Sayers, Margery

From: Jung, Deb
Sent: Thursday, October 3, 2019 4:48 PM
To: Sayers, Margery
Subject: FW: Watershed Moratorium Bill CB-38

Deb Jung
Councilmember, District 4
Howard County Council
3430 Court House Dr., Ellicott City, MD 21043
410-313-2001

Sign-up for my District Update [here](#).

From: Bruce Harvey <BruceHarvey@williamsburgllc.com>
Sent: Monday, September 16, 2019 1:57 PM
To: Jung, Deb <djung@howardcountymd.gov>
Subject: Watershed Moratorium Bill CB-38

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

Deb,

While I don't have any projects in the region affected by this legislation, I'm encouraging you to vote no on CB-38. While I'm sure well intentioned in response to the Ellicott City flooding, the bill is not well thought out. Development of any kind would be severely constrained. Without any activity, all responsibility for improved storm water management would fall to the government. The money just isn't there to make headway without private support. Legislation passed should ultimately lead to improvement in storm water management systems. You have much better crafted legislation to consider than this.

Bruce A. Harvey
President
Williamsburg Homes
5485 Harpers Farm Road, Suite 200
Columbia, MD 21044
410-997-8800 (o)
443-398-4358 (c)

Sayers, Margery

From: Jung, Deb
Sent: Thursday, October 3, 2019 4:47 PM
To: Sayers, Margery
Subject: FW: Please oppose CB 38

Deb Jung
Councilmember, District 4
Howard County Council
3430 Court House Dr., Ellicott City, MD 21043
410-313-2001

Sign-up for my District Update here.

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

From: Cassandra Foster <FosterKassandra@gmail.com>
Sent: Monday, September 16, 2019 5:17 PM
To: Jung, Deb <djung@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 Councilmember Jung,

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,

Kassandra Foster
6121 Trotter Rd

Clarksville, MD 21029
FosterKassandra@gmail.com

Sayers, Margery

From: Jung, Deb
Sent: Thursday, October 3, 2019 4:47 PM
To: Sayers, Margery
Subject: FW: Please oppose CB 38

Deb Jung
Councilmember, District 4
Howard County Council
3430 Court House Dr., Ellicott City, MD 21043
410-313-2001

Sign-up for my District Update here.

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

From: Mary Calder <user@votervoice.net>
Sent: Monday, September 16, 2019 5:39 PM
To: Jung, Deb <djung@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 Councilmember Jung,

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,

Mary Calder
10269 Windstream Dr

Columbia, MD 21044
mary.calder@ymail.com

Sayers, Margery

From: Jones, Opel
Sent: Thursday, October 3, 2019 12:11 PM
To: Sayers, Margery
Subject: FW: Council Bills CB 38 & 42

From: Mark Johnston <mjohnston@glwpa.com>
Sent: Monday, September 16, 2019 9:21 AM
To: Jones, Opel <ojones@howardcountymd.gov>
Subject: Council Bills CB 38 & 42

[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 resident of Howard County, I am vehemently opposed to both Council Bills 38 and 42. Both of these bills will be detrimental to both existing and future residents of the County and are nothing less than government overreach.

In regard to Council Bill 38, the system currently works well with your County reviewers, who are well versed in the particulars of each project, being able to make common sense decisions to benefit both the homeowner and the County. This bill eliminates that ability for no reason other than a councilwoman's lack of knowledge of how things work.

In regard to Council Bill 42, placing such a large increase (400%!!) to new home construction will price many new homeowners out of the market and will effectively eliminate new home construction. This bill attempts to place all the fault for potential school overcrowding when families with children occupy both new and existing homes equally. It makes no sense to assume all new home construction results in new families with children and that existing homes have none. The burden for school facilities should be shared equally by everyone in the County as we all have a vested interest in producing smart young men and women.

Sincerely,

Mark Johnston, P.E.
5413 Graywing Ct
Columbia MD, 20145

Sayers, Margery

From: Tammy Maben <mabentammy@yahoo.com>
Sent: Thursday, October 3, 2019 11:15 AM
To: CouncilMail
Subject: CB38 and CB40

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

Good Morning,

Please pass CB38 and CB40. I want to let you know that all of my neighbors and I are watching this closely and we are depending on you to make sure these are passed.

Thank You,

Tammy Maben
5914 Hunt Club
Elkridge, MD 21075

Sent from my iPhone

Sayers, Margery

From: Jessie Ryan <jessie.ryan@gmail.com>
Sent: Wednesday, October 2, 2019 10:29 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.]

Protect the watershed

These short term naive agreements with developers will not be lucrative in the long term when we will ultimately pay the environmental and infrastructure costs. Stand up for what is right, not what is right now.

Jessie

Capital projects ~ District 1

B3831 - FY2007 RIVER ROAD BRIDGE-ROCKBURN (H0-6)
B3862 NEW CUT ROAD WALL
B3862 LOUDON AVE WALL
C0298 - FY2005 US 40 CORRIDOR ENHANCEMENT
C0331 - FY2014 ELLICOTT CITY PARKING LOT ENHANCEMENT
C0337 - FY2014 ELLICOTT CITY IMPROVEMENTS and ENHANCEMENTS
C0357 - FY2018 ELLICOTT CITY PARKING AND STREETScape IMPROVEMENTS
C0363 LINWOOD SCHOOL PARKING LOT
D1124 DRAINAGE IMPRV PGM: GLOBE DRIVE
D1124 DRAINAGE IMPRV PGM: MONTG RD PIPE EASEMENT
D1148 NPDES WATERSHED MGMT PGM
D1157 - FY2006 ST JOHNS LANE VICINITY DRAINAGE
D1158 WATERSHED MGMT CONSTRUCTION
D1159 STORMWATER MGMT FACILITY RECONSTRUCTION
D1165 FLOOD MITIGATION and STORMWATER/WATERWAY ENHANCEMENT
D1166 - FY2015 CHESTNUT HILLS DRAINAGE IMPROVEMENTS
D1167 - FY2015 GLENBROOK DRAINAGE IMPROVEMENTS
D1175 VALLEY MEDE/CHATHAM FLOOD MITIGATION
D1176 WATERSHED MANAGEMENT CONSTRUCTION
D1177 STORMWATER MANAGEMENT FACILITY RECONSTRUCTION
D1179 COURTHOUSE DRIVE CULVER 7 SLOPE REPAIR
E1028 - FY2016 NEW ELEMENTARY SCHOOL #42
E1037 - FY2022 ELLICOTT MILLS MIDDLE SCHOOL ADDITION
E1052 NEW HIGH SCHOOL #14
J4154 SYLVAN LANE RETAINING WALL
J4170 - FY2004 ROGER'S AVENUE IMPROVEMENTS
J4173 - FY2000 HANOVER ROAD IMPROVEMENTS
J4219 LANDING RD @ MONTGOMERY RD STUDY
J4225 - FY2008 ELLICOTT CENTER DR CONNECTION to ROGERS
J4231 ELKRIDGE MAIN ST IMPRV
J4252 SYSTEMIC INFRASTRUCTURE IMPRV TO DNTN ELLICOTT CITY
K5035 CRESENT RD AT NORTHFIELD RD PED IMPRV
K5035 MONTGOMERY RD ROWANBERRY- LAWYERS HILL
K5036 ROUTINE SIDEWALK/WALKWAY EXT: OLD ANNAPOLIS RD OAK HILL TO WOODLAND
K5036 ROUTINE SIDEWALK/WALKWAY EXT: MONTGOMERY @ BELLANCA SIDEWALK
K5064 - FY2017 MISSION ROAD SIDEWALK
K5065 DONCASTER DR SIDEWALK
L0015 - FY2008 ELKRIDGE BRANCH | SENIOR CENTER
N3107 - FY2000 ROCKBURN BRANCH PARK
S6282 - FY2013 BONNIE BRANCH | ROCKBURN INTERCEPTOR IMPROVEMENTS
S6283 - FY2013 TIBER | SUCKER BRANCH INTERCEPTOR IMPROVEMENTS
S6284 DEEP RUN/SHALLOW RUN INTERCEPTOR IMPRV
S6285 - FY2017 MD108 PUMP STATION OUTFALL IMPROVEMENTS
S6288 - FY2020 ROCKBURN PUMPING STATION UPGRADE
S6297 OLD FREDERICK RD PUMPING STATION UPGRADE

S6293 - FY2015 TURF VALLEY ROAD SEWER
W8300 - FY2011 LEVERING AVENUE WATER MAIN
W8303 - FY2018 ANDERSON AVE | MOUND STREET WATER MAIN
W8305 - FY2018 LANDING ROAD WATER MAIN LOOP
W8318 - FY2013 MONTGOMERY ROAD WATER MAIN REHABILITATION
W8327 - FY2015 OLD LAWYER HILL ROAD WATER SUPPLY MAIN REPLACEMENT
W8330 - FY2017 OLD COLUMBIA PIKE WATER MAIN REHABILITATION | REPLACEMENT
W8602 - New Cut WATERMAIN

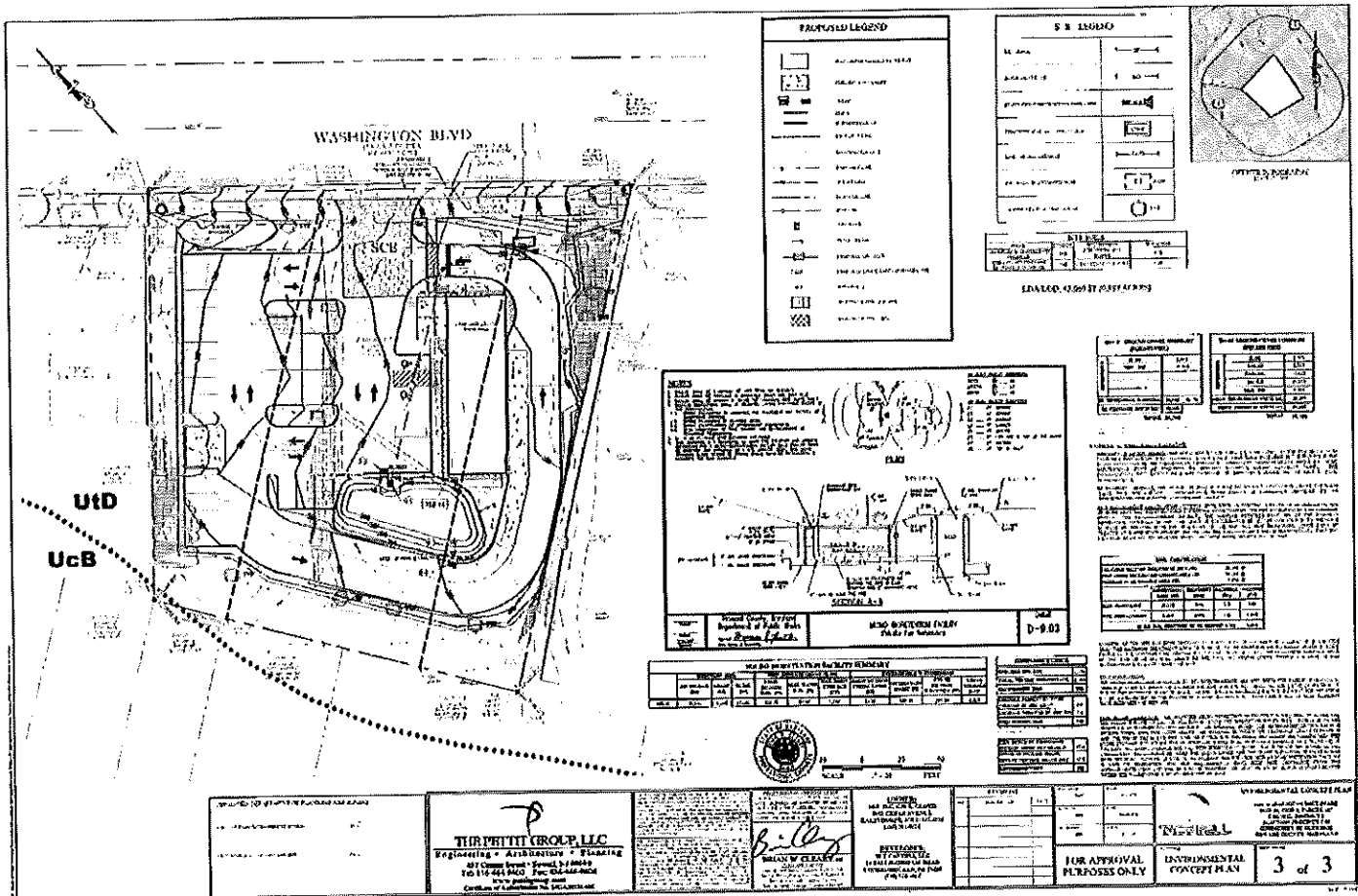
Capital projects ~ District 2

B3853 O'CONNOR DR (AACO COST SHARE)
B3862 OLD STOCKBRIDGE WALL
D1158 WATERSHED MGMT CONSTRUCTION
D1159 STORMWATER MGMT FACILITY RECONSTRUCTION
D1174 - FY2016 SPRING GLEN DRAINAGE IMPROVEMENTS
D1176 WATERSHED MANAGEMENT CONSTRUCTION
D1177 STORMWATER MANAGEMENT FACILITY RECONSTRUCTION
F5975 - FY2010 ROUTE ONE FIRE STATION
J4148 - FY2000 DORSEY RUN ROAD EXTENSION
J4182 - FY2002 DORSEY RUN ROAD IMPROVEMENTS
J4206 - FY2007 MONTEVIDEO ROAD IMPROVEMENTS
J4212 US1 @ MD103
J4219 MARSHALEE DR @ MONTG RD STUDY
J4246 - FY2018 OLD MONTGOMERY ROAD AT BRIGHTFIELD ROAD INTERSECTION IMPROV
K5035 WATERLOO SIDEWALK DEEP RUN TO MAYFIELD
K5036 ROUTINE SIDEWALK/WALKWAY EXTENSION: MONTG @ LYNN SIDEWALK EXT
K5036 ROUTINE SIDEWALK/WALKWAY EXTENSION: MONTG @ BELLANCA SIDEWALK
N3102 - FY2000 Blandair Regional Park
N3957 - FY2003 TROY PARK & HISTORIC REHABILITATION
S6284 - FY2013 DEEP RUN | SHALLOW RUN INTERCEPTOR IMPROVEMENTS

CB#38-2019 Case Studies Analysis – September 19, 2019

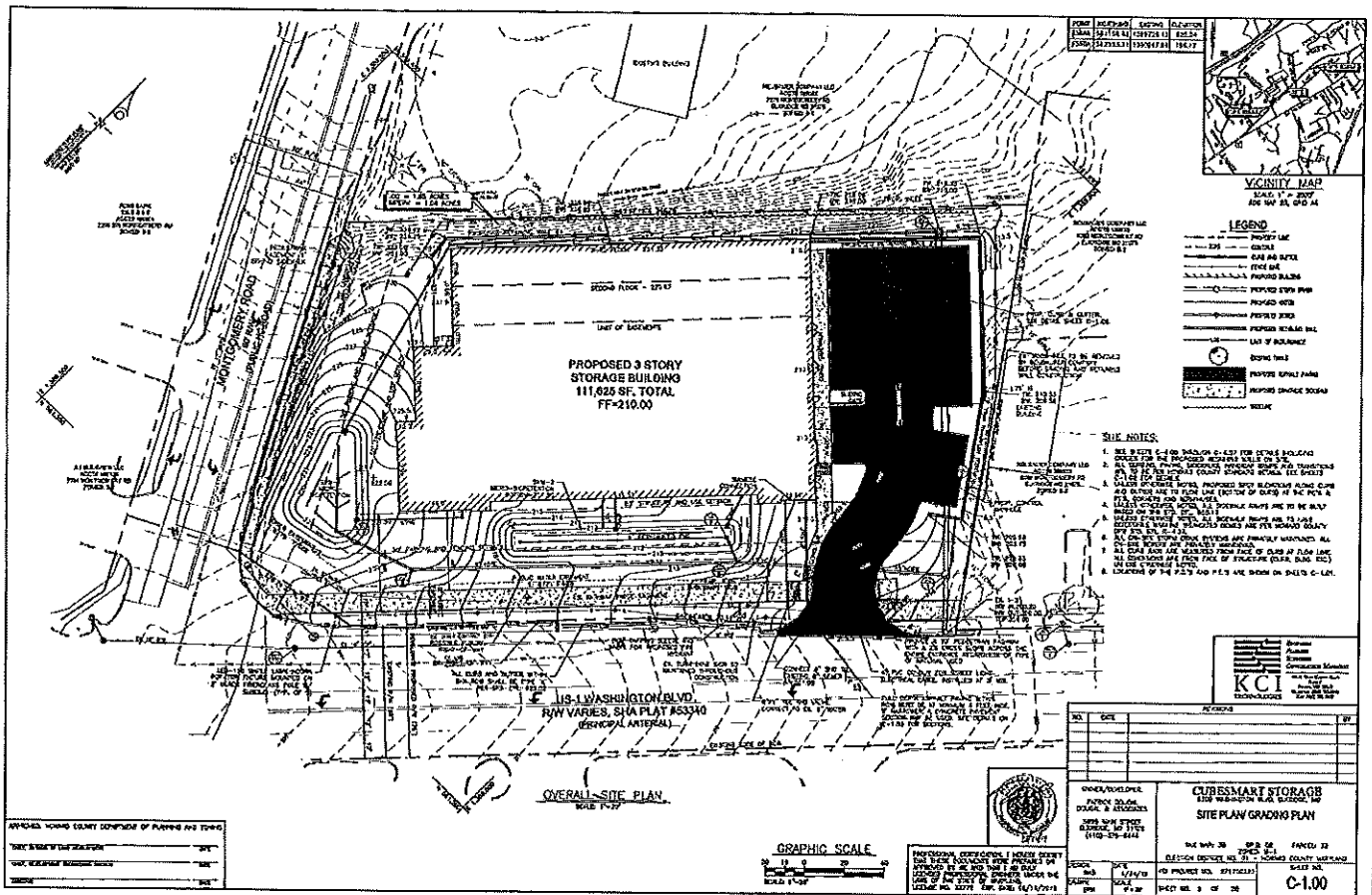
Taco Bell ECP-19-068

	Under Current Regulations	Under CB 38
Project/file number	Taco Bell Route 1, Elkridge ECP-19-068	
Zoning/land use	B-2 (Business-General) Fast Food Restaurant	
Number of units/ Bldg. SF Area	2205 SF of Floor Area	
Gross site area	1.165 acres	
Net site area (defined as gross site area minus 100 yr floodplain and 25% steep slope)	1.058 acres (0.107 acre steep slopes)	
Environmental buffers and 25% slopes over 20K SF in area	None	N/A
Required open space	None	75% Of Net Tract Area Or 0.7935 Acres
Forest conservation	None (Redevelopment Netting Out Existing Impervious Area)	50% Afforestation of Net Tract Area or 0.529 Acres
Remaining Buildable area	Net Area 1.058 Acres	25% of Net Tract Area or 0.2645 Acres Project no longer feasible



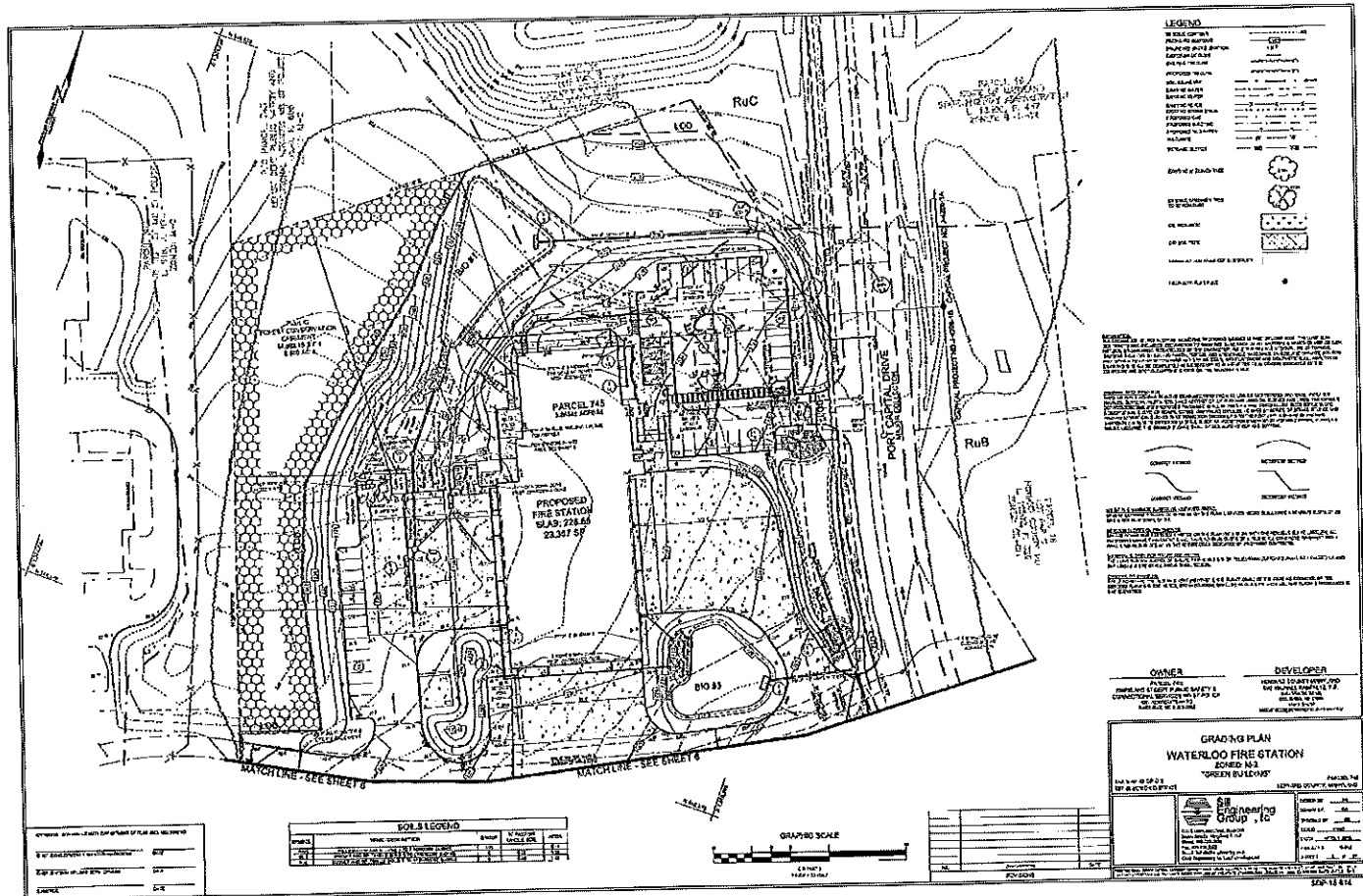
CubeSmart SDP-19-004

	Under Current Regulations	Under CB 38
Project/file number	CubeSmart, U.S. Route 1, Elkridge SDP-19-004	
Zoning/land use	M-1 (Manufacturing-Light) Self-Storage Facility	
Number of units/ Bldg. SF Area	111,625 SF	
Gross site area	1.75 acres	
Net site area (defined as gross site area minus 100 yr floodplain and 25% steep slope)	1.75 acres (No steep slopes or floodplain)	
Environmental buffers and 25% slopes over 20K SF in area	None	N/A
Required open space	None	75% of Net Tract Area or 1.31 Acres
Forest Conservation	0.3 Acres Afforestation (Provided as Fee-In-Lieu)	50% Afforestation of Net Tract Area 0.87 Acres
Remaining Buildable area	Net Area 1.75 Acres	0.44 Acres (1.75 Acres - 1.31 Acres Open Space - Project No Longer Feasible)



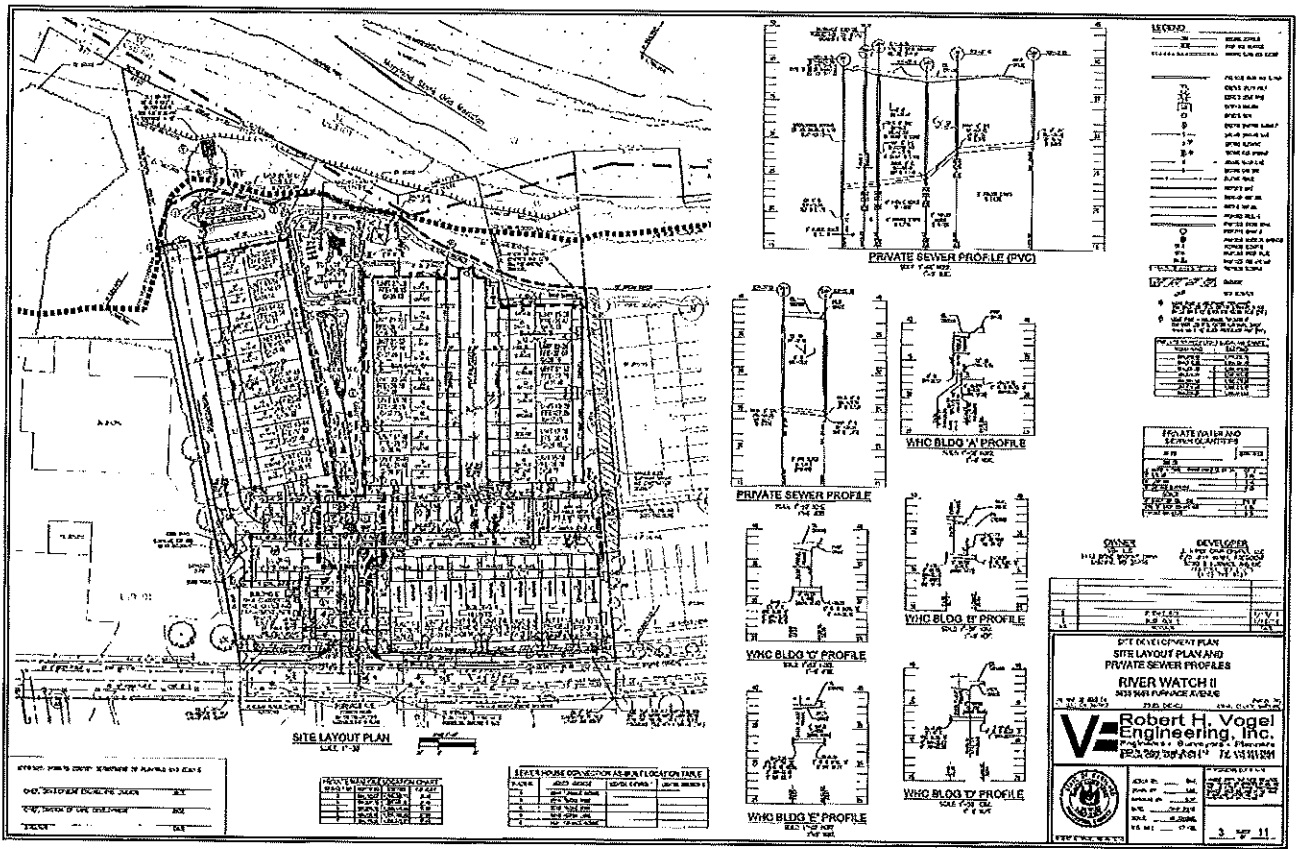
Waterloo Fire Station, Elkrige SDP-18-014

	Under Current Regulations	Under CB 38
Project/file number	Waterloo Fire Station, Elkrige SDP-18-014	
Zoning/land use	M-2 (Manufacturing-Heavy) Fire Station	
Number of units/ Bldg. SF Area	32,455 SF	
Gross site area	5.6834 acres	
Net site area (defined as gross site area minus 100 yr floodplain and 25% steep slope)	5.6834 acres (No floodplain or 25% steep slopes)	
Environmental buffers and 25% slopes over 20K SF in area	25' Wetlands Buffer	100' Wetlands Buffer Will Impact Proposed Driveway Access Causing Redesign of the Site Plan - No Waivers Allowed
Required open space	None	75% of Net Tract Area or 4.26 Acres
Forest Conservation	2.2 Acres Reforestation (Clearing 5.4 Acres of Ex. Forest) (0.7 Ac On-Site Retention & 1.5 Acres Credit at Forest Mitigation Bank)	Forest Clearing Limited to 25% of Net Tract Area (5.68 Acres) or 1.42 Acres
Remaining Buildable Area	4.98 Acres (Minus 0.7 Acres Forest Retention Easement On-Site)	1.42 Acres (5.6834 Acres - 4.26 Acres Open Space & 75% Forest Retention) Project no longer feasible.



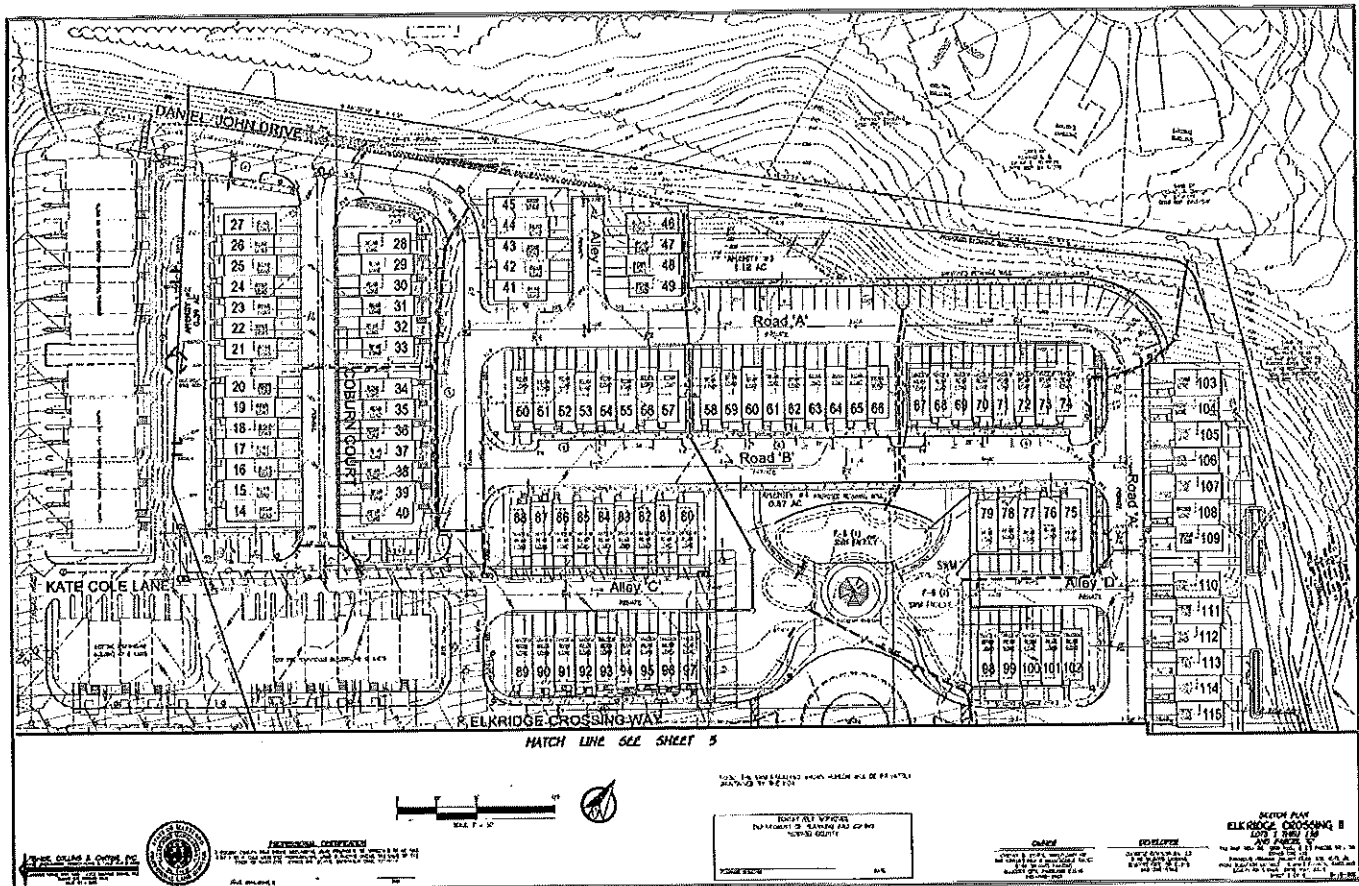
Riverwatch II, Furnace Avenue, ElkrIDGE SDP-19-027

	Under Current Regulations	Under CB 38
Project/file number	Riverwatch II, Furnace Avenue, ElkrIDGE SDP-19-027 – Housing Commission	
Zoning/land use	CAC (Corridor Activity Center) Residential Apartments & Office Space	
Number of units/ Bldg. SF Area	58 Apartment Units & 3,839 SF Office Space	
Gross site area	3.06 Acres	
Net site area (defined as gross site area minus 100 yr floodplain and 25% steep slope)	2.68 Acres (.3844 Acres Floodplain and no steep slope area)	
Environmental buffers and 25% slopes over 20K SF in area	25' Wetlands Buffer 75' Stream Buffer 100-Year Floodplain	100' Wetlands Buffer, Stream Buffer & Floodplain No Waivers Allowed - Will Cause Elimination of About 18 Units, Tot Lot, Gazebo and Picnic Area Amenities & SWM Facilities and Shortening of Private Internal Road
Required open space	10% of Net Area or 0.268 Acres	75% of Net Tract Area or 2.01 Acres
Forest Conservation	None (Exempt as Previously Developed Impervious Area)	50% Afforestation of Net Tract Area or 1.34 Acres
Remaining Buildable Area	2.68 Acres (Minus .3844 Acres 100-Year Floodplain)	1.06 Ac. (3.06 Ac. - 2.01 Ac. Open Space) Reduces units - may not be feasible.



Elkridge Crossing II, Route 1, Elkridge S-19-005

	Under Current Regulations	Under CB 38
Project/file number	Elkridge Crossing II, Route 1, Elkridge S-19-005	
Zoning/land use	CAC (Corridor Activity Center) Residential & Commercial Space	
Number of units/ Bldg. SF Area	206 Residential Units & 37,220 SF Commercial Space	
Gross site area	13.33 acres	
Net site area (defined as gross site area minus 100 yr floodplain and 25% steep slope)	11.53 Acres (1.80 Acres 25% Steep Slopes and no 100 yr. floodplain)	
Environmental buffers and 25% slopes over 20K SF in area	No Floodplain or Buffers 25% Steep Slopes	50' Steep Slope Buffer - No Waivers Allowed Will Cause Elimination of About 15 Units & 30 Parking Spaces
Required open space	10% of Net Area Or 1.153 Acres	75% of Net Tract Area Or 8.65 Acres
Forest Conservation	None (Previously Addressed Under SDP-04-017)	50% Afforestation of Net Tract Area or 5.77 Acres
Remaining Buildable Area	13.33 Acres (Alternative Compliance WP-19-086 Approved for Grading Man-Made Steep Slopes)	4.68 Acres (13.33 Acres-8.65 Acres Open Space) Project Would Lose about 150 Units





Howard County

Internal Memorandum

Subject: Review of Impacts of CB 38-2019 on Proposed Capital Projects
in the Patapsco Lower North Branch Watershed

To: Jim M. Irvin, P.E.
Director, DPW

From: Daniel L. Davis, P.E.
Chief – Utility Design Division

Date: September 19, 2019

County Council Bill No. 38-2019, The Patapsco Lower North Branch Bill seeks to prohibit certain waivers, prohibit certain disturbances of land, prohibit specified activities in certain buffers, etc. in the Patapsco Lower North Branch Watershed. The bill extends the protections put in place in the Tiber Branch Watershed under CB 80-2016 to the entirety of the Patapsco Lower North Branch and excludes the granting of waivers on certain protected features unless the improvement/project is intended for stormwater management infrastructure or flood control facilities. What follows is an impact review of the proposed bill on water and sewer capital projects currently under way or proposed in the subject area. The review information provided herein is representative of the concerns that the Utility Design Division has, along with those provided by our environmental consultant engineers, for projects already in development or typically undertaken by this office. The impact of the proposed legislation on DPW's sewer interceptor projects were the focus of our review because (1) there are several projects currently under development and (2) these [sewer] types of utility projects are those most often located in the areas targeted by the proposed legislation.

As a point of reference and understanding the proposed bill encompasses the Patapsco Lower North Branch Watershed which in turn is reflective of the DPW's Patapsco WWTP Basin – see attached mapping. As explained in The Master Plan for Water and Sewerage 2015 Amendment, the Patapsco WWTP Basin is one of two (2) sewer service areas in the County. DPW sub-drainage areas within the Patapsco Lower North Branch Watershed include the Sucker, Tiber, Bonnie, and Deep Run branches. In 2013 the annual average daily sewage contribution to the public system was determined to be 25.5 MGD; approximately 5.5 MGD was attributed to the Patapsco WWTP drainage basin. It is projected that by 2040 the Patapsco WWTP drainage basin will have an average daily flow of 6.7 MGD. *The Patapsco WWTP Basin therefore is not an insignificant portion of the County sewer drainage area and thus the proposed legislation has wide impacts to our work.*

Currently, within the County's Patapsco WWTP drainage basin there are several sewer interceptor improvement projects in various stages of development.

- S6282 Bonnie Branch | Rock Burn Interceptor
- S6283 Tiber | Sucker Branch Interceptor Improvements
- S6284 Deep | Shallow Run Interceptors
- S6285 MD 108 PS Outfall Improvements

The justification for each of these capital projects [except for S6285 which was approved in FY2017, approval of each project dates to FY2013] is that they are required to prevent potential overflows and surcharged flow conditions within the interceptor sewers under ultimate zoning densities. By design and necessity these interceptor sewers (definition: large sewer lines which collect and direct sewerage from smaller neighborhood distribution lines to treatment facilities) are located in low lying areas and typically parallel and/or cross river courses. Thus, the naming associated with each interceptor – Bonnie, Tiber, Deep Run, so forth and so on. In most cases our new sewers are being located adjacent to or in the same location as the existing sewer with favorable status being given to locations further from water courses to avoid impacts thereto and to guard against future bank erosion and migration. Our new sewers are larger, thus requiring greater width of easement for construction and maintenance. In many cases it is unavoidable that these interceptor sewers be/are located in areas which will conflict with existing forest conservation easements, wetlands, buffers, steep slopes, etc. – areas of additional protection targeted by the proposed legislation.

Section 16.104 Waivers – would not allow for the granting of waivers of forest conservation, floodplain wetland, stream or steep slope regulations in the watershed unless for stormwater management (SWM) or flood control. As such we interpret the proposed legislation would prohibit our capital projects because: waiver submission will occur past the grandfather date, our proposed limits of work are beyond that which is included in prior flood damage, and our projects are not intended for SWM or flood control purposes.

Without the relief afforded thru waivers, variances and alternative compliance our essential and necessary projects and their likewise essential and necessary impacts to these protected features are essentially not buildable.

Section 16.115 Floodplain preservation – the proposed legislation does not indicate or differentiate between permanent or temporary impacts. If neither temporary or permanent impacts are allowed to the floodplain our sewer projects would be severely altered or possibly unachievable. By way of example, on the S6285 project, the 100-year floodplain is wide in some areas and this project parallels and periodically crosses the stream. Another example is the S6283 project; a significant portion of the sewer interceptor (both existing and proposed) is within the 100-year floodplain.

Section 16.116 Protection of wetlands, streams and steep slopes – would not allow for the grading, removal of vegetative cover, including trees, in the watershed within 100' of any wetlands or waterways or within 50' of steep slopes. Our sewer interceptor projects cannot meet this requirement. We must

remove trees within the easement to construct and to maintain and access the utility post construction. We typically re-establish the existing grade post construction however, there is occasions when the grade needs to be modified to allow for safe construction and future access and maintenance.

Section 16.121 Public sites and open space – not applicable to our utility work.

Section 16.125 Protection of scenic roads – no new foreseen impacts to our work.

Section 16.127 Residential infill development – not applicable to our utility work.

Section 16.711 Floodplain Variances – would not allow issuance of variances for any property located in the watershed unless requested before November 7, 2016 or associated with SWM. This component of the proposed legislation could require alteration of the preferable or attainable alignment for a sewer utility. For example, if we could not obtain a variance on regulation protecting a specimen tree(s) the alignment of the sewer would need to be altered. This alteration could have design, environmental, or cost impacts that outweigh the intended good of not granting the variance requested.

Section 16.1204 Forest Conservation – by and large the protection provided here is already addressed within our designs. New is that this section seeks to expand current forest conservation regulations to the adjoining properties. More (than currently required) and extensive field and on-line research will be required to meet the proposed requirements. Thus, the engineering cost of our designs will increase.

Section 16.1206 Reforestation – would revise the reforestation conservation threshold to 25% of the existing forest cover. This limitation is problematic to a linear utility project and should not apply. If adopted on the Tiber and Sucker Branch projects, for example, it is estimated that the reforestation requirement for both projects would increase by 5% and thus increase the cost of each project.

Section 16.1207 Afforestation – would require afforestation mitigation of 50% of the net tract area – replanting 50% of the project area. Again, this is problematic to linear utility projects and should not apply. Also, as mentioned previously utility easements are not reforested. Utility easements need to remain clear to allow for access and maintenance. This is a common and widely held best practice for utility easements. Utilities such as water, sewer, gas, telephone, electric cannot be accessed or maintained in a forested easement. Specific to sewer utilities, the forestation of a sewer easement would promote root intrusion into the sewer thus leading to blockage and/or pipe damage.

Section 16.1210 Fee-in-lieu of afforestation or reforestation –we interpret this section to imply that fee-in-lieu would not be allowed for projects within the Patapsco WWTP watershed. Thus, our utility projects would be adversely impacted. As stated previously the nature of utility projects do not lend themselves to afforestation or reforestation. We rely primarily on the ability to pay fee-in-lieu to meet forest related requirements.

Section 16.1215 Waivers – would only allow waivers to the fee-in-lieu requirements for “necessary” and SWM related projects. This language is too vague and limiting to our utility projects.

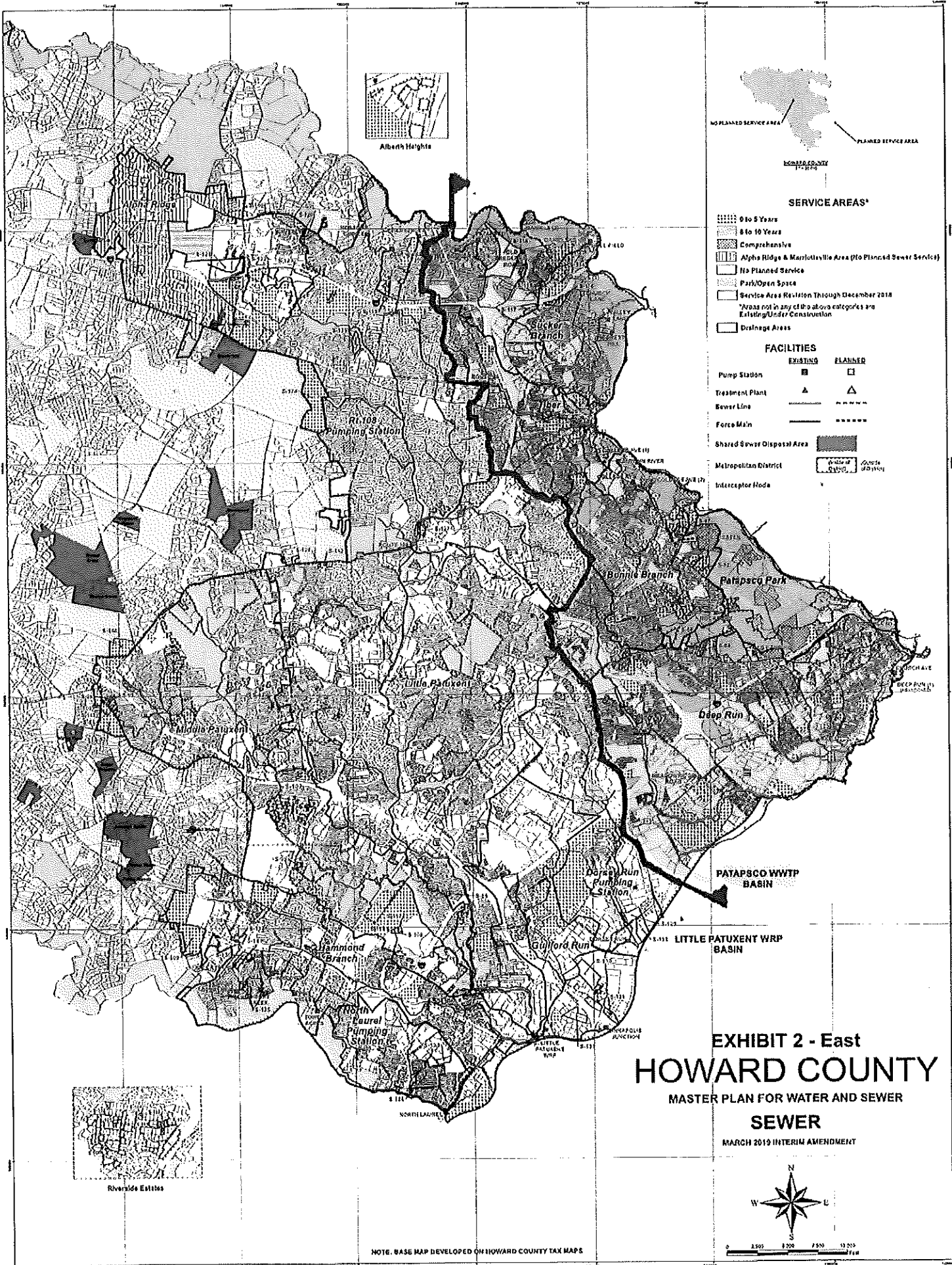
Provided as attachment to this review is a pending Alternative Compliance Request Submittal to DPZ

from UDD on the Tiber Branch Interceptor Improvement Project, Capital Project S6283. Within these attachments are the:

- Essential/Necessary Disturbance Request Determinization
- Alternative Compliance Request Submittal
- Fee-in-lieu Justification Letter Submittal for Forest Conservation Requirements

Note: the attachments referenced in the application package are too large and complex to print for attachment here. Select 8.5x11 design drawing (contract 10-5060) examples of the stream restoration work referenced in the compliance application are provided here in lieu of examples.

The attached submittal package provides the purpose of the project, resource impacts and the proposed alternative compliance steps taken by the DPW to minimize our project's impact to the maximum extent possible. The quality of work and protection of the environment shown in the pending submission example is typical of our work, our efforts to minimize our project impact and our efforts to leave the project area equal to or better than prior to our construction. CB 38-2019's proposed elimination of waivers, variances and fee-in-lieu provisions would detrimentally impact our capital projects and our ability to provide essential water and sewer services to County residents and to meet state mandated guidelines. These capital projects are regulated and reviewed by numerous agencies - the Maryland Department of the Environment (MDE), the United States Army Corp of Engineers, Howard Soil Conservation District amongst others - each of which is tasked with protecting our environment and natural resources as well.



Alberth Heights



SERVICE AREAS*

- 0 to 5 Years
- 6 to 10 Years
- Comprehensive
- Alpha Ridge & Marlottville Area (To Planned Sewer Service)
- No Planned Service
- Park/Open Space
- Service Area Revision Through December 2018
- *Areas not in any of the above categories are Existing/Under Construction
- Drainage Areas

FACILITIES

- | | | |
|----------------------------|-----------------|----------------|
| | EXISTING | PLANNED |
| Pump Station | ■ | □ |
| Treatment Plant | ▲ | △ |
| Sewer Line | — | - - - - |
| Force Main | — | - - - - |
| Shared Sewer Disposal Area | ■ | |
| Metropolitan District | ■ | ■ |
| Interceptor Node | ● | ● |

**EXHIBIT 2 - East
HOWARD COUNTY
MASTER PLAN FOR WATER AND SEWER
SEWER
MARCH 2019 INTERIM AMENDMENT**



NOTE: BASE MAP DEVELOPED ON HOWARD COUNTY TAX MAPS



HOWARD COUNTY DEPARTMENT OF PUBLIC WORKS

7125 Riverwood Drive, Suite B ■ Columbia, Maryland 21046 ■ 410-313-2414

Thomas E. Butler, P.E., Deputy Director of Public Works
Engineering, Development and Construction
www.howardcountymd.gov

FAX 410-313-6144
TDD 410-313-2323

September 9, 2019

Kent Sheubrooks
Howard County
Division of Land
3430 Courthouse
Ellicott City, MD 21043

Subject: **Essential/Necessary Disturbance Request Determination**
Tiber Branch Interceptor Improvements - Capital Project S-6283

Dear Mr. Sheubrooks:

This letter requests approval for essential or necessary stream, nontidal wetland, wetland buffer, 100-year floodplain, steep slopes, and highly erodible soils disturbances associated with the Tiber Branch Interceptor Improvements. The Howard County Department of Public Works (DPW) Utility Design Division (UDD) is performing a task under the Capital Project S-6283 to make improvements to approximately 6,150 linear feet (LF) of aging interceptor sewer and stabilization of two stream segments to protect existing and proposed infrastructure. The project is located along Hudson/Tiber Branch, between existing MH 912 at St. Johns Lane and US Route 40 to existing MH 725 along Main Street Ellicott paralleling Hudson/Tiber Branch, in Ellicott City, Maryland.

The project will result in the following impacts:

Resource	Temporary Impacts (SF)	Permanent Impacts (SF)
Vegetation	0	17,424
Nontidal Wetlands	134	0
25-foot Wetland Buffer	880	0
Waters of the US	2,472	7,842
100-year Floodplain	53,623	2,524
Steep Slopes	43,503	
Highly Erodiible Soils	107,437	

Based on studies, metering, and computer modeling conducted between 2010 and 2015, the County identified segments of sanitary interceptors in need of improvements. The existing Tiber Branch Interceptor sewer was constructed in the mid-1960's and serves a 3.75 square mile area with a population of approximately 10,000 people. The primary goal of the project is to upgrade the existing Tiber Branch interceptor to address potential wastewater overflow conditions and potential surcharge flow conditions throughout the sewershed which parallels Hudson/Tiber Branch, a direct tributary of the Patapsco River. A Joint Permit Application is being submitted to the Maryland Department of the Environment concurrent with this submittal.

The above listed impacts are a result of vegetation clearing necessary for the open-cut installation and proposed stream stabilization work. In areas of open cut sewer construction and stream stabilization, topsoil and native herbaceous vegetation seed will be established to permanently stabilize the area and

Tiber Interceptor Improvements Project
Capital Project S-6283
September 9, 2019

Page 2 of 2

provide habitat. Where possible, trees are being replaced to reestablish woody vegetation. The proposed project impacts have been minimized to the maximum extent possible through the deviation from County preferred alternative of parallel interceptors. The project proposes a combination of some trench replacement, CIPP lining, and point repairs in lieu of a full parallel alignment. Additionally, sections of interceptor not requiring repair have been removed from the extent of the proposed project. The proposed stream stabilization will result in reduced sedimentation downstream and prevent future slope failure in the proposed area.

Approval of the project would allow the aforementioned sewer upgrades. Based on the information enclosed herein, I respectfully request approval of this necessary disturbance request. If you have any questions or desire further information, please do not hesitate to contact me.

Sincerely,

A handwritten signature in cursive script that reads "Kerri Dinsmore".

Kerri Dinsmore, P.E.
Department of Public Works
Project Manager
(410) 313-5819

Enclosures:

- Exhibit A – Impact Graphics
- Exhibit B – Erosion & Sediment Control Plans
- Exhibit C – Forest Stand Delineation/ Conservation Plans



HOWARD COUNTY DEPARTMENT OF PUBLIC WORKS

7125 Riverwood Drive, Suite B ■ Columbia, Maryland 21046 ■ 410-313-2414

Thomas E. Butler, P.E., Deputy Director of Public Works
Engineering, Development and Construction
www.howardcountymd.gov

FAX 410-313-6144
TDD 410-313-2323

September 9, 2019

Mr. Kent Sheut
Howard County
Division of Land
3430 Courthouse Drive
Ellicott City, MD 21043

Subject: **Alternative Compliance Request Submittal**
Tiber Branch Interceptor Improvements Project
(Waiver of Site Plan, Definition of Net Tract Area)
Capital Project S-6283

Dear Mr. Sheubrooks:

The Century Engineering Inc. is currently assisting the Howard County Department of Public Works (HCDPW) Utility Design Division (UDD), with the Tiber Branch Interceptor Improvements (Capitol Project S-6283) in Ellicott City, Howard County, Maryland.

The Tiber Branch Interceptor project area consists of a linear alignment located between existing MH 912 at St. Johns Lane and US Route 40 to existing MH 725 along Main Street Ellicott paralleling Hudson/Tiber Branch. The study area encompasses forested and non-forested areas zoned commercial and residential. See the attached Site Location Map for details on project location.

The purpose of this project is to rehabilitate and upgrade 6,150 linear feet (LF) of the Tiber Branch Interceptor which is one of the interceptors in Howard County that convey wastewater to the Patapsco Interceptor for conveyance to treatment facilities. The existing Tiber Branch Interceptor sewer was constructed in the mid-1960's and serves a 3.75 square mile area with a population of approximately 10,000 people. Based on studies, metering, and computer modeling conducted between 2010 and 2015, the County identified segments of sanitary interceptors in need of improvements. These improvements are needed to prevent potential wastewater overflows and surcharge flow conditions under existing and future zoning densities. Benefits of these improvements will include improved water quality, and protection of public health within the entire sewershed. The proposed project involves same trench replacement of the existing interceptor pipe along the existing sewer easement, CIPP lining existing sewer, point repairs and manhole repairs. Two areas have been identified for stream stabilization in order to protect the exposed sewer infrastructure in areas of eroding stream banks and hillslope. The proposed project is phased into three phases. The proposed project phasing is as follows:

- Phase I – Same trench sewer replacement with upsized pipe from MH 730 to MH 725;
- Phase II – Approx. 1,915 LF of CIPP Lining and spot repairs from MH 730 to MH 736 with manholes MH 732, 733, 735, and 740 being repaired; and
- Phase III – Sewer realignment and upgrades from MH 743 to the terminus at MH 912 along MD RTE 40 including stream stabilization.

The table below contains descriptions and extents of proposed work:

Section	Work Proposed
MH 725-MH 730	Same Trench Replacement Upsizing
MH 730-MH 736	CIPP Lining
MH 743-MH 3(prop.)	New Alignment
MH 742A-MH 743	Stream Stabilization
MH 3- MH 902	Same Trench Upsizing
MH 947 –MH 902 (Spur)	Same Trench Replacement with Stream Stabilization
MH 903-MH 901A	Stream Stabilization
MH 905- MH 907	Same Trench Replacement Upsizing
MH 8-MH 4	Parallel Trench with jack and bore under Route 40 between MH 907 and MH 4

The proposed work impacts 30 parcels and portions of public roadway, covering 69.1 acres. A table of impacted parcels is attached in Exhibit G.

Four (4) Alternative Compliance Requests are being made for this project as follows:

1. Section 16.155(a)(1)(ii) – Waiver of site plan: The project being proposed is a linear sewer project and does not require review through the Site Development Plan (SDP) process. Additionally, this project will be reviewed by the Maryland Department of the Environment, the Army Corps of Engineers, Howard County Soil Conservation District, HCDPW and Howard County Recreation and Parks relative to meeting the County's design manual and all state and federal environmental regulations. Therefore, the capital improvement project will be subjected to thorough review even if the SDP review is waived.
2. Section 16.1201(n) – Definition of net tract area for forest conservation computations: Per Forest Conservation regulations (Subtitle 12) the entirety of all parcels impacted by the proposed work are to be used to define the net tract area for forest conservation computations. The sum of the area of the 30 parcels and impacted roadway is 69.1 acres; however, the proposed limit of disturbance (LOD) on those parcels is 4.8 acres. The remaining area after parcels where forest conservation has already been addressed, public roads and floodplain are netted out of the LOD, includes 1.2 acres. The purpose of the Alternative Compliance Request(s) is that the LOD of 4.8 acres be allowed as the initial project area, such that after netting out parcels where forest conservation has already been addressed and floodplain, the Net Tract Area for further calculations is 1.2 acres. The HCDPW further requests that it be allowed to pay fee-in-lieu to meet the unmet reforestation requirements of 0.5 acres of planting shown on the Forest Conservation Worksheet, attached in Exhibit C.
3. Section 16.1205(a)(7) – Removal of a specimen tree: There are 30 specimen trees within and/or adjacent to the proposed sewer upgrades. Installation of the sewer line and maintenance of the necessary easements will result in the removal of one specimen tree. The primary construction method proposed is open cut construction. The LOD was minimized to the maximum extent possible to complete the proposed project and to avoid damaging other specimen trees, however, due to the required slope and length of run required for this project to be viable and the minimum width of the required maintenance easement, the removal of the specimen tree is unavoidable. The open cut trench installation will cause cutting of roots and impact to greater than 30% of the critical

root zone of the tree. Due to safety concerns and viability of the tree following construction, the tree is proposed for removal. The following specimen tree will be removed:

- SP-7, a 37" DBH Black Walnut (*Juglans nigra*) in good condition.

4. Section 16.103(i) – Grant of Easement in lieu of Revision Plat: Per project coordination with DPZ in 2015 (meeting minutes attached), DPZ agreed to allow the revision plat requirement to be waived for this sewer interceptor project. In lieu of a Revision Plat, a Grant of Easement plat will be prepared

Approval of the Alternative Compliance Requests noted above would allow the project to move forward in a quick, cost-effective manner while still meeting the intent of County regulations.

The Alternative Compliance Request, Section III: Justification, includes items a through d in need of further clarification. The following addresses those items:

- a. Summarize any extraordinary hardships or practical difficulties which may result from strict compliance with the Regulations. This project is needed to address upgrades to the existing sewer system in order to accommodate future growth in the sewershed. Strict compliance to the four Regulation sections noted above would require additional time, effort, and cost to assess a large amount of land that is in no way affected by the proposed project. Full compliance with the Regulations and the expenditure of the design team's resources would not improve the final design or construction of the project and would take away valuable funds from the implementation of the project design and construction. Performing this extra work would also lengthen the schedule for this project.
- b. Verify that the intent of the Regulations will be served to a greater extent through the implementation of the alternative proposal. The County's Regulations are meant to assure that development occurs per County requirements and that environmental criteria are met, including the protection of existing forested areas to the extent practical, and where forest must be disturbed, reforestation of the project site occurs, per the forest conservation worksheet. The project has been designed with the forest conservation regulations in mind. The limit of disturbance has been minimized to only that area necessary for constructing the project and will utilize existing easements and access roads where possible. Areas that are temporarily disturbed will be replanted where possible.
- c. Substantiate that approval of the alternative compliance will not be detrimental to the public interest. Approval of this Alternative Compliance Request will not have a negative effect on public interests. The goal of the Alternative Compliance Request is not intended to exempt the project from County Regulations, but rather to more appropriately match the goals and resources of the project to the overall intent of the Regulations. By completing this project in a quick and efficient manner, taxpayer money will be conserved. Additionally, the ultimate use of the land is similar to the current uses of the land in this area therefore, the project would not change the nature and character of the surrounding areas.
- d. Confirm that approval of the alternative compliance will not nullify the intent of the Regulations. As stated above, approval of this Alternative Compliance Request will not nullify the intent of the Regulations. The project's purpose is to ensure adequate sewer amenities for current and future growth within the sewershed. The LOD has been minimized where possible and existing access roads and easements will be used where possible. Areas temporarily disturbed will be

Tiber Branch Interceptor Improvements Project
Capital Project S-6283
September 9, 2019
Page 4 of 4

replanted. No work being proposed by this project is in any way counter to County policy or regulation.

Approval of the Alternative Compliance Requests will allow the project to move forward in a quick, cost effective manner to resolve the existing problem. The project will still be in keeping with the intent of the County regulations if the Alternative Compliance Requests is approved.

Based on the waiver request enclosed herein, including all exhibits referenced below, I hereby request approval of this Alternative Compliance Requests.

If you have any questions or desire further information, please do not hesitate to contact me.

Sincerely,

A handwritten signature in cursive script that reads "Kerri Dinsmore".

Kerri Dinsmore, P.E.
Department of Public Works
Project Manager
(410) 313-5819

Enclosures:

- Exhibit A – Site Location Map
- Exhibit B – Site Aerial Map
- Exhibit C – Forest Conservation Worksheet
- Exhibit D – Natural Resource Inventory
- Exhibit E – Design Plan Sheets
- Exhibit F – List of Impacted Parcels
- Exhibit G – Deeds



HOWARD COUNTY DEPARTMENT OF PUBLIC WORKS

7125 Riverwood Drive, Suite B ■ Columbia, Maryland 21046 ■ 410-313-2414

Thomas E. Butler, P.E., Deputy Director of Public Works
Engineering, Development and Construction
www.howardcountymd.gov

FAX 410-313-6144
TDD 410-313-2323

September 9, 2019

Kent Sheubroo
Howard County
Division of Land Development
3430 Courthouse Drive
Ellicott City, MD 21043

Subject: Fee-in-Lieu Justification Letter Submittal for Forest Conservation Requirements
Tiber Branch Interceptor Improvements Project
Capital Project S-6283

Dear Mr. Sheubrooks:

Please find enclosed one (1) original and three (3) copies of the fee-in-lieu Justification Letter submitted on behalf of the Howard County Department of Public Works (HCDPW) Utility Design Division (UDD) for the above-mentioned project. This letter is being submitted concurrently with an alternative compliance petition for sections 16.155(a)(1)(ii), 16.1201(n), 16.1205(a)(7), and 16.103(j) of the Howard County Code.

Project Description

Century Engineering, Inc. (Century) is currently assisting the HCDPW UDD, with the Tiber Branch Interceptor Sewer Improvements Project (Capitol Project S-6283) in Ellicott City within Howard County, Maryland.

The Tiber Branch Interceptor project area consists of a linear alignment located between existing MH 912 at St. Johns Lane and US Route 40 to existing MH 725 along Main Street Ellicott paralleling Hudson/Tiber Branch. The study area encompasses forested and non-forested areas zoned commercial and residential. See the attached Site Location Map for details on project location.

The purpose of this project is to rehabilitate and upgrade 6,150 linear feet (LF) of the Tiber Branch Interceptor which is one of the interceptors in Howard County that convey wastewater to the Patapsco Interceptor for conveyance to treatment facilities. The existing Tiber Branch Interceptor sewer was constructed in the mid-1960's and serves a 3.75 square mile area with a population of approximately 10,000 people. Based on studies, metering, and computer modeling conducted between 2010 and 2015, the County identified segments of sanitary interceptors in need of improvements. These improvements are needed to prevent potential wastewater overflows and surcharge flow conditions under existing and future zoning densities. Benefits of these improvements will include improved water quality, and protection of public health within the entire sewershed. The proposed project involves same trench replacement of the existing interceptor pipe along the existing sewer easement, CIPP lining existing sewer, point repairs and manhole repairs. Two areas have been identified for stream stabilization in order to protect the exposed sewer infrastructure in areas of eroding stream banks and hillslope. The proposed project is phased into three phases. The proposed project phasing is as follows:

- Phase I – Same trench sewer replacement with upsized pipe from MH 730 to MH 725;

- Phase II – Approx. 1,915 LF of CIPP Lining and spot repairs from MH 730 to MH 736 with manholes MH 732, 733, 735, and 740 being repaired; and
- Phase III – Sewer realignment and upgrades from MH 743 to the terminus at MH 912 along MD RTE 40 including stream stabilization.

The table below contains descriptions and extents of proposed work:

Section	Work Proposed
MH 725-MH 730	Same Trench Replacement Upsizing
MH 730-MH 736	CIPP Lining
MH 743-MH 3(prop.)	New Alignment
MH 742A-MH 743	Stream Stabilization
MH 3- MH 902	Same Trench Upsizing
MH 947 –MH 902 (Spur)	Same Trench Replacement with Stream Stabilization
MH 903-MH 901A	Stream Stabilization
MH 905- MH 907	Same Trench Replacement Upsizing
MH 8-MH 4	Parallel Trench with jack and bore under Route 40 between MH 907 and MH 4

Fee-in-lieu Justification

Century on behalf of HCDPW UDD, is pursuing the necessary permits for impacts to regulated resources beyond those regulated by Howard County Department of Planning and Zoning. Coordination between HCDPW, Century and all other regulatory agencies has been on-going since 2013. As part of these efforts, a forest stand delineation was conducted by Century in late Fall 2013 for the areas of anticipated impact. A copy of the *Natural Resource Inventory and Forest Stand Delineation Report* is enclosed in Exhibit C.

The justification herein is to request a waiver of the current acreage limitations for fee-in-lieu mitigation as specified in the Howard County Forest Conservation Manual.

Net Tract Area

Per Howard County Forest Conservation Regulation Subtitle 12, the entire parcel boundaries of areas affected by the proposed work are to be used as the net tract area for forest conservation calculations. According to the Howard County Forest Conservation Manual (1999), the portions of the project area that are within the 100-Year Floodplain, public roadways, and public easements are to be netted out of forest conservation calculations. A copy of the Forest Conservation Worksheet is included as Exhibit D.

In general, most of the proposed work is within the floodplain and public roadway; however, portions of the work will occur in areas outside of the floodplain. Zoning boundaries, floodplain and parcel boundaries are shown on the Forest Conservation Plan enclosed as Exhibit E. For this project, the total area of affected parcels and public roadway is 69.1 acres, while the limit of disturbance on those parcels totals 4.8 acres. After the floodplain areas and easements are netted out of the LOD, the net tract area of the LOD is 1.2 acres.

Minimization of Impacts

The proposed easement areas are to be kept as narrow as possible to minimize impacts to regulated features. Based on current design guidance for utility lines of this size, HCDPW UDD is requesting a

20-foot sewer maintenance easement and a 10-foot temporary construction easement which will need to be cleared to install the sewer lines and conduct repair activities. Some replanting will take place in areas temporarily impacted for construction; however, it is imprudent to use this revegetation as reforestation or afforestation as it may need to be removed for future maintenance.

Impacts to forest resources are considered unavoidable in the construction of the proposed sewer interceptor. Impacts to forest resources were minimized by reducing the required easement, replacing in the same trench and doing pipe lining where feasible, adjusting the LOD and retaining vegetation where possible. Permanent impacts to forest resources will be limited to the acquired utility easement that will be maintained after that completion of construction. All construction access roads and staging areas will not be mowed and maintained after the construction of the interceptor to allow for the regeneration of forest resources in these areas.

Anticipated Impacts and Mitigation Requirements

During the field investigation of applicable forested areas in proximity to the project, eight forest stands were identified along the Tiber Branch Interceptor Sewer. Of the forested areas, 0.4 acres fall within the LOD. Limits of disturbance and forest clearing are depicted on the Forest Conservation Plan.

The entire 0.4 acres of forested resources within the LOD will be cleared for the construction and staging of this project. Based on the Forest Conservation Worksheet calculations, 1.0 acres are required to mitigate for the clearing of 0.4 acres of forest.

Due to the linear nature of this project and the capital funds available for mitigation, options are limited. The nearly 6,150 LF of sewer crosses 30 parcels and roadways owned by many different entities. Gaining property rights to additional parcels within the project area in order to reforest would be prohibitively expensive and could cause project delays in property easement acquisition, given the capital funds available for this project.

Conclusion

We trust that the enclosed information is sufficient to justify the fee-in-lieu for the forest conservation requirements for this project. Century personnel and representatives of HCDPW UDD are available to discuss this application should any questions or concerns arise.

If you have any questions or desire further information, please do not hesitate to contact me.

Sincerely,



Kerri Dinsmore, P.E.
Department of Public Works
Project Manager
(410) 313-5819

Tiber Branch Interceptor Improvements Project
Capital Project S-6283
September 9, 2019

Page 4 of 4

Enclosures:

- Exhibit A – Site Location Map
- Exhibit B – Site Aerial Map
- Exhibit C – Natural Resource Inventory Report
- Exhibit D – Forest Conservation Worksheet
- Exhibit E – Forest Stand Delineation/ Forest Conservation Plan



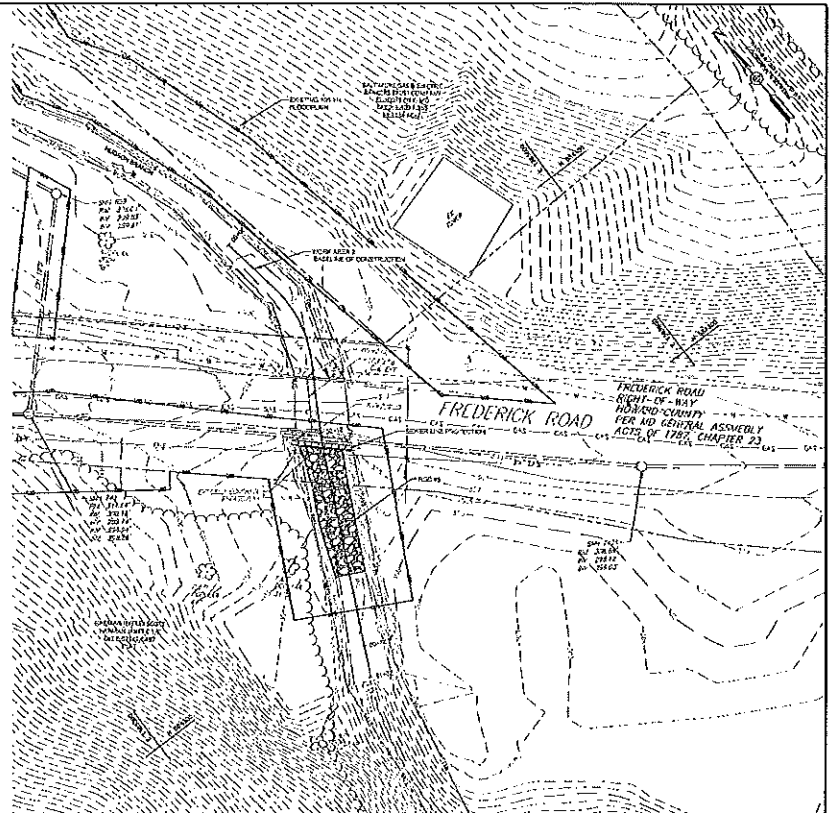
STREAM STABILIZATION OVERVIEW SHEET
1"=150'

DEPARTMENT OF PUBLIC WORKS HOWARD COUNTY, MARYLAND		TRITY CENTURY ENGINEERING DOMESTIC INDUSTRIAL PLANNING & ENGINEERING 8411 LITTLE ROCK RD P.O. BOX 202020 FALMOUTH MD 21034	DESIGNED BY CHECKED BY CALCULATED BY DATE 8/24/19	HUDSON BRANCH STREAM STABILIZATION STREAM STABILIZATION OVERVIEW SHEET 60% DESIGN - NOT FOR CONSTRUCTION DATE 8/24/19	TIBER BRANCH INTERCEPTOR SEWER IMPROVEMENTS CAPITAL PROJECT NO. S-6283 CONTRACT NO. 10-5080 6TH ELECTION DISTRICT HOWARD COUNTY, MARYLAND	SHEET 11 OF 11	
DIRECTOR OF PUBLIC WORKS	DATE		CHIEF, BUREAU OF ENGINEERS	DATE			
CHIEF, BUREAU OF UTILITIES	DATE		CHIEF, UTILITY DESIGN DIVISION	DATE			

SEWER LINE PROTECTION	
FROM STA.	TOTAL
2+34.7	2+38.7

RIFFLE GRADE CONTROL (RGC)				
BOX #	FROM STA.	TO STA.	EL. F.	LENGTH (L)
8	2+22.7	2+23	2+46.1	23.1
			25.1	61.2

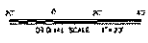
NOTE: ALL TOTAL DISTANCES AND LENGTHS DO NOT INCLUDE RAMP AND SLOPE SETS FROM PROFILE AND DETAIL SHEETS FOR INFORMATION.



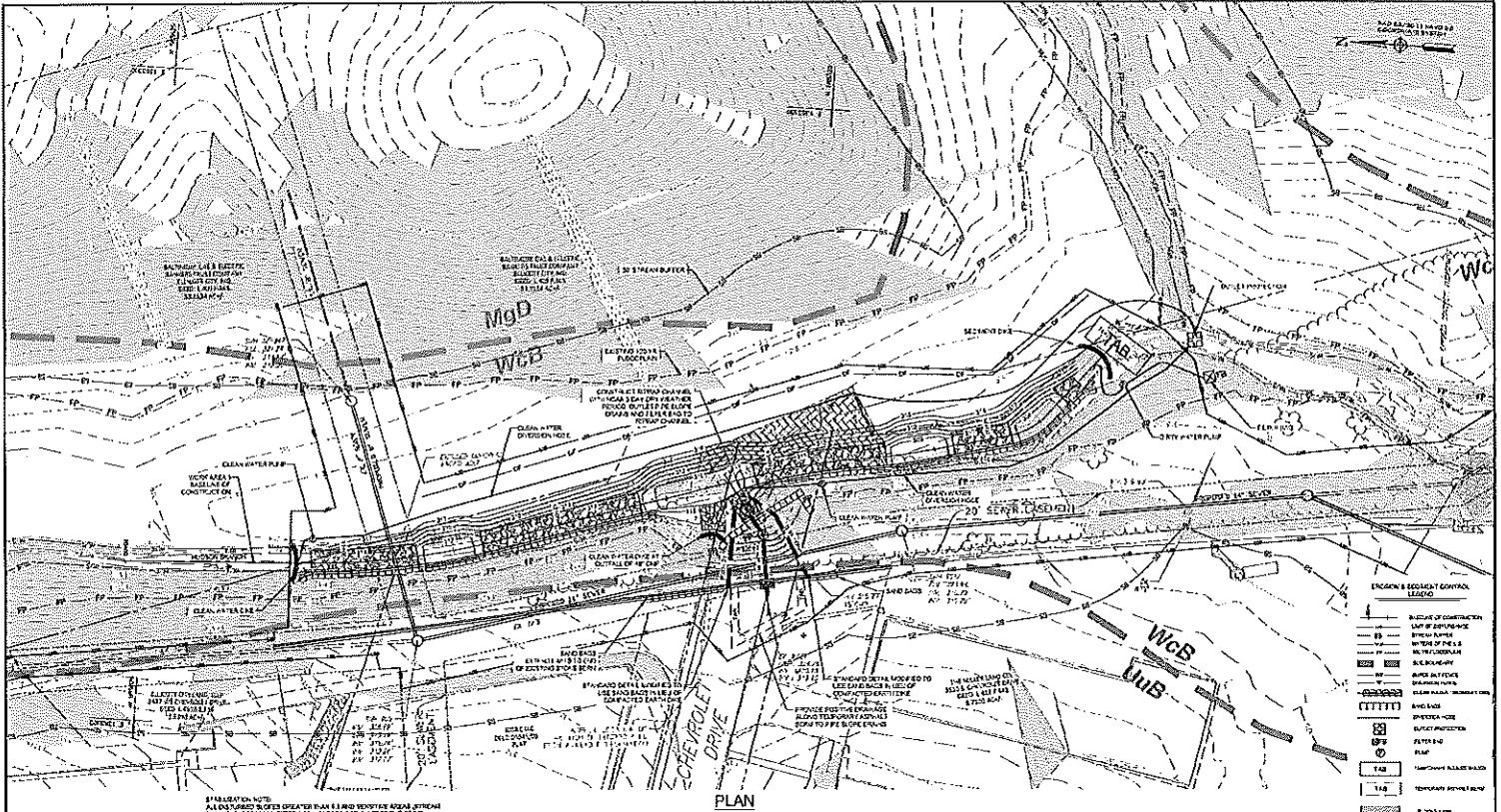
PLAN
1"=20'

- 1. SEE THE PLAN AND PROFILE OF SEWER MAIN SHEETS FOR CONNECTION AND PROPOSED SEWER ALIGNMENT.
- 2. REFER TO THE STREAM PROFILE, DETAILS AND CROSS SECTIONS FOR ADDITIONAL INFORMATION ON RIFFLE GRADE CONTROL AND SEWER LINE PROTECTION CONSTRUCTION.

- PROPOSED SEWER MAIN
- EXISTING SEWER MAIN
- PROPOSED RIFFLE GRADE CONTROL
- EXISTING RIFFLE GRADE CONTROL



DEPARTMENT OF PUBLIC WORKS HOWARD COUNTY, MARYLAND			DESIGNED BY: [] DRAWN BY: [] CHECKED BY: [] DATE: 8/25/11 BY: [] REVISION: []	HUDSON BRANCH STREAM STABILIZATION GRADING PLAN SHEET WORKING AREA 2 80% DESIGN - NOT FOR CONSTRUCTION 633 SCALE MAP NO. 47 EACH NO. 4 & 12	TIBER BRANCH INTERCEPTOR SEWER IMPROVEMENTS CAPITAL PROJECT NO. S-4283 CONTRACT NO. 10-5060 6TH ELECTION DISTRICT HOWARD COUNTY, MARYLAND	SCALE AS SHOWN SHEET 28 OF 31
DIRECTOR OF PUBLIC WORKS: [] DATE: []	CHIEF, BUREAU OF ENGINEERING: [] DATE: []		CHIEF, BUREAU OF UTILITIES: [] DATE: []	CHIEF, UTILITY DESIGN DIVISION: [] DATE: []		
TMT CENTURY ENGINEERING 10000 WOODBURN PIKE, SUITE 100 GREENBELT, MARYLAND 20818 PHONE: (301) 441-1100 FAX: (301) 441-1101						
DEPARTMENT OF PUBLIC WORKS HOWARD COUNTY, MARYLAND						



STABILIZATION NOTES:
 1. ALL EXISTING STRUCTURES SHALL BE RECONSTRUCTED TO MEET THE DESIGN CRITERIA.
 2. ALL NEW STRUCTURES SHALL BE CONSTRUCTED TO MEET THE DESIGN CRITERIA.
 3. ALL STRUCTURES SHALL BE CONSTRUCTED TO MEET THE DESIGN CRITERIA.

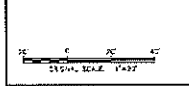
CONSTRUCTION NOTES:
 1. ALL STRUCTURES SHALL BE CONSTRUCTED TO MEET THE DESIGN CRITERIA.
 2. ALL STRUCTURES SHALL BE CONSTRUCTED TO MEET THE DESIGN CRITERIA.
 3. ALL STRUCTURES SHALL BE CONSTRUCTED TO MEET THE DESIGN CRITERIA.

GENERAL NOTES:
 1. ALL STRUCTURES SHALL BE CONSTRUCTED TO MEET THE DESIGN CRITERIA.
 2. ALL STRUCTURES SHALL BE CONSTRUCTED TO MEET THE DESIGN CRITERIA.
 3. ALL STRUCTURES SHALL BE CONSTRUCTED TO MEET THE DESIGN CRITERIA.

SEE SHEET 28 FOR STREAM STABILIZATION SEQUENCE OF CONSTRUCTION

ENGINEER & SEDIMENT CONTROL LEGEND

LEGEND



DEPARTMENT OF PUBLIC WORKS HOWARD COUNTY, MARYLAND		THIRD CENTURY CONSULTING ENGINEERS 101 WEST WASHINGTON STREET ANNAPOLIS, MARYLAND 21403		DRN. SEN. DRN. DGR. DRN. CAL. DRN. S/S/18	HUDSON BRANCH STREAM STABILIZATION EROSION AND SEDIMENT CONTROL SHEET WORK AREA 1 60% DESIGN - NOT FOR CONSTRUCTION DATE: 100 SCALE: 1\"/>	TIBER BRANCH INTERCEPTOR SEWER IMPROVEMENTS CAPITAL PROJECT NO. S-6283 CONTRACT NO. 10-5050 6TH ELECTION DISTRICT HOWARD COUNTY, MARYLAND	SCALE: 1\"/>
DIRECTOR OF PUBLIC WORKS DATE:	CHIEF, BUREAU OF ENGINEERING DATE:	CHIEF, BUREAU OF UTILITIES DATE:	CHIEF, UTILITY DESIGN DIVISION DATE:	DATE:	DATE:	DATE:	SHEET: 28 OF 31

STATIONING NOTE
 ALL STATIONED & DIMENSIONED POINTS IN THIS PLAN ARE TO BE PLACED ON THE CENTERLINE OF THE STREAM. STREAM CENTERLINE SHALL BE ESTABLISHED BY FIELD SURVEY. DIMENSIONS SHALL BE MEASURED PERPENDICULAR TO THE STREAM CENTERLINE.

GENERAL NOTES
 1) ALL PAVED AREAS SHOWN IN THIS PLAN SHALL BE RESTORED TO ORIGINAL CONDITION OR BETTER.
 2) THE CONTRACTOR SHALL MAINTAIN PROPER DRAINAGE FROM THE PROPOSED CHANNEL TO THE EXISTING CHANNEL AT THE END OF THE PROJECT. THE SHALL BE RESPONSIBLE FOR THE PROVISION OF TEMPORARY EROSION CONTROL MEASURES TO PREVENT EROSION AND SEDIMENTATION OF THE EXISTING CHANNEL. THE CONTRACTOR SHALL MAINTAIN THE EXISTING CHANNEL THROUGHOUT THE PROJECT. THE CONTRACTOR SHALL MAINTAIN THE EXISTING CHANNEL THROUGHOUT THE PROJECT. THE CONTRACTOR SHALL MAINTAIN THE EXISTING CHANNEL THROUGHOUT THE PROJECT.

STREAM STABILIZATION SEQUENCE OF CONSTRUCTION

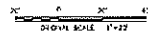
- WORK AREA 1**
1. INSTALL EROSION CONTROL MEASURES TO PREVENT EROSION OF EXISTING CHANNEL.
 2. EXISTING CHANNEL SHALL BE RESTORED TO ORIGINAL CONDITION OR BETTER.
 3. EXISTING CHANNEL SHALL BE RESTORED TO ORIGINAL CONDITION OR BETTER.
 4. EXISTING CHANNEL SHALL BE RESTORED TO ORIGINAL CONDITION OR BETTER.
 5. EXISTING CHANNEL SHALL BE RESTORED TO ORIGINAL CONDITION OR BETTER.
 6. EXISTING CHANNEL SHALL BE RESTORED TO ORIGINAL CONDITION OR BETTER.
 7. EXISTING CHANNEL SHALL BE RESTORED TO ORIGINAL CONDITION OR BETTER.
 8. EXISTING CHANNEL SHALL BE RESTORED TO ORIGINAL CONDITION OR BETTER.
 9. EXISTING CHANNEL SHALL BE RESTORED TO ORIGINAL CONDITION OR BETTER.
 10. EXISTING CHANNEL SHALL BE RESTORED TO ORIGINAL CONDITION OR BETTER.
- WORK AREA 2**
1. EXISTING CHANNEL SHALL BE RESTORED TO ORIGINAL CONDITION OR BETTER.
 2. EXISTING CHANNEL SHALL BE RESTORED TO ORIGINAL CONDITION OR BETTER.
 3. EXISTING CHANNEL SHALL BE RESTORED TO ORIGINAL CONDITION OR BETTER.
 4. EXISTING CHANNEL SHALL BE RESTORED TO ORIGINAL CONDITION OR BETTER.
 5. EXISTING CHANNEL SHALL BE RESTORED TO ORIGINAL CONDITION OR BETTER.
 6. EXISTING CHANNEL SHALL BE RESTORED TO ORIGINAL CONDITION OR BETTER.
 7. EXISTING CHANNEL SHALL BE RESTORED TO ORIGINAL CONDITION OR BETTER.
 8. EXISTING CHANNEL SHALL BE RESTORED TO ORIGINAL CONDITION OR BETTER.
 9. EXISTING CHANNEL SHALL BE RESTORED TO ORIGINAL CONDITION OR BETTER.
 10. EXISTING CHANNEL SHALL BE RESTORED TO ORIGINAL CONDITION OR BETTER.

EROSION & SEDIMENT CONTROL LEGEND

[Symbol]	WATER CONTROL STRUCTURE
[Symbol]	SEDIMENT CONTROL STRUCTURE
[Symbol]	VEGETATION
[Symbol]	ROCK
[Symbol]	CONCRETE
[Symbol]	STEEL
[Symbol]	WOOD
[Symbol]	OTHER



PLAN
 1"=20'



DEPARTMENT OF PUBLIC WORKS HOWARD COUNTY, MARYLAND		CENTURY ENGINEERING CONSULTING ENGINEERS 1000 WASHINGTON BLVD. WASHINGTON, D.C. 20004		HUDSON BRANCH STREAM STABILIZATION EROSION AND SEDIMENT CONTROL SHEET WORKING AREA 2 BOX DESIGN - NOT FOR CONSTRUCTION		TIBER BRANCH INTERCEPTOR SEWER IMPROVEMENTS CAPITAL PROJECT NO. S-5283 CONTRACT NO. 10-9080 6TH ELECTION DISTRICT HOWARD COUNTY, MARYLAND		SCALE AS SHOWN SHEET 21 OF 21
DIRECTOR OF PUBLIC WORKS DATE	CHIEF, BUREAU OF ENGINEERING DATE	DATE: 8/28/10	BY: [Signature]	REVISION:	DATE: 8/28/10	ERO SCALE: 1"=20'	EROCK NO. 1 & 12	

DORSEY'S RIDGE IS A UNIQUE COMMUNITY ENHANCEMENT PROJECT.

THE DORSY'S RIDGE COMMUNITY WAS APPROVED UNANIMOUSLY BY THE PLANNING BOARD AND ZONING BOARD IN OCTOBER OF 2016.I RELIED ON THE ZONING BOARD DECISION IN ORDER AND BORROWED APPROXIMATELY \$3,000,000 TO PURCHASE THE LAND.

I NEED TO GIVE YOU INSIGHT INTO THE ECONOMICS OF THE PROJECT, BECAUSE I LEARNED IN THE LAST FEW DAYS WHAT THE AFFECTS OF BILL 38 WILL BE.

IN ADDITION TO PURCHASING THE LAND, MY FAMILY AND I COMMITTED TO REBUILDING COOKS LANE, REBUILDING AND DONATING THE PUE FULTON HOUSE TO THE HOWARD COUNTY HISTORIC SOCIETY, AND BUILDING 2100 FEET OF SIDEWALKS AND PATHWAYS OFF SITE.

I EXECUTED AGREEMENTS WITH THE HISTORIC SOCIETY THAT I WILL DEFAULT ON. I HAVE AGREEMENTS WITH BGE FOR 1000 FEET OF EASEMENT FOR PATHWAYS THAT I CANNOT BUILD. I HAVE STARTED THE RENOVATIONS TO THE PUE FULTON HOUSE, THAT I CANNOT FINISH.

TOTAL COSTS	LAND	\$3,000,000
	ENHANCEMENTS.....	\$1,500,000
	HARD COSTS.....	\$2,200,000
	TOTAL COSTS.....	\$6,700,000

DORSEY'S RIDGE WAS ORIGINAL PROPOSED TO BE 92 HOMES. I WORKED WITH MY NEIGHBORS OVER A PERIOD OF MONTHS AND AGREED TO REDUCE IT TO 55.BILL 38 WILL REDUCE THE NUMBER OF HOMES FROM 55 TO 15 .

15 HOMES COULDN'T POSSIBLY BE SUPPORT THE OVERWHELMING COSTS.

THE BANK WILL FORCLOSE ON ME AND THE PROJECT WILL IMplode.

SEE MAP#1 SHOWING 40 OF THE 55 HOMES COVERTED TO OPEN SPACE

SEE TABLE #1 SHOWING THE TAKING OF 92 PERCENT OF THE PROPERTY

TABLE #1
DORSEY'S RIDGE
SITE ANALYSIS

<u>SITE DATA</u>	<u>CURRENT REGS.</u>	<u>BILL 38 REGS.</u>
SITE AREA	10.9 AC	10.9 AC
ROAD DEDICATION	1.61 AC (15%)	1.61 AC (15%)
OPEN SPACE	5.45 AC (50%)	8.47 AC (78%)
BUILDING AREA	3.84 AC (35%)	0.82 AC (7%)
DEDICATED LAND	7.06 (65%)	10.08 AC (92%)
PROPOSED HOMES	55	15*

***15 HOMES CANNOT SUPPORT THE LAND COSTS, CONSTRUCTION COSTS, COUNTY FEES , AND ENHANCEMENT COSTS.**

TABLE #2
DORSEY'S RIDGE
BILL 38 COMPARISON

<u>GOALS ACHIEVED</u>	<u>CURRENT REGS.</u>	<u>BILL 38 REGS.*</u>
SITE AREA	10.9 ACRES	10.9 ACRES
MIHU'S	6	0
OPEN SPACE	5.45ACRES (50%)	0
FOREST CONSERVED	2.95 ACRES (27%)	0
FLOOD CONTROL	1000 YEAR SWM	0
ENHANCEMENTS	PUE FULTON HOUSE	NONE
	2000 FEET SIDEWALKS	NONE
	REBUILD COOKS LANE	NONE
OFF SITE SWM	KEYWADEN POND	NONE

IRONICALLY, BECAUSE I AM CEF SITE PLAN ZONING, I CANNOT BUILD ANYTHING OTHER THEN WHAT MY PLAN SHOWS, AT THE SAME TIME BILL 38 WILL NOT ALLOW ME TO BUILD WHAT MY PLAN REQUIRES. BILL 38 REQUIRES DEDICATION OF 92% OF MY LAND TO THE COUNTY, BUT BECAUSE OF MY ZONING , IT HAS THE AFFECT OF TAKING 100% OF MY LANDS VALUE.

AND WHAT IS ACHIEVED, MY PROPERTY WILL REMAIN AS IT IS, ACRES OF IMPERVIOUS SENDING RUNOFF TO MAIN STREET, FOREST NOT PROTECTED IN EASEMENTS, OPEN SPACE NOT GRANTED TO RECREATION AND PARKS, 1000 YEAR FLOOD CONTROLS NOT BUILT. BILL 38 WILL NOT CREATE ONE SQUARE FOOT OF OPEN SPACE, AND WILL NOT CAUSE ONE SQUARE FOOT OF FOREST TO BE PLANTED. IT WILL ELIMINATE THE POSSIBILITY OF BUILDING 1000 YEAR SWM BOTH ON SITE AND IT WILL MAKE OFF SITE POND IMPROVEMENTS IMPOSSIBLE, SO FLOODING WILL INCREASE.

SEE MAP #2 SHOWING EXISTING IMPERVIOUS WITHOUT SWM

SEE TABLE #2 ZERO BENEFITS ACHIEVED BY BILL38

THAT'S THE OTHER GREAT IRONY. I WENT OUT AND BOUGHT THE KEYWADEN OPEN SPACE LOT 37 BECAUSE IT HAD A SWM POND ON IT. LET ME REPEAT THAT. I SPENT MY OWN FAMILY'S MONEY TO BUY A PRIVATELY OWNED SWM POND THAT WAS UNDERSIZED. I WANTED TO SHOW THAT I COULD UPGRADE THE POND, AT MY EXPENSE, FOR ANOTHER COMMUNITY, AND PROVIDE FLOOD PROTECTION.MY GOAL WAS TO LEAD BY EXAMPLE, AS OPPOSED TO ENDLESS STUDIES. BILL 38 WILL NOT ALLOW WAIVERS TO UPGRADE PRIVATE PONDS, SO KEYWADIN WILL CONTINUE TO ADD TO THE FLOODING

THE PROBLEMS WITH BILL 38 ARE CLEAR.

BANKS WILL NOT FINANCE PROJECTS WHEN THE COUNTY TAKES 75% OF THE BUIDABLE LAND, IN ADDITION TO THE SENSITIVE LAND THAT THE SUBDIVISION REGULATIONS ALREADY PROTECT. IN THE CASE OF DORSEY'S RIDGE, THE TOTAL TAKING IS 92 PERCENT.

EVERY PROPERTY IN THE DRAINAGE AREA HAS THE SAME ISSUE. BILL 38 WILL NOT ACHIEVE ANY OF ITS STATED GOALS, IT WILL ELIMINATE ALL BUILDING, IT WILL ELIMINATE ANY POSSIBILITY TO BUILD 1000 YEAR FLOOD PROTECTION, AND IT WILL INCREASE FLOODING OF ELLICOTT CITY.

EVERYONE AGREES THAT SAFETY HAS TO BE OUR HIGHEST PRIORITY. WHEN IT COMES TO SAFETY, OTHER GOALS AND AMBITIONS SHOULD TAKE A BACK SEAT.

BILL 38 MAKES ELLICOTT CITY LESS SAFE.

WE HAVE WAITED YEARS FOR OUR CHANCE TO TAKE ACTION TO PROTECT ELLICOTT CITY.

WE HAVE DECIDED THAT THE MOST RIGOROUS STORM WATR MANAGEMENT REQUIREMENTS IN THE NATION ARE NEEDED.

LET US DO THE HEAVY LIFTING NEEDED TO IMPLIMENT THOSE RULES.

BILL 38 STOPS US IN OUR TRACKS.

IT MAKES NEW POND CONSTRUCTION IMPOSSIBLE , AND MAKES UPGRADES OF EXISTING PONDS IMPOSSIBE NY RESTRICTING WAIVERS.

ELICOTT CITY WILL FLOOD AGAIN, AND IF BILL 38 IS ADOPTED, WE WILL HAVE AGAIN, DONE NOTHING .

THANK YOU FOR LISTENING

DAVE WOESSNER

240-319-1735

Dwoessner2012@gmail.com

WHAT SHOULD BE DONE.

- 1. REQUIRE ALL NEW PROJECTS IN THE DRAINAGE AREA OF ELLICOTT CITY TO MANAGE THE 1000 YEAR STORM AS REQUIRED IN CR123**

- 2. IF A PROJECT CAN MANAGE THE 100 YEAR STORM BUT CANNOT MANAGE THE 1000 YEAR, REQUIRE THEM TO MAKE A CAPITAL CONTRIBUTION OF \$5000 PER HOME TO THE TIBER ONE REGIONAL FACILITY**

- 3. ALLOW WAIVERS TO BE GRANTED TO FACILITATE THE CONSTRUCTION OF SWM FACILITIES AND RELATED STRUCTURES , AND FOR THE CONNECTION TO EXISTING UTILITIES.**

- 4. IMPOSE \$10,000 FEE FOR EACH HEALTHY SPECIMEN TREE LOST FOR REASONS OTHER THAN NUMBER 3.**

Sayers, Margery

From: Fern Nerhood <fern@nerhood.net>
Sent: Tuesday, September 24, 2019 7:23 AM
To: CouncilMail
Subject: CB-38 Testimony in Support
Attachments: County Council Testimony CB38 9-16-2019c.docx

[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,

This is the full text of my testimony in support of CB-38.

Thank you,
Fern Nerhood

Testimony to County Council in Support for County Bill 38, continued to 9-23-2019

by FERN NERHOOD, 5825 Judge Dobbin Court, Elkridge, MD 21075

Good evening. County Bill 38 is a common-sense plan to protect the people of Howard County. It will ensure that construction projects and developers along the Patapsco River Watershed for the Lower North Branch actually meet the requirements for adequate storm water management, floodplain and wetland buffers, forest management, and open space.

Rather than seeing this strictly as environmental conservation, I ask you to also see it in the same light as insisting that road construction is sound and buildings are safe. Through CB-38, you will actually be protecting many things.

First is the protection and safety of the people. The history of allowing waivers for adequate storm water management or construction near slopes, waterways, and the floodplain puts people in the line of danger. Taking down forests or eliminating open space, compounds that danger because the trees and permeable ground absorb high amounts of run off. Ignoring these factors in the vulnerable Patapsco watershed simply puts real lives in danger.

Second is the protection of our residents' financial wellbeing. When an individual's car is damaged or a family's home is flooded, someone pays for it. While insurance may cover some costs, it is rare that everyone will regain the full amount lost. Individuals are left covering the difference. There is also the great loss of time it takes to clean up, replace what was destroyed, and deal with insurance companies. The loss of time and transportation can also can hinder a person's ability to work.

Third is the protection of taxpayer dollars and the county budget. When a developer does not provide adequate storm water management, and rains like those that we saw in 2016 and 2018 occur, who pays to fix roads, sidewalks, and other infrastructure? When tributaries swell and grow strong, leading to drastic erosion of the riverbanks, who is left with the bill? When developments spring up next to waterways or steep slopes, who pays for the costly slope stabilization after a storm?

Unsafe Affordable Housing is Wrong

Developers may tell you that this bill will make development prohibitively expensive and affordable housing out of the question. That storm water management is too costly, open space is unnecessary, and forests are easily compensated for by a fee. These statements are false. Instead, providing affordable housing that endangers our most vulnerable residents is simply wrong. CB-38 will help protect them too.

“Go to Our House”

Since I live in Elkridge, you may be wondering how my family was affected by the floods in Ellicott City. On May 27, 2018, my family was actually even farther away in Pittsburgh, PA. We were shocked to hear about the return of flooding in Howard County and saw that it was national news. Then we got a call from Maryland. Friends who lived near the flooding were trying to reach their home. Authorities turned them away. It was not safe. “Go to our house,” we told them. “We just put fresh sheets on the guest bed.” Our friends were safe this time. But not everyone was. Just houses away from theirs, basements flooded and cars were destroyed. A road washed out. And I humbly remember that Staff Sgt. Eddison Hermond gave his life trying to save another.

Elkridge is downstream in the same watershed. If development continues in the same way where we live, in a few years we expect to be the ones calling for a safe place to stay.

The County Seal

One last thought. As you know, Howard County is precious and unique. One symbol of our county is the seal posted proudly in this room. But now, it makes me sad. It no longer represents what I actually see: farms disappearing with their agriculture and livestock; forests clear-cut and graded; wildlife scrambling to survive; subdivisions packed with homes and asphalt. Every square foot is a target. So what image would represent us now? What if the seal was actually a circle of road; what if instead of farm equipment and bundle of wheat in front of trees, there was a bulldozer taking down the last trees; what if instead of rolling hills, we had building after building after building with no open space except for one area where a river was tearing through it all. This is what I see; this is where we are headed if we don't proceed carefully.

Honored members, please pass County Bill 38 and require adequate protection of our tax dollars, financial wellbeing, and the safety of the people.

Sayers, Margery

From: John Rice <johnrice5874@gmail.com>
Sent: Monday, September 23, 2019 8:35 PM
To: CouncilMail
Subject: CB38 - John Rice written testimony
Attachments: HC Testimont.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 is my written testimony against the approval of Council Bill 38.

Thanks,
John Rice
Cell 240-882-3049
jgr27.com



Talking Points Draft

Good Evening Council Members my name is John Rice from Elkridge, md. I've been a resident of Howard County for 57 years I am not the doomsday threat I am a tax paying resident, I represent the current property owners that have no clue you are about to rob them of their property value through this Council Bill. I was here before I-95 and BC -Before Columbia was built. I've seen Howard County transform from a Rural farming community to an urban city. County Bill 38 is an Anti Development bill with no actual factual data and is leveraging the Floods in 2016 and 2018 to push an AntiGrowth agenda. If this Bill is passed it will be a complete robbing of current property owners and will be the death of the Small Local builders. Every single one of the council members have purchased a home in Howard county and some might live in homes that were constructed before 1982 with no Storm water Management and now you want to take property from someone that held out to development. This bill just robbed three of my adjoining Neighbors of 1.2 million dollars and they don't even know it. Another person I know probably is getting robbed around 1.3 Million dollars and he doesn't even know it. I know another family that has property in Elkridge that you're probably robbing approximately \$500,000. I cannot imagine the number of homeowners that this bill is affecting.

The contents of this bill will NOT stop flooding of homes and Roads that were constructed in Low Lying areas before SWM regs. The biggest offenders of the SWM problem are Columbia, the government owned properties and Roads and Structures that have No SWM. This bill is a political shot at developers because they are easy targets for politicians when it really takes aim at current residents. We know that Stormwater Management is not an exact science. I have seen hundreds of thousand of dollars spent on Stream restoration projects be wiped out by Mother Nature in one day. Using the Floods of 2016 and 2018 and pinning the blame on Developers when in reality those 2 floods major contributors to the damage of Ellicott City were the Government Buildings and Developments done before 1982. The \$100 million tunnel the taxpayers are going to pick up the tab for, is picking up all the SWM water of Church Road and the Old Circuit Court Courthouse and Parking Lots. Almost every structure or device being construct is catching the storm water from pre 1982 develop activity. Also, the county installed asphalt curb along Church Rd to trap Storm Water on the lower side of Church Rd and is channeling the Storm water right down to main street instead of letting it flow off the low side of the road into the Patapsco. In reviewing the Safe and Sound plan almost all the improvements are to capture the Storm water that had no SWM.

The addition of -NO Residential infill development clause is the killer of all property owners that could do a small development in the Elkridge and the Ellicott City area. No infill in Elkridge and Ellicott City robs every Taxpaying property owner that decided they were not ready to develop their land. I believe this clause alone will end up in a Law suit against the County

Waivers and Variances

Do you realize that a pool with Cattails in it is considered a wetland, do you realize that sometimes steep slopes can be graded out to create a slower time of concentration which reduces the possibility of floods. stopping all variances or waivers for steep slopes floodplains Etc does not solve the Flooding problem. In many circumstances the variances improve the situation. There are a million situation of each parcel of land to just put a Blanket Clause stopping all Variances and Waivers.

Have you read the Bill and do you really understand the damage and ramifications that this bill does to the current property owners that held out to development that could do a small subdivision. Public Home Builders do not want small subdivisions under 20 lots, The small local Home Builder is the 2nd casualty if this Bill if approved. The 3rd casualty is the taxpaying citizen. The Current Regulations are extremely strict in regards to protecting the environment, much of the damage to our environment was done before 1982. This bill was cleverly crafted to capture the extreme antigrowth stance and then make room for negotiating down the bill. I believe the whole bill should be denied.

I believe in controlling development but this bill is an overreach to push a political agenda. You need to vote against this bill because the current regulations are stringent enough and if you really want to protect the environment and flooding go back to everything that was built before 1982 and install Stormwater Management facilities. This is a County wide problem not a current development problem. Thanks for allowing me to testify and I would be happy to answer any questions.

Sayers, Margery

From: Jones, Diane
Sent: Monday, September 23, 2019 8:30 PM
To: Sayers, Margery
Cc: Wimberly, Theo
Subject: FW: Howard County CB-38-2019-BGE
Attachments: GAM-Article - Public Utilities, Section 7-213.pdf; COMAR 20.50.12.09 Vegetation Management.pdf; fac-003-4.pdf

Hi Margery,

Please include this in the legislative record. This was requested of BG&E at the worksession.

Thank you,

Diane

From: Gelwicks, Colette
Sent: Monday, September 23, 2019 4:29 PM
To: Jones, Diane <dijones@howardcountymd.gov>
Subject: FW: Howard County CB-38-2019-BGE

Hi Diane,

Just sending this to you so that you have it as well – follow up from the work session on CB38.

Colette Gelwicks
Special Assistant

Councilwoman Christiana Mercer Rigby, District 3
Howard County Council
3430 Court House Drive, Ellicott City, MD 21043
cgelwicks@howardcountymd.gov
410.313.2421



[Sign up for our newsletter!](#)

From: Eaves, Megan M:(BGE) <Megan.Eaves@bge.com>
Sent: Monday, September 23, 2019 1:35 PM
To: Walsh, Elizabeth <ewalsh@howardcountymd.gov>; Jung, Deb <djung@howardcountymd.gov>; Rigby, Christiana <crigby@howardcountymd.gov>; Jones, Opel <ojones@howardcountymd.gov>; Yungmann, David <dyungmann@howardcountymd.gov>
Subject: Howard County CB-38-2019-BGE

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

County Council Members:

Thank you for the opportunity to attend and participate in last Friday's Legislative Work Session. Per our discussion, attached you will find the following:

- Maryland Statute that prohibits a county or municipality from adopting or enforcing 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 in connection with complying with the state vegetation management standards for public utilities. I highlighted a few relevant provisions.
- Regulations related to Vegetation Management
- FAC-003

Please let me know if you require any additional information.

Best regards,

Megan




Megan Eaves
External Affairs Manager
Phone: 410-470-2575
Cell: 443-375-6121
Email: Megan.Eaves@bge.com




This Email message and any attachment may contain information that is proprietary, legally privileged, confidential and/or subject to copyright belonging to Exelon Corporation or its affiliates ("Exelon"). This Email is intended solely for the use of the person(s) to which it is addressed. If you are not an intended recipient, or the employee or agent responsible for delivery of this Email to the intended recipient(s), you are hereby notified that any dissemination, distribution or copying of this Email is strictly prohibited. If you have received this message in error, please immediately notify the sender and permanently delete this Email and any copies. Exelon policies expressly prohibit employees from making defamatory or offensive statements and infringing any copyright or any other legal right by Email communication. Exelon will not accept any liability in respect of such communications. -EXCIP

Executive Branch | Judicial Branch



General Assembly of Maryland

Translate Search 

[Home](#) |
 [Hearing Schedule](#) |
 [Legislation by Session](#) |
 [Budget](#) |
 [Statutes](#) |
 [Legislators](#) |
 [Committees](#) |
 [Publications](#) |
 [Floor Proceedings](#) |
 [Legislative Services](#)













About Statutes

This page accesses the **Code of Maryland (Statutes)** and the **Maryland Municipal Charters and Resolutions** as compiled and maintained by the Department of Legislative Services.

The **Code** is arranged by and organized into "**Articles**" (e.g. Transportation Article), which are further subdivided into "titles", "subtitles", "sections", "subsections", "paragraphs", "subparagraphs", etc.

Note that the "official" compilation of the laws (**Chapters**) enacted at each session of the [More](#)

Related Links

- [Maryland Constitution](#) 
- [Constitution of the United States](#) 
- [Changes In the Public Local Laws of Maryland 2019](#) 
- [Municipal Charter or Annexation Resolution Reposition Form](#) 
- [Abnormal Effective Date List](#) 
- [2019 Statute Index to Enacted Laws](#) 
- [2019 Laws of Maryland](#)
 - [Vol I: Chapters 1--131](#) 
 - [Vol II: Chapters 132--307](#) 
 - [Vol III: Chapters 308--461](#) 
 - [Vol IV: Chapters 462--568](#) 
 - [Vol V: Chapters 569--772](#) 
- [Resolutions](#) 
- [LexisNexis - Unannotated Code of Maryland](#)

Statute Text

Article - Public Utilities

[\[Previous\]](#)[\[Next\]](#)

§7-213.

(a) (1) In this section the following words have the meanings indicated.

(2) (i) "Eligible reliability measure" means a replacement of or an improvement in existing infrastructure of an electric company that:

1. is made on or after June 1, 2014;
2. is designed to improve public safety or infrastructure reliability;
3. does not increase the revenue of an electric company by connecting an improvement directly to new customers; and
4. is not included in the current rate base of the electric company as determined in the electric company's most recent base rate proceeding.

(ii) "Eligible reliability measure" includes vegetation management measures that are necessary to meet applicable service quality and reliability standards under this section.

(3) "Fund" means the Electric Reliability Remediation Fund established under subsection (j) of this section.

(4) "System-average interruption duration index" or "SAIDI" means the sum of the customer interruption hours divided by the total number of customers served.

(5) "System-average interruption frequency index" or "SAIFI" means the sum of the number of customer interruptions divided by the total number of customers served.

(b) It is the goal of the State that each electric company provide its customers with high levels of service quality and reliability in a cost-effective manner, as measured by objective and verifiable standards, and that each electric company be held accountable if it fails to deliver reliable service according to those standards.

(c) This section does not apply to small rural electric cooperatives or municipal electric companies.

(d) On or before July 1, 2012, the Commission shall adopt regulations that implement service quality and reliability standards relating to the delivery of electricity to retail customers by electric companies through their distribution systems, using:

- (1) SAIFI;
- (2) SAIDI; and
- (3) any other performance measurement that the Commission determines to be reasonable.

(e) (1) The regulations adopted under subsection (d) of this section shall:

(i) include service quality and reliability standards, including standards relating to:

1. service interruption;
2. downed wire response;
3. customer communications;
4. vegetation management;
5. periodic equipment inspections;
6. annual reliability reporting; and
7. any other standards established by the Commission;

(ii) account for major outages caused by events outside the control of an electric company; and

(iii) for an electric company that fails to meet the applicable service quality and reliability standards, require the electric company to file a corrective action plan that details specific actions the company will take to meet the standards.

(2) The regulations adopted under subsection (d) of this section may include a separate reliability standard for each electric company in order to account for system reliability differentiating factors, including:

- (i) system design;
- (ii) existing infrastructure;
- (iii) customer density; and
- (iv) geography.

(3) In adopting the regulations required under subsection (d) of this section, the Commission shall:

- (i) consider applicable standards of the Institute of Electrical and Electronics Engineers;
- (ii) ensure that the service quality and reliability standards are cost-effective; and
- (iii) with respect to standards relating to vegetation management, consider:
 - 1. limitations on an electric company's right to access private property; and
 - 2. customer acceptance of vegetation management initiatives.

(4) 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 under subsection (d) of this section.

(f) (1) On or before September 1 of each year, the Commission shall determine whether each electric company has met the service quality and reliability standards adopted by the Commission for that electric company under subsection (d) of this section and under § 7-213.1(e) of this subtitle.

(2) (i) This paragraph does not apply to electric cooperatives.

(ii) The Commission shall take appropriate corrective action against an electric company that fails to meet any or all of the applicable service quality and reliability standards, including the imposition of appropriate civil penalties for noncompliance as provided in § 13-201 of this article.

(iii) A civil penalty assessed under § 13-201 of this article for a violation of the service quality and reliability standards under this section shall be paid into the Fund.

(iv) An electric company may not recover the cost of any civil penalty paid under this section from ratepayers.

(g) (1) On or before April 1 of each year, each electric company shall submit to the Commission an annual performance report that summarizes the actual electric service reliability results for the preceding year.

(2) The annual performance report shall include:

- (i) the electric company's average 3-year performance results;
- (ii) actual year-end performance measure results;
- (iii) an assessment of the results and effectiveness of the reliability objectives, planned actions and projects, programs, and load studies in achieving an acceptable reliability level; and
- (iv) annual information that the Commission determines necessary to assess the electric company's efforts to maintain reliable electric service to all customers in the electric company's service territory, including:
 - 1. current year expenditures, labor resource hours, and progress measures for each capital and maintenance program designed to support the maintenance of reliable electric service;
 - 2. the number of outages by outage type;
 - 3. the number of outages by outage cause;
 - 4. the total number of customers that experienced an outage;
 - 5. the total customer minutes of outage time; and
 - 6. to the extent practicable, a breakdown, by the number of days each customer was without electric service, of the number of customers that experienced an outage.

(3) At the request of an electric company, the Commission shall hold a hearing to discuss the annual performance report of the electric company.

(h) This section may not be construed to limit the Commission's authority to adopt and enforce engineering and safety standards for electric companies.

(i) The Commission and each electric company assessed a penalty for a violation of service quality and reliability standards under this section shall establish priorities for targeting remediation efforts to improve electric service quality and reliability for the worst performing feeder lines and other distribution lines and equipment that shall be paid for, in whole or in part, using the Fund, as available and in accordance with subsection (j) of this section.

(j) (1) There is an Electric Reliability Remediation Fund in the Commission.

(2) The purpose of the Fund is to provide resources to target remediation efforts to improve electric service quality and reliability for the worst performing electric distribution lines in the State.

(3) The Commission shall administer the Fund.

(4) (i) The Fund is a special, nonlapsing fund that is not subject to reversion under § 7-302 of the State Finance and Procurement Article.

(ii) The State Treasurer shall hold the Fund separately, and the Comptroller shall account for the Fund.

(5) The Fund consists of:

(i) revenue distributed to the Fund under § 13-201(e)(2) of this article for a violation of this section;

(ii) money appropriated in the State budget to the Fund; and

(iii) any other money from any other source accepted for the benefit of the Fund.

(6) (i) The Fund may be used only for eligible reliability measures.

(ii) The civil penalties collected from an electric company:

1. may be used only for eligible reliability measures and projects in the service territory of that electric company; but

2. may not replace or substitute for money already budgeted for or spent on any project, including an otherwise eligible reliability measure, that the electric company is required to implement under this section or any other law.

(7) (i) The State Treasurer shall invest the money of the Fund in the same manner as other State money may be invested.

(ii) Any investment earnings of the Fund shall be credited to the General Fund of the State.

[Previous][Next]

.09 Vegetation Management Requirements.

A. Intent and Scope.

(1) It is the intent of the Commission that a utility engage in vegetation management programs that are necessary and appropriate to maintain safety and electric system reliability.

(2) The standards set forth in this regulation shall constitute minimum vegetation management requirements applicable to utilities in the State, and are not intended to supersede or prohibit a utility's implementation of more aggressive vegetation management standards and practices.

(3) The vegetation management requirements in this chapter apply to the extent not limited by contract rights, property rights, or any controlling law or regulation of any unit of State or local government.

(4) This regulation applies to any electric transmission plant not regulated by the Federal Energy Regulatory Commission.

B. Technical Standards for Vegetation Management.

(1) Each utility shall ensure that vegetation management conducted on its energized plant is performed in accordance with the standards applicable to Maryland Licensed Tree Experts, which are incorporated by reference under COMAR 08.07.07.02.

(2) Each utility's vegetation management program shall address, at a minimum, all of the following activities:

- (a) Tree pruning and removal;
- (b) Vegetation management around poles, substations, and energized overhead electric plant;
- (c) Manual, mechanical, or chemical vegetation management along rights-of-way;
- (d) Inspection of areas where vegetation management is performed after the vegetation management;
- (e) Cultural control practices;
- (f) Public education regarding vegetation management practices;
- (g) Public and customer notice of planned vegetation management activities; and
- (h) Debris management during routine vegetation management and during outage restoration efforts.

(3) Each utility shall develop its own vegetation management program, which shall be consistent with this regulation. In developing the program, a utility shall conduct its vegetation management and determine the extent and priority of vegetation management to be performed at a particular site based on these factors:

- (a) The extent of the potential for vegetation to interfere with poles, substations, and energized overhead electric plant;
- (b) The voltage of the affected energized conductor, with higher voltages requiring larger clearances;
- (c) The relative importance of the affected energized conductor in maintaining safety and reliability;
- (d) The type of conductors and type of overhead construction;
- (e) The likely regrowth rate for each species of vegetation at the site;
- (f) The potential movement of energized conductors and vegetation during various weather conditions;
- (g) The utility's legal rights to access the area where vegetation management is to be performed;
- (h) The maturity of the vegetation;
- (i) The identification of the structural condition of the vegetation, including the characteristics of a species as one having a high probability of causing a service interruption during weather events;
- (j) State and local statutes, regulations, or ordinances affecting utility performance of vegetation management;

(k) Customer acceptance of the proposed vegetation management where the utility does not have legal rights to perform vegetation management; and

(l) Any other appropriate factor approved by the Commission.

(4) Each utility shall file a copy of its vegetation management program with the Commission within 90 days of the effective date of this regulation. If a utility makes a change in its vegetation management program, the utility shall file a copy of the change with the Commission no later than 30 days prior to implementing the change, unless exigent circumstances warrant implementation without prior notice, in which case the change shall be filed by no later than 30 days after implementation.

C. Training, Record Keeping, and Reporting.

(1) Each utility shall adopt standards, to the extent not covered by other existing law, to be used by all persons who perform vegetation management for the utility, whether employees or contractors, for the proper care of trees and other woody plants, including safety practices and line clearance techniques.

(2) The utility shall monitor and document scheduled vegetation management and related activities the utility or its contractor performs. Documentation shall include, but is not limited to:

- (a) Identification of each circuit or substation or, if applicable, both circuit and substation where vegetation management was performed;
- (b) The type of vegetation management performed including removal, trimming, and spraying and methods used;
- (c) The name of the Maryland Licensed Tree Expert responsible for oversight of vegetation management at the circuit or substation level;
- (d) The approximate date of activity;
- (e) Any occurrence resulting in serious injury to a person as a result of vegetation management activities; and
- (f) When a utility seeks to remove a tree or limb, but is unable to do so because permission or cooperation is not obtained.

(3) Each utility shall include a summary of the information required under §C(2) of this regulation about its vegetation management during the preceding calendar year, and shall describe vegetation management planned for the current calendar year, as part of the annual performance report required to be filed with the Commission under Regulation .11 of this chapter. The annual performance report also shall include:

- (a) Expenditures for vegetation management in the preceding calendar year;
- (b) Vegetation management budget for the current calendar year;
- (c) Circuits or substations, completion dates, and the estimated number of overhead circuit miles trimmed in the preceding calendar year in compliance with the cyclical vegetation management requirements set forth under §F of this regulation;
- (d) Circuits or substations and the estimated number of overhead circuit miles scheduled for the current calendar year in compliance with the cyclical vegetation management requirements set forth under §F of this regulation;
- (e) Total overhead circuit miles for the system; and
- (f) If applicable, a corrective action plan, preferably in its annual performance report or, if necessary, in the supplemental annual performance report.

(4) Each utility shall report its own violation of this chapter to the Commission within 60 days of discovery and include its plan for correcting each violation.

D. Public Notice of Planned Vegetation Management.

(1) Each utility shall make a reasonable attempt to notify an owner or occupant of all properties upon which cyclical, planned vegetation management is to be performed. This requirement will be satisfied if the utility provides notice to affected property owners or occupants at least 7 days, but not more than 120 days, prior to performing cyclical, planned vegetation management activity. Notice shall be provided by direct mailing, door hanger, postcard, personal contact, or a different method if approved by the Commission, but may not be made solely by bill insert. Nothing in this regulation prohibits a utility from using more than one of these methods.

(2) Each utility or its contractor shall provide written notice of any cyclical, planned vegetation management activities to a primary contact for each county and municipality affected at least 2 months before commencing the activities unless the county or municipality notifies the utility that written notification is not required.

E. Outreach Programs.

(1) Each utility shall conduct an annual public education program to inform its customers, as well as a primary contact for each county and municipality in the utility's service territory, of the importance of vegetation management, and of the utility's role and responsibility in managing vegetation near electric lines, poles, and substations.

(2) The public education program required under this section shall be implemented by direct mail, bill inserts, or a different method if approved by the Commission.

(3) Each utility shall post its vegetation management public education materials on its website.

F. Specific Requirements. Each utility shall perform vegetation management based on the following schedule:

(1) Initially beginning on January 1 of the year immediately following the effective date of this regulation, a utility on a 4-year trim cycle shall within:

- (a) 12 months perform vegetation management on not less than 15 percent of its total distribution miles;
- (b) 24 months perform vegetation management on not less than 40 percent of its total distribution miles;
- (c) 36 months perform vegetation management on not less than 70 percent of its total distribution miles; and
- (d) 4 years perform vegetation management on not less than 100 percent of its total distribution miles.

(2) Initially beginning on January 1 of the year immediately following the effective date of this regulation, a utility on a 5-year trim cycle shall within:

- (a) 12 months perform vegetation management on not less than 12 percent of its total distribution miles;
- (b) 24 months perform vegetation management on not less than 32 percent of its total distribution miles;
- (c) 36 months perform vegetation management on not less than 56 percent of its total distribution miles;
- (d) 48 months perform vegetation management on not less than 75 percent of its total distribution miles; and
- (e) 5 years perform vegetation management on not less than 100 percent of its total distribution miles.

(3) Each utility shall follow the vegetation management performance requirement under §F(1) or (2) of this regulation for each subsequent trim cycle.

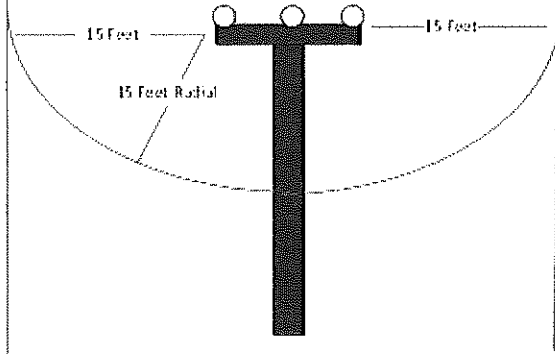
G. Vegetation management shall be performed based on the factors set forth under §B(3) of this regulation. The following minimum clearances shall be obtained at the time vegetation management is conducted to the extent not limited by contract rights, property rights or other controlling legal authority:

(1) Horizontal clearances:

(a) Greater than 34.5 kV: The clearance from the conductors shall be the greater of 15 feet or 4 years' growth if using a 4-year trim cycle (or 5 years' growth if using a 5-year trim cycle). Horizontal clearance beneath the conductors shall be measured radially.

Figure No. 1: >34.5 kV
No Overhanging Limbs – Clear Above

Note that 15 Feet
represents the >of
15 Feet or Cycle
Length Clearance



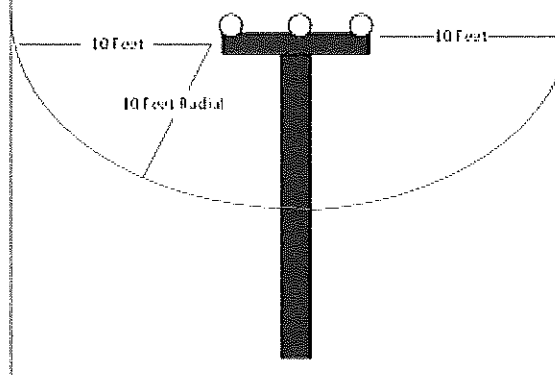
Clearances achieved
at time of trimming

Drawing: Not To Scale

(b) From 14 kV to 34.5 kV: The clearance from the conductors shall be the greater of 10 feet or 4 years' growth if using a 4-year trim cycle (or 5 years' growth if using a 5-year trim cycle). Horizontal clearance beneath the conductors shall be measured radially.

Figure No. 2:
From 14 kV to 34.5 kV
No Overhanging Limbs – Clear Above

Note that 10 Feet
represents the >of
10 Feet or Cycle
Length Clearance

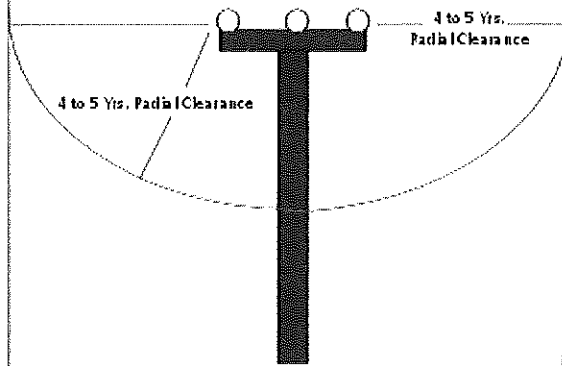


Clearances achieved
at time of trimming

Drawing: Not To Scale

(c) Less than 14 kV but at least 600 volts: The clearance from the conductors shall be 4 years' growth if using a 4-year trim cycle (or 5 years' growth if using a 5-year trim cycle). Horizontal clearance beneath the conductors shall be measured radially.

**Figure No. 3: <14 kV, but at Least 600 Volts
Substation to First Protective Device
Multiple Open Wires on Cross-Arm and Armless Construction
No Overhanging Limbs – Clear Above
(Also applies to a conductor between 14 kV and 34.5 kV
operated only as a distribution feeder)**



(d) For a conductor with a voltage from 14 kV to 34.5 kV which is operated only as a distribution feeder, the horizontal clearance shall be as set forth under §G(1)(c) of this regulation as if its voltage were less than 14 kV but at least 600 volts.

(e) The horizontal clearances are the minimum clearances the utility shall establish during each cyclical planned vegetation management trim cycle.

(2) Vertical clearances:

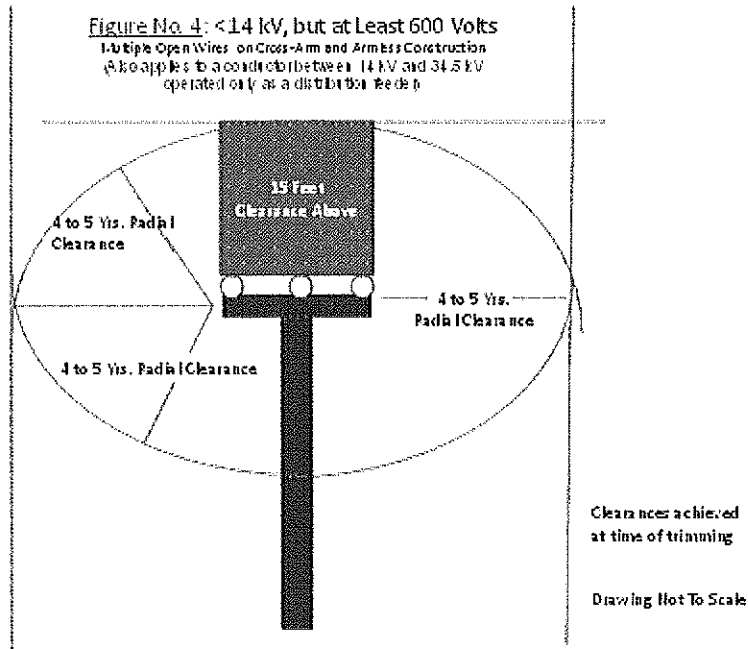
(a) Greater than 34.5 kV: The vertical clearance above the conductors shall be established by removing all overhanging limbs within the maximum horizontal clearance zone specified under §G(1)(a) of this regulation. The vertical clearance below the conductors shall be the greater of 15 feet or 4 years' growth (or 5 years' growth if using a 5-year trim cycle). The vertical clearance below the conductors shall be measured radially. See Figure No. 1

(b) From 14 kV to 34.5 kV: The vertical clearance above the conductors shall be established by removing all overhanging limbs above the conductors within the horizontal clearance zone specified under §G(1)(b) of this Regulation. The vertical clearance below the conductors shall be the greater of 10 feet or 4 years' growth (or 5 years' growth if using a 5-year trim cycle). The vertical clearance below the conductors shall be measured radially. See Figure No. 2.

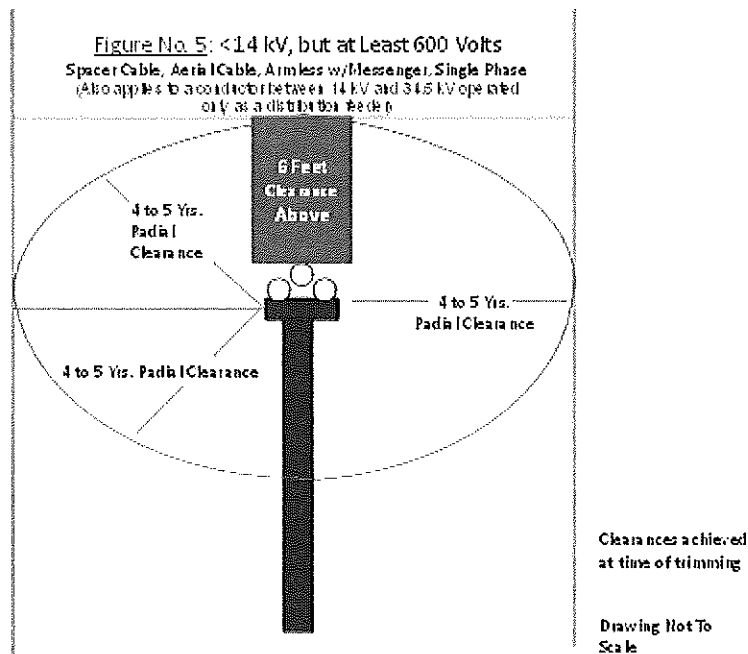
(c) Less than 14 kV but at least 600 volts:

(i) Multiple open wires on a cross-arm or armless construction from the substation to the first protective device: The vertical clearance above the conductors shall be established by removing all overhanging limbs above the conductors within the horizontal clearance zone specified under §G(1)(c) of this regulation. The vertical clearance below the conductors shall be 4 years' growth (or 5 years' growth if using a 5-year trim cycle). The vertical clearance below the conductors shall be measured radially. See Figure 3.

(ii) Except as provided in §G(2)(c)(i) for multiple open wires on a cross-arm or armless construction, the vertical clearance above the conductors shall be 15 feet. The vertical clearance below the conductors shall be 4 years' growth (or 5 years' growth if using a 5-year trim cycle). The vertical clearances above and below the conductor shall be measured radially.



(iii) Spacer cable, tree wire with messenger cable above, aerial cable, and single-phase: The vertical clearance above the conductors shall be 6 feet. The vertical clearance below the conductors shall be 4 years' growth (or 5 years' growth if using a 5-year trim cycle). The vertical clearance above and beneath the conductors shall be measured radially.



(d) For a conductor with a voltage from 14 kV to 34.5 kV which is operated only as a distribution feeder, the vertical clearance shall be as set forth in the corresponding standard contained in §G(2)(c) of this regulation as if its voltage were less than 14 kV but at least 600 volts.

(e) The vertical clearances are the minimum clearances the utility shall establish during each cyclical planned vegetation management trim cycle.

(3) Mature trees may be exempt from the minimum clearance requirements specified above at the utility's reasonable discretion for voltage levels at 34.5 kV and below

H. Federal Energy Regulatory Commission Jurisdictional Transmission Plant. Each utility shall file with the Commission's Engineering Division

a copy of all vegetation management related filings associated with a transmission line in Maryland to the Federal Energy Regulatory Commission or an entity approved by the Federal Energy Regulatory Commission. If the information is confidential or critical energy infrastructure information, the utility shall advise the Commission's Engineering Division in writing and make the information available for review at a mutually agreeable time and location.

A. Introduction

1. **Title:** Transmission Vegetation Management
2. **Number:** FAC-003-4
3. **Purpose:** To maintain a reliable electric transmission system by using a defense-in-depth strategy to manage vegetation located on transmission rights of way (ROW) and minimize encroachments from vegetation located adjacent to the ROW, thus preventing the risk of those vegetation-related outages that could lead to Cascading.
4. **Applicability:**
 - 4.1. **Functional Entities:**
 - 4.1.1. **Applicable Transmission Owners**
 - 4.1.1.1. Transmission Owners that own Transmission Facilities defined in 4.2.
 - 4.1.2. **Applicable Generator Owners**
 - 4.1.2.1. Generator Owners that own generation Facilities defined in 4.3.
 - 4.2. **Transmission Facilities:** Defined below (referred to as “applicable lines”), including but not limited to those that cross lands owned by federal¹, state, provincial, public, private, or tribal entities:
 - 4.2.1. Each overhead transmission line operated at 200kV or higher.
 - 4.2.2. Each overhead transmission line operated below 200kV identified as an element of an IROL under NERC Standard FAC-014 by the Planning Coordinator.
 - 4.2.3. Each overhead transmission line operated below 200 kV identified as an element of a Major WECC Transfer Path in the Bulk Electric System by WECC.
 - 4.2.4. Each overhead transmission line identified above (4.2.1. through 4.2.3.) located outside the fenced area of the switchyard, station or substation and any portion of the span of the transmission line that is crossing the substation fence.
 - 4.3. **Generation Facilities:** Defined below (referred to as “applicable lines”), including but not limited to those that cross lands owned by federal², state, provincial, public, private, or tribal entities:

¹ EAct 2005 section 1211c: “Access approvals by Federal agencies.”

² *Id.*

4.3.1. Overhead transmission lines that (1) extend greater than one mile or 1.609 kilometers beyond the fenced area of the generating station switchyard to the point of interconnection with a Transmission Owner's Facility or (2) do not have a clear line of sight³ from the generating station switchyard fence to the point of interconnection with a Transmission Owner's Facility and are:

4.3.1.1. Operated at 200kV or higher; or

4.3.1.2. Operated below 200kV identified as an element of an IROL under NERC Standard FAC-014 by the Planning Coordinator; or

4.3.1.3. Operated below 200 kV identified as an element of a Major WECC Transfer Path in the Bulk Electric System by WECC.

5. Effective Date: See Implementation Plan

6. Background: This standard uses three types of requirements to provide layers of protection to prevent vegetation related outages that could lead to Cascading:

- a) Performance-based defines a particular reliability objective or outcome to be achieved. In its simplest form, a results-based requirement has four components: *who, under what conditions (if any), shall perform what action, to achieve what particular bulk power system performance result or outcome?*
- b) Risk-based preventive requirements to reduce the risks of failure to acceptable tolerance levels. A risk-based reliability requirement should be framed as: *who, under what conditions (if any), shall perform what action, to achieve what particular result or outcome that reduces a stated risk to the reliability of the bulk power system?*
- c) Competency-based defines a minimum set of capabilities an entity needs to have to demonstrate it is able to perform its designated reliability functions. A competency-based reliability requirement should be framed as: *who, under what conditions (if any), shall have what capability, to achieve what particular result or outcome to perform an action to achieve a result or outcome or to reduce a risk to the reliability of the bulk power system?*

The defense-in-depth strategy for reliability standards development recognizes that each requirement in a NERC reliability standard has a role in preventing system failures, and that these roles are complementary and reinforcing. Reliability standards should not be viewed as a body of unrelated requirements, but rather should be viewed as part of a portfolio of requirements designed to achieve an overall defense-in-depth strategy and comport with the quality objectives of a reliability standard.

³ "Clear line of sight" means the distance that can be seen by the average person without special instrumentation (e.g., binoculars, telescope, spyglasses, etc.) on a clear day.

This standard uses a defense-in-depth approach to improve the reliability of the electric Transmission system by:

- Requiring that vegetation be managed to prevent vegetation encroachment inside the flash-over clearance (R1 and R2);
- Requiring documentation of the maintenance strategies, procedures, processes and specifications used to manage vegetation to prevent potential flash-over conditions including consideration of 1) conductor dynamics and 2) the interrelationships between vegetation growth rates, control methods and the inspection frequency (R3);
- Requiring timely notification to the appropriate control center of vegetation conditions that could cause a flash-over at any moment (R4);
- Requiring corrective actions to ensure that flash-over distances will not be violated due to work constraints such as legal injunctions (R5);
- Requiring inspections of vegetation conditions to be performed annually (R6); and
- Requiring that the annual work needed to prevent flash-over is completed (R7).

For this standard, the requirements have been developed as follows:

- Performance-based: Requirements 1 and 2
- Competency-based: Requirement 3
- Risk-based: Requirements 4, 5, 6 and 7

R3 serves as the first line of defense by ensuring that entities understand the problem they are trying to manage and have fully developed strategies and plans to manage the problem. R1, R2, and R7 serve as the second line of defense by requiring that entities carry out their plans and manage vegetation. R6, which requires inspections, may be either a part of the first line of defense (as input into the strategies and plans) or as a third line of defense (as a check of the first and second lines of defense). R4 serves as the final line of defense, as it addresses cases in which all the other lines of defense have failed.

Major outages and operational problems have resulted from interference between overgrown vegetation and transmission lines located on many types of lands and ownership situations. Adherence to the standard requirements for applicable lines on any kind of land or easement, whether they are Federal Lands, state or provincial lands, public or private lands, franchises, easements or lands owned in fee, will reduce and manage this risk. For the purpose of the standard the term “public lands” includes municipal lands, village lands, city lands, and a host of other governmental entities.

This standard addresses vegetation management along applicable overhead lines and does not apply to underground lines, submarine lines or to line sections inside an electric station boundary.

This standard focuses on transmission lines to prevent those vegetation related outages that could lead to Cascading. It is not intended to prevent customer outages due to tree contact with lower voltage distribution system lines. For example, localized customer service might be disrupted if vegetation were to make contact with a 69kV transmission line supplying power to a 12kV distribution station. However, this standard is not written to address such isolated situations which have little impact on the overall electric transmission system.

Since vegetation growth is constant and always present, unmanaged vegetation poses an increased outage risk, especially when numerous transmission lines are operating at or near their Rating. This can present a significant risk of consecutive line failures when lines are experiencing large sags thereby leading to Cascading. Once the first line fails the shift of the current to the other lines and/or the increasing system loads will lead to the second and subsequent line failures as contact to the vegetation under those lines occurs. Conversely, most other outage causes (such as trees falling into lines, lightning, animals, motor vehicles, etc.) are not an interrelated function of the shift of currents or the increasing system loading. These events are not any more likely to occur during heavy system loads than any other time. There is no cause-effect relationship which creates the probability of simultaneous occurrence of other such events. Therefore these types of events are highly unlikely to cause large-scale grid failures. Thus, this standard places the highest priority on the management of vegetation to prevent vegetation grow-ins.

B. Requirements and Measures

- R1.** Each applicable Transmission Owner and applicable Generator Owner shall manage vegetation to prevent encroachments into the Minimum Vegetation Clearance Distance (MVCD) of its applicable line(s) which are either an element of an IROL, or an element of a Major WECC Transfer Path; operating within their Rating and all Rated Electrical Operating Conditions of the types shown below⁴ [*Violation Risk Factor: High*] [*Time Horizon: Real-time*]:

⁴ This requirement does not apply to circumstances that are beyond the control of an applicable Transmission Owner or applicable Generator Owner subject to this reliability standard, including natural disasters such as earthquakes, fires, tornados, hurricanes, landslides, wind shear, fresh gale, major storms as defined either by the applicable Transmission Owner or applicable Generator Owner or an applicable regulatory body, ice storms, and floods; human or animal activity such as logging, animal severing tree, vehicle contact with tree, or installation, removal, or digging of vegetation. Nothing in this footnote should be construed to limit the Transmission Owner's or applicable Generator Owner's right to exercise its full legal rights on the ROW.

- 1.1. An encroachment into the MVCD as shown in FAC-003-Table 2, observed in Real-time, absent a Sustained Outage,⁵
 - 1.2. An encroachment due to a fall-in from inside the ROW that caused a vegetation-related Sustained Outage,⁶
 - 1.3. An encroachment due to the blowing together of applicable lines and vegetation located inside the ROW that caused a vegetation-related Sustained Outage⁷,
 - 1.4. An encroachment due to vegetation growth into the MVCD that caused a vegetation-related Sustained Outage.⁸
- M1.** Each applicable Transmission Owner and applicable Generator Owner has evidence that it managed vegetation to prevent encroachment into the MVCD as described in R1. Examples of acceptable forms of evidence may include dated attestations, dated reports containing no Sustained Outages associated with encroachment types 2 through 4 above, or records confirming no Real-time observations of any MVCD encroachments. (R1)
- R2.** Each applicable Transmission Owner and applicable Generator Owner shall manage vegetation to prevent encroachments into the MVCD of its applicable line(s) which are not either an element of an IROL, or an element of a Major WECC Transfer Path; operating within its Rating and all Rated Electrical Operating Conditions of the types shown below⁹ [*Violation Risk Factor: High*] [*Time Horizon: Real-time*]:
- 2.1. An encroachment into the MVCD, observed in Real-time, absent a Sustained Outage,¹⁰
 - 2.2. An encroachment due to a fall-in from inside the ROW that caused a vegetation-related Sustained Outage,¹¹
 - 2.3. An encroachment due to the blowing together of applicable lines and vegetation located inside the ROW that caused a vegetation-related Sustained Outage,¹²
 - 2.4. An encroachment due to vegetation growth into the line MVCD that caused a vegetation-related Sustained Outage.¹³

⁵ If a later confirmation of a Fault by the applicable Transmission Owner or applicable Generator Owner shows that a vegetation encroachment within the MVCD has occurred from vegetation within the ROW, this shall be considered the equivalent of a Real-time observation.

⁶ Multiple Sustained Outages on an individual line, if caused by the same vegetation, will be reported as one outage regardless of the actual number of outages within a 24-hour period.

⁷ *Id.*

⁸ *Id.*

⁹ See footnote 4.

¹⁰ See footnote 5.

¹¹ See footnote 6.

¹² *Id.*

¹³ *Id.*

- M2.** Each applicable Transmission Owner and applicable Generator Owner has evidence that it managed vegetation to prevent encroachment into the MVCD as described in R2. Examples of acceptable forms of evidence may include dated attestations, dated reports containing no Sustained Outages associated with encroachment types 2 through 4 above, or records confirming no Real-time observations of any MVCD encroachments. (R2)
- R3.** Each applicable Transmission Owner and applicable Generator Owner shall have documented maintenance strategies or procedures or processes or specifications it uses to prevent the encroachment of vegetation into the MVCD of its applicable lines that accounts for the following: *[Violation Risk Factor: Lower] [Time Horizon: Long Term Planning]*:
- 3.1.** Movement of applicable line conductors under their Rating and all Rated Electrical Operating Conditions;
 - 3.2.** Inter-relationships between vegetation growth rates, vegetation control methods, and inspection frequency.
- M3.** The maintenance strategies or procedures or processes or specifications provided demonstrate that the applicable Transmission Owner and applicable Generator Owner can prevent encroachment into the MVCD considering the factors identified in the requirement. (R3)
- R4.** Each applicable Transmission Owner and applicable Generator Owner, without any intentional time delay, shall notify the control center holding switching authority for the associated applicable line when the applicable Transmission Owner and applicable Generator Owner has confirmed the existence of a vegetation condition that is likely to cause a Fault at any moment *[Violation Risk Factor: Medium] [Time Horizon: Real-time]*.
- M4.** Each applicable Transmission Owner and applicable Generator Owner that has a confirmed vegetation condition likely to cause a Fault at any moment will have evidence that it notified the control center holding switching authority for the associated transmission line without any intentional time delay. Examples of evidence may include control center logs, voice recordings, switching orders, clearance orders and subsequent work orders. (R4)
- R5.** When an applicable Transmission Owner and an applicable Generator Owner are constrained from performing vegetation work on an applicable line operating within its Rating and all Rated Electrical Operating Conditions, and the constraint may lead to a vegetation encroachment into the MVCD prior to the implementation of the next annual work plan, then the applicable Transmission Owner or applicable Generator Owner shall take corrective action to ensure continued vegetation management to prevent encroachments *[Violation Risk Factor: Medium] [Time Horizon: Operations Planning]*.

- M5.** Each applicable Transmission Owner and applicable Generator Owner has evidence of the corrective action taken for each constraint where an applicable transmission line was put at potential risk. Examples of acceptable forms of evidence may include initially-planned work orders, documentation of constraints from landowners, court orders, inspection records of increased monitoring, documentation of the de-rating of lines, revised work orders, invoices, or evidence that the line was de-energized. (R5)
- R6.** Each applicable Transmission Owner and applicable Generator Owner shall perform a Vegetation Inspection of 100% of its applicable transmission lines (measured in units of choice - circuit, pole line, line miles or kilometers, etc.) at least once per calendar year and with no more than 18 calendar months between inspections on the same ROW¹⁴ [*Violation Risk Factor: Medium*] [*Time Horizon: Operations Planning*].
- M6.** Each applicable Transmission Owner and applicable Generator Owner has evidence that it conducted Vegetation Inspections of the transmission line ROW for all applicable lines at least once per calendar year but with no more than 18 calendar months between inspections on the same ROW. Examples of acceptable forms of evidence may include completed and dated work orders, dated invoices, or dated inspection records. (R6)
- R7.** Each applicable Transmission Owner and applicable Generator Owner shall complete 100% of its annual vegetation work plan of applicable lines to ensure no vegetation encroachments occur within the MVCD. Modifications to the work plan in response to changing conditions or to findings from vegetation inspections may be made (provided they do not allow encroachment of vegetation into the MVCD) and must be documented. The percent completed calculation is based on the number of units actually completed divided by the number of units in the final amended plan (measured in units of choice - circuit, pole line, line miles or kilometers, etc.). Examples of reasons for modification to annual plan may include [*Violation Risk Factor: Medium*] [*Time Horizon: Operations Planning*]:
- 7.1.** Change in expected growth rate/environmental factors
 - 7.2.** Circumstances that are beyond the control of an applicable Transmission Owner or applicable Generator Owner¹⁵
 - 7.3.** Rescheduling work between growing seasons
 - 7.4.** Crew or contractor availability/Mutual assistance agreements

¹⁴ When the applicable Transmission Owner or applicable Generator Owner is prevented from performing a Vegetation Inspection within the timeframe in R6 due to a natural disaster, the TO or GO is granted a time extension that is equivalent to the duration of the time the TO or GO was prevented from performing the Vegetation Inspection.

¹⁵ Circumstances that are beyond the control of an applicable Transmission Owner or applicable Generator Owner include but are not limited to natural disasters such as earthquakes, fires, tornados, hurricanes, landslides, ice storms, floods, or major storms as defined either by the TO or GO or an applicable regulatory body.

- 7.5. Identified unanticipated high priority work
 - 7.6. Weather conditions/Accessibility
 - 7.7. Permitting delays
 - 7.8. Land ownership changes/Change in land use by the landowner
 - 7.9. Emerging technologies
- M7. Each applicable Transmission Owner and applicable Generator Owner has evidence that it completed its annual vegetation work plan for its applicable lines. Examples of acceptable forms of evidence may include a copy of the completed annual work plan (as finally modified), dated work orders, dated invoices, or dated inspection records.
(R7)

C. Compliance

1. Compliance Monitoring Process

1.1. Compliance Enforcement Authority:

“Compliance Enforcement Authority” means NERC or the Regional Entity, or any entity as otherwise designated by an Applicable Governmental Authority, in their respective roles of monitoring and/or enforcing compliance with mandatory and enforceable Reliability Standards in their respective jurisdictions.

1.2. Evidence Retention:

The following evidence retention period(s) identify the period of time an entity is required to retain specific evidence to demonstrate compliance. For instances where the evidence retention period specified below is shorter than the time since the last audit, the Compliance Enforcement Authority may ask an entity to provide other evidence to show that it was compliant for the full-time period since the last audit.

The applicable entity shall keep data or evidence to show compliance as identified below unless directed by its Compliance Enforcement Authority to retain specific evidence for a longer period of time as part of an investigation.

- The applicable Transmission Owner and applicable Generator Owner retains data or evidence to show compliance with Requirements R1, R2, R3, R5, R6 and R7, for three calendar years.
- The applicable Transmission Owner and applicable Generator Owner retains data or evidence to show compliance with Requirement R4, Measure M4 for most recent 12 months of operator logs or most recent 3 months of voice recordings or transcripts of voice recordings, unless directed by its Compliance Enforcement Authority to retain specific evidence for a longer period of time as part of an investigation.

- If an applicable Transmission Owner or applicable Generator Owner is found non-compliant, it shall keep information related to the non-compliance until found compliant or for the time period specified above, whichever is longer.

1.3. Compliance Monitoring and Enforcement Program

As defined in the NERC Rules of Procedure, “Compliance Monitoring and Enforcement Program” refers to the identification of the processes that will be used to evaluate data or information for the purpose of assessing performance or outcomes with the associated Reliability Standard.

1.4. Additional Compliance Information

Periodic Data Submittal: The applicable Transmission Owner and applicable Generator Owner will submit a quarterly report to its Regional Entity, or the Regional Entity’s designee, identifying all Sustained Outages of applicable lines operated within their Rating and all Rated Electrical Operating Conditions as determined by the applicable Transmission Owner or applicable Generator Owner to have been caused by vegetation, except as excluded in footnote 2, and including as a minimum the following:

- The name of the circuit(s), the date, time and duration of the outage; the voltage of the circuit; a description of the cause of the outage; the category associated with the Sustained Outage; other pertinent comments; and any countermeasures taken by the applicable Transmission Owner or applicable Generator Owner.

A Sustained Outage is to be categorized as one of the following:

- Category 1A — Grow-ins: Sustained Outages caused by vegetation growing into applicable lines, that are identified as an element of an IROL or Major WECC Transfer Path, by vegetation inside and/or outside of the ROW;
- Category 1B — Grow-ins: Sustained Outages caused by vegetation growing into applicable lines, but are not identified as an element of an IROL or Major WECC Transfer Path, by vegetation inside and/or outside of the ROW;
- Category 2A — Fall-ins: Sustained Outages caused by vegetation falling into applicable lines that are identified as an element of an IROL or Major WECC Transfer Path, from within the ROW;
- Category 2B — Fall-ins: Sustained Outages caused by vegetation falling into applicable lines, but are not identified as an element of an IROL or Major WECC Transfer Path, from within the ROW;
- Category 3 — Fall-ins: Sustained Outages caused by vegetation falling into applicable lines from outside the ROW;
- Category 4A — Blowing together: Sustained Outages caused by vegetation and applicable lines that are identified as an element of an IROL or Major WECC Transfer Path, blowing together from within the ROW;

- Category 4B — Blowing together: Sustained Outages caused by vegetation and applicable lines, but are not identified as an element of an IROL or Major WECC Transfer Path, blowing together from within the ROW.

The Regional Entity will report the outage information provided by applicable Transmission Owners and applicable Generator Owners, as per the above, quarterly to NERC, as well as any actions taken by the Regional Entity as a result of any of the reported Sustained Outages.

Violation Severity Levels (Table 1)

Table 1: Violation Severity Levels (VSL)				
R #	Lower VSL	Moderate VSL	High VSL	Severe VSL
R1.			The responsible entity failed to manage vegetation to prevent encroachment into the MVCD of a line identified as an element of an IROL or Major WECC transfer path and encroachment into the MVCD as identified in FAC-003-4-Table 2 was observed in real time absent a Sustained Outage.	The responsible entity failed to manage vegetation to prevent encroachment into the MVCD of a line identified as an element of an IROL or Major WECC transfer path and a vegetation-related Sustained Outage was caused by one of the following: <ul style="list-style-type: none"> • <i>A fall-in from inside the active transmission line ROW</i> • <i>Blowing together of applicable lines and vegetation located inside the active transmission line ROW</i> • <i>A grow-in</i>
R2.			The responsible entity failed to manage vegetation to prevent encroachment into the MVCD of a line not identified as an element of	The responsible entity failed to manage vegetation to prevent encroachment into the MVCD of a line not identified as an element of

FAC-003-4 Transmission Vegetation Management

			an IROL or Major WECC transfer path and encroachment into the MVCD as identified in FAC-003-4-Table 2 was observed in real time absent a Sustained Outage.	an IROL or Major WECC transfer path and a vegetation-related Sustained Outage was caused by one of the following: <ul style="list-style-type: none"> • <i>A fall-in from inside the active transmission line ROW</i> • <i>Blowing together of applicable lines and vegetation located inside the active transmission line ROW</i> • <i>A grow-in</i>
R3.		The responsible entity has maintenance strategies or documented procedures or processes or specifications but has not accounted for the inter-relationships between vegetation growth rates, vegetation control methods, and inspection frequency, for the responsible entity's applicable lines. (Requirement R3, Part 3.2.)	The responsible entity has maintenance strategies or documented procedures or processes or specifications but has not accounted for the movement of transmission line conductors under their Rating and all Rated Electrical Operating Conditions, for the responsible entity's applicable lines. (Requirement R3, Part 3.1.)	The responsible entity does not have any maintenance strategies or documented procedures or processes or specifications used to prevent the encroachment of vegetation into the MVCD, for the responsible entity's applicable lines.
R4.			The responsible entity experienced a confirmed	The responsible entity experienced a confirmed

FAC-003-4 Transmission Vegetation Management

			vegetation threat and notified the control center holding switching authority for that applicable line, but there was intentional delay in that notification.	vegetation threat and did not notify the control center holding switching authority for that applicable line.
R5.				The responsible entity did not take corrective action when it was constrained from performing planned vegetation work where an applicable line was put at potential risk.
R6.	The responsible entity failed to inspect 5% or less of its applicable lines (measured in units of choice - circuit, pole line, line miles or kilometers, etc.)	The responsible entity failed to inspect more than 5% up to and including 10% of its applicable lines (measured in units of choice - circuit, pole line, line miles or kilometers, etc.).	The responsible entity failed to inspect more than 10% up to and including 15% of its applicable lines (measured in units of choice - circuit, pole line, line miles or kilometers, etc.).	The responsible entity failed to inspect more than 15% of its applicable lines (measured in units of choice - circuit, pole line, line miles or kilometers, etc.).
R7.	The responsible entity failed to complete 5% or less of its annual vegetation work plan for its applicable lines (as finally modified).	The responsible entity failed to complete more than 5% and up to and including 10% of its annual vegetation work plan for its applicable lines (as finally modified).	The responsible entity failed to complete more than 10% and up to and including 15% of its annual vegetation work plan for its applicable lines (as finally modified).	The responsible entity failed to complete more than 15% of its annual vegetation work plan for its applicable lines (as finally modified).

D. Regional Variances

None.

E. Associated Documents

- [FAC-003-4 Implementation Plan](#)

Version History

Version	Date	Action	Change Tracking
1	January 20, 2006	1. Added "Standard Development Roadmap." 2. Changed "60" to "Sixty" in section A, 5.2. 3. Added "Proposed Effective Date: April 7, 2006" to footer. 4. Added "Draft 3: November 17, 2005" to footer.	New
1	April 4, 2007	Regulatory Approval - Effective Date	New
2	November 3, 2011	Adopted by the NERC Board of Trustees	New
2	March 21, 2013	FERC Order issued approving FAC-003-2 (Order No. 777) FERC Order No. 777 was issued on March 21, 2013 directing NERC to "conduct or contract testing to obtain empirical data and submit a report to the Commission providing the results of the testing." ¹⁶	Revisions

¹⁶ Revisions to Reliability Standard for Transmission Vegetation Management, Order No. 777, 142 FERC ¶ 61,208 (2013)

FAC-003-4 Transmission Vegetation Management

2	May 9, 2013	Board of Trustees adopted the modification of the VRF for Requirement R2 of FAC-003-2 by raising the VRF from "Medium" to "High."	Revisions
3	May 9, 2013	FAC-003-3 adopted by Board of Trustees	Revisions
3	September 19, 2013	A FERC order was issued on September 19, 2013, approving FAC-003-3. This standard became enforceable on July 1, 2014 for Transmission Owners. For Generator Owners, R3 became enforceable on January 1, 2015 and all other requirements (R1, R2, R4, R5, R6, and R7) became enforceable on January 1, 2016.	Revisions
3	November 22, 2013	Updated the VRF for R2 from "Medium" to "High" per a Final Rule issued by FERC	Revisions
3	July 30, 2014	Transferred the effective dates section from FAC-003-2 (for Transmission Owners) into FAC-003-3, per the FAC-003-3 Implementation plan	Revisions
4	February 11, 2016	Adopted by Board of Trustees. Adjusted MVCD values in Table 2 for alternating current systems, consistent with findings reported in report filed on August 12, 2015 in Docket No. RM12-4-002 consistent with FERC's directive in Order No. 777, and based on empirical testing results for flashover distances between conductors and vegetation.	Revisions
4	March 9, 2016	Corrected subpart 7.10 to M7, corrected value of .07 to .7	Errata
4	April 26, 2016	FERC Letter Order approving FAC-003-4. Docket No. RD16-4-000.	

FAC-003-4 Transmission Vegetation Management

FAC-003 — TABLE 2 — Minimum Vegetation Clearance Distances (MVCD)¹⁷
For Alternating Current Voltages (feet)

(AC) Nominal System Voltage (KV)*	(AC) Maximum System Voltage (kV) ¹⁸	MVCD (feet) Over sea level up to 500 ft	MVCD feet Over 500 ft up to 1000 ft	MVCD feet Over 1000 ft up to 2000 ft	MVCD feet Over 2000 ft up to 3000 ft	MVCD feet Over 3000 ft up to 4000 ft	MVCD feet Over 4000 ft up to 5000 ft	MVCD feet Over 5000 ft up to 6000 ft	MVCD feet Over 6000 ft up to 7000 ft	MVCD feet Over 7000 ft up to 8000 ft	MVCD feet Over 8000 ft up to 9000 ft	MVCD feet Over 9000 ft up to 10000 ft	MVCD feet Over 10000 ft up to 11000 ft	MVCD feet Over 11000 ft up to 12000 ft	MVCD feet Over 12000 ft up to 13000 ft	MVCD feet Over 13000 ft up to 14000 ft	MVCD feet Over 14000 ft up to 15000 ft
765	800	11.6ft	11.7ft	11.9ft	12.1ft	12.2ft	12.4ft	12.6ft	12.8ft	13.0ft	13.1ft	13.3ft	13.5ft	13.7ft	13.9ft	14.1ft	14.3ft
500	550	7.0ft	7.1ft	7.2ft	7.4ft	7.5ft	7.6ft	7.8ft	7.9ft	8.1ft	8.2ft	8.3ft	8.5ft	8.6ft	8.8ft	8.9ft	9.1ft
345	362 ¹⁹	4.3ft	4.3ft	4.4ft	4.5ft	4.6ft	4.7ft	4.8ft	4.9ft	5.0ft	5.1ft	5.2ft	5.3ft	5.4ft	5.5ft	5.6ft	5.7ft
287	302	5.2ft	5.3ft	5.4ft	5.5ft	5.6ft	5.7ft	5.8ft	5.9ft	6.1ft	6.2ft	6.3ft	6.4ft	6.5ft	6.6ft	6.8ft	6.9ft
230	242	4.0ft	4.1ft	4.2ft	4.3ft	4.3ft	4.4ft	4.5ft	4.6ft	4.7ft	4.8ft	4.9ft	5.0ft	5.1ft	5.2ft	5.3ft	5.4ft
161*	169	2.7ft	2.7ft	2.8ft	2.9ft	2.9ft	3.0ft	3.0ft	3.1ft	3.2ft	3.3ft	3.3ft	3.4ft	3.5ft	3.6ft	3.7ft	3.8ft
198*	145	2.3ft	2.3ft	2.4ft	2.4ft	2.5ft	2.5ft	2.6ft	2.7ft	2.7ft	2.8ft	2.8ft	2.9ft	3.0ft	3.0ft	3.1ft	3.2ft
115*	121	1.9ft	1.9ft	1.9ft	2.0ft	2.0ft	2.1ft	2.1ft	2.2ft	2.2ft	2.3ft	2.3ft	2.4ft	2.5ft	2.5ft	2.6ft	2.7ft
88*	100	1.5ft	1.5ft	1.6ft	1.6ft	1.7ft	1.7ft	1.8ft	1.8ft	1.8ft	1.9ft	1.9ft	2.0ft	2.0ft	2.1ft	2.2ft	2.2ft
69*	72	1.1ft	1.1ft	1.1ft	1.2ft	1.2ft	1.2ft	1.2ft	1.3ft	1.3ft	1.3ft	1.4ft	1.4ft	1.4ft	1.5ft	1.6ft	1.6ft

* Such lines are applicable to this standard only if PC has determined such per FAC-014 (refer to the Applicability Section above)

¹⁷ Table 2 – Table of MVCD values at a 1.0 gap factor (in U.S. customary units), which is located in the EPRI report filed with FERC on August 12, 2015. (The 14000-15000 foot values were subsequently provided by EPRI in an updated Table 2 on December 1, 2015, filed with the FAC-003-4 Petition at FERC)

¹⁷ The distances in this Table are the minimums required to prevent Flash-over; however prudent vegetation maintenance practices dictate that substantially greater distances will be achieved at time of vegetation maintenance.

¹⁸ Where applicable lines are operated at nominal voltages other than those listed, the applicable Transmission Owner or applicable Generator Owner should use the maximum system voltage to determine the appropriate clearance for that line.

¹⁹ The change in transient overvoltage factors in the calculations are the driver in the decrease in MVCDs for voltages of 345 kV and above. Refer to pp.29-31 in the Supplemental Materials for additional information.

**TABLE 2 (CONT)—Minimum Vegetation Clearance Distances (MVCD)²⁰
For Alternating Current Voltages (meters)**

{ AC } Nominal System Voltage (KV) [*]	{ AC } Maximum System Voltage (KV) ²¹	MVCD meters Over sea level up to 153 m	MVCD meters Over 153m up to 305m	MVCD meters Over 305m up to 610m	MVCD meters Over 610m up to 915m	MVCD meters Over 915m up to 1220m	MVCD meters Over 1220m up to 1524m	MVCD meters Over 1524m up to 1829m	MVCD meters Over 1829m up to 2134m	MVCD meters Over 2134m up to 2439m	MVCD meters Over 2439m up to 2744m	MVCD meters Over 2744m up to 3048m	MVCD meters Over 3048m up to 3353m	MVCD meters Over 3353m up to 3657m	MVCD meters Over 3657m up to 3962m	MVCD meters Over 3962 m up to 4268 m	MVCD meters Over 4268m up to 4572m
765	800	3.6m	3.6m	3.6m	3.7m	3.7m	3.8m	3.8m	3.9m	4.0m	4.0m	4.1m	4.1m	4.2m	4.2m	4.3m	4.4m
500	550	2.1m	2.2m	2.2m	2.3m	2.3m	2.4m	2.4m	2.5m	2.5m	2.5m	2.6m	2.6m	2.7m	2.7m	2.7m	2.7m
345	362 ²²	1.3m	1.3m	1.3m	1.4m	1.4m	1.4m	1.5m	1.5m	1.5m	1.6m	1.6m	1.6m	1.6m	1.7m	1.7m	1.8m
287	302	1.6m	1.6m	1.7m	1.7m	1.7m	1.7m	1.8m	1.8m	1.9m	1.9m	1.9m	2.0m	2.0m	2.0m	2.1m	2.1m
230	242	1.2m	1.3m	1.3m	1.3m	1.3m	1.3m	1.4m	1.4m	1.4m	1.5m	1.5m	1.5m	1.6m	1.6m	1.6m	1.6m
161*	169	0.8m	0.8m	0.9m	0.9m	0.9m	0.9m	0.9m	1.0m	1.0m	1.0m	1.0m	1.0m	1.1m	1.1m	1.1m	1.1m
138*	145	0.7m	0.7m	0.7m	0.7m	0.7m	0.7m	0.8m	0.8m	0.8m	0.9m	0.9m	0.9m	0.9m	0.9m	1.0m	1.0m
115*	121	0.6m	0.6m	0.6m	0.6m	0.6m	0.6m	0.6m	0.7m	0.7m	0.7m	0.7m	0.7m	0.8m	0.8m	0.8m	0.8m
88*	100	0.4m	0.4m	0.5m	0.5m	0.5m	0.5m	0.6m	0.6m	0.6m	0.6m	0.6m	0.6m	0.6m	0.6m	0.7m	0.7m
69*	72	0.3m	0.3m	0.3m	0.4m	0.4m	0.4m	0.4m	0.4m	0.4m	0.4m	0.4m	0.4m	0.4m	0.5m	0.5m	0.5m

* Such lines are applicable to this standard only if PC has determined such per FAC-014 (refer to the Applicability Section above)

^{*} Table 2 – Table of MVCD values at a 1.0 gap factor (in U.S. customary units), which is located in the EPRI report filed with FERC on August 12, 2015. (The 14000-15000 foot values were subsequently provided by EPRI in an updated Table 2 on December 1, 2015, filed with the FAC-003-4 Petition at FERC)

²⁰ The distances in this Table are the minimums required to prevent Flash-over; however prudent vegetation maintenance practices dictate that substantially greater distances will be achieved at time of vegetation maintenance.

²¹ Where applicable lines are operated at nominal voltages other than those listed, the applicable Transmission Owner or applicable Generator Owner should use the maximum system voltage to determine the appropriate clearance for that line.

²² The change in transient overvoltage factors in the calculations are the driver in the decrease in MVCDs for voltages of 345 kV and above. Refer to pp.29-31 in the supplemental materials for additional information.

TABLE 2 (CONT) — Minimum Vegetation Clearance Distances (MVCD)²³
 For Direct Current Voltages feet (meters)

{ DC } Nominal Pole to Ground Voltage (kV)	MVCD meters Over sea level up to 500 ft	MVCD meters Over 500 ft up to 1000 ft	MVCD meters Over 1000 ft up to 2000 ft	MVCD meters Over 2000 ft up to 3000 ft	MVCD meters Over 3000 ft up to 4000 ft	MVCD meters Over 4000 ft up to 5000 ft	MVCD meters Over 5000 ft up to 6000 ft	MVCD meters Over 6000 ft up to 7000 ft	MVCD meters Over 7000 ft up to 8000 ft	MVCD meters Over 8000 ft up to 9000 ft	MVCD meters Over 9000 ft up to 10000 ft	MVCD meters Over 10000 ft up to 11000 ft
	{Over sea level up to 152.4 m}	{Over 152.4 m up to 304.8 m}	{Over 304.8 m up to 609.6m}	{Over 609.6m up to 914.4m}	{Over 914.4m up to 1219.2m}	{Over 1219.2m up to 1524m}	{Over 1524 m up to 1828.8 m}	{Over 1828.8m up to 2133.6m}	{Over 2133.6m up to 2438.4m}	{Over 2438.4m up to 2743.2m}	{Over 2743.2m up to 3048m}	{Over 3048m up to 3352.8m}
±750	14.12ft (4.30m)	14.31ft (4.36m)	14.70ft (4.48m)	15.07ft (4.59m)	15.45ft (4.71m)	15.82ft (4.82m)	16.2ft (4.94m)	16.55ft (5.04m)	16.91ft (5.15m)	17.27ft (5.26m)	17.62ft (5.37m)	17.97ft (5.48m)
±600	10.23ft (3.12m)	10.39ft (3.17m)	10.74ft (3.26m)	11.04ft (3.36m)	11.35ft (3.46m)	11.66ft (3.55m)	11.98ft (3.65m)	12.3ft (3.75m)	12.62ft (3.85m)	12.92ft (3.94m)	13.24ft (4.04m)	13.54ft (4.13m)
±500	8.03ft (2.45m)	8.16ft (2.49m)	8.44ft (2.57m)	8.71ft (2.65m)	8.99ft (2.74m)	9.25ft (2.82m)	9.55ft (2.91m)	9.82ft (2.99m)	10.1ft (3.08m)	10.38ft (3.16m)	10.65ft (3.25m)	10.92ft (3.33m)
±400	6.07ft (1.85m)	6.18ft (1.88m)	6.41ft (1.95m)	6.63ft (2.02m)	6.86ft (2.09m)	7.09ft (2.16m)	7.33ft (2.23m)	7.56ft (2.30m)	7.80ft (2.38m)	8.03ft (2.45m)	8.27ft (2.52m)	8.51ft (2.59m)
±250	3.50ft (1.07m)	3.57ft (1.09m)	3.72ft (1.13m)	3.87ft (1.18m)	4.02ft (1.23m)	4.18ft (1.27m)	4.34ft (1.32m)	4.5ft (1.37m)	4.66ft (1.42m)	4.83ft (1.47m)	5.00ft (1.52m)	5.17ft (1.58m)

²³ The distances in this Table are the minimums required to prevent Flash-over; however prudent vegetation maintenance practices dictate that substantially greater distances will be achieved at time of vegetation maintenance.

Guideline and Technical Basis

Effective dates:

The Compliance section is standard language used in most NERC standards to cover the general effective date and covers the vast majority of situations. A special case covers effective dates for (1) lines initially becoming subject to the Standard, (2) lines changing in applicability within the standard.

The special case is needed because the Planning Coordinators may designate lines below 200 kV to become elements of an IROL or Major WECC Transfer Path in a future Planning Year (PY). For example, studies by the Planning Coordinator in 2015 may identify a line to have that designation beginning in PY 2025, ten years after the planning study is performed. It is not intended for the Standard to be immediately applicable to, or in effect for, that line until that future PY begins. The effective date provision for such lines ensures that the line will become subject to the standard on January 1 of the PY specified with an allowance of at least 12 months for the applicable Transmission Owner or applicable Generator Owner to make the necessary preparations to achieve compliance on that line. A line operating below 200kV designated as an element of an IROL or Major WECC Transfer Path may be removed from that designation due to system improvements, changes in generation, changes in loads or changes in studies and analysis of the network.

<u>Date that Planning Study is completed</u>	<u>PY the line will become an IROL element</u>	<u>Effective Date</u>		
		<u>Date 1</u>	<u>Date 2</u>	<u>The later of Date 1 or Date 2</u>
05/15/2011	2012	05/15/2012	01/01/2012	05/15/2012
05/15/2011	2013	05/15/2012	01/01/2013	01/01/2013
05/15/2011	2014	05/15/2012	01/01/2014	01/01/2014
05/15/2011	2021	05/15/2012	01/01/2021	01/01/2021

Defined Terms:

Explanation for revising the definition of ROW:

The current NERC glossary definition of Right of Way has been modified to include Generator Owners and to address the matter set forth in Paragraph 734 of FERC Order 693. The Order pointed out that Transmission Owners may in some cases own more property or rights than are needed to reliably operate transmission lines. This definition represents a slight but significant departure from the strict legal definition of "right of way" in that this definition is based on engineering and construction considerations that establish the width of a corridor from a technical basis. The pre-2007 maintenance records are included in the current definition to allow the use of such vegetation widths if there were no engineering or construction standards that

referenced the width of right of way to be maintained for vegetation on a particular line but the evidence exists in maintenance records for a width that was in fact maintained prior to this standard becoming mandatory. Such widths may be the only information available for lines that had limited or no vegetation easement rights and were typically maintained primarily to ensure public safety. This standard does not require additional easement rights to be purchased to satisfy a minimum right of way width that did not exist prior to this standard becoming mandatory.

Explanation for revising the definition of Vegetation Inspection:

The current glossary definition of this NERC term was modified to include Generator Owners and to allow both maintenance inspections and vegetation inspections to be performed concurrently. This allows potential efficiencies, especially for those lines with minimal vegetation and/or slow vegetation growth rates.

Explanation of the derivation of the MVCD:

The MVCD is a calculated minimum distance that is derived from the Gallet equation. This is a method of calculating a flash over distance that has been used in the design of high voltage transmission lines. Keeping vegetation away from high voltage conductors by this distance will prevent voltage flash-over to the vegetation. See the explanatory text below for Requirement R3 and associated Figure 1. Table 2 of the Standard provides MVCD values for various voltages and altitudes. The table is based on empirical testing data from EPRI as requested by FERC in Order No. 777.

Project 2010-07.1 Adjusted MVCDs per EPRI Testing:

In Order No. 777, FERC directed NERC to undertake testing to gather empirical data validating the appropriate gap factor used in the Gallet equation to calculate MVCDs, specifically the gap factor for the flash-over distances between conductors and vegetation. See, Order No. 777, at P 60. NERC engaged industry through a collaborative research project and contracted EPRI to complete the scope of work. In January 2014, NERC formed an advisory group to assist with developing the scope of work for the project. This team provided subject matter expertise for developing the test plan, monitoring testing, and vetting the analysis and conclusions to be submitted in a final report. The advisory team was comprised of NERC staff, arborists, and industry members with wide-ranging expertise in transmission engineering, insulation coordination, and vegetation management. The testing project commenced in April 2014 and continued through October 2014 with the final set of testing completed in May 2015. Based on these testing results conducted by EPRI, and consistent with the report filed in FERC Docket No. RM12-4-000, the gap factor used in the Gallet equation required adjustment from 1.3 to 1.0. This resulted in increased MVCD values for all alternating current system voltages identified. The adjusted MVCD values, reflecting the 1.0 gap factor, are included in Table 2 of version 4 of FAC-003.

The air gap testing completed by EPRI per FERC Order No. 777 established that trees with large spreading canopies growing directly below energized high voltage conductors create the

greatest likelihood of an air gap flash over incident and was a key driver in changing the gap factor to a more conservative value of 1.0 in version 4 of this standard.

Requirements R1 and R2:

R1 and R2 are performance-based requirements. The reliability objective or outcome to be achieved is the management of vegetation such that there are no vegetation encroachments within a minimum distance of transmission lines. Content-wise, R1 and R2 are the same requirements; however, they apply to different Facilities. Both R1 and R2 require each applicable Transmission Owner or applicable Generator Owner to manage vegetation to prevent encroachment within the MVCD of transmission lines. R1 is applicable to lines that are identified as an element of an IROL or Major WECC Transfer Path. R2 is applicable to all other lines that are not elements of IROLs, and not elements of Major WECC Transfer Paths.

The separation of applicability (between R1 and R2) recognizes that inadequate vegetation management for an applicable line that is an element of an IROL or a Major WECC Transfer Path is a greater risk to the interconnected electric transmission system than applicable lines that are not elements of IROLs or Major WECC Transfer Paths. Applicable lines that are not elements of IROLs or Major WECC Transfer Paths do require effective vegetation management, but these lines are comparatively less operationally significant.

Requirements R1 and R2 state that if inadequate vegetation management allows vegetation to encroach within the MVCD distance as shown in Table 2, it is a violation of the standard. Table 2 distances are the minimum clearances that will prevent spark-over based on the Gallet equations. These requirements assume that transmission lines and their conductors are operating within their Rating. If a line conductor is intentionally or inadvertently operated beyond its Rating and Rated Electrical Operating Condition (potentially in violation of other standards), the occurrence of a clearance encroachment may occur solely due to that condition. For example, emergency actions taken by an applicable Transmission Owner or applicable Generator Owner or Reliability Coordinator to protect an Interconnection may cause excessive sagging and an outage. Another example would be ice loading beyond the line's Rating and Rated Electrical Operating Condition. Such vegetation-related encroachments and outages are not violations of this standard.

Evidence of failures to adequately manage vegetation include real-time observation of a vegetation encroachment into the MVCD (absent a Sustained Outage), or a vegetation-related encroachment resulting in a Sustained Outage due to a fall-in from inside the ROW, or a vegetation-related encroachment resulting in a Sustained Outage due to the blowing together of the lines and vegetation located inside the ROW, or a vegetation-related encroachment resulting in a Sustained Outage due to a grow-in. Faults which do not cause a Sustained outage and which are confirmed to have been caused by vegetation encroachment within the MVCD are considered the equivalent of a Real-time observation for violation severity levels.

With this approach, the VSLs for R1 and R2 are structured such that they directly correlate to the severity of a failure of an applicable Transmission Owner or applicable Generator Owner to manage vegetation and to the corresponding performance level of the Transmission Owner's

vegetation program's ability to meet the objective of "preventing the risk of those vegetation related outages that could lead to Cascading." Thus violation severity increases with an applicable Transmission Owner's or applicable Generator Owner's inability to meet this goal and its potential of leading to a Cascading event. The additional benefits of such a combination are that it simplifies the standard and clearly defines performance for compliance. A performance-based requirement of this nature will promote high quality, cost effective vegetation management programs that will deliver the overall end result of improved reliability to the system.

Multiple Sustained Outages on an individual line can be caused by the same vegetation. For example initial investigations and corrective actions may not identify and remove the actual outage cause then another outage occurs after the line is re-energized and previous high conductor temperatures return. Such events are considered to be a single vegetation-related Sustained Outage under the standard where the Sustained Outages occur within a 24 hour period.

If the applicable Transmission Owner or applicable Generator Owner has applicable lines operated at nominal voltage levels not listed in Table 2, then the applicable TO or applicable GO should use the next largest clearance distance based on the next highest nominal voltage in the table to determine an acceptable distance.

Requirement R3:

R3 is a competency based requirement concerned with the maintenance strategies, procedures, processes, or specifications, an applicable Transmission Owner or applicable Generator Owner uses for vegetation management.

An adequate transmission vegetation management program formally establishes the approach the applicable Transmission Owner or applicable Generator Owner uses to plan and perform vegetation work to prevent transmission Sustained Outages and minimize risk to the transmission system. The approach provides the basis for evaluating the intent, allocation of appropriate resources, and the competency of the applicable Transmission Owner or applicable Generator Owner in managing vegetation. There are many acceptable approaches to manage vegetation and avoid Sustained Outages. However, the applicable Transmission Owner or applicable Generator Owner must be able to show the documentation of its approach and how it conducts work to maintain clearances.

An example of one approach commonly used by industry is ANSI Standard A300, part 7. However, regardless of the approach a utility uses to manage vegetation, any approach an applicable Transmission Owner or applicable Generator Owner chooses to use will generally contain the following elements:

1. *the maintenance strategy used (such as minimum vegetation-to-conductor distance or maximum vegetation height) to ensure that MVCD clearances are never violated*

2. *the work methods that the applicable Transmission Owner or applicable Generator Owner uses to control vegetation*
3. *a stated Vegetation Inspection frequency*
4. *an annual work plan*

The conductor's position in space at any point in time is continuously changing in reaction to a number of different loading variables. Changes in vertical and horizontal conductor positioning are the result of thermal and physical loads applied to the line. Thermal loading is a function of line current and the combination of numerous variables influencing ambient heat dissipation including wind velocity/direction, ambient air temperature and precipitation. Physical loading applied to the conductor affects sag and sway by combining physical factors such as ice and wind loading. The movement of the transmission line conductor and the MVCD is illustrated in Figure 1 below.

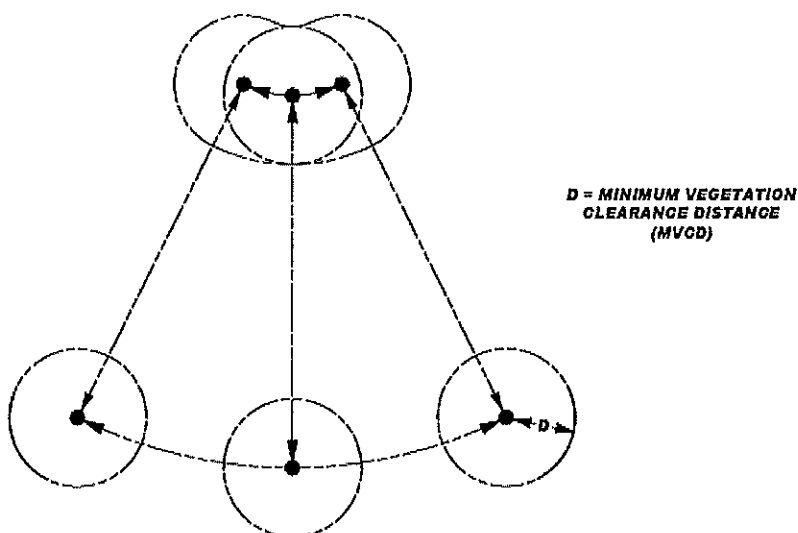


Figure 1

A cross-section view of a single conductor at a given point along the span is shown with six possible conductor positions due to movement resulting from thermal and mechanical loading.

Requirement R4:

R4 is a risk-based requirement. It focuses on preventative actions to be taken by the applicable Transmission Owner or applicable Generator Owner for the mitigation of Fault risk when a vegetation threat is confirmed. R4 involves the notification of potentially threatening vegetation conditions, without any intentional delay, to the control center holding switching authority for that specific transmission line. Examples of acceptable unintentional delays may

include communication system problems (for example, cellular service or two-way radio disabled), crews located in remote field locations with no communication access, delays due to severe weather, etc.

Confirmation is key that a threat actually exists due to vegetation. This confirmation could be in the form of an applicable Transmission Owner or applicable Generator Owner employee who personally identifies such a threat in the field. Confirmation could also be made by sending out an employee to evaluate a situation reported by a landowner.

Vegetation-related conditions that warrant a response include vegetation that is near or encroaching into the MVCD (a grow-in issue) or vegetation that could fall into the transmission conductor (a fall-in issue). A knowledgeable verification of the risk would include an assessment of the possible sag or movement of the conductor while operating between no-load conditions and its rating.

The applicable Transmission Owner or applicable Generator Owner has the responsibility to ensure the proper communication between field personnel and the control center to allow the control center to take the appropriate action until or as the vegetation threat is relieved. Appropriate actions may include a temporary reduction in the line loading, switching the line out of service, or other preparatory actions in recognition of the increased risk of outage on that circuit. The notification of the threat should be communicated in terms of minutes or hours as opposed to a longer time frame for corrective action plans (see R5).

All potential grow-in or fall-in vegetation-related conditions will not necessarily cause a Fault at any moment. For example, some applicable Transmission Owners or applicable Generator Owners may have a danger tree identification program that identifies trees for removal with the potential to fall near the line. These trees would not require notification to the control center unless they pose an immediate fall-in threat.

Requirement R5:

R5 is a risk-based requirement. It focuses upon preventative actions to be taken by the applicable Transmission Owner or applicable Generator Owner for the mitigation of Sustained Outage risk when temporarily constrained from performing vegetation maintenance. The intent of this requirement is to deal with situations that prevent the applicable Transmission Owner or applicable Generator Owner from performing planned vegetation management work and, as a result, have the potential to put the transmission line at risk. Constraints to performing vegetation maintenance work as planned could result from legal injunctions filed by property owners, the discovery of easement stipulations which limit the applicable Transmission Owner's or applicable Generator Owner's rights, or other circumstances.

This requirement is not intended to address situations where the transmission line is not at potential risk and the work event can be rescheduled or re-planned using an alternate work methodology. For example, a land owner may prevent the planned use of herbicides to control incompatible vegetation outside of the MVCD, but agree to the use of mechanical clearing. In

this case the applicable Transmission Owner or applicable Generator Owner is not under any immediate time constraint for achieving the management objective, can easily reschedule work using an alternate approach, and therefore does not need to take interim corrective action.

However, in situations where transmission line reliability is potentially at risk due to a constraint, the applicable Transmission Owner or applicable Generator Owner is required to take an interim corrective action to mitigate the potential risk to the transmission line. A wide range of actions can be taken to address various situations. General considerations include:

- Identifying locations where the applicable Transmission Owner or applicable Generator Owner is constrained from performing planned vegetation maintenance work which potentially leaves the transmission line at risk.
- Developing the specific action to mitigate any potential risk associated with not performing the vegetation maintenance work as planned.
- Documenting and tracking the specific action taken for the location.
- In developing the specific action to mitigate the potential risk to the transmission line the applicable Transmission Owner or applicable Generator Owner could consider location specific measures such as modifying the inspection and/or maintenance intervals. Where a legal constraint would not allow any vegetation work, the interim corrective action could include limiting the loading on the transmission line.
- The applicable Transmission Owner or applicable Generator Owner should document and track the specific corrective action taken at each location. This location may be indicated as one span, one tree or a combination of spans on one property where the constraint is considered to be temporary.

Requirement R6:

R6 is a risk-based requirement. This requirement sets a minimum time period for completing Vegetation Inspections. The provision that Vegetation Inspections can be performed in conjunction with general line inspections facilitates a Transmission Owner's ability to meet this requirement. However, the applicable Transmission Owner or applicable Generator Owner may determine that more frequent vegetation specific inspections are needed to maintain reliability levels, based on factors such as anticipated growth rates of the local vegetation, length of the local growing season, limited ROW width, and local rainfall. Therefore it is expected that some transmission lines may be designated with a higher frequency of inspections.

The VSLs for Requirement R6 have levels ranked by the failure to inspect a percentage of the applicable lines to be inspected. To calculate the appropriate VSL the applicable Transmission Owner or applicable Generator Owner may choose units such as: circuit, pole line, line miles or kilometers, etc.

For example, when an applicable Transmission Owner or applicable Generator Owner operates 2,000 miles of applicable transmission lines this applicable Transmission Owner or applicable

Generator Owner will be responsible for inspecting all the 2,000 miles of lines at least once during the calendar year. If one of the included lines was 100 miles long, and if it was not inspected during the year, then the amount failed to inspect would be $100/2000 = 0.05$ or 5%. The “Low VSL” for R6 would apply in this example.

Requirement R7:

R7 is a risk-based requirement. The applicable Transmission Owner or applicable Generator Owner is required to complete its annual work plan for vegetation management to accomplish the purpose of this standard. Modifications to the work plan in response to changing conditions or to findings from vegetation inspections may be made and documented provided they do not put the transmission system at risk. The annual work plan requirement is not intended to necessarily require a “span-by-span”, or even a “line-by-line” detailed description of all work to be performed. It is only intended to require that the applicable Transmission Owner or applicable Generator Owner provide evidence of annual planning and execution of a vegetation management maintenance approach which successfully prevents encroachment of vegetation into the MVCD.

When an applicable Transmission Owner or applicable Generator Owner identifies 1,000 miles of applicable transmission lines to be completed in the applicable Transmission Owner’s or applicable Generator Owner’s annual plan, the applicable Transmission Owner or applicable Generator Owner will be responsible completing those identified miles. If an applicable Transmission Owner or applicable Generator Owner makes a modification to the annual plan that does not put the transmission system at risk of an encroachment the annual plan may be modified. If 100 miles of the annual plan is deferred until next year the calculation to determine what percentage was completed for the current year would be: $1000 - 100$ (deferred miles) = 900 modified annual plan, or $900 / 900 = 100\%$ completed annual miles. If an applicable Transmission Owner or applicable Generator Owner only completed 875 of the total 1000 miles with no acceptable documentation for modification of the annual plan the calculation for failure to complete the annual plan would be: $1000 - 875 = 125$ miles failed to complete then, 125 miles (not completed) / 1000 total annual plan miles = 12.5% failed to complete.

The ability to modify the work plan allows the applicable Transmission Owner or applicable Generator Owner to change priorities or treatment methodologies during the year as conditions or situations dictate. For example recent line inspections may identify unanticipated high priority work, weather conditions (drought) could make herbicide application ineffective during the plan year, or a major storm could require redirecting local resources away from planned maintenance. This situation may also include complying with mutual assistance agreements by moving resources off the applicable Transmission Owner’s or applicable Generator Owner’s system to work on another system. Any of these examples could result in acceptable deferrals or additions to the annual work plan provided that they do not put the transmission system at risk of a vegetation encroachment.

In general, the vegetation management maintenance approach should use the full extent of the applicable Transmission Owner’s or applicable Generator Owner’s easement, fee simple and

other legal rights allowed. A comprehensive approach that exercises the full extent of legal rights on the ROW is superior to incremental management because in the long term it reduces the overall potential for encroachments, and it ensures that future planned work and future planned inspection cycles are sufficient.

When developing the annual work plan the applicable Transmission Owner or applicable Generator Owner should allow time for procedural requirements to obtain permits to work on federal, state, provincial, public, tribal lands. In some cases the lead time for obtaining permits may necessitate preparing work plans more than a year prior to work start dates. Applicable Transmission Owners or applicable Generator Owners may also need to consider those special landowner requirements as documented in easement instruments.

This requirement sets the expectation that the work identified in the annual work plan will be completed as planned. Therefore, deferrals or relevant changes to the annual plan shall be documented. Depending on the planning and documentation format used by the applicable Transmission Owner or applicable Generator Owner, evidence of successful annual work plan execution could consist of signed-off work orders, signed contracts, printouts from work management systems, spreadsheets of planned versus completed work, timesheets, work inspection reports, or paid invoices. Other evidence may include photographs, and walk-through reports.

Notes:

The SDT determined that the use of IEEE 516-2003 in version 1 of FAC-003 was a misapplication. The SDT consulted specialists who advised that the Gallet equation would be a technically justified method. The explanation of why the Gallet approach is more appropriate is explained in the paragraphs below.

The drafting team sought a method of establishing minimum clearance distances that uses realistic weather conditions and realistic maximum transient over-voltages factors for in-service transmission lines.

The SDT considered several factors when looking at changes to the minimum vegetation to conductor distances in FAC-003-1:

- avoid the problem associated with referring to tables in another standard (IEEE-516-2003)
- transmission lines operate in non-laboratory environments (wet conditions)
- transient over-voltage factors are lower for in-service transmission lines than for inadvertently re-energized transmission lines with trapped charges.

FAC-003-1 used the minimum air insulation distance (MAID) without tools formula provided in IEEE 516-2003 to determine the minimum distance between a transmission line conductor and vegetation. The equations and methods provided in IEEE 516 were developed by an IEEE Task Force in 1968 from test data provided by thirteen independent laboratories. The distances provided in IEEE 516 Tables 5 and 7 are based on the withstand voltage of a dry rod-rod air gap,

or in other words, dry laboratory conditions. Consequently, the validity of using these distances in an outside environment application has been questioned.

FAC-003-1 allowed Transmission Owners to use either Table 5 or Table 7 to establish the minimum clearance distances. Table 7 could be used if the Transmission Owner knew the maximum transient over-voltage factor for its system. Otherwise, Table 5 would have to be used. Table 5 represented minimum air insulation distances under the worst possible case for transient over-voltage factors. These worst case transient over-voltage factors were as follows: 3.5 for voltages up to 362 kV phase to phase; 3.0 for 500 - 550 kV phase to phase; and 2.5 for 765 to 800 kV phase to phase. These worst case over-voltage factors were also a cause for concern in this particular application of the distances.

In general, the worst case transient over-voltages occur on a transmission line that is inadvertently re-energized immediately after the line is de-energized and a trapped charge is still present. The intent of FAC-003 is to keep a transmission line that is in service from becoming de-energized (i.e. tripped out) due to spark-over from the line conductor to nearby vegetation. Thus, the worst case transient overvoltage assumptions are not appropriate for this application. Rather, the appropriate over voltage values are those that occur only while the line is energized.

Typical values of transient over-voltages of in-service lines are not readily available in the literature because they are negligible compared with the maximums. A conservative value for the maximum transient over-voltage that can occur anywhere along the length of an in-service ac line was approximately 2.0 per unit. This value was a conservative estimate of the transient over-voltage that is created at the point of application (e.g. a substation) by switching a capacitor bank without pre-insertion devices (e.g. closing resistors). At voltage levels where capacitor banks are not very common (e.g. Maximum System Voltage of 362 kV), the maximum transient over-voltage of an in-service ac line are created by fault initiation on adjacent ac lines and shunt reactor bank switching. These transient voltages are usually 1.5 per unit or less.

Even though these transient over-voltages will not be experienced at locations remote from the bus at which they are created, in order to be conservative, it is assumed that all nearby ac lines are subjected to this same level of over-voltage. Thus, a maximum transient over-voltage factor of 2.0 per unit for transmission lines operated at 302 kV and below was considered to be a realistic maximum in this application. Likewise, for ac transmission lines operated at Maximum System Voltages of 362 kV and above a transient over-voltage factor of 1.4 per unit was considered a realistic maximum.

The Gallet equations are an accepted method for insulation coordination in tower design. These equations are used for computing the required strike distances for proper transmission line insulation coordination. They were developed for both wet and dry applications and can be used with any value of transient over-voltage factor. The Gallet equation also can take into account various air gap geometries. This approach was used to design the first 500 kV and 765 kV lines in North America.

If one compares the MAID using the IEEE 516-2003 Table 7 (table D.5 for English values) with the critical spark-over distances computed using the Gallet wet equations, for each of the nominal voltage classes and identical transient over-voltage factors, the Gallet equations yield a more conservative (larger) minimum distance value.

Distances calculated from either the IEEE 516 (dry) formulas or the Gallet “wet” formulas are not vastly different when the same transient overvoltage factors are used; the “wet” equations will consistently produce slightly larger distances than the IEEE 516 equations when the same transient overvoltage is used. While the IEEE 516 equations were only developed for dry conditions the Gallet equations have provisions to calculate spark-over distances for both wet and dry conditions.

Since no empirical data for spark over distances to live vegetation existed at the time version 3 was developed, the SDT chose a proven method that has been used in other EHV applications. The Gallet equations relevance to wet conditions and the selection of a Transient Overvoltage Factor that is consistent with the absence of trapped charges on an in-service transmission line make this methodology a better choice.

The following table is an example of the comparison of distances derived from IEEE 516 and the Gallet equations.

**Comparison of spark-over distances computed using Gallet wet equations vs.
IEEE 516-2003 MAID distances**

(AC) Nom System Voltage (kV)	(AC) Max System Voltage (kV)	Transient Over-voltage Factor (T)	Clearance (ft.) Gallet (wet) @ Alt. 3000 feet	Table 7 (Table D.5 for feet) IEEE 516-2003 MAID (ft) @ Alt. 3000 feet
765	800	2.0	14.36	13.95
500	550	2.4	11.0	10.07
345	362	3.0	8.55	7.47
230	242	3.0	5.28	4.2
115	121	3.0	2.46	2.1

Rationale:

During development of this standard, text boxes were embedded within the standard to explain the rationale for various parts of the standard. Upon BOT approval, the text from the rationale text boxes was moved to this section.

Rationale for Applicability (section 4.2.4):

The areas excluded in 4.2.4 were excluded based on comments from industry for reasons summarized as follows:

- 1) There is a very low risk from vegetation in this area. Based on an informal survey, no TOs reported such an event.
- 2) Substations, switchyards, and stations have many inspection and maintenance activities that are necessary for reliability. Those existing process manage the threat. As such, the formal steps in this standard are not well suited for this environment.
- 3) Specifically addressing the areas where the standard does and does not apply makes the standard clearer.

Rationale for Applicability (section 4.3):

Within the text of NERC Reliability Standard FAC-003-3, “transmission line(s)” and “applicable line(s)” can also refer to the generation Facilities as referenced in 4.3 and its subsections.

Rationale for R1 and R2:

Lines with the highest significance to reliability are covered in R1; all other lines are covered in R2.

Rationale for the types of failure to manage vegetation which are listed in order of increasing degrees of severity in non-compliant performance as it relates to a failure of an applicable Transmission Owner's or applicable Generator Owner's vegetation maintenance program:

1. This management failure is found by routine inspection or Fault event investigation, and is normally symptomatic of unusual conditions in an otherwise sound program.
2. This management failure occurs when the height and location of a side tree within the ROW is not adequately addressed by the program.
3. This management failure occurs when side growth is not adequately addressed and may be indicative of an unsound program.
4. This management failure is usually indicative of a program that is not addressing the most fundamental dynamic of vegetation management, (i.e. a grow-in under the line). If this type of failure is pervasive on multiple lines, it provides a mechanism for a Cascade.

Rationale for R3:

The documentation provides a basis for evaluating the competency of the applicable Transmission Owner's or applicable Generator Owner's vegetation program. There may be many acceptable approaches to maintain clearances. Any approach must demonstrate that the

applicable Transmission Owner or applicable Generator Owner avoids vegetation-to-wire conflicts under all Ratings and all Rated Electrical Operating Conditions.

Rationale for R4:

This is to ensure expeditious communication between the applicable Transmission Owner or applicable Generator Owner and the control center when a critical situation is confirmed.

Rationale for R5:

Legal actions and other events may occur which result in constraints that prevent the applicable Transmission Owner or applicable Generator Owner from performing planned vegetation maintenance work.

In cases where the transmission line is put at potential risk due to constraints, the intent is for the applicable Transmission Owner and applicable Generator Owner to put interim measures in place, rather than do nothing.

The corrective action process is not intended to address situations where a planned work methodology cannot be performed but an alternate work methodology can be used.

Rationale for R6:

Inspections are used by applicable Transmission Owners and applicable Generator Owners to assess the condition of the entire ROW. The information from the assessment can be used to determine risk, determine future work and evaluate recently-completed work. This requirement sets a minimum Vegetation Inspection frequency of once per calendar year but with no more than 18 months between inspections on the same ROW. Based upon average growth rates across North America and on common utility practice, this minimum frequency is reasonable. Transmission Owners should consider local and environmental factors that could warrant more frequent inspections.

Rationale for R7:

This requirement sets the expectation that the work identified in the annual work plan will be completed as planned. It allows modifications to the planned work for changing conditions, taking into consideration anticipated growth of vegetation and all other environmental factors, provided that those modifications do not put the transmission system at risk of a vegetation encroachment.

Sayers, Margery

From: Mike McCann <mike.mccann@fcc-eng.com>
Sent: Monday, September 23, 2019 7:11 PM
To: CouncilMail
Subject: testimony AGAINST CB38

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

Good evening, Council Chair Mercer Rigby, Council Vice Chair Jones and esteemed Council Members.

I am here this evening to testify **AGAINST** CB38. I am a principal in a small business in Ellicott City that has spent our entire 42-year existence in Ellicott City. We are a local engineering firm that has and continues to do business with various County departments, private property owners like the gentlemen and previous speaker that wished to build a home in his backyard, and YES, developers, too. I am not an expert in SWM.

I do not envy your position. You have been given a great responsibility. You must consider all sides of an issue, the impacts and consequences, and then comprehensively balance this information with consideration given to all stakeholders of Howard County. In this regard, this Bill is very complicated. Among the many issues I've heard discussed related to this Bill, and in no order, there are central concerns related to the protection of Ellicott City from future floods, Life Safety, unintended consequences from this Bill, and dare I say, growth of our tax base. These are all very important issues, and are not the only issues that may be considered in this debate. Related to these issues, I offer the following:

- I must agree that the land use items impacted by this Bill do impact SWM, but they are proposed and under consideration in a vacuum. As you have heard from County Engineers and County Consultants alike, SWM can be provided to mimic the existing hydrologic conditions of a property, and consequently, could be provided to improve the hydrologic conditions of a property, too. This means that development could improve our ability to protect EC. If proposed SWM measures in design or under construction by the County helps to protect EC, why would SWM from the few undeveloped properties in the watershed be any different. This Bill seems well intended, but I believe it misses the mark. This is an anti-business, stop development Bill, not a protect EC Bill.

- This Bill is an anti-business, stop development Bill. CB 38 is not a Life Safety Bill.

- I realize the bill contains certain exemptions for the County to build SWM to help protect EC, but if the items identified in this bill are so important to life safety and the protection of EC why wouldn't the County follow the same edict?

- Given that the County is one of the biggest property owners in the watershed, has the Council asked for, received, and evaluated information pertaining to the impact of this bill of County properties and their future use (Courthouse parking lot, the building we are in right now, the County T1 SWM facility, etc.). How about the impacts of less growth in this watershed, and it's impacts on the HCPSS current and future budget issues? Has this been considered by this Council and HCPSS?

- Based on the drawing of the map to accompany this bill, many properties along the perimeter of the watershed boundary that drain away from the watershed are shown as in the watershed (based on County topo drawings). This is very problematic, and should be addressed prior to any vote on CB38.

Since CB does not address life safety and/or the protection of EC and is fraught with negative impacts to other issues critically important to Howard County's continued overall success, I am against this Bill, and I hope you will be, too.

Thank you for your time and consideration.

-Michael J. McCann

Sayers, Margery

From: Paul Marzin <paul.marzin@gmail.com>
Sent: Monday, September 23, 2019 6:41 PM
To: CouncilMail
Cc: Walsh, Elizabeth
Subject: observation of CB38 testimony today
Attachments: Testimony observations from today.pdf

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

I watched the entire testimony from the Live video feed this afternoon for CB38. Just wanted to share some observations and thoughts to help you maybe get through your work session tasks. I already submitted written testimony. This is not testimony but just for all of you or you can add it as testimony. Whatever helps with your process. Hopefully, I'm using the Councilmail address to get to you. If not, Liz could you please share with your colleagues?

Thanks,

Paul Marzin
Ellicott City - District 1

FYI - the live video feed experience was awful. It stops every couple of minutes and you have to restart it constantly. I think you need to get on your IT department to provide a better streaming solution that is more reliable for people. It is very useful but has to be scaled to handle lots of connections and work properly.

PASS CB38-2019

September 23, 2019

Paul Marzin
4450 Ilchester Road
Ellicott City, MD 21043

Dear Council Members,

Here are a couple of counter points that I would like you to consider after I observed the entire opposition testimony on September 23rd.

(1) Home properties will decline in value - I don't think so...

I know my property will be reduced in value because of developing the property next to and above me. Buying a piece of property that borders the State Park and environmental areas is a calculated risk. I took that risk because I wanted the protection and I thought I'd get it from Howard County and the State of Maryland.

I created something unique that requires the unique landscape to stay that way. I see it as my responsibility to keep it that way. Allowing an adjacent development with the current site plan will destroy it. This is very similar to what Cathy Hudson's testimony described. I have a lot of wildlife, birds, and life around me and I cherish it and feel very lucky to have that. I want it to stay and not have a dead land zone. I have a Well for water and nobody seems to be concerned about studying the hydrology around that and any impact of dry wells with their runoff.

It seems to me that District One properties are targets for small developers to go after and many times exploiting the financial need of the property owners. Many property owners who I have talked to have regretted selling their properties after seeing how the development was done. There is no accountability here for a developer nor engineering firms. At least not from DPZ.

(2) Doing nothing, postponing, amendments, veto, or extending the bill for further study - Same old.

My thoughts are to do the opposite. Pass it first, then others have opportunities to bring up other Bills in the future to address concerns. Influence change here. The status quo has been to table, delay, extend for another day. This is not going to go away. A lot of people have spent a lot of time voicing their concerns on this with testimony, personal experiences and how it applies to them. Don't do the same and allow the inequality to continue in Howard County. Just the notion of passing this Bill will send a very strong message to the rest. The gentleman from UBMC has some

PASS CB38-2019

great points here. It is time to take a different approach. The old one is not working. DPZ is not going to do anything here unless you pass legislation to force it to.

My sister-in-law just became a US citizen last week. She is from Germany and married to my brother. I was invited to her swearing in ceremony which was unbelievable. 28 people from 26 countries at the White House. Vice President Mike Pence spoke and stayed the entire hour and half with the candidates and guests. Politics aside, it was an amazing experience and a symbol of our processes around freedom. In his speech to the new citizens, he asked them to get involved in our government, voice your opinions, work with our processes, and work hard and you will be able to accomplish whatever you want to achieve here. Again, amazing experience. It's on the C-SPAN website if you don't believe me :-). Never thought I'd be watching C-SPAN so much.

Being a US citizen from birth, I take this for granted and it was a great reminder to me and should be to all of us. I commend all of you for doing what you are doing and thank you. I know you are working on a lot of important things but they always seems to all come about at the same time. This is important as well.

Please take action on CB38 and influence change. We need it.

Thanks again,

Paul Marzin

Sayers, Margery

From: Twele, Larry
Sent: Monday, September 23, 2019 4:23 PM
To: Jones, Diane; Jones, Opel; Jung, Deb; Meyers, Jeff; Rigby, Christiana; Rosen, Lynne; Sayers, Margery; Singleton, Julia; Walsh, Elizabeth; Wimberly, Theo; Yungmann, David
Cc: Sidh, Sameer; Jones, Jennifer D.; Arthurs, Maureen
Subject: CB 38 Memo
Attachments: 190923- CB 38 Letter v1.pdf

Councilmembers –

Attached is the information requested on CB 38 addressing the points I covered in the work session last Friday.

LAWRENCE F. TWELE

CEO

Howard County Economic Development Authority

☎ 410-313-6500 (Office)

🏠 6751 Columbia Gateway Drive – Suite 500
Columbia, MD 21046

✉ ltwele@hceda.org

🌐 www.hceda.org



Confidentiality Notice: The information contained in this e-mail communication is confidential, and is intended only for the use of addressee. Unauthorized use, disclosure, copying or dissemination of this e-mail is strictly prohibited and may be unlawful. If you have received this e-mail communication in error, please immediately notify the sender. Thank you.



Members of the County Council:

CB 38 seeks to amend development regulations in the Patapsco Lower North Branch Watershed. The area of the Watershed extends from north of Woodstock Road down the Patapsco east to Elkridge and south to encompass both sides of the Route 1 Corridor to Route 175.

The bill speaks specifically to strict controls on residential development. The bill, however, also has a significant impact on both commercial and industrial properties and job growth. The consequences could be:

CB 38 will effectively freeze employment and levels of existing business along Route 1 to Route 175 due to the land use restrictions placed on commercial and industrial property owners. Without the ability to build new, expand an existing or redevelop older facilities job growth will be curtailed.

CB 38 discourages new commercial and industrial investment along the impacted areas and eliminates any additional contributions to the commercial/industrial tax base.

CB 38 will lessen property values of industrial and commercial land due to the land use restrictions.

CB 38 severely impacts the Route 1 Master Plan and Amendments which stress the assembly of small underperforming parcels into larger more productive commercial and industrial land use.

CB 38 sends a clear and negative message to corporate site location consultants and investors that will eliminate Howard County from consideration for larger corporate relocation projects.

The Economic Development Authority has done an analysis of the impact of CB 38 on job growth and tax revenues along the impacted areas of the Route 1 Corridor. Based on FY 2017 employment levels, 22,339 jobs exist on the impacted area. The breakdown is approximately 5,975 Industrial and 16,364 Commercial (Retail and Office) jobs. Using the most recent employment figures and the total developed acreage, HCEDA derived an average employment per acre of developed land. This figure was used to forecast the employment potential of the remaining undeveloped acreage. Undeveloped commercial and industrial land in the CB 38 affected area could have the capacity to provide for 940 jobs for Industrial and 1,511 for Commercial for a total of 2,452 jobs.

Figure 1: Potential Undeveloped Employment

	Industrial	Commercial	Total
2017 Jobs	5975	16364	22339
Existing Acreage	1131	877	2008
Jobs per Acre	5.3	18.7	11.1
Potential Acreage	178	81	259
Estimated Jobs Undeveloped	940	1511	2452

(Source: HCEDA analysis of US Census data and HC Department of Planning and Zoning)

Using a sample real property tax assessments from within the CB 38 affect area, HCEDA derived a range of real property tax values per acre for both commercial and industrial properties. Applying this range of values to the undeveloped commercial and industrial lands in the CB 38 affected area, equated to a

potential \$1.8 to \$4.3 million annually of industrial real property tax and a potential \$940,000 to \$1.9 million of annually of commercial real property tax in these spaces.

Figure 2: Potential Undeveloped Real Property Tax

	Industrial	Commercial	Total
Potential Acreage	178	81	259
Existing Tax Per Acre Range	\$9,421 to \$27,071	\$11,607 to \$22,876	N/A
<u>Real Property Tax Low</u>	\$1,676,950	\$940,162	\$2,617,112
<u>Real Property Tax High</u>	\$4,284,620	\$1,852,972	\$6,137,592

(Source: HCEDA analysis of CoStar data, HC Department of Finance and HC Department of Planning and Zoning)

The samples were chosen randomly, while ensuring a distribution of building class and location. Main Street Ellicott City properties were not included as the resulted in extremely high tax per acre rates. Specific properties can be found attached.

Figure 3: Sample Properties from CB 38 Affected Area

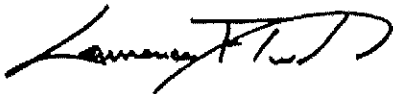
Property Address	PropertyType	Real Property Tax	Land Area (AC)	Tax per Acre
7079 Brookdale Dr	Industrial	\$17,805.82	1.9	\$9,421
6635 Business Pky	Industrial	\$174,061.43	16.4	\$10,614
7461 Coca Cola Dr	Industrial	\$288,850.78	12.0	\$24,071
6820 Deerpath Rd	Office	\$68,248.79	5.9	\$11,607
6085 Marshalee Dr	Office	\$305,854.70	13.4	\$22,876
8300 Baltimore National Pike	Retail	\$18,733.46	1.3	\$14,795

(Source: HCEDA analysis of CoStar data, Department of Finance, Department of Planning and Zoning)

Enactment of CB38 could potentially forgo 2,452 jobs and \$2.6 to \$6.2 million of annual total real property tax revenue.

HCEDA would urge the council to consider the overall impacts on the employment growth potential and commercial industrial tax base of Howard County and amend CB 38 to exclude these two sectors.

Sincerely,



Lawrence F. Twele
 Chief Executive Officer
 Howard County Economic Development Authority

Sayers, Margery

From: Judy Yolken <judlar@verizon.net>
Sent: Monday, September 23, 2019 1:40 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 - Vote for CB 38! Enough of the destruction of Ellicott City and its watershed. Save our beautiful area for future residents of this great county.

Eastern Howard County is over developed. Traffic is choking this area; schools are crowded!

Not only that, Dr. Taylor wants to develop the watershed into Ellicott City. He claims additional development will not impact the watershed. So untrue. Drainage has become an issue in the Village Crest area and homeowners paid for corrective drainage.

Vote to protect the community!

Judith Yolken

8120 Hickory High Ct. Unit Q

Ellicott City, Md 21043

Sent from my iPhone

Sayers, Margery

From: Michael Kreft <mikekreft92@hotmail.com>
Sent: Monday, September 23, 2019 1:33 PM
To: CouncilMail
Subject: Support for CB 38 from District One resident

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

Howard County Council,

I'm a long time resident of Howard County. I fully support the protections in Council Bill 38 that will protect undeveloped land in the Patapsco watershed near Ellicott City, reduce flood risks and limit developers from skirting environmental laws. These protections are long overdue.

Sincerely,

Michael Kreft
4616 Beechwood Road

Sayers, Margery

From: glissando77 <glissando77@gmail.com>
Sent: Monday, September 23, 2019 10:22 AM
To: CouncilMail
Subject: In Support of CB38 - Pass it Now!

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

As a long-time resident (34 years) of Howard County, I have seen the county progress from a relatively quiet set of thriving communities that had everything we needed nearby to an overcrowded and often unsafe urban/suburban county where making more money seems to be the driving factor for every council decision. When I drive along 175 or Broken Land Parkway, the first thought that comes to mind is HIDEOUS!! It's beginning to look like Baltimore ... no trees, no wildlife, tall buildings crowding out the sun, trash, and increased crime in the area, too much traffic (esp when Merriweather has an event ... hard to get home). Drives me away from supporting businesses in the area.

The continued development in this county has been a detriment to the citizens who live here ... remember them? the ones with the voting power? The council is charged to protect and serve the residents of the county ... your job is not to cater to the investors who seem to want to pave/build on every square inch possible, nor to draw new businesses into the county. There seems to be blatant disregard for the environmental impact, especially on our very vulnerable watersheds. The impact on our rivers and streams in recent years has been devastating ... this has caused far greater problems than any climate change ever could (the overdevelopment also contributes negatively to climate change as well)

It is time to STOP NON-ESSENTIAL DEVELOPMENT!!! It is time to STOP GRANTING WAIVERS AND IN LIEU OF FEES!! It is time to STOP CATERING TO INVESTERS. It is time to TAKE CARE OF OUR ENVIRONMENT and PROTECT OUR PEOPLE!!

Fix the existing problems that have already been caused by overdevelopment!! Overcrowded schools ... infrastructure that cannot handle the increased demands ... unsafe roads ... horrible traffic ... increased flooding ... increased crime. The taxpayers should not have to support this development and the environment should not have to suffer. No new development should be approved within the watershed. Policies which protect the environment should be strengthened and enforced ... no more waivers ... PERIOD!! No residential development should be approved until ALL school overcrowding has been eliminated (including the numerous temporary trailers being used as permanent classrooms). No development should be initiated until ALL supporting infrastructure impacts and upgrades have been completed (schools, water, roads, etc). Developers must be held accountable for these costs as well.

Please STOP FOCUSING ON MORE MONEY!! Take care of your people and your county first and foremost!! Pass CB38 NOW!!

Thank you for your consideration.
Kim Pelech

Sayers, Margery

From: Lorri Harle <lorri@lightingenvironments.com>
Sent: Monday, September 23, 2019 9:54 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.]

I am in total support of CB38

LORRI HARLE
6230Latchlift Ct
Elkridge, MD 21075

Sayers, Margery

From: Marisa McCurdy <marisahiggins@hotmail.com>
Sent: Sunday, September 22, 2019 10:17 PM
To: CouncilMail; Jones, Diane; Walsh, Elizabeth; Dvorak, Nicole
Subject: Testimony for CB 38
Attachments: County Council Testimony for CB 38.docx

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

All,

I signed up to testify in favor of CB 38 and was in attendance last week but was not called to testify. I'm unable to attend tomorrow's meeting due to work conflicts, but please see my attached testimony.

Marisa McCurdy
6802 Norris Lane
Elkridge MD 20175

My name is Marisa McCurdy and I live in a historic Elkridge neighborhood tucked back into Patapsco State Park. My property is adjacent to Patapsco River (just above Cascade Falls). I hiked to the Falls last Memorial Day during the flooding and witnessed first-hand the destruction brought to my immediate surroundings due partially due to overdevelopment.

I am here tonight to represent the large swath of public that is too busy to be engaged in a public hearing for something that seems to be so obviously in their interest. I am a busy mom of 3 kids (involved in PTA, cub scouts, debate club, church, etc) who came straight from back-to-school night because of how important it is to represent all those parents and concerned citizens who couldn't get childcare or have an emergency work project that they are dealing with this evening. I am also here for my children, their generation, and the following generation. So when you hear my voice, please hear thousands of people supporting me from their households tonight.

Whenever I talk to neighbors, friends, and family living locally, they unanimously support the concepts captured in CB 38. To be clear... climate change is real; our schools are overcrowded; our watershed is threatened; and our government officials are elected to represent ALL of our interests, not just those that fund re-election campaigns. I wish to personally thank Liz Walsh for having the courage to bring forth this legislation.

CB 38 proposes common sense legislation to help protect our watershed. We need to stop the exemptions, waivers, alternative compliance measures, entitlements, etc. In electing Liz Walsh, the people have spoken that we want CB 38 and the positive effects it will have in our County. I urge the remainder of the Council to listen to the general populous (your constituents) and pass CB 38.

Sayers, Margery

From: Brenda Schweiger <bkschweiger7@msn.com>
Sent: Sunday, September 22, 2019 8:25 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 am writing in support of bill CB38

Sincerely,
Brenda Schweiger
6230 Latchlift Ct.
Elkridge, MD 20175

Sent from my iPhone

Sayers, Margery

From: Larry <larrymcguigan@gmail.com>
Sent: Sunday, September 22, 2019 3:09 PM
To: CouncilMail
Cc: Ball, Calvin B
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.]

To the County Council of Howard County,

I'm writing to share my support for Council Bill 38 so that we can protect against future flooding risks in the Patapsco Lower North Branch Watershed. Developers are already destroying this county, why are they also getting so many waivers that excuse them from the current environmental laws? Stop the development so close to floodplains, wetlands, and on steep slopes. This is an excellent bill! Please do the right thing for this county.

Larry McGuigan
District 1, Hanover

Sent from my iPhone

Sayers, Margery

From: Sevanick, Jason <jason.sevanick@woodplc.com>
Sent: Friday, September 20, 2019 1:27 PM
To: CouncilMail
Subject: Written testimony for CB-38
Attachments: HOWARD CB38 Testimony - MAFSM Board Approved.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,

The Maryland Association of Floodplain and Stormwater Managers (MAFSM) appreciates the opportunity to provide the attached written testimony in support of the general principals of Howard County Council Bill 38, and we appreciate your continued focus on implementing solutions to mitigate flood risk for your community.

Sincerely,
Jason Sevanick Durant
MAFSM Chair

Jason Sevanick Durant, CFM, GISP
Maryland Association of Floodplain and Stormwater Managers
Chair
(301) 254-2160
jason.sevanick@woodplc.com



This message is the property of John Wood Group PLC and/or its subsidiaries and/or affiliates and is intended only for the named recipient(s). Its contents (including any attachments) may be confidential, legally privileged or otherwise protected from disclosure by law. Unauthorized use, copying, distribution or disclosure of any of it may be unlawful and is strictly prohibited. We assume no responsibility to persons other than the intended named recipient(s) and do not accept liability for any errors or omissions which are a result of email transmission. If you have received this message in error, please notify us immediately by reply email to the sender and confirm that the original message and any attachments and copies have been destroyed and deleted from your system.

If you do not wish to receive future unsolicited commercial electronic messages from us, please forward this email to: unsubscribe@woodplc.com and include "Unsubscribe" in the subject line. If applicable, you will continue to receive invoices, project communications and similar factual, non-commercial electronic communications.

Please click <http://www.woodplc.com/email-disclaimer> for notices and company information in relation to emails originating in the UK, Italy or France.

As a recipient of an email from a John Wood Group Plc company, your contact information will be on our systems and we may hold other personal data about you such as identification information, CVs, financial information and information contained in correspondence. For more information on our privacy practices and your data protection rights, please see our privacy notice at <https://www.woodplc.com/policies/privacy-notice>



Testimony Regarding Howard County Council Bill 38 September 20, 2019

The Maryland Association of Floodplain and Stormwater Managers (MAFSM), a state-wide non-profit organization dedicated to reducing flood losses in the country and protecting the natural functions of floodplains, is in support of the general principals of Howard County Council Bill 38.

MAFSM's purpose is:

- to provide education opportunities and dissemination of general and technical information to individuals concerned with sound floodplain and stormwater management;
- to promote public awareness of sound floodplain and stormwater management and the linkages between them;
- to encourage the exchange of information, ideas, experiences, etc. among practitioners of floodplain and stormwater management;
- to promote the professional status of floodplain and stormwater managers;
- to inform and provide technical information relative to legislation pertinent and necessary to the effective implementation of sound floodplain and stormwater management practices; and
- to promote environmentally sound solutions to floodplain and stormwater management problems.

It is known from experience that flood risk is very present in the Patapsco Lower North Branch watershed including many parts of Ellicott City and the historic Main Street, in particular. The potential for more intense rain over shorter durations in the future means current standards may not protect people and property within areas of the Patapsco Lower North Branch watershed. When local communities have data and experience to support higher standards, we encourage them to do so.

This legislation limits the stormwater runoff impacts of future development, prohibits residential infill development, and eliminates waivers from stormwater management requirements in some instances within the designated areas.

We encourage the County Council to make use of tools and resources that help them understand their current and potential flood risk such as Maryland Department of the Environment's Flood Risk Application found here: <https://mdfloodmaps.net/>. We also encourage the County Council to support Howard County's continued participation in the Federal Emergency Management Agency's Community Rating System. This voluntary incentive program recognizes community floodplain management activities that exceed the minimum requirements and, in return, residents receive a reduction in cost on their flood insurance premiums.

We support legislation that protects against future flooding risks and believe that CB38 does that. Please feel free to engage our organization as needed to help support these efforts by contacting us through <http://www.mafsm.org/MAFSM/about-us/1948-2/>.

**Howard County Council Public Hearing on CB38
Monday, September 23, 2019**

Testimony by

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

Good afternoon. My name is John Fritz. I live at 5824 Judge Dobbin Ct., Elkridge, MD, in the Gables at Lawyer's Hill community adjacent to the Lawyer's Hill Overlook development project approved by the Howard County Planning Board last Thursday, September 19. I also work at the University of Maryland, Baltimore County (UMBC) as an IT administrator.

First, I want to thank Councilwoman Walsh, not only for her proposed council bill, which I support, but also for her testimony in the quasi-judicial hearing about the LHO development on September 5. It was an excellent primer on environmental public policy, and epitomized what I hope for in a public servant. Thank you, Ms. Walsh.

Still, I am here today to voice my support for CB38, primarily because of what I and my neighbors experienced during the past 4-5 months trying to share our concerns about the LHO project with the Howard County planning board. In short, they ignored us and couldn't even pretend to care about the environmental impact that common sense suggests would happen when you clear, scrape and pave over 72% of an 8 acre site that sits on top of hill, in favor of maximum density consisting of 17 homes. It was a

horrible experience where I and my neighbors were not just cross-examined, but harassed.

I got involved when my wife came back from a community meeting nearly a year ago with the site developer, who essentially told the assembled residents that, as lay people, they lacked the expertise to understand the environmental impact plan his firm had commissioned. Well, that bugged me for two reasons: first, it was rude and condescending, but second, and perhaps more importantly, why was the developer -- and not the county -- responsible for assessing a site's environmental impact on neighboring communities, especially those who live downhill from it?

I still don't have an answer to this question, but since I work at a university, I decided to reach out to my UMBC colleague, Matt Baker, a professor of environmental science and expert in hydrology, to see if he'd review the developer's preliminary sketch plan. He did so in early June and also toured the perimeter of the site with permission of adjacent neighbors. He provided an excellent written summary and also oral testimony on July 25, in which he explained what would likely happen downhill and downstream.¹

To be honest, you could have heard a pin drop, and to their credit, I saw several planning board members paying rapt attention, and some even writing notes. But when they entered into working session late last Thursday night, not one of them even

¹ Note: The HoCo planning board's quasi-judicial hearing on this matter did not allow prepared, written testimony to be submitted before hand. However, the Professor Baker had done so for the June 6 hearing (see tinyurl.com/mbakerlhotestimony), which was continued to July 25. His oral testimony for July 25 can be seen at time code 1:09:09 of the Howard County video archive at http://howardcounty.granicus.com/MediaPlayer.php?clip_id=3962

referenced Baker's testimony, even though our attorney, Catherine Robinson, featured it prominently in her closing just a few minutes earlier. To be honest, all we heard in justifying their 4-1 vote in favor was why the original RED zoning tied the planning board's hands, even though they could have modified the density to mitigate runoff, which I and my neighbors were amenable to as well.

In conclusion, I am supporting CB38 primarily because I see no other means at my disposal as a citizen, to get this county and administration to slow down development in order to study its current runaway impact. I want the county to enforce the laws on the books and stop the near rubber stamp approval of waivers and alternative compliance.

Climate change is real and we're not keeping up with the water we have already. The best defense is keeping trees and ground cover in place, not replacing them with a permanent trough of concrete and asphalt. Hoping is not planning.

Last October, the *Baltimore Sun* reported on a change.org petition, "Stop Uncontrolled Development in Elkridge & Hanover," that (at that time) had "more than 500 signatures."² It now has over 1,000 signatures. The people do not want this. *The Sun* also quoted then candidate for County Executive, Calvin Ball, who said "Overdevelopment does threaten quality of life in many of our communities, including Elkridge." My question is simply this: "if not now, when" will you address this threat? I and my fellow neighbors and citizens will be watching and (yes) voting.

Thank you for your time and consideration of my community's concerns.

² See <https://www.baltimoresun.com/maryland/howard/ph-ho-cf-elkridge-petition-1006-story.html>

To: Howard County Council
Madam Chair and Members

From: Jack Milani
2820 Shadow Roll Court
Glenwood, Md 21738

Date: September 23, 2019

Re: Undeclared Council Bill 38 - 2019

My name is Jack Milani and I am testifying on CB38 in order to get clarification on the effect the bill will have on primarily Troy Park and Rockburn Branch Park future projects.

I have been involved in youth athletics in Howard County for approximately 21 years. This involvement has included Baseball, Field Hockey, Football and Lacrosse. I have served in various capacities in these sports. I have also been involved with Recreation and Parks as well as the Board of Education working to provide and improve primarily athletics facilities for the youth and adults in Howard County. I was originally recruited to youth sports by my brother Mike who is still with Recreation and Parks. I am not always sure if he considers that recruitment a good or a bad decision.

I am very familiar with the legislative process at the state level but not very familiar with the local process. Is a legislative analysis or a fiscal note generated at the local level? I ask this because I am concerned about completion of phases 3, 4 and 5 at Troy Park which includes a maintenance facility, baseball fields, additional parking and most importantly a community center. I am also aware that a multi-purpose field is budgeted in the future at Rockburn Park. Having been involved in the community meetings held for Western Regional, Blandair Park and Troy Park I am very familiar with the role that community input plays in final development of the parks design. In order for the communities who have been involved in planning Troy Park as well as Rockburn Park improvements to know how this bill impacts them I would ask that the following questions be researched and the answers made available to the community and the council prior to taking final action on this bill. What currently planned projects in Troy Park and Rockburn Park could not be completed if this bill were to be passed? What is the fiscal impact to these projects if this bill were to be passed?

I certainly understand the intent of the bill and realize that you are searching for the correct solution. I am asking that you consider this request as you work on the bill.

Thank you for your consideration.

If you require any additional information:

Jack Milani

410-340-0598



HOWARD COUNTY
CHAMBER

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 commercial and residential activities thereby impacting land usage and redevelopment in Route 1, a key commercial thoroughfare. There are also inconsistencies with previous adopted county policies and plans. Not to mention, this bill threatens key public facilities yet to be built in the Elkridge community namely that of HS 14 and impacts utility maintenance and infrastructure expansion. Lastly, it lessens the value of land because of the increase percentage of land now dedicated to easements.

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 large, sweeping initial "L".

Leonardo McClarty, CCE
President/CEO, Howard County Chamber

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

burnetchalmers@outlook.com

From: burnetchalmers@outlook.com
To: burnetchalmers@outlook.com
Subject: Testimony on CB-38 - Howard County, MD

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

Please – all council members – support CB-38 or a slightly amended version as may be needed so that you can support it.

Our zoning process has evolved to the point where waivers, fees in lieu of and various exceptions seem to be common practice. Exceptions and waivers should be occasional, not a matter of course. Fees in lieu of should be extremely rare or, perhaps, non-existent.

In 1972 Hurricane Agnes caused extreme flooding in our area. It inflicted extensive damage in 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 told me that Vermont and several other states modelled their laws and regulations after those developed here after Agnes. She 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 laws and regulations. One example is the apparent disregard of Maryland's Forest Conservation Act by Howard County DPZ.

The word radical means return to basics or roots. A dictionary example is "a radical overhaul of the existing regulatory framework." Once far off course, radical action is needed to return to basics or roots.

You are a fresh group of new County Council Members.

- Please take a fresh look at the mess you have inherited in our DPZ process.
- Please work together to resolve it by supporting CB-38 or an amended version as you deem necessary.
- Please get Howard County back to basics; back to its roots of good stewardship.

Thank you for the opportunity to present my testimony.

Burnet Chalmers
410-591-2519
burnetchalmers@outlook.com

Please note my new email address burnetchalmers@outlook.com
bchalmers@milbyco.com will no longer be used.

Testimony for CB38-2019 September 16, 2019, continued to September 23, 2019

I'm Leila Mahlin of Columbia, please pass CB 38.

To start there's data that contradicts the following three claims previously made by others in testimony-

- 1) That a "woods in place" construction would have resulted in only a 20% hydrology improvement,
- 2) That the majority of the environmental and storm water damage has been caused by pre-1980 factors and that
- 3) New development can fix the problems.

Since 1980 the County population tripled, 2/3 of the homes were built since then, and there was **lack of** regulatory Storm Water revisions until post 1999. These were major contributing factors to our current flooding situation along with our Land Use practices going back 200+ years. To say otherwise appears a ploy to change the narrative. If the post 1980, or post 1999 development industry in Howard County had the solution why hasn't it shown in results? We applaud those coming up with development solutions, but this is a complex problem that we are still figuring out.

-In development we need to think in terms of "Compact-Environments" or *smaller less developed areas*. These streams, open space, and forests are a critical conduit to our "Greenways". When these areas are degraded – *collectively*- they impact the county as a whole.

When an environmental feature becomes an obstacle to development, the tendency is to "transfer" the feature to less developed areas.

-Sending (a feature) away from its "natural state" often *harms the original area*.

-Areas with existing development become **more** vulnerable as the protective surrounding environment is removed. Look at Old Ellicott City...

-To keep all of our county protected we **can't act** as if **conceding** some Compact-Environments **won't matter**.

Four areas in the code that create vulnerability to Compact Environments are:

-Open space removal

-Fee-in-lieu payments used for replanting off site,

-Smaller subdivisions not having the same requirements of forest retention maintenance agreements

-Stormwater management exemptions for development of less than 5,000 square feet

To put this 5,000 square feet in perspective...

- Howard Countians live in apartments 1/10th this size.

- A two story mansion of this size is 10,000 square feet, or 4 times the size of average single family home
- yet 5,000 square feet is exempted from Stormwater management???

Let's revisit how these exemptions and waivers are granted so that the little drops of rain in this Compact-Environment **here** don't become a flood **there**.

CB 38 should pass and we need to move forward with implementing other changes to the code to tighten protection for all.

END TESTIMONY

SOURCES-

Census data

- 1) Population has almost tripled since 1980. Article shows about 110K in 1980 and about 320K in 2017 Diversity by the numbers: As Howard County has grown, so has its racial and cultural mix. By CHRISTINE ZHANG THE BALTIMORE SUN | JAN 30, 2019

Currently 115, 289 households in HoCo Census data from 2017 <https://censusreporter.org/profiles/05000US24027-howard-county-md/>

- 2) \$444,500 Median value of owner-occupied housing units, **about 1.4 times** the amount in Maryland: \$312,500, **about double** the amount in United States: \$217,600. <https://censusreporter.org/profiles/05000US24027-howard-county-md/>

- 3) Below is source for housing build start dates in Howard County by decade.

<https://www.towncharts.com/Maryland/Housing/Howard-County-MD-Housing-data.html>

- 4) *Below generally shows that most stormwater initiatives in smaller communities (less than 100,000) were not required until 1999. This is from a report about Maryland.... LEM*

In 1990 and 1999, EPA issued regulations in response to the 1987 amendments (55 FR 47990, November 16, 1990) and (64 FR 68843, December 8, 1999). Those rulemakings are referred to as EPA's Phase I and II stormwater rules, respectively. In general, the Phase I rule requires permits for MS4s for medium and large communities (those with populations greater than 100,000), departments of transportation serving those communities, construction sites with land disturbance of five acres or more, and industries in 10 industrial categories. In general, the Phase II rule requires stormwater controls for smaller MS4s, smaller construction sites, and other industries discharging stormwater (Franzetti, N.D.). Water quality professionals typically refer to the federal stormwater regulations based on the category of dischargers affected: (1) construction-related entities, (2) MS4s, and (3) industries. EPA Region III has organized its review of state stormwater programs and

this report accordingly. Some states organize and title their programs similarly, while others do not. MDE typically refers to its programs as follows: ESC, stormwater management, NPDES permits, and MS4s. NPDES permits include general and individual permits for construction and industrial stormwater.

Source: Summary Final Report Maryland Stormwater Program Review U.S. Environmental Protection Agency

https://www.epa.gov/sites/production/files/2015-07/documents/final_md_sw_summary_3.17.14.pdf

- 5) • In 2000 regulatory revisions; Design Manual • Water Quality, Recharge, and Stream Channel Protection and Flood Control • Optional Runoff Reduction Credits. History: MD SWM Regulations

<http://www.pscp.state.md.us/FPMeetings/05102012/Environmental%20Site%20Design%20Presentation%20-%20Brian%20Clevenger,%20MDE%205-10-12.pdf>

- 6) McCormick and Taylor 2017 study release on Ellicott City - Improvements will improve OEC by up to 74%, also refutes point that woods in place would only improve by 20%

The “Woods in good condition” discharge numbers for 10 year events range from 36 to 48% difference or improvement. The differential isn’t as great as you go up in “year events” to 100. So the most likely occurrence events have a better return on reduction in cfs than the longer/less likely events....

Also note Manning’s Roughness Values

Howard County Housing Affordability Coalition

County Council Public Hearing

September 23, 2019

Council Bill 38-2019 Testimony

The Housing Affordability Coalition is opposed to Council Bill 38-2019.

If CB 38 passes as introduced, it will stop development of one, and possibly two mixed income projects that are well into the development pipeline and it will threaten if not squander \$27 million of State-approved nine (9) percent low income housing tax credit awards and another \$2.3 million of State funding support. Stoppage of Ellicott Gardens 2 and Riverwatch II would result in the loss of as many as 120 new affordable housing units.

The Coalition understands and certainly supports the public safety and environmental intent of CB 38. We strongly believe, however, that both objectives can be met without negating development of housing that will provide financial relief to households earning 40-60 percent of the County's median income. And we believe public safety and environmental needs can be met without dis-incentivizing the public/private partnerships that are going to be crucial to chipping away at the momentous number of affordable units necessary to meet the housing needs of our County's middle and low income workers.

Our position is that these critical land use issues merit further collective and collaborative discussion and option development. The soon to be initiated Housing Affordability Master Plan and General Plan processes offer opportunities for such development.

We wish to ensure that any new land use policy and implementing zoning regulations reflect holistic attention to the breadth of our community's needs; and specifically, that new policy does not unintentionally further hamper production of new affordable housing. These should not be "either " "or" decisions; rather new policy solutions should protect our land and our citizens, including the economically vulnerable.

Thank you for the opportunity to offer the Coalition's position on CB 38.

Respectfully,

Jackie Eng

Howard County Housing Affordability Coalition
(Coalition members listed on back)

The Howard County Housing Affordability Coalition represents over 50 organizations and individuals that seek to:

Achieve community understanding, policymaking and regulatory decisions that will lead to an increase in and equitable access to Howard County housing affordability.

Create a community-wide recognition that Howard County's economic vitality is dependent upon access to jobs, resident mobility, quality education and housing affordability.

Howard County Housing Affordability Coalition

Purpose

Achieve community understanding, policymaking and regulatory decisions that will lead to an increase in and equitable access to Howard County housing affordability.

Create a community-wide recognition that Howard County's economic vitality is dependent upon access to jobs, resident mobility, quality education and housing affordability.

Members

Roy Appletree	League of Women Voters of Howard County
Association of Community Services	Jean West Lewis
Harriet Bachman	Making Change LLC
David Bazell	Kelly McLaughlin
Bessie Bordenave	Phyllis Madachy
Liz Bobo	Tim May
Joshua Bombino	Peter Morgan
Bridges to Housing Stability	Oxford Planning Group LLC
Paul Casey	PATH
Tom Coale	Paul Revelle
Deborah Coates	Bill and Laura Salganik
Consumer Credit Counseling Services of Maryland	Jim Sanders
Columbia Downtown Housing Corporation	Sue Shafley
Community Action Council	Jean Sedlacko
Gary and Jacqueline Eng	Pat Sylvester
Grassroots Crisis Intervention Center	The Arc of Howard County
Rev. Sue Lowcock Harris	TheCaseMade, Incorporated
Heritage Housing Partners Corporation	Town Center Community Association
HopeWorks of Howard County	Unitarian Universalist Congregation of Columbia
Housing to End Homelessness	Pastor Larry Walker
Howard County Autism Society	Joe Willmott
Howard County Housing Commission	Phyllis Zolotorow
Humanim, Inc.	
iHomes, Humanim	
Humphrey Management	
Grace Kubofcik	
Jewish Federation of Howard County Community Relations Council	
JustLiving Advocacy, Inc.	
Ian Kennedy	

Good afternoon. My name is Vlad Patrangenaru residing on Pebble Branch Rd in Ellicott City. I'm here to urge you to pass CB-38.

You should pass this sustainability resolution because we can no longer afford to continue to do business as usual in Howard County. We can no longer afford to take our expert advice from parties that stand to benefit from the outcome. Countywide, Since the 2016 flood there have been 287 individual waivers filed to get around requirements for floodplain preservation, protection of wetlands, streams and steep slopes and forest retention priorities alone. 176 of these applications have been approved, 89 have been deferred and a whopping 3 applications rejected. In many cases projects that had waivers deferred had subsequent applications approved. All this is happening while taxpayers will likely have to foot the bill for over \$140 million of stormwater management project in the watershed. It is irresponsible to have taxpayers continue to subsidize developer profits that simply do not come close to covering the costs they are inflicting on the community. The way I see it, development in Howard County has been managed like a pyramid scheme where we keep adding housing for the supposed benefit of growing the tax base just to try to keep up with the budget gaps created from the previous round of development that did not cover its costs.

These costs, unfortunately, go well beyond budgetary gaps. Unchecked development inflicts tremendous environmental damage. Cutting down specimen trees and clearing land does way more harm than just exacerbating flooding. This is how we destroy ecosystems, increase the concentration of greenhouse gases in our atmosphere, and contribute to mass extinctions and a dramatic reduction in biodiversity. Globally, insect and bird populations are plummeting. We flinch as others burn wide swaths of the Amazon to clear land for cattle to graze, yet are we much better?

Our laws and regulations are a reflection of our values. This resolution is an attempt to pivot the way we do business in the county, to make sustainability more than a buzz word, but rather a central tenant in our decision-making process. I urge all of you to join the great majority in our communities who are united in support of this resolution, to work together to strengthen it and make it better. Please make the difficult choices needed to show Howard County can lead when it most counts.

Thank you.



I'm Neal Vanderlipp speaking as power of attorney for my mother Janet Vanderlipp of Columbia.

The Museum of Howard County History documents Old Ellicott City's sensitivity to flooding with 30 flood events back to 1772. CB38 will reduce future flooding in OEC and nearby. We heartily recommend you pass it.

CB38 is one (1) of five important steps to mitigate flood risks in the County:

- 2) The currently proposed \$140 million flood mitigation project
- 3) The runoff retention recommended in the McCormick-Taylor study¹
- 4) Much greater incentivization in flood plains for installing flood resistant doors and windows
- 5) Closer monitoring of our Compact-Environments which drain into numerous streams downhill

Dr Matthew Baker of UMBC explained at the Council's 9/20 work session that our 250 year land use history of farming and building practices has progressively degraded soils and stream conduits. Once shallow streams have become deep channels which become sluiceways to destruction downstream, worsening the Chesapeake Bay's "dead zones".

By publicly monitoring and maintaining the condition of our Compact-Environments we can end this downward spiral of development and degradation. We have a public awareness "Greenway" map², but we also need a Compact-Environment "Watchway" map. Public and private ~~vigilance~~^{Vigilance} can protect Compact-Environments of residential and business neighborhoods. Imagine the Watchway's timely information input to County planners making crucial decisions about open space, forest retention, replanting, and stormwater management.

Beyond the threat to human life, the costs of not addressing flooding include higher flood insurance premiums and reduced tax base from population and economic activity shifting elsewhere. One study³ estimated that one flood in OEC reduced County economic activity by \$67 million, plus lost labor income of \$27 million. This doesn't include cleanup or future mitigation. The regional rainfall trends tell us to adjust our development course, or expect a decades long financial deficit from declining residential and business sustainability. The question is: What percentage of this County will be livable in 50 years under current practices ?

Remember the regional news video of the swift water rescue of a graduating senior from her car off of US 29 near Columbia Mall last year ? Besides the risk to her life, the optics for a major business hub are disconcerting.

Extend the County's vision towards a 50 year horizon of economic and environmental health that factors regional rainfall trends to keep our County growing in a healthy, sustainable way. This foresight belongs in the General Plan.

Passing CB38 with strong protection for the targeted watershed will be an important first step towards a healthier county. Let's do development without degradation.

Thank you for consideration of these matters.

References:

1) "2016 Ellicott City Hydrology/Hydraulic Study and Concept Mitigation Analysis", McCormick Taylor Project No. 5519-93 June 16, 2017, prepared for Howard County Government
<https://www.howardcountymd.gov/LinkClick.aspx?fileticket=t3mtiyi2qIg%3d&portalid=0>

2) The Green Infrastructure Network
[https://data.howardcountymd.gov/InteractiveMap.html?Workspace=Green Infrastructure](https://data.howardcountymd.gov/InteractiveMap.html?Workspace=Green%20Infrastructure)

3) "The Economic Impact of the 2016 Ellicott City Flood", Richard Clinch DIRECTOR, THE JACOB FRANCE INSTITUTE"
<http://www.jacob-france-institute.org/wp-content/uploads/Economic-Impact-Ellicott-City-Flood-2016.pdf>

September 16, 2019



Safe Skies Maryland Testimony
Position: Support
CB 38

Safe Skies Maryland supports Council Bill 38, The Patapsco Lower North Branch Bill, that seeks to protect and properly identify and manage the vitally important areas within the Chesapeake Bay watershed and those within Howard County's Green Infrastructure Network.

Howard County must act to meet the requirements of the Maryland Forest Conservation Act:

The main purpose of the Maryland Forest Conservation Act (Natural Resources Article Section 5-1601 through 5-1613) enacted in 1991 was to minimize the loss of Maryland's forest resources during land development by making the identification and protection of forests and other sensitive areas an integral part of the site planning process. Identification of priority areas prior to development makes their retention possible. Of primary interest are areas adjacent to streams or wetlands, those on steep or erodible soils or those within or adjacent to large contiguous blocks of forest or wildlife corridors.
(<https://dnr.maryland.gov/forests/Pages/programapps/newfca.aspx>)

The intent of this state law is to properly identify and retain priority areas of contiguous forest whenever possible:

The Forest Conservation Act was enacted in 1991 to stem the rate of forest loss from development in Maryland, and also to protect the most ecologically significant woods from development. The Act says "priority" forests, including forests connected to other forests "shall" be left undisturbed unless a developer "exhausts" all effort to save them. (<https://www.cbf.org/news-media/newsroom/2018/maryland/legislation-introduced-to-save-marylands-best-forests.html>)

The forested area provides critical stormwater management controls. In the previous year, "The National Weather Service documented total precipitation for the Baltimore/Washington area at 71.82 inches — nearly 6 feet of rain for the year."
(https://www.myeasternshoremnd.com/kent_county_news/spotlight/md-precipitation-

[tops--year-record-leaving-farmers-struggling/article_f8dbe632-6da4-57e2-8e75-25634a4ce9f5.html](https://www.nj.gov/humanservices/dmhas/home/disaster/resources/Flood_waters_extremely_dangerous.pdf)) This amount of rainfall doubles the average which is likely to be a continuing pattern as we experience more extremes of weather. Additionally, “communities particularly at risk are those located in low-lying areas, near water, or downstream from a dam.”
(https://www.nj.gov/humanservices/dmhas/home/disaster/resources/Flood_waters_extremely_dangerous.pdf)

Notwithstanding stormwater protections, a forested area of this significance also acts as natural water filtration, air purification via the removal of carbon dioxide and other toxins, erosion control, and as critical habitat in the preservation of biodiversity at a time when each of these things is threatened. Indeed, the IPBES (Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services) chair Sir Robert Watson says, “The health of ecosystems on which we and all other species depend is deteriorating more rapidly than ever...we are eroding the very foundations of our economies, livelihoods, food security, health and quality of life worldwide.” with specific drivers noted as conversion of land use and more specifically, deforestation.
(<https://www.nationalgeographic.com/environment/2019/05/ipbes-un-biodiversity-report-warns-one-million-species-at-risk/>)

We support efforts to address the failures that tree planting elsewhere and fee-in-lieu programs were originally proposed to mitigate in terms of forest loss. In the best of circumstances, replacement trees do not replace functioning forests and say to the members of the affected communities that trees and healthy ecosystems belong to people who live somewhere other than where you do. We know now that these programs do not adequately address the loss of either forested areas or tree canopy replacing neither with even the minimum numbers and do nothing to combat the net loss of ecosystem services. The result is the further creation of unpleasant heat islands and continual remove of natural resources from local communities. Furthermore, unequal access to the health benefits of forests and adequate tree canopy continues to be an environmental justice concern throughout the county and the state.

It is our position that sustainable growth must be supported and informed by the best science available to include all stakeholders, specifically residents, and must not produce a net harm via loopholes, entitlements, and waivers. CB 38 is smartly written to provide an equitable solution to long-standing inadequacies in the pursuit of best practices for both the growth and preservation of Howard County.

Lisa Markovitz

The People's Voice, Ellicott City MD

HCCA, Columbia MD

CB 38-2019 Support

Both the Howard County Citizens Assn, and The People's Voice support this Bill and thank Council Member Walsh for her efforts to protect the environment, especially regarding deforestation.

We have heard that Dr. Ball has emphasized an ambitious reforestation goal. This goal should start with decreasing deforestation, after all, the benefits of mature trees cannot be compared to new plantings. When developers take down huge trees, often 30" trees even, and say they are planting two for every one, they are talking several inch saplings, and that is no comparison.

It seems like every regulation that is in place for good reason, gets waivers and we get all kinds of support for allowing the most rampant project possible; we need funds from development, even though it doesn't actually pay for itself; we need more affordable housing, even though it isn't required; we need better storm water management, as if development actually improves that. It is required to do so on the site, but many have seen increased flooding off, but near the site, and there are fees-in-lieu of even that, which I am sure are not going to the people who are flooded.

The waivers that come for any possible supposed hardship in developments, taking down huge trees, and clear cutting forests is not supposed to be handed out so easily, as hardship is not supposed to be financial hardship, when decreasing density or changing a plan can occur to lessen clear cutting and deforestation. We constantly make the environment fit into or get cut out of the developers' plans instead of making their plans fit into a protected area, and if that means a smaller project, then so be it.

We need to curtail the ability to provide these waivers in vulnerable areas that are prone to flooding, and disallow waivers for forest conservation, protect steep slopes, wetlands and waterways.

Recently, opposition gearing up to kill this Bill, got some press on the ridiculous notion that BG&E cannot adequately provide services if they are disallowed the ability to trim trees properly. This is ridiculous. Of course, necessary disturbances include any maintenance of existing utilities. That is no reason to vote no on this Bill.

I know there are likely concerns about restricting flexibility and not being able to accommodate a project that is constricted for some reason physically, or has an egress need, or some other difficulty. Again, we simply must shift the focus to amend plans instead of amending the environment. The opposite has gone on for far too long, and now we have recently seen that our local evidentiary requirement of proving a waiver in protected areas is warranted, is supposed to not be easier than the State law, of undue hardship. We need to be sure that DPZ is not going to allow anymore inappropriate waivers.

Any situation you can imagine that would deserve these waivers, can be suggested as an amendment, and if you cannot even describe them right now, then they would be pretty rare.

To that end, I have witnessed over the years, many projects, that request a change in the code to accommodate their projects. It happens often. It takes three years to go through the DPZ development process, so up front, a petitioner could ask you to amend this code in the future if an amendable exception presents itself and it could be done within months quite easily, far shorter than the map amendment process, and about the same as a regulation change request, which are pretty standard. Thus, that also is no reason to vote against this Bill, because some project somewhere somehow should not be limited.

For now, we need to shift the modus operandi, while we still have any forest left. Thank you.

September 16, 2019

Howard County Council Members:

RE: Testimony CB-38

We support CB-38: The Patapsco Lower North Branch Bill, which aims to protect the remaining trees, forests, waterways, neighborhoods and historic towns in this associated watershed. This bill contains many common sense steps that will help to preserve the green infrastructure that naturally reduce future flood volume in this fragile watershed.

There are key features in this bill that will improve the process of protection beyond measures currently in place. This bill would close loopholes that currently still allow for development beyond what is sensible in these sensitive areas.

We support efforts to hold new development to higher standards in this watershed, by requiring control to the magnitude of 2016 peak flood conditions, increasing buffers near waterways, wetlands, and steep slopes, and additionally by eliminating waivers or alternative compliances (unless necessary for flood control).

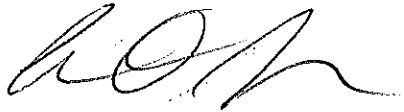
Importantly, this bill eliminates the option of the fee in lieu of compliance with open space and forest conservation requirements within the watershed. This step is critical, because the only chance of mitigating floodwaters is within the watershed. Regardless of how those fees are used, there remains little reason today to continue to allow developers the option for paying a fee instead of complying with current regulations. These regulations were meant as protections that have been intentionally written into our policies. We are only harming ourselves by allowing these protections to be bypassed or ignored by any method. Similarly, when waivers are granted, we are harming ourselves in the long run by not abiding by the careful procedures that have been intentionally written into state and county policy.

Another way this bill aims to improve decision making in sensitive areas is to require that key features of the green infrastructure be drawn onto the site development plans. This way the Department of Planning and Zoning (DPZ) can clearly see all of the specimen trees and their root structure zone, the Howard County mapped green infrastructure network and its connections, and the State of Maryland designated targeted ecological areas which need maximum protection to save endangered and threatened species. Moreover, this bill would require these features are also shown on adjoining properties as well, since site development can also effect the natural areas nearby. This important step will allow for the DPZ to accurately see these key site features on the plan and make it possible for them to use this information in making important development decisions.

We are also in favor of the increased transparency described in the bill for making a monthly report available on the DPZ website which includes any applications for necessary disturbance. The website information would also include the results of these applications along with any required mitigation that the developer must perform.

We strongly urge you to pass this legislation. The time for bold leadership is now. After losing lives and livelihoods two times over, the need for us to act today could not be more clear.

Please pass CB38.

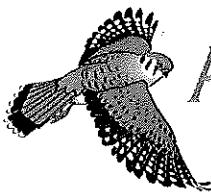


Carolyn Parsa
Howard County Sierra Club Chair



**SIERRA
CLUB**

Additional partner sign on:



Audubon Society
of CENTRAL MARYLAND

September 23, 2019

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

Dear Howard County Council Members:

I have included below my written testimony regarding CB 38-2019. Thank you for your time in considering my testimony.

I am currently the managing member of Burkard Homes LLC. We have been building new homes in Howard County for 10 years. Prior to that, I was the division president of a national homebuilder with division offices in Howard County for 8 years.

I am writing in opposition of bill CB 38. While it may be good intentioned in protecting historic Ellicott City, it simply does not accomplish the goal of reducing future flooding. Others have already testified as to why it does not accomplish the goal so I will not repeat their testimony other than to say that new development under current storm water management regulations keeps nearly all storm water on site.

I am writing rather to address the intended and unintended consequences for the county. The intended consequence clearly is that of a de-facto moratorium on development in the Patapsco Branch Watershed. This is in addition to the actual moratorium that is currently in place on the Tiber Branch and Plumtree Watersheds.

I believe the pending legislation of CR-123 much more effectively and responsibly addresses this issue without the damaging impacts that CB 38 may have on the county – well beyond the development community.

These negative consequences include housing affordability, taking of property rights, and fiscal impacts to the county.

First, it all but eliminates residential development in the Patapsco corridor. This eastern part of the county provides the most housing affordability in Howard County. Builders, big and small, have continued to leave the marketplace due to affordability issues and scarcity of land. Our customers continue to tell us how few homes are on the market.

The resulting reduction in supply of new homesites, just three months after implementation of APFO 2018, would have a significant impact on the supply of homesites for years to come. That, of course, would increase prices of new homes, land, as well as existing homes. This only makes the housing affordability crisis in our area even worse.

Page 2
September 23, 2019

Second, the landowners who own property in the corridor would effectively have their land devalued by this legislation. It is effectively a taking of their property. The typical land seller that I deal with lives in a modest older home sitting on a few acres of land. For many of these land sellers, the land that their homes sits upon is the largest, and sometimes, only asset of significance. It is not fair to these citizens for the council to devalue these assets of these landowners.

Finally, development is a large source of revenue for the county. The substantial fees, real estate taxes, and income taxes for any development in this corridor would not be realized putting further pressure to cut services or obtain revenue from other sources.

So, while good intentioned, I strongly believe this is simply a bad bill. It does not accomplish its objectives but does have significant other negative consequences for the county. These negative consequences include less housing affordability, taking property rights from landowners, and fewer financial resources for the county.

Sincerely,

A handwritten signature in black ink, appearing to read 'T Burkard', with a long horizontal flourish extending to the right.

Tim Burkard

Dale Schumacher, 6581 Belmont Woods Road ElkrIDGE. 49 year resident Howard County.

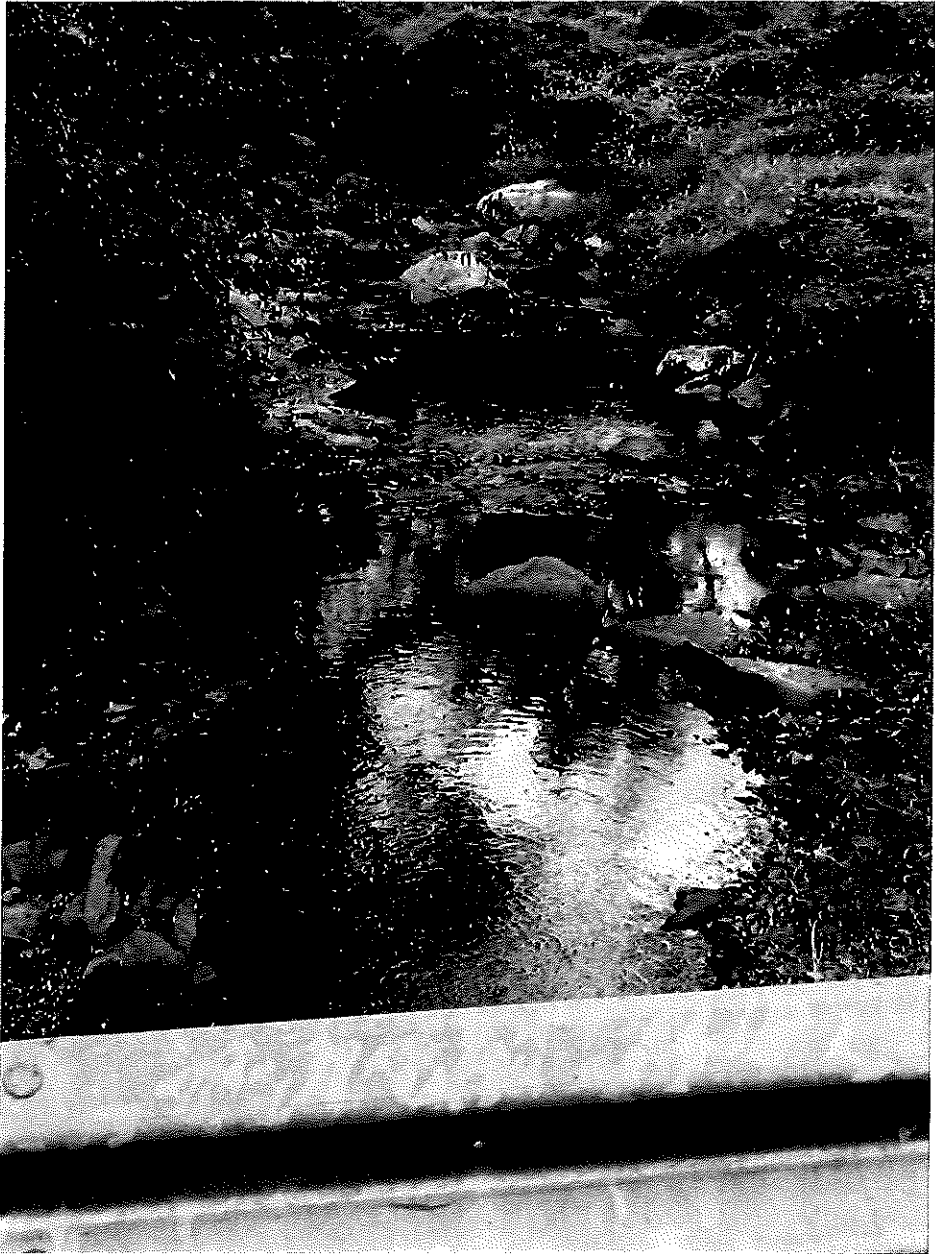
I strongly support CB-38-19, the Patapsco Lower North Branch Bill. The Council should consider expanding its coverage to other County watersheds.

Our family property is being irreparably damaged by stormwater runoff.

Picture 1 - Maryland Environmental Trust Easement - The bridge over the Rockburn Branch. The Rockburn Branch courses thru our property. To reach Belmont, you traverse our property.



Picture 2 - This is the Rockburn Branch from the Belmont Woods Road bridge looking down stream (9-15-19).



Picture 3 - This is the same view of the Rockburn Branch during a stormwater runoff surge. (9-7-11). Later tonight I will send you the video file.



Picture 4 - Grandson at erosion cliff. As you can see, as the cliffs are created, the vegetation and trees are undercut and eventually fall into the stream. Stormwater run off adversely impacts Section 16.1205 Forest Retention Priorities.

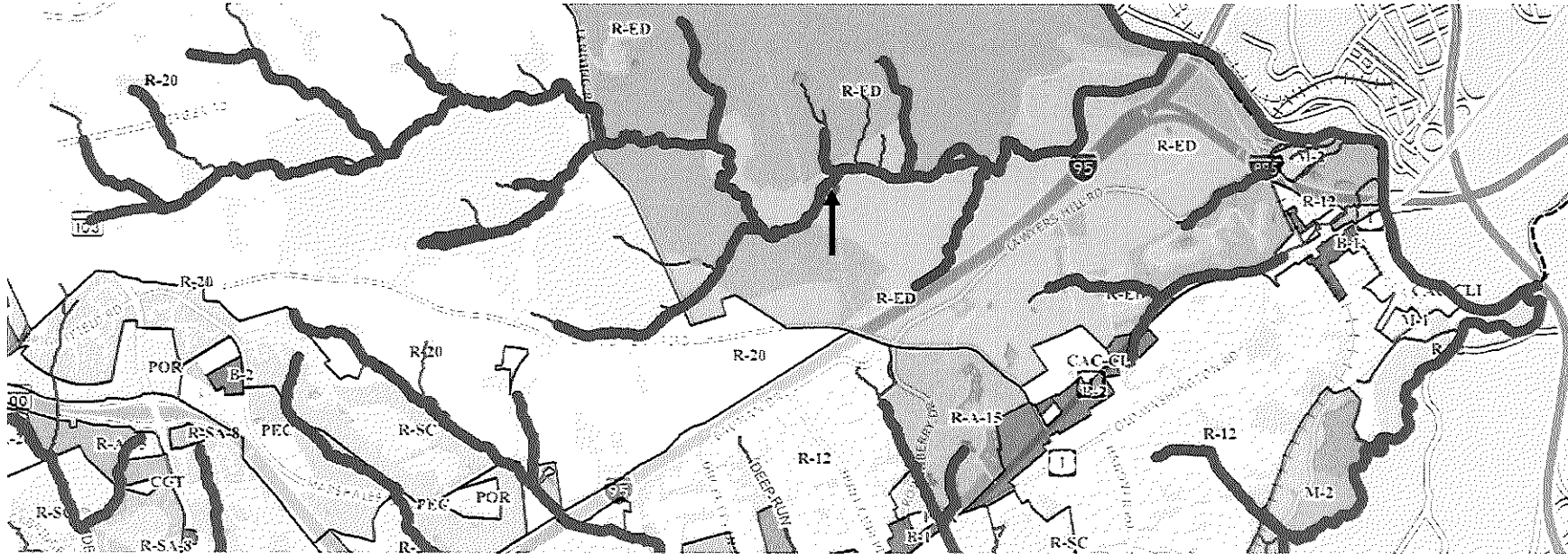
(5-28-12)



Picture 5 - 3-23-12 Erosion Cliffs. During 2011 - 2012 we used rip rap and vegetation to stabilize the cliffs. Neither was effective. Stormwater runoff is damaging Howard County's Preservation Easements. Does Howard County's existing stormwater management laws put us in violation of County and State Forest Retention priorities?



MAP 1 - The headwaters of the Rockburn Branch originate at Route 100. Arrow identifies bridge.



Recommendations - the specific text additions are shown in bold:

- Please expedite approval CB-38-2019 - See the Tale of the Table - Ellicott City (below - Page 7)
- 16.104 Waivers - (d)(3) Is necessary for construction **and maintenance**
- 16.116 Protection of wetlands, streams and steep slopes - (d) (6) (viii) **Compile the results by applicant and report by Council districts aggregating monthly disturbances and mitigations.** This addition to facilitates tracking and trending and comparisons among Council Districts especially those Districts not under CB-38-2019.
- An addition to CB-38-2019 Subtitle 12 - 16.1205 Forest Retention Priorities (a)(8) Trees and other forest resources associated with an historic site **and County, State or Federal historic district;** This addition would parallel 16.118 Protection of Historic Resources. The administration has been confused regarding the definition of an historic site.

Thank you for the opportunity to testify on this vital legislation. Please move this legislation forward. Please do not table. See my brief history of CB-65-2016.

The tale of the Table and Ellicott City - 2016, CB-65-2016

Only weeks after the devastating 2016 Ellicott City flood, Howard County Council Member Weinstein from Ellicott City and Elkridge introduced Council Bill No. 65-2016, "An act temporarily prohibiting issuance of certain permits for certain development within the Tiber-Hudson (Ellicott City) Watershed."

The Howard County Council then heard testimony. Supporting Bill 65 were five organizations: The Chesapeake Bay Foundation, The Peoples Voice, Patapsco Heritage Greenway, the Howard County Citizens Association, and the Howard County Sierra Club. Twelve individual citizens supported the legislation, and two had concerns, but none opposed.

Only the Maryland Building Industry Association opposed the legislation. The September 12, 2016 Howard County Times reported that the Kittleman administration said it is too early to determine the relationship between development and flooding.

With overwhelming citizen and organizational support there was hope that Bill 65 would move forward. But on October 5, 2016 Council Member Sigaty moved, with a second from Council Member Fox, to table Bill 65. Bill 65 was brought back to life once, but only to be retabled where it expired on December 10, 2016.

On May 27, 2018, Ellicott City was devastated by a second thousand-year flood.



County Council Public Hearing - September 16, 2019

Council Bill 38-2019 Testimony

Thank you for the opportunity to submit testimony regarding Council Bill 38-2019. While we strongly support legislation that will address flooding and climate change, the Howard County Housing Commission is opposed to this measure because it would eliminate one, and possibly two developments that will provide approximately 123 apartment homes for low and moderate-income households. The bill would also reduce the amount of land that is available for new housing that would benefit low and moderate-income earners.

There continues to be an urgent need for housing that is affordable to individuals and families earning incomes at the lower end of the spectrum. Our 2018 Rental Housing Survey showed that there is a shortage of more than 5,000 units for families earning \$50,000 annually or less who already live in Howard County. These households struggle to pay a rent they cannot afford, or worse yet, are not housed at all. There are clear links between housing insecurity and health. There is also a strong link between secure housing in good neighborhoods and school performance. When we fail to create housing for County residents that they can afford, we are contributing to emergency room visits, poorer school test scores, crowded roads, and other on-going County concerns. We all pay for these hospital costs, traffic, and school issues. We all share concerns when employers are concerned about locating the Howard County because their staff cannot afford to live here.

Much of the land in Howard County is already off limits to rental housing – the primary housing source for lower income individuals and families. Of the land in the County that is zoned residential, only 23% of it can be developed with apartments. Due to the APFO ordinance, much of that land is now closed to new development. Council Bill 38-2019 would further restrict development opportunities, eliminating several very viable multifamily zones. The bill would result in less new housing affordable to low and moderate-income earners. And because it limits the allowable areas of development, it would lead to a greater concentration of Howard County's affordable housing. Concentrations of affordable housing are something that the County has long sought to avoid.

One of the two sites that could be halted by the legislation is the redevelopment of an existing commercial facility. The project will actually improve the storm water management on the site. The bill's results would seem to be counter to its intentions in this case.

Collectively, the two affordable developments are expected to raise about \$43 million of non-County funds to help County residents. About \$30 million of that is highly competitive State funding that will go

elsewhere if it cannot be used for the two projects. These are very scarce resources that we cannot afford to lose. Resources are tight in Howard County and throughout the State. We should not reject funds that can solve some of the most pressing problems of our own residents.

The Commission strongly supports the County's efforts to combat flooding and the effects of climate change. We believe, however, that there are methods to do so that take into account the County's many needs, including the needs of County residents for housing that they can afford.

We all benefit from the creation and the deconcentration of equitable housing opportunities. We can find the solution that solves both the flooding and the housing crises that face us. Thank you.

September 23, 2019

Good afternoon. My name is Barry Gibson and I own 2 historic properties at 8044 and 8048 Main Street Ellicott City. My wife and I operate a giftware / collectible business at these locations.

For the past 475 days my wife and I, a small group of volunteers, and a restorative contractor have been rehabilitating our property since the flash flood of 2018. We devoted much time and money to flood proof both of these properties, from a higher retaining wall above and behind the building to french drains on various floors within, to period styled flood resistant doors and windows streetside that were imported from England.

My wife and I believe very strongly that bold measures are required to preserve and maintain the integrity of historic Ellicott City. Passage of CB 38 for the Patapsco North branch will prevent increased disturbance due to development from flood waters in this watershed. The bill protects and enhances open space and eliminates open space transfer. All new and existing stormwater management projects must conform to the 2016 volume levels. The bill eliminates fee-in-lieu and waivers for stormwater management and requires SWM for less than 5000sq ft of land disturbance. The proposed legislation also requires afforestation of at least 50% of the land. In addition the bill eliminates infill development and variances.

This bill is a very responsible piece of legislation and a powerful vehicle that is sorely needed to help reduce and slowdown the amount of runoff that EC experiences. EC has experienced tremendous runoff caused by excessive amounts of rain combined with runoff increasing land developments throughout the Patapsco North branch watershed. I personally witnessed both of the dangerous floods in 2016 and 2018 and feel very strongly that despite the lives lost, we were very fortunate that so many lives were spared and we did not lose the entire town. The intensity of this incredible volume of water was devastating. I recommend that this bill be passed on merits of a safe and sound policy. Many thanks to Liz Walsh for doing a thorough job highlighting some past due and sorely needed solutions addressed in CB38. I highly endorse CB 38 and CB 40 and also Council Resolutions 120, 122, and 123. Thank you

Barry D. Gibson

Testimony on Council Bill 38-2019 submitted by
Charles Kyler
3570 Sylvan Lane
Ellicott City MD, 21043

I am in full support of this bill. Restricting and or removing some waivers and fees-in-lieu is an important step in fixing the hazardous stormwater situation we find our selves in.

We did not arrive here overnight, it took decades to dig this hole. In part by continually allowing the edges of wetlands and streams to be nibbled away bit by bit. As more and more development has occurred, adequate stormwater facilities were not put in place. Admittedly, no one 30 years ago could have anticipated exactly how much climate change was going to effect local weather patterns and the devastation it would cause.

As a property owner I have property rights, as do all who purchase property, this point has be made by those wishing to develop within the watershed. The question I have is, why do the rights of those wishing to develop a property and desire for a higher rate of return trump those of all the other property owners?

Why is our right that our property will not be adversely effected by another's development overruled?

Why do we have a system that consistently allows well defined restrictions to be side stepped?

Why do we have what looks like a Pay-to-play system where it's easier for a developer to get a wetland variance than a resident to build a shed?

Until the engineering solution to our flooding is finished, designed and built, building restrictions within the watershed should be severely limited so as to not add to the current design challenges. Once that work is completed, new development within the watershed should be held to new standards so as to not adversely effect the watershed.

Development has always been a speculative business. Allowing development in an area know to be prone to flooding and risk to life is like giving a the keys to a car to a drunk and claiming it's ok because there are other drunks on the road.

I would like to ask the developers who are interested in developing in the watershed if they would be willing to help build/pay for remedial mitigation/retention projects in older developed areas? This would help expedite the timeline to fix the problem, and demonstrate that they truly are interested in building a safe future for residents of the watershed.

Thank you for your time.

Charles Kyler

Sayers, Margery

From: Nathan Baum <nathan.x.baum@gmail.com>
Sent: Friday, September 20, 2019 10:17 AM
To: CouncilMail
Subject: Watershed protection bill

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

In just the last few days I've read about the devastating decline in bird populations, the fires in the Amazon and in Indonesia, and the flooding in Texas. At the same time, I've been inspired by the hopeful actions of young people worldwide who are striking today for a reversal of these earth-threatening activities. In the light of all this, I would like to express my most emphatic support for Councilwoman Liz Walsh's CB38-2019. We've reached a point worldwide, and here in Howard County, when we have to do the utmost to protect our irreplaceable natural resources.

Sincerely

Nathan Baum
8729 Endless Ocean Way
Columbia, Maryland 21045
631-875-6320

Sayers, Margery

From: Michelle Colder Carras <michelle.carras@gmail.com>
Sent: Wednesday, September 18, 2019 6:16 PM
To: CouncilMail
Subject: [Possible Scam Fraud]CB38-2019 testimony

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

WARNING: Your email security system has determined the message below may be a potential threat.

The sender may trick victims into passing bad checks on their behalf.

If you do not know the sender or cannot verify the integrity of the message, please do not respond or click on links in the message. Depending on the security settings, clickable URLs may have been modified to provide additional security.

Hello,

I'm a 18-year resident of the Dunloggin neighborhood of Ellicott City, and I would like to testify in support of this bill. Unfortunately, after submitting my name to testify at Monday's hearing, I had to leave early due for medical reasons. But after attending part of the hearing Monday night, hearing testimony by developers and residents and reading testimony submitted to date for this bill and for CR40, I want to emphasize what seems obvious--we should not waive development requirements when lives and livelihoods are at stake.

Developers' willingness to sacrifice the existing environmental protections that help prevent flooding in the Patapsco Lower North Branch Watershed has contributed to deaths, the closure of our beloved historic area for months, homelessness, and the loss of businesses for many residents. CB38 ensures that these environmental protections are not waived, as seems to be common practice.

Listening to Mr. Taylor and to the owner of the Court Hill Apartments in yesterday's testimony made it clear that the health and livelihood of our residents are undervalued when it comes to the "right" to develop land in Howard County. The county must take action to prevent further destruction due to commercial development. CB38 corrects a wrong that has contributed to the last two floods and is also an important step in mitigating further potential harm.

--

Michelle Colder Carras
3768 Plum Hill Court
Ellicott City, 21042

Sayers, Margery

From: Kimberly Kepnes <kimberly.kepnes@monumentsothebysrealty.com>
Sent: Wednesday, September 18, 2019 3:40 PM
To: Walsh, Elizabeth
Cc: CouncilMail
Subject: Written Testimony and Request of Support under CB38, Related Watershed Resolutions and Zoning Advocacy
Attachments: Testimony CB38 Kimberly Kepnes.pdf

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

Dear Liz,

Thank you for championing the cause for flood mitigation, planning and zoning oversight and development waiver review to benefit Ellicott City and Elkridge communities.

While I recognize and agree there is need for a moratorium to develop a more comprehensive approach to slowing development in the watershed, I am increasingly concerned the definition of development will extend beyond the installation of storm drains, the paving of streets and the digging of foundations in proposed and existing new home developments and into the improvement of existing buildings and change or conditional Use applications for property and business owners. Please help us work to advocate and ensure CB38 and related legislation does not leave residents, business and property owners behind and left with no ability for consideration with plans which combine to contribute to Ellicott City recovery and Elkridge community strength.

We were recently advised by the Office of Planning and Zoning, “development” means “The establishment of a principal use on a site, a change in a principal use of a site or the improvement or alteration of a site by construction. . . .” Under this definition, business owners who are establishing businesses may be precluded from opening their doors and renovations to improve residential homes or business property may be in jeopardy. Is there any way CB38 and related resolutions can provide exception or account for provisions of approval of these types of applications?

Finally, although the proposal to engage a *Zoning Czar* by Councilman Youngman is well intended, it seems unnecessary when we already employ full departments of individuals who could work to better inform and assist the public in application understanding and submittal requirement. Adding what could become another layer of bureaucracy further alienates individual residents and business owners from this important process; one which requires advocacy with a government and with departments interested and invested in individual and collective residents’ need of assistance, guidance and support.

Thank you for your tireless effort and continued support of this little place we call home and doing all you can to try to be sure our neighbors, building and business owners’ interests and efforts are being considered.

Respectfully,

Kimberly

Kimberly Kepnes,
Resident and Business Owner in Historic Ellicott City
3585 Church Road
Ellicott City MD 21043
443-250-4241
Kimberly.kepnes@monumentsothebysrealty.com

Sotheby's International 2018 Brand Media Campaign and Lifestyle Videos

Kimberly Kepnes,
Regional Vice President, Development
Monument Sotheby's International Realty
Headquartered at the Ritz Carlton
410.525.5435 office
443.250.4241 direct/text

Monument | Sotheby's
INTERNATIONAL REALTY
KIMBERLY *K!*

September 18, 2019

Elizabeth Walsh
Howard County Council

Via Email: ewalsh@howardcountymd.gov;

Reference: CB38, Related Watershed Resolutions and Zoning Advocacy

Dear Liz,

Thank you for championing the cause for flood mitigation, planning and zoning oversight and development waiver review to benefit Ellicott City and ElkrIDGE communities.

While I recognize and agree there is need for a moratorium to develop a more comprehensive approach to slowing development in the watershed, I am increasingly concerned the definition of development will extend beyond the installation of storm drains, the paving of streets and the digging of foundations in proposed and existing new home developments and into the improvement of existing buildings and change or conditional Use applications for property and business owners. Please help us work to advocate and ensure CB38 and related legislation does not leave residents, business and property owners behind and left with no ability for consideration with plans which combine to contribute to Ellicott City recovery and ElkrIDGE community strength.

We were recently advised by the Office of Planning and Zoning, "development" means "The establishment of a principal use on a site, a change in a principal use of a site or the improvement or alteration of a site by construction..." Under this definition, business owners who are establishing businesses may be precluded from opening their doors and renovations to improve residential homes or business property may be in jeopardy. Is there any way CB38 and related resolutions can provide exception or account for provisions of approval of these types of applications?

Finally, although the proposal to engage a Zoning *Czar* by Councilman Youngman is well intended, it seems unnecessary when we already employ full departments of individuals who could work to better inform and assist the public in application understanding and submittal requirement. Adding what could become another layer of bureaucracy further alienates individual residents and business owners from this important process; one which requires advocacy with a government and with departments who are interested and invested in individual and collective residents' need of assistance, guidance and support.

Thank you for your tireless effort and continued support of this little place we call home and doing all you can to try to be sure our neighbors, building and business owners' interests and efforts are being considered.

Respectfully,



Kimberly Kepnes,
Resident and Business Owner in Historic Ellicott City
3585 Church Road
Ellicott City MD 21043
443-250-4241
Kimberly.kepnes@monumentsofthebysrealty.com

Sayers, Margery

From: Timothy Dull <tdull@dullpartners.com>
Sent: Wednesday, September 18, 2019 11:24 AM
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.]

I am writing to support CB38-2019. We can't continue to add new construction without careful consideration for the extended consequences of such actions. I have lived in a town that was $\frac{3}{4}$ flooded due to a heavy rainstorm and because of the unrestrained construction that occurred in that town and upriver from that town. Similar events have occurred in Ellicott City with, no surprise, similar results. It is not an easy problem to solve and may be it can only be mitigated but it must be addressed and I believe this legislation is a start at addressing this problem. It also must be recognized that we need to be very smart about addressing these problems as no community has unlimited resources.

Regards,
Tim Dull

Sayers, Margery

From: Timothy Dull <tdull@dullpartners.com>
Sent: Wednesday, September 18, 2019 11:24 AM
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.]

I am writing to support CB38-2019. We can't continue to add new construction without careful consideration for the extended consequences of such actions. I have lived in a town that was $\frac{3}{4}$ flooded due to a heavy rainstorm and because of the unrestrained construction that occurred in that town and upriver from that town. Similar events have occurred in Ellicott City with, no surprise, similar results. It is not an easy problem to solve and may be it can only be mitigated but it must be addressed and I believe this legislation is a start at addressing this problem. It also must be recognized that we need to be very smart about addressing these problems as no community has unlimited resources.

Regards,
Tim Dull

Sayers, Margery

From: Meggan Murphy-Grayson <megganmurphy@gmail.com>
Sent: Wednesday, September 18, 2019 11:23 AM
To: CouncilMail
Subject: Pass CB-42

[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 support in passing the CB-42 bill. I hope that you all will make the decision to pass this bill as well. Our county school funding needs are growing each year and we need this funding to support the influx of children entering our schools as a result of newly built housing.

Kind regards,
Meggan Murphy-Grayson and Sherman Grayson

10097 Shaker Dr.
Columbia, MD 21046

Sayers, Margery

From: no-reply@howardcountymd.gov
Sent: Tuesday, September 17, 2019 5:59 PM
To: tharman212@aol.com
Subject: Council - cb38-2019

First Name: timothy
Last Name: Harman
Email: tharman212@aol.com
Street Address: 7116 John Calvert Court
City: Elkridge
Subject: cb38-2019

Message:

I strongly oppose cb38-2019 for the following reasons: It is an outrageous overreach of government control for the watershed "Patapsco Lower North Branch" which will have no impact on Ellicott city. I do not agree with any special new environmental regulations that infringe on the rights of property owners. If it is unavoidable The Bill should be limited to the Water Shed of the Tiber, Hudson and Plum Tree only. Legislation is not needed to stop granting waivers when regulations already exist in this area. It must be pointed out that land if properly developed has lower impact on future flooding. The second item of concern that makes me believe this legislation is an overreach is that some of the provisions are backdated to November 7, 2016. Citizens have invested time and capitol based on waivers that were granted, the government should not be allowed to steal that investment. Section 16,104 waivers were provided by the Government and have been relied upon. Section 16,116 - Protection of wetlands, streams, and steep slopes is already provided for in both the State and County Land use code. Changing this to favor one group of property owners over another is not fair. Section 16,127 residential infill development - prohibiting infill development also amounts to theft by regulation. As we all were reminded by the story of the land owner in Dunlogin, this would cost him a large part of his retirement if he was unable to develop the lot he is paying taxes on. It is fair and reasonable to require development to reduce the impact to the down stream watershed. It is not fair to strip people of the ability to make the highest and best use of their property. I know many people that have purchased a lot as an investment with the intention of someday doing infill development. The have paid significant tax on that land over the years, would this be refunded to them? I know of many families that have owned property for generations. They should be allowed to do what is in their best interest with their land without undue regulations and restrictions. The more restrictions that are placed on land use the higher the cost of owning a home becomes

Sayers, Margery

From: Brian and Liz Esker <bl_esker@yahoo.com>
Sent: Tuesday, September 17, 2019 4:10 PM
To: CouncilMail
Subject: Support for CB-38 and 42

[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 am writing to urge you to pass counsel Bill 38 and 42.

Council Bill 38 is desperately needed to protect the eastern side of the county from being deforested. The environmental regulations are in place to protect our community but if it is so easy to get around them why have them in the first place? It is common knowledge that you can get a waiver if only you apply. It is disheartening to see forest after forest clear-cut, meanwhile existing communities down stream flood and have environmental impacts. As a resident of Howard County for almost 20 years I have seen forests disappear over and over again in this environmentally sensitive area. The beautiful wooded areas in the lower Patapsco watershed have protections for a reason. It is the time to put a stop to the wavers. Please stop extending waivers and fees in-lieu-of that allow people to get around environmental laws and regulations.

Now about CB-42. This is desperately needed. The surcharge for building in Howard County is obnoxiously low. It is not allowing the communities to keep up with the growth. It is not allowing the school system to keep up with the growth. The school system year-by-year is cutting funding to all its programs. It is cutting teachers and programs. The student population is sky rocketing. The school system building is not keeping up with the building of homes. They don't have the money. The surcharge for new development is supposed to help to build schools and roads in fire houses, it simply isn't enough.

My neighborhood off Old Washington Road has easily seen a quadrupling of homes in the past 20 years yet the roads in and out of our neighborhood from Route 1 are the same as they were in 2000. There is only one safe way to go south out of our neighborhood on to Route 1, and that is at the light at Montgomery Road. The backups can be horrible and they are currently building more communities off of Hanover Road. The growth without a valid surcharge is simply unsustainable for our county and unsafe for the residents.

Growth is inevitable but surcharges must be increased so that the county can afford schools, roads, fire, police. With the amount of growth this county has seen in the past 20 years, there is no reason the school system should be having to slash its budget each year and scramble to find funds to build new schools. Raise the fee now so our school system can get the funding it needs to build schools and so that we can get road improvements that will allow us to safely come and go from our neighborhoods.

Thank you for your support for these bills!

Liz Esker

Elkridge

