

Introduced 9/3/2019
 Public Hearing 9/16/2019
 Council Action 10/07/2019
 Executive Action _____
 Effective Date _____

County Council of Howard County, Maryland

2019 Legislative Session

Legislative Day No. 11

Bill No. 40-2019

Introduced by: Liz Walsh

AN ACT extending the Effective Period of the temporary prohibition on the issuance of certain permits and certain approvals of development plans and zoning changes for property that drains wholly or partly to the Tiber Branch Watershed or the Plumtree Branch Watershed in Howard County that was imposed by Council Bill 56-2018; and declaring this to be an emergency bill.

Introduced and read first time September 3, 2019. Ordered posted and hearing scheduled.

By order Diane A. Jones
 Diane Schwartz Jones, Administrator

Having been posted and notice of time & place of hearing & title of Bill having been published according to Charter, the Bill was read for a second time at a public hearing on September 16, 2019.

By order Diane A. Jones
 Diane Schwartz Jones, Administrator

This Bill was read the third time on October 7, 2019, 2019 and Passed _____, Passed with amendments _____, Failed X.

By order Diane A. Jones
 Diane Schwartz Jones, Administrator

Scaled with the County Seal ~~and presented to the County Executive for approval~~ this 8th day of October, 2019 at 2 a.m. (P).

By order Diane A. Jones
 Diane Schwartz Jones, Administrator

Approved/Vetoed 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 **WHEREAS** after the Tiber Branch Watershed and the Plumtree Branch Watershed suffered
2 devastating flooding twice in the span of twenty-two months—resulting in the loss of human life
3 in Historic Ellicott City—the County Council passed CB56-2018 (the “Watershed Safety Act”),
4 which the County Executive signed, effective July 27, 2018, and CB20-2019 (to extend the term
5 of the Watershed Safety Act), which the County executive signed on June 12, 2019;

6
7 **WHEREAS** the term of the “Effective Period” of the Watershed Safety Act was twelve months,
8 through July 26, 2019, which was extended by Council Bill 20-2019 for an additional three
9 months, through October 26, 2019;

10
11 **WHEREAS** Council Bill 74-2018 clarified that certain exemptions to the limits on development
12 would be allowed providing appropriate relief from the effects of the moratorium;

13
14 **WHEREAS** during the Effective Period, the purpose of the Watershed Safety Act is to protect
15 the public health, safety, and welfare in both the Tiber Branch Watershed and the Plumtree
16 Branch Watershed;

17
18 **WHEREAS** during the Effective Period the Department of Planning and Zoning, the
19 Department of Public Works, and other appropriate units of County government must complete
20 certain studies, reports, and recommendations; such actions include but are not limited to: study
21 the extent to which existing, planned, and future development or redevelopment of property and
22 any other relevant factors may contribute to future flooding in either watershed; identify
23 potential public policy and private solutions; consider implementation of best practices; and
24 make recommendations to the County Council for changes in law and procedures to protect
25 public health, safety, and welfare in the Tiber Branch Watershed and the Plumtree Branch
26 Watershed;

27
28 **WHEREAS** during the Effective Period the County Council, having received such
29 recommendations, must study those recommendations and act on them so that any changes in
30 law and procedures to protect public health, safety, and welfare in the Tiber Branch Watershed

1 and the Plumtree Branch Watershed may be drafted, introduced, subject to public hearing,
2 enacted, and made effective before the Effective Period lapses;

3
4 **WHEREAS**, during the Effective Period, due to the potential that zoning changes may be
5 necessary in the Tiber Branch Watershed or the Plumtree Branch Watershed in response to the
6 studies, reports, and recommendations mandated by the Watershed Safety Act, it is imperative
7 that the County Council also have time to consider, share with the public, and act on any
8 recommendation concerning zoning changes in the Tiber Branch Watershed or the Plumtree
9 Branch Watershed; and

10
11 **WHEREAS**, because the County Council did not have sufficient time to undertake its certain
12 mandates pursuant to the Watershed Safety Act within the initial term or the extended term of the
13 Effective Period of that Act, the County Council must again extend the Effective Period by an
14 additional three months.

15
16 **NOW THEREFORE**,

17
18 *Section 1. Be It Enacted by the County Council of Howard County, Maryland that this Act is an*
19 *interim measure which shall extend the Effective Period of the Watershed Safety Act for an*
20 *additional three months, and, at the end of the day on the final day of the extended Effective*
21 *Period, with no further action required by the County Council, the Watershed Safety Act shall be*
22 *abrogated and of no further force and effect unless that Act is further modified, extended,*
23 *replaced, or terminated through a subsequent legislative act of the Council.*

24
25 *Section 2. And Be It Further Enacted by the County Council of Howard County, Maryland*
26 *that, except as provided in ~~Section 3~~ Sections 3 and 4 of this Act, all other terms of the*
27 *Watershed Safety Act, other than the duration of the initial Effective Period extended by this Act,*
28 *shall remain in full force and effect without interruption through the extended Effective Period.*

29

1 Section 3. And Be It Further Enacted by the County Council of Howard County, Maryland that
2 the Watershed Safety Act shall not apply to development on an improved property on which the
3 net increase in impervious surface is less than 1,500 square feet.

4 ~~Section 3~~ Section 4. *And Be It Further Enacted by the County Council of Howard County,*
5 *Maryland that the Watershed Safety Act shall not apply to scheduling hearings provided that no*
6 *approval subject to the Act is granted during the Effective Period.*

7

8 ~~Section 4~~ Section 5. *And Be It Further Enacted by the County Council of Howard County,*
9 *Maryland that this Act shall prevail if there is a conflict between this Act and other applicable*
10 *law; and*

11

12 ~~Section 5~~ Section 6. *And Be It Further Enacted by the County Council of Howard County,*
13 *Maryland that this Act is adopted as an emergency measure to address an immediate emergency*
14 *affecting public health, safety, or welfare and having been passed by two-thirds of its members,*
15 *this Act shall be effective immediately upon its enactment.*

Amendment 1 to Council Bill No. 40-2019

BY: David Yungmann

Legislative Day No. 12

Date: October 7, 2019

Amendment No. 1

(This amendment provides an exemption for improved properties on which the net increase in impervious surface is less than 1,500 square feet.)

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On page 2:

- in line 26, strike “Section 3” and substitute “Sections 3 and 4”.

On page 3;

- before line 1, insert “Section 3. And Be It Further Enacted by the County Council of Howard County, Maryland that the Watershed Safety Act shall not apply to development on an improved property on which the net increase in impervious surface is less than 1,500 square feet.”.
- in line 1, strike “Section 3” and substitute “Section 4”.
- in line 5, strike “Section 4” and substitute “Section 5”.
- in line 8, strike “Section 5” and substitute “Section 6”.

ADOPTED 10/7/2019
FAILED _____
SIGNATURE Diane Jones

Amendment 1 to Council Bill No. 40-2019

BY: David Yungmann

Legislative Day No. 12

Date: October 7, 2019

Amendment No. 1

(This amendment provides an exemption for improved properties on which the net increase in impervious surface is less than 1,500 square feet.)

1 On page 2:

- 2 • in line 26, strike “Section 3” and substitute “Sections 3 and 4”.

3 On page 3;

- 4 • before line 1, insert “Section 3. And Be It Further Enacted by the County
5 Council of Howard County, Maryland that the Watershed Safety Act shall not
6 apply to development on an improved property on which the net increase in
7 impervious surface is less than 1,500 square feet.”.
- 8 • in line 1, strike “Section 3” and substitute “Section 4”.
- 9 • in line 5, strike “Section 4” and substitute “Section 5”.
- 10 • in line 8, strike “Section 5” and substitute “Section 6”.

Sayers, Margery

From: Sharon Coruzzi <sharoncoruzzi@gmail.com>
Sent: Wednesday, October 16, 2019 4:57 PM
To: CouncilMail
Cc: Walsh, Elizabeth
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.]

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 that my friend, Denise Abosch, shared with me. 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.

Sharon Coruzzi
8042 White Jasmine Court
Ellicott City, MD 21043

Sayers, Margery

From: MC <mc.jhmi@gmail.com>
Sent: Monday, October 7, 2019 6:07 PM
To: CouncilMail
Cc: Walsh, Elizabeth
Subject: CB 40 and CB 38

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

All,

I appreciate your diligence on these bills and on the County Resolutions. Although I testified in person, I want to reinforce one last time that we need an extension on the Moratorium for two reasons- to get the new proposed stormwater standards in order and to get better data about waivers granted to environmental protection laws by DPZ. Since that data seems to be inconsistent and since DPZ seemed unprepared at the work session (or purposely stonewalling your work), I think it would be prudent to take a moment to allow DPZ to get its house in order before returning them to business as usual when it comes to waivers and watersheds. This will also give the County Executive time to introduce his new Forest Conservation bill and have it voted upon by the Council and in place for subdivisions not yet in process when the moratorium lifts.

I am not a hair-on-fire kind of person... but this is one of those moments that need our urgent attention. There is nothing more pressing than our changing climate, and the ever-increasing life-threatening flood events. Our number one super power for both of these is trees. A simple, basic, solution.

I'm asking for a pause on waivers and on development in our floodprone watersheds until we can reset our waiver practices so that they are hard to get, and as equally as expensive as working to develop and save our priority forests- so that builders who work in a speculative industry- aren't rewarded for doing the least, and so that we know that DPZ - or whomever is tasked with granting waivers- is doing what is best for the citizens.

Our pie charts are upside down. Waivers denied should be the big piece of the pie and waivers granted should be the smaller slice. Remember- state law says that waivers are not meant to subvert the intent of our laws.

Thanks for listening.

Mary Catherine Cochran
Ellicott City, Maryland

Sayers, Margery

From: Ratan Singh <ratan.singhbb@gmail.com>
Sent: Monday, October 7, 2019 5:17 PM
To: CouncilMail
Subject: I support passage of CB#38

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

As a resident of Howard county, I support passage of CB#38.

Sayers, Margery

From: Stuart Kohn <stukohn@verizon.net>
Sent: Monday, October 7, 2019 1:02 PM
To: CouncilMail
Subject: Vote YES on CB38, 40 and 42

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

Dear Council Members,

HCCA is hoping you will do the right thing and not disappoint us and many of your constituents by voting YES on CB38, 40, and 42 which we testified on. These Bills obviously have a major impact on the future of Howard County.

Jimmy Carter is quoted as saying, "It is difficult for the common good to prevail against the intense concentration of those who have a special interest, especially if the decisions are made behind locked doors."

Hopefully we will be able to post on our HCCA Listserv a congratulations for unanimously passing these most important Bills. We would appreciate the opportunity.

Stu Kohn
HCCA President

Sent from my iPhone

Sayers, Margery

From: John Milano <JMilano@rcmd.com>
Sent: Monday, October 7, 2019 11:25 AM
To: CouncilMail
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.]

Ms. Walsh,

I am a resident of Taylor Village since 2001.

I am writing to let you know that we support the 2 bills listed above and that Dr. Taylor does not speak for us.

Many thanks.

John Milano

4660 Tall Maple Court
EC, 21043


John Milano
RCMD

555 Fairmount Avenue
Baltimore, Maryland 21286-5497
USA

Phone 410 339 5202
Cell 410 241 8710

JMilano@rcmd.com
www.rcmd.com

View our disclaimer at: www.rcmd.com/disclaimer

 Please consider the environment before printing this e-mail or any attachments.

Sayers, Margery

From: TB Mueller <tbm8215@gmail.com>
Sent: Monday, October 7, 2019 11:23 AM
To: CouncilMail
Subject: CB38 & CB40

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

I am on the Board for Legacy at Village Crest II and wish to advise that we are in support of the continued moratorium stopping new construction in the watershed that impacts historic Ellicott City.

I want to advise that we were not contacted by Dr. Bruce Taylor regarding his notice to testify on behalf of an organization. We are part of the communities that he identified in the affidavit. I was not aware of a poll or survey regarding this matter by Dr. Taylor and feel he is misrepresenting the feelings of the residents in the area that he previously developed.

Obviously, the moratorium negatively impacts his development of the Taylor Manor Hospital site. It is rumored to be apartments/condos of 900+ units. This would definitely impact additional water flowing into Ellicott City when it rains.

Thank you

T. Brian Mueller
Secretary/Treasurer

8215 Stone Crop Drive, Unit D
Ellicott City, MD 21043

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: 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: 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 <jcrodr84@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: 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: 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: Susan Garber <buzysusan23@yahoo.com>
Sent: Friday, October 4, 2019 9:48 AM
To: CouncilMail
Subject: In support of CB-40-2019

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

Dear Council Members:

I urge you to support the three month extension of CB-56-2018 delaying development for further study and activity in the Tiber and Plum Tree Watersheds. Lives potentially hang in the balance of your action. You have no greater obligation than the protection of your citizenry. It is critical for this bill to be considered emergency legislation and to take effect immediately.

Sincerely,

Susan Garber

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: 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

CB 38-2019

Sayers, Margery

From: john.barbare <john.barbare@gmail.com>
Sent: Tuesday, October 1, 2019 9:05 PM
To: CouncilMail
Cc: Ball, Calvin
Subject: Please pass 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.]

I live 1 mile from old EC and the construction over the last 20 years has flooded my house and lost power for weeks. Please pass these Bills for consideration of re election and helping the community.

John Barbare
8055 High Castle
Ellicott city md 21043

Thanks

Sent via the Samsung Galaxy S8, an AT&T 5G Evolution capable smartphone

Sayers, Margery

From: Adam Simon <adamjsimon7@gmail.com>
Sent: Tuesday, October 1, 2019 11:52 AM
To: CouncilMail
Subject: CB-40 testimony

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

Good Morning,

My wife and I have been residents of Howard County since 2013. As our family has expanded, we moved from a townhouse in Long Reach to a single family home in Dorsey Search in 2016. We bought our house with the intention to redesign the backyard to better suit the needs of our family. The original wooden deck was very small, was starting to rot and was pulling away from the house at a steep angle due to the failure of several footings causing potential structural issues to the foundation of our main house. This was noted as part of our home inspection and we understood that it was in desperate need of replacement. The original homeowners had resided in the dwelling since the house was built in the early 1980's. As such there were also many repairs and updates that were required internally to the house prior to being able to move in. After completing all internal repairs in 2017, we had saved enough money by 2019 to address the condition of the backyard. At the beginning of this year we went through the process of interviewing contractors, settling on a final design, and getting HOA approvals for a screened porch and patio. After selecting a contractor, we proceeded with demolition of our deck as it was becoming structurally unsound and was causing unknown damage to the foundation of the home. As the removal commenced, the Contractor went to secure permits for the new design as approved by the HOA. Due to CB56 (the watershed moratorium), the Contractor was denied the permits to continue with the construction project. As we had already begun removal of the deck due to safety concerns, we have been without a deck and without direct access to our backyard since April 2019. The construction of a replacement deck could have been approved however the later conversion of that deck to a screened porch and the later addition of the patio would have incurred an additional financial burden, so we decided to wait until a decision on CB56 was made in July 2019.

We have closely followed the legislation(s) that have been passed and/or introduced, including the first 3 month extension that passed back in July. There are many residents that have put in a lot of time and effort to improve their homes and are now stuck in this holding pattern while extensions to the moratorium continue to be passed. During the first extension, there was an amendment introduced to allow exceptions to the moratorium, but it was not passed due to issues quantifying square footage (or so I was told by the councilwoman's office). This is having a financial impact as well, since money was already allocated for the contractors and permits prior to the initial CB-56 legislation. As we already removed our deck, the functionality of our home and our families' ability to fully utilize and enjoy our home has been reduced for over 6 months. With an additional 3 month extension, the earliest we would be able to begin construction is January 2020. Due to concerns with the cold weather, outdoor construction is unwise in the winter months, this means the earliest we could begin construction would be March or April of 2020. At that point we will have been without a deck and with limited use of our backyard for almost a year due to the multiple extensions of this moratorium. Finally we are especially frustrated with the moratorium given the physical location of our house. The area being held under the moratorium includes our home but not the area directly across the street. We are directly on the border of the watershed line. There should be a way that the county can take all of this and the limited square footage that we are proposing into consideration in order to start granting exceptions on a case by case basis.

As other residents and homeowners have stated, we are fully committed to keeping Ellicott City safe. We have been taking our family to Main Street for years and are frequent visitors to local restaurants, coffee shops, and stores on Main Street. We often go to the music and arts festivals throughout the year and I have even played

with a band at the Judge's Bench numerous times over the years. With that said, we are against extending the moratorium. Providing another three month extension will not add any more value to the current mitigation plans. The county has put many improvements in place over the last year and a half which have provided stability in the area, but putting residents on hold for 18 months + for permits is past extreme. No more time should be necessary to assess the survey from 2018-2019.

Very Respectfully,

Adam Simon

Sayers, Margery

From: Michael Thompson <thompson624@gmail.com>
Sent: Monday, September 30, 2019 1:21 PM
To: CouncilMail
Subject: CB40-2019 support

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

Dear Council Members

I am writing to express my support for CB40-2019. Having been subject to severe flooding, our community of Valleymede is grateful that the Council saw fit to include our watershed in the moratorium when it was first introduced. Now we are grateful that the Council is again proposing to extend the moratorium. I would like to also suggest that the moratorium remain in effect until such time that stormwater management projects shall be implemented to mitigate flooding or until additional regulations are implemented that would mitigate stormwater runoff to the degree necessary to minimize the potential for loss of property and loss of life.

Thank you for your consideration

Michael Thompson
9806 Michaels Way
Ellicott City, MD 21042

Sayers, Margery

From: Michael Thompson <thompson624@gmail.com>
Sent: Monday, September 30, 2019 11:33 AM
To: CouncilMail
Subject: CB40 support

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

I would like to express my support for CB-40 and my request that you all vote to extend the moratorium within the Tiber and Plumtree watersheds. I fully support the extension until such time as necessary stormwater management improvements can be fully implemented, or until additional legislation is enacted to help protect the community.

Thank you for your consideration

Michael Thompson
9806 Michaels Way
Ellicott City, MD 21042

Sayers, Margery

From: Rossana Marsh <rossanamarsh1@gmail.com>
Sent: Sunday, September 29, 2019 5:04 PM
To: CouncilMail
Cc: Ball, Calvin
Subject: In 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.]

Good afternoon,

I am writing to express my full support for CB38-2019 and CB40-2019.

I am a resident of Taylor Village and like many others, was horrified by the loss of life and extensive damage caused by the floods we experienced in 2016 and 2018. To think that the construction of the very neighborhood we live in might have contributed to additional runoff and flooding was sobering to say the least. Contrary to what the Taylor Village Association suggests, we are not all opposed to CB 38 and CB 40!

I urge you to do everything you can to strengthen and expand environmental sustainability in the Patapsco Lower North Branch Watershed. It is inconceivable that developers should continue to be allowed to bypass environmental laws via fees-in-lieu, waivers, etc.

Additionally, extending the Watershed Safety Act (CB40) will allow the council to more thoroughly address the issues related to flooding, storm water runoff and how any zoning changes might affect the Tiber Branch Watershed and Plumtree watershed.

Thank you for your consideration.

Respectfully,

Rossana Marsh

4927 Rushing River Drive
Ellicott City, MD 21043

Sayers, Margery

From: bill marsh <vball.marsh@gmail.com>
Sent: Saturday, September 28, 2019 5:15 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.]

Dear Council Members,

I fully support CB 38 and CB 40. No way we should have more development upstream of downtown Ellicott City.

Thank you,

William Marsh
4927 Rushing River Drive
Ellicott City, MD 21043

Sayers, Margery

From: Bruce Taylor <btaylor@taylorservice.com>
Sent: Wednesday, September 25, 2019 10:35 AM
To: CouncilMail
Cc: Ball, Calvin
Subject: additional testimony against CB 38 & CB40
Attachments: Testimony supplement against CB38 & CB40 .pdf

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

Please see the attached additional testimony against CB 38 & CB 40, requested that these bills not be amended or approved.

Thanks,

Bruce T. Taylor, M.D.

Office: 410-465-3674
Cell: 410-868-9871

September 24, 2019

Testimony against CB 38 & CB 40

Bruce T. Taylor, M.D., Taylor Properties Community Association
5304 Dorsey Hall Drive Ellicott City, MD 21042

This testimony sent by email is a supplement to my testimony given orally and by email on September 16, 2019.

Email testimony from three people at 3819 Mulligan's Hill Lane expressed the view that a 20 unit development above their home had failures which contributed to damages to two homes on Mulligan's Hill Lane. As the president to the Taylor Properties Community Association responsible in part to maintain the storm water management for the 20 unit Autumn Overlook development on College Avenue, I want to advise you that the claims made in these three email testimonies are not founded in fact. There has never been any failure of any stormwater management facility at Autumn Overlook, even in the two terrible floods of 2016 and 2018. This development was approved prior to the 2016 flood and all required stormwater management features are included.

The facts of this development are similar to those of other parts of the Taylor Properties Community Association:

- The stormwater management facilities are maintained according to county standards.
- Less water and better water quality leave the developed property than had the area been left undeveloped.
- The properties abut areas maintained forever as forest conservation.
- The open space of the properties abut the state park which abuts the railroad tracks before any runoff heads to the Patpasco River.
- The properties preserved over 50% of open space and forested lands as well as steep slopes.
- This development and other parts of the Taylor Properties Community Association are beneficial, not harmful to Ellicott City and Howard County. It provides environmentally sensitive homes. It contributes to the County tax base. Its residents provide welcome diversity and workforce for the County and community.

The two major floods created significant rainfall which damaged many properties in and of itself, regardless of any runoff reaching other properties. It is unfair to say that these modern developments with proper stormwater management caused any damage to these homes and that future developments should be stopped. Older development, prior to the 1980's, of College Avenue and the homes around it, with next to no stormwater management, along with the direct impact of the storms themselves, contributed to the damages.

As I noted in my testimony previously, no extension of time is needed for the moratorium of CB 56 already on extension. The moratorium has been bad for Ellicott City in that it has delayed projects which will help flood management and the economy while forever preserving sensitive environments. CB 38, if enacted in any form, will hurt not help Ellicott City and many other parts of the County.

In summary, we urge you to vote against CB 38 & CB 40 which will have a negative impact on Ellicott City, the County and its residents.

Thank you,

Bruce T. Taylor, M.D.

Bruce T. Taylor, M.D.

Sayers, Margery

From: Len Berkowitz / Sherry Fackler-Berkowitz <greatpanes@gmail.com>
Sent: Wednesday, September 25, 2019 9:34 AM
To: CouncilMail
Subject: CB-40 2019

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

Good morning Howard County Council.

I am writing in support of CB-40 2019. I lost my business and building in both the floods 2016, & 2018. My business had been in town since 1980 and we would have stayed had the floods not happened. Due to the floods we have moved our business outside of Howard County. My building is one that will be taken down in the future.

I don't believe enough changes have been done to remove the moratorium on the watershed. An example is New Cut road, as of this email it is still not open. How can we let the developers back into the watershed when one of the major run offs come from New Cut Road. I believe 22' of water came down the river. Until more is done to protect Historic Ellicott City the moratorium should stay in place.

Thank you,
Sherry Fackler-Berkowitz
7531 Ridge Road
Marriottsville, MD 21104

Decrease Developer Entitlements

I support CB38-2019 that prohibits waivers for builders who want to build in Ellicott Cities floodplain.

I support CB40- 2019 that extends the life of CB56-2018.

I support CB42-2019 that will raise developer's impact fees to market rates.

Past and present County Councils and Executives major problem is and has been that they cannot say no to developers. Our elected representatives have amended the APFO rules and/or regulations to meet developer requirements for more than twenty years.

The results continue to be severe flooding in Ellicott City and overcrowded classrooms that hinder a quality education for some students and redistricting for others through out Ho Co.

I encourage the entire Ho Co Council to
unanimously support the aforementioned
bills with their votes.

Harry Dunbar, AKA Slow Growth Dunbar
Owen Brown

09/23/2019

Sayers, Margery

From: Rigby, Christiana
Sent: Thursday, September 19, 2019 1:55 PM
To: Sayers, Margery
Subject: FW: CB40

From: Beth Harbinson <bsh.sobar@gmail.com>
Sent: Thursday, September 19, 2019 8:08 AM
To: Rigby, Christiana <crigby@howardcountymd.gov>
Cc: Scott Harbinson <sharbinson@earthlink.net>
Subject: CB40

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

Christiana,

Good Morning! My husband testified on Monday evening against adoption of CB40. We are the couple who purchased a lot to build on and then decided to stay in our current Dunloggin home.

I am 100% committed as a homeowner "up the hill" from Ellicott City to doing whatever I can to mitigate flooding. For example, the erosion in our backyard has been extensive and we are currently saving up to totally regrade, add the most absorbent ground cover we can and divert water away from the city we support and love. I realize this is a tiny thing but this is our perspective and commitment to doing whatever we can to help. Two of my close friends own businesses on Main Street!

As we heard the other night, much of what will be done in single property development scenarios will IMPROVE runoff and mitigate the problem. After the hearing, we ran into the woman who testified about the flooding on her property - she lives on the road behind our lot. If we are able to develop our lot, we will IMPROVE the runoff situation on Valley Road and help those neighbors as well.

We are asking for this bill not pass so our property is again sell-able AND because of the safeguards that the county has put into place to assure single family development IMPROVES or mitigates the runoff situation rather than contribute to it.

If the moratorium is extended without allowing for exceptions for single family lots, I hope the county will consider waiving OR refunding property taxes we have had to pay for over a year now on a property that we cannot sell because at present, it has no value.

Finally, on a personal note, it was great to see you without your boot! Thanks for running an efficient council that listens and considers public discourse and comment!

Beth

Beth Sandbower Harbinson

Founder

Sobar...raising the "bar" for non-alcoholic beverages.

410-913-3970

Facebook



BBB Rating: A
As of 09/20/19
[Click for Profile](#)

Sayers, Margery

From: Rigby, Christiana
Sent: Thursday, September 19, 2019 1:55 PM
To: Sayers, Margery
Subject: FW: CB40

From: Beth Harbinson <bsh.sobar@gmail.com>
Sent: Thursday, September 19, 2019 8:08 AM
To: Rigby, Christiana <crigby@howardcountymd.gov>
Cc: Scott Harbinson <sharbinson@earthlink.net>
Subject: CB40

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Beth

Beth Sandbower Harbinson

Founder

Sobar...raising the "bar" for non-alcoholic beverages.

410-913-3970

Facebook



**ACCREDITED
BUSINESS**

BBB Rating: A
As of 09/20/19
[Click for Profile](#)

Sayers, Margery

From: Beth D <exaa2011@gmail.com>
Sent: Monday, September 16, 2019 2:52 PM
To: CouncilMail
Subject: CB40-2019

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

September 16, 2019

Re: CB40-2019

Dear Honorable County Council members,

Please vote YES on Council Bill 40. I strongly support extending the Effective Period of the temporary prohibition on the issuance of certain permits and certain approvals of development plans and zoning changes for property that drains wholly or partly to the Tiber Branch Watershed or the Plumtree Branch Watershed.

Thank you for your consideration.

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

Sayers, Margery

From: Carolyn Weibel <carolinasandsunsurf2@gmail.com>
Sent: Monday, September 16, 2019 2:56 PM
To: CouncilMail
Subject: Council Bill 40-2019, Tiber Branch & Plumtree Watershed legislation

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

Good afternoon, County Council Members,

I am not able to attend tonight's County Council Meeting, so I am sending this email to voice my approval for CB 40-2019.

I live in Valley Mede and believe the improvements DPW discussed in their May 21, 2019 meeting need to be implemented and proven effective prior to the issuance of any permits for development that drains into either the Tiber Branch Watershed or the Plumtree Branch Watershed.

There is another community meeting scheduled on September 26, 2019 to continue this discussion. As long as discussion is ongoing and proven stormwater remediation is not in place, than the temporary ban on issuing permits and certain approvals of development plans and zoning changes for impacted properties needs to be in place.

Thank you for your time. I am in favor of CB 40-2019.

Carolyn Weibel
Valley Mede



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

September 12, 2019

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

Re: CB 40-2019, Temporary Prohibition of Permits in the Tiber and Plumtree Branches

Dear Chairperson Mercer Rigby and Members of the Council,

Following the tragic flooding event in Ellicott City last year, the previous County Council enacted what was to be a temporary halt to new development permits in the Tiber and Plumtree Branch Watersheds. This initial one-year ban was followed this summer by a three month extension, which is now proposed to be extended for an additional three months under CB 40.

The Howard County Association of REALTORS® (HCAR) did not object to the initial permit prohibition because it was reasonable to give the County time to study and develop a response plan to those events. As the Council now ponders extending this permit moratorium to a full eighteen months, we grow concerned about the impacts a continued halt has on Ellicott City residents. HCAR members have heard from homeowners within the watershed who are unable to undertake even minor improvements to their homes and are unsure how much longer they may have to wait before proceeding.

HCAR therefore asks the Council to consider whether continuing the prohibition for existing individual lots is necessary, particularly for projects which are unlikely to increase stormwater outflows or where the prohibition creates an unreasonable hardship for the property owner. We also encourage the Council to set an endpoint beyond which the permit moratoria will not be extended. We believe that these actions will provide needed flexibility for area homeowners and additional certainty to residents in the watershed.

HCAR thanks you for your consideration of our comments.

Sincerely,

Dan Iampieri
President
Howard County Association of REALTORS®

Sayers, Margery

From: Lisa May <lisavm78@vt.edu>
Sent: Monday, September 16, 2019 3:22 PM
To: CouncilMail
Subject: HCAR Comments on CB 40
Attachments: CB40.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 will find comments from the Howard County Association of REALTORS (HCAR) regarding CB 40, which extends the current permitting prohibition in the Tiber and Plumtree Branch Watersheds.

We appreciate your consideration of our comments.

Best regards,

Lisa May
HCAR

Sayers, Margery

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

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

Howard county council members,

This is not testimony.

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

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

I also support CR112-2019.

Thank you for your time.
Kim Drake
District 2

Sayers, Margery

From: Julie Wheeler <julie@simplyreferable.com>
Sent: Monday, September 16, 2019 5:08 PM
To: CouncilMail
Subject: CB40-2019 Request for Amendment

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

To: Howard County Council
Re: Current Moratorium

Hello All,

I am writing today to put in a request with our council members for an amendment to proposed bill CB40-2019. We have had clients that have been waiting for over a year and a half to build on individual infill parcels of land that are adjacent to the Tiber and Plumtree watershed regions. They are beginning to lose patience with the councils inability to lift the moratorium in a timely manner. These infill lots are empty properties that currently are experiencing additional run off during storms and would be better suited to have homes built by professional builders who will utilize site development plans to control the current run off with use of water gardens and proper drainage.

This moratorium has caused two of our buyers to move elsewhere (not in Howard County) as they were unable to build there dream home due to this lengthy process. We understand the need for a redesign of the safety and precautionary measures the county should take to ensure that all builders (and homeowners) are implementing the best possible practices as a safeguard so we do not experience any additional flooding or loss of life as experienced by the 2017 and 2018 floods in EC. The result is now a loss of money from future tax payers to the county, loss of children being put in HC schools, and voters for this area.

Furthermore, the owners of these parcels of land are continuously paying taxes on properties that can neither be sold (as they are not able to be used for residential purposes), nor built upon. Mr. Harbinson is one such current tax payer in District 1 who is affected by this current bill. His retirement is tied into a piece of property on Macalpine Rd. that is currently rendered useless by CB40-2019 with no exceptions being granted.

We ask that the council respectfully consider an amendment to the bill in hand. We ask that the current legislation allow a case by case basis consideration for all singular residential builds in the affected areas. Should builders be allowed to show their SDP to the Department of Planning and Zoning with property safety measures for run off/storm water, permits should be allowed to be granted as a result. With this blanket moratorium the council is hindering progress for the county.

Please consider our request for the amendment and put this into action immediately so we can allow buyers to once again move forward with the plans for building their forever homes here in our wonderful district.

Thank you for your due consideration and time.

Respectfully,

Julie R Wheeler
Director of Operations
Coldwell Banker Residential Brokerage

Sayers, Margery

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

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

Dear Council Members:

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

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

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

Hampton and Karen Knelly

Testimony against CB40

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

Taylor Properties Community Association, 5403 Dorsey Hall Drive, Ellicott City, MD 21042

Village Crest Neighborhood Association, 5403 Dorsey Hall Drive, Ellicott City, MD 21042

The extension of the moratorium created under CB 56, already in extension is not needed with CB 40. The facts of the County water or hydrology study published in June 2017 recognized development as only a minor contributor to flooding of Old Ellicott City (OEC), pointing out that even if all the 3.7 square miles of the OEC watershed were undeveloped forest, about 80% of the floodwaters would still have occurred in 2016. The study notes that even if all the remaining undeveloped property were fully developed it would not have made the flooding worse. It didn't, however, point out an important fact, which is that any new development, with existing or even more stringent standards, will help. Even if all the remaining undeveloped land and all the re-development currently planned were to retain all the rainfall hitting the property, it would not stop OEC from flooding as it is only a few percent of the entire 3.7 square miles of the watershed.

Stopping development raises the cost of new housing, when and if it can happen, 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.

Each new development under current standards will provide quality and quantity controls which do not exist today; many of these SWM benefits will be on line at no cost to the County before all the features of the excellent flood mitigation plan of County Executive Ball can be completed. The more area that is developed or re-developed the more SWM that will be provided. CB40 if passed will stop or greatly reduce development which will, therefore, mean there will be no change from current conditions which have contributed to flooding. Development and re-development is exactly what OEC needs to help keep acre feet of water from reaching Main Street.

In general, the more development there is the more the tax base and revenues increase in addition to adding to housing stock and needed workforce housing. If we make development too costly, new projects will not proceed, revenues will decline and diversity will suffer. Projects on hold currently will add hundreds of millions of dollars to the County tax base, providing additional needed revenues.

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 patio additions or other home improvements is restricted. 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.

As the President of the Taylor Properties Community Association and of the Village Crest Neighborhood Association, we also oppose CB40. These associations represent the over 1000 residents who live in Taylor Village at the top of College Avenue. A newly planned clubhouse which has been in the works for over 6 years will be further delayed or possibly never built if the moratorium isn't lifted.

While CR 122 & CR123 are overly burdensome to developers, asking new projects to do more than their fair share, they do get us back on track to answer the questions posed by CB56 and provide a framework for solutions making CB40 totally unnecessary.

In summary, we urge you to vote against CB40 which will have a negative impact of OEC, the County and its residents.



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

September 16, 2019

Re: OPPOSITION OF Extending the building moratorium in the Tiber Branch and Plumtree Branch Watersheds (CB40-2019)

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

The Howard County Chapter of the Maryland Building Industry Association (MBIA) writes to oppose Council Bill 40, which once again extends the building moratorium in the Tiber Branch and Plumtree Branch Watersheds an additional 3 months.

The Watershed Safety Act was passed in July of 2018 to temporarily halt new development in the Tiber-Hudson Watershed (Ellicott City, generally) to give the Department of Planning and Zoning, the Department of Public Works, and the County Council an opportunity to study flooding in this area and identify potential public policy and private solutions to future flooding in the Ellicott City area. In May of 2019, this moratorium was extended an additional three months.

While we disagreed that new development is the reason for flooding, we supported the Council and County's goals of studying this issue and setting best practices moving forward. The three month extension seemed like an appropriate length of time for the County to wrap up what remained of its work in this area.

We were cautious, but hoped policy changes would be introduced at the end of the extension that would propose new stormwater standards and an end to the moratorium; or new stormwater standards that would allow our members to proceed past the moratorium if certain design requirements are met.

We are disappointed that the extension was not productive. An additional 3 month extension is unreasonable. We have no reason now to expect that another extension would make a positive difference.

We respectfully request the Council to vote no on CB40.

If you have any questions about these comments and would like to discuss MBIA's position further, please do not hesitate to contact me at abailey@marylandbuilders.org or (202) 815-4445.

Best regards,

Angelica Bailey, Esq., Vice President of Government Affairs

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

Sayers, Margery

From: Melissa Metz <melissametz725@gmail.com>
Sent: Monday, September 16, 2019 9:02 PM
To: CouncilMail
Subject: CB40 Testimony

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

Dear Members of the County Council,
I fully support CB40, extending the period of the Watershed Safety Act by three months. In fact, the Watershed Safety Act must stay in place until adequate action has been taken, by the County Council and County government if appropriate, to ensure that new development and re-development will mitigate the volume of stormwater runoff seen in the 2016 Ellicott City flood. The "moratorium" imposed by the Watershed Safety Act is meaningless without action that changes the situation in the future. The community will not be made safer by purely postponing development; it will be made safer by addressing the increased risks of flooding that development creates.

Additionally, the County Council should consider taking a different approach to the effective period of the Watershed Safety Act. The Act should remain in place without a time limit *until* the County Council has shown that it has taken action to address the increased risks of flooding that development creates, and subsequently repeals the Act.

Best,

Melissa Metz

Woodstock, MD

District 5

Good evening,

Sandbever Harbinson

My name is Scott Harbinson and I am here with my wife, Beth to speak to CB40-2019. We have lived in the Dunloggin area since 1993. In 2016 we purchased Lot 21-22 on MacAlpine Road using my real estate IRA. Our initial plan was to build on that lot. However due to a change in family circumstances- specifically, a grandchild and son and daughter-in-law living in Florida; our plans have changed and we decided to sell the lot and remain in our current home in Dunloggin.

Let me preface further remarks by saying that we are completely supportive of commonsense measures to protect Old Ellicott City and other vulnerable areas from flooding.

Prior to the moratorium, in the Fall of 2017 we put the lot on the market. Since that time, it has generated considerable interest. However, since the building moratorium interest remains- but unsurprisingly, no buyer is willing to commit to a purchase in this environment of uncertainty.

We have been paying the full assessment tax rate since the moratorium, despite the fact that the action of the Council has rendered this lot unsellable. I think it that is manifestly unfair that we have a lot that is now worth zero that I pay over \$2300 in taxes every year.

When I was performing my due diligence prior to purchase, I was advised by the County that this was a buildable lot. At no time was I advised that its buildability was subject to revocation by the Council. I also went to the expense of hiring an engineer who told me of the necessary steps to mitigate any issues related to drainage. That section of MacAlpine has no storm water infrastructure. I am advised that my lot drains a large area and further that waters from heavy rain drains across my property and impacts homes on Valley Road that abut the lot.

In its current configuration, that flooding will continue unabated and contribute to future flooding problems in the watershed. However, with proper construction and flood mitigation, there can be a resolution that decreases the impact of torrential rains that drain across my lot and continue downstream in the watershed and ultimately to the historic district.

I am scheduled to retire in December. I cannot afford to write off a \$260,000 loss to my retirement assets- nor should I have to.

I respectfully ask that the Council either vote down or amend CB40-2019 to allow for infill development on a case-by-case basis, subject to compliance with the current regulations related to mitigation of floodwaters.

Thank you for listening to our concerns.

September 16, 2019

County Council,

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

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

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

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

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

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

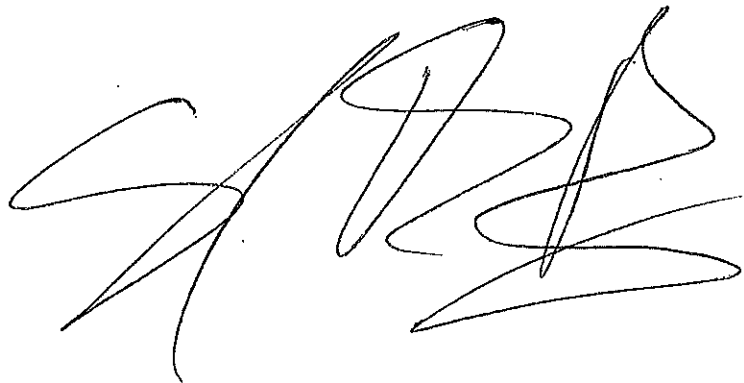
The idea of charging developers (CR-122) more to develop in an area that should not be used for development seems ridiculous. Where has the previous money for storm water management gone?

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

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

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

I also support Bill 40-2019

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

Testimony against CB40

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

Taylor Properties Community Association, 5403 Dorsey Hall Drive, Ellicott City, MD 21042

Village Crest Neighborhood Association, 5403 Dorsey Hall Drive, Ellicott City, MD 21042

The extension of the moratorium created under CB 56, already in extension is not needed with CB 40. The facts of the County water or hydrology study published in June 2017 recognized development as only a minor contributor to flooding of Old Ellicott City (OEC), pointing out that even if all the 3.7 square miles of the OEC watershed were undeveloped forest, about 80% of the floodwaters would still have occurred in 2016. The study notes that even if all the remaining undeveloped property were fully developed it would not have made the flooding worse. It didn't, however, point out an important fact, which is that any new development, with existing or even more stringent standards, will help. Even if all the remaining undeveloped land and all the re-development currently planned were to retain all the rainfall hitting the property, it would not stop OEC from flooding as it is only a few percent of the entire 3.7 square miles of the watershed.

Stopping development raises the cost of new housing, when and if it can happen, 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.

Each new development under current standards will provide quality and quantity controls which do not exist today; many of these SWM benefits will be on line at no cost to the County before all the features of the excellent flood mitigation plan of County Executive Ball can be completed. The more area that is developed or re-developed the more SWM that will be provided. CB40 if passed will stop or greatly reduce development which will, therefore, mean there will be no change from current conditions which have contributed to flooding. Development and re-development is exactly what OEC needs to help keep acre feet of water from reaching Main Street.

In general, the more development there is the more the tax base and revenues increase in addition to adding to housing stock and needed workforce housing. If we make development too costly, new projects will not proceed, revenues will decline and diversity will suffer. Projects on hold currently will add hundreds of millions of dollars to the County tax base, providing additional needed revenues.

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 patio additions or other home improvements is restricted. 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.

As the President of the Taylor Properties Community Association and of the Village Crest Neighborhood Association, we also oppose CB40. These associations represent the over 1000 residents who live in Taylor Village at the top of College Avenue. A newly planned clubhouse which has been in the works for over 6 years will be further delayed or possibly never built if the moratorium isn't lifted.

While CR 122 & CR123 are overly burdensome to developers, asking new projects to do more than their fair share, they do get us back on track to answer the questions posed by CB56 and provide a framework for solutions making CB40 totally unnecessary.

In summary, we urge you to vote against CB40 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
(name of individual)
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.

September 16, 2019

Howard County Council Members:

RE: Testimony CB40

We are in support of CB40, which would extend the effective period of temporary prohibition the issuing permits and approvals of development plans and zoning changes for property in the Tiber and Plumtree Branch Watersheds that was imposed by emergency bill CB 56-2018.

We believe this extension is critical right now to allow time for the County Council to review current proposed legislation which aims to address the issues that were of concern when the emergency bill was passed.

Please pass this extension.



Carolyn Parsa
Howard County Sierra Club Chair



Additional partner sign on:





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

I, Carolyn Parsa, have been duly authorized by
(name of individual)

Sierra Club Howard County Group 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: Carolyn Parsa

Signature: _____

Date: 9/16/2019

Organization: Howard County Sierra Club

Organization Address: College Park, MD 20740

College Park, MD 20740

Number of Members: 1000

Name of Chair/President: Carolyn Parsa

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.



HCCA

Howard County Citizens Association

Since 1961...

The Voice Of The People of Howard County

Date: 16 September 2019

Subject: Howard County Citizens Association (HCCA) Testimony in FAVOR of CB40-2019

My name is Stu Kohn and I am the President of the Howard County Citizens Association, HCCA.

We, the HCCA are by all means in FAVOR of the passage of CB40-2019 as we are for CB38-2019. Both Bills are unequivocally the right thing to do if one really cares and takes pride in our environment. We congratulate Council Member Walsh for her continued tireless efforts to ensure our invaluable land is fully protected from any further unnecessary disturbance caused by development.

A question for all of our Council. What has priority – lives, property, or the continuation of over-development? Common sense needs to prevail. A second question is why at this time do we not see any sponsors on this Bill? This Bill is by all means the right thing to do. We recommend that the proposed extension of three months be extended to such time when all parties have the full confidence that development along the designated Watershed is considered fully ready for prime time. There should be absolutely no harm to the land when contemplating construction until all measures have been fully analyzed and guaranteed that no unintended damage will occur before the first foundation is completed.

Please refer to the Bill for suggested amendments.

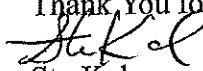
Page 2, Lines 7 thru 9 to read – that the County Council also have AMPLE time to consider, share with the public, BY HAVING A PUBLIC HEARING TO FULLY DISCUSS THE FINDINGS, and act on any recommendation(S) concerning zoning changes in the Tiber Branch Watershed or the Plumtree Branch Watershed; and

Page 2, Line 14, additional three months OR UNTIL SUCH TIME THIS ACT IS DECLARED TOTALLY FOOLPROOF BY ALL CONCERNED PARTIES.

Page 2, Line 20 change to match what was previously stated.

We ask you to simply do the right thing by ensuring that our county's major priority and focus is as stated on page 3, Line 10 that the public health, safety, or welfare is an emergency and needs to be adopted because of this most compelling need. Your unanimous adoption of this Bill can be attributed to a quote by Margaret Thatcher, when she stated, "Disciplining yourself to do what you know is right and important, although difficult, is the highroad to pride, self-esteem, and personal satisfaction."

Thank You for your consideration.


Stu Kohn
HCCA President



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

✓ I, Stu Kohw, have been duly authorized by
(name of individual)

Howard County Citizens Association to deliver testimony to the
(name of nonprofit organization or government board, commission, or task force)

County Council regarding 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: Stu Kohw

Signature: Stu Kohw

Date: 16 Sept 19

Organization: HCCA

Organization Address: ELLCOT CITY MD.

Number of Members: 500

Name of Chair/President: Stu Kohw

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.



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

I, Barbara Krupiarz, have been duly authorized by
(name of individual)

The People's Voice, LLC to deliver testimony to the
(name of nonprofit organization or government board, commission, or task force)

County Council regarding CB40-2019 to express the organization's
(bill or resolution number)

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

Printed Name: Barbara Krupiarz

Signature: Barbara Krupiarz

Date: 9/16/19

Organization: The People's Voice

Organization Address: 3600 St. Johns Lane

Ellizott City, MD 21042

Number of Members: 3,251

Name of Chair/President: Lisa Markovitz

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: Marybeth Steil <marybeth.steil@gmail.com>
Sent: Sunday, September 15, 2019 2:44 PM
To: CouncilMail
Subject: Support for Council Bill CB40

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

Dear Council members:

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

I am writing to voice my support for Council Bill CB40 – to extend the Watershed Safety Act by 3 months. It is important to give the Council time to review proper studies before enacting any zoning changes to the Tiber Branch and Plumtree Branch watersheds. I believe giving more time for review is a reasonable request.

Thank you.

Marybeth Steil
6448 South Wind Circle
Columbia, MD

Sayers, Margery

From: Dayna Pachman <daynapachman@gmail.com>
Sent: Wednesday, September 11, 2019 3:08 PM
To: CouncilMail
Cc: Dayna Pachman
Subject: CB40-2019
Attachments: 2019 9-11 Letter re moritorium (003).pdf; My front yard.jpg; Driveway flooding.jpg; Walkway flooding.jpg

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

Dayna S. Pachman
3721 Valley Road
Ellicott City Maryland 21042
September 11, 2019

Dear Counsel Members,

As you may remember from my testimony on May 20, 2019 on emergency bill CB20-2019. I am a new homeowner on Valley Road in Ellicott City, who closed on my new home only 2 weeks after the 2nd historic flood in old Ellicott City. I purchased my home knowing it was built in 1952 and looking forward to all the improvements I wanted to make in my new single family home once I moved in from my townhome in Columbia. The week after the flood I raced over to my soon to be my new property praying that the flood had not caused too much damage in it. I did find that my new basement had been flooded but, did go to closing on June 6, 2018, knowing that there was a lot of work to be done.

Upon moving in I immediately met with an architect designer, Jim Molinari, to design my addition, make the upgrades needed to make it my own and to take care of any drainage issues that may have arisen around my property. My plans were to bring a laundry room upstairs to the main level, convert the sunroom back to a garage, and fix the master bathroom of the on- suite. I then hired Ardo construction to carry out the design plans. The contract was signed the middle of July and work was set to begin the first week of August. The moratorium went into effect July 29, 2018, without Ardo knowing it had gone into effect. After many visits to the County office it was agreed upon that I would give up my driveway in order to do half of the addition. The work on the other half was to begin on August 1, 2019, as soon as the moratorium expired.

I understand the purpose of the moratorium for new construction and putting in any new developments. I think this is reasonable based upon the need to correct the flooding in old Ellicott City. Although since the passage of CB20-2019 an entire new section of Taylor's Village has been erected. Approximately 20 new townhomes have been built where grass and trees once stood across from the shopping plaza.

I do believe that if this moratorium were to be extended again there must be an exemption for current /older homes so they can be modified and modernized or additions can be placed on them. The exemption should force homeowners who are doing additions and adding impervious surface to take care of any stormwater runoff that occurs from the house. For example, because I was doing a 200 sq. ft. addition, I placed a dry well in the back of my property that contained all the stormwater runoff from the gutters from that half of my house. In order to do the other half I need to replace all the gutters. I cannot afford to spend money twice and replace the gutters twice. Once I add the additional 100 sq. ft. that I need, I will replace all the gutters and the roofing on that side of the house. These gutters will also be run to the dry well. This work has been rescheduled to begin on November 1, 2019.

The 1st extension of the moratorium without language for an exemption has left my property without the ability to finish the drainage project as well as to finish my addition. My project was scheduled to begin on August 1, 2019 and has now been pushed back to November 1, 2019. This is completely unfair at this point, if the original one-year effective period of the Watershed Safety Act which has been extended once already, I will be unable to complete the drainage project and complete my addition. There has been no explanation as to what is to be gained in an additional 3 months time. For me it means that my house will continue to flood, I will not be able get better homeowners insurance, and currently any time it rains I cannot bring my elderly parents over, as they sink into the mud every time they try to walk to the front door. It will also mean that once the moratorium is over it is too late in the year to put in the Driveway or do the addition so essentially it is a complete two years that the Council has interfered with my property and my ability to fix my new home.

I would once again like to testify at the open hearing to advocate for an exemption to be added to CB40-2019, or for the Council to reconsider the passage of CB40-2019.

Very truly yours

Dayna S. Pachman

Dayna S. Pachman

Dayna S. Pachman
3721 Valley Road
Ellicott City Maryland 21042
September 9, 2019

Dear Counsel Members,

As you may remember from my testimony on May 20, 2019 on emergency bill CB20-2019. I am a new homeowner on Valley Road in Ellicott City, who closed on my new home only 2 weeks after the 2nd historic flood in old Ellicott City. I purchased my home knowing it was built in 1952 and looking forward to all the improvements I wanted to make in my new single family home once I moved in from my townhome in Columbia. The week after the flood I raced over to my soon to be my new property praying that the flood had not caused too much damage in it. I did find that my new basement had been flooded but, did go to closing on June 6, 2018, knowing that there was a lot of work to be done.

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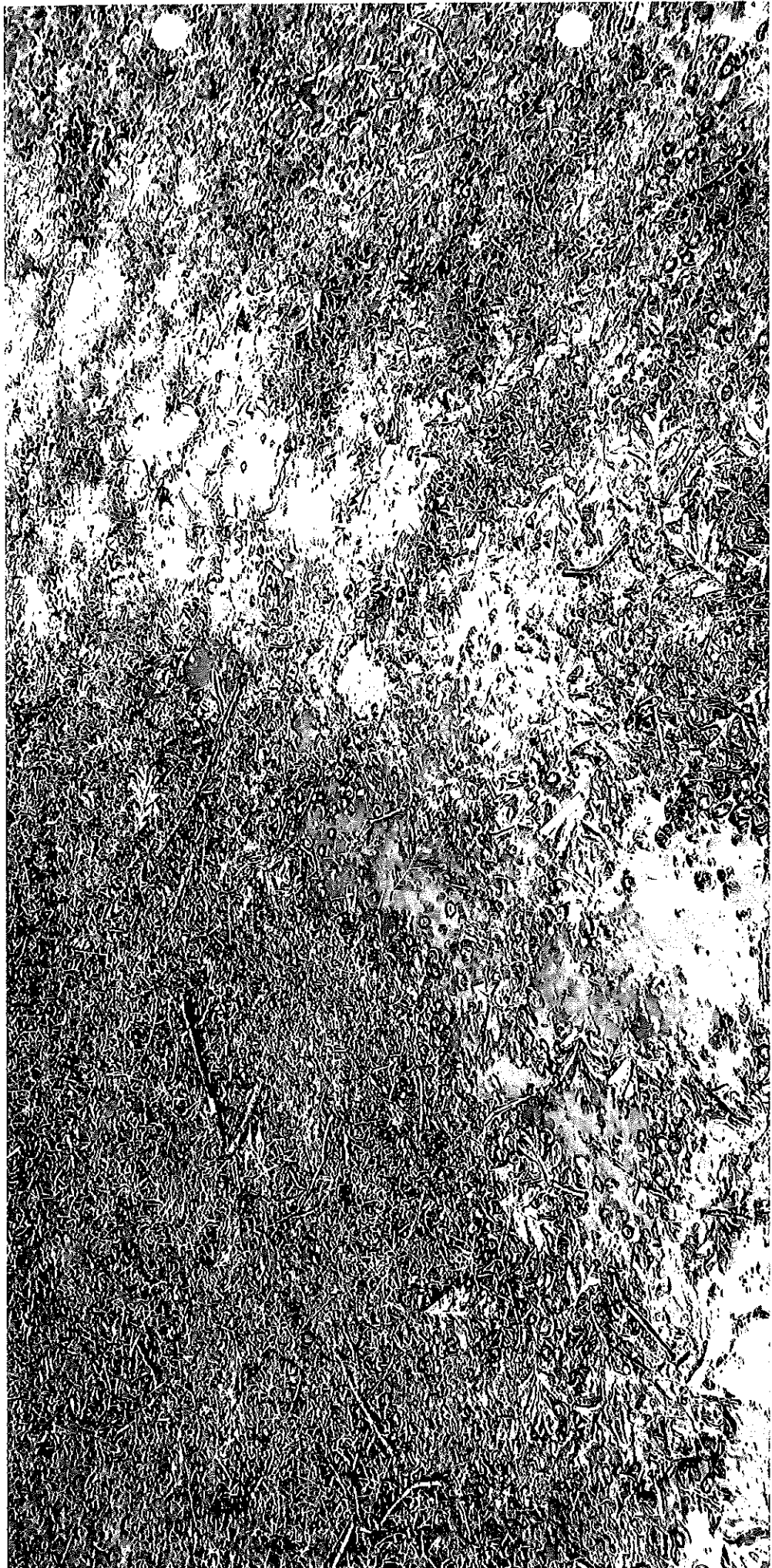
The 1st extension of the moratorium without language for an exemption has left my property without the ability to finish the drainage project as well as to finish my addition. My project was scheduled to begin on August 1, 2019 and has now been pushed back to November 1, 2019. This is completely unfair at this point, if the original one-year effective period of the Watershed Safety Act which has been extended once already, I will be unable to complete the drainage project and complete my addition. There has been no explanation as to what is to be gained in an additional 3 months time. For me it means that my house will continue to flood, I will not be able get better homeowners insurance, and currently any time it rains I cannot bring my elderly parents over, as they sink into the mud every time they try to walk to the front door. It will also mean that once the moratorium is over it is too late in the year to put in the Driveway or do the addition so essentially it is a complete two years that the Council has interfered with my property and my ability to fix my new home.

I would once again like to testify at the open hearing to advocate for an exemption to be added to CB40-2019, or for the Council to reconsider the passage of CB40-2019.

Very truly yours

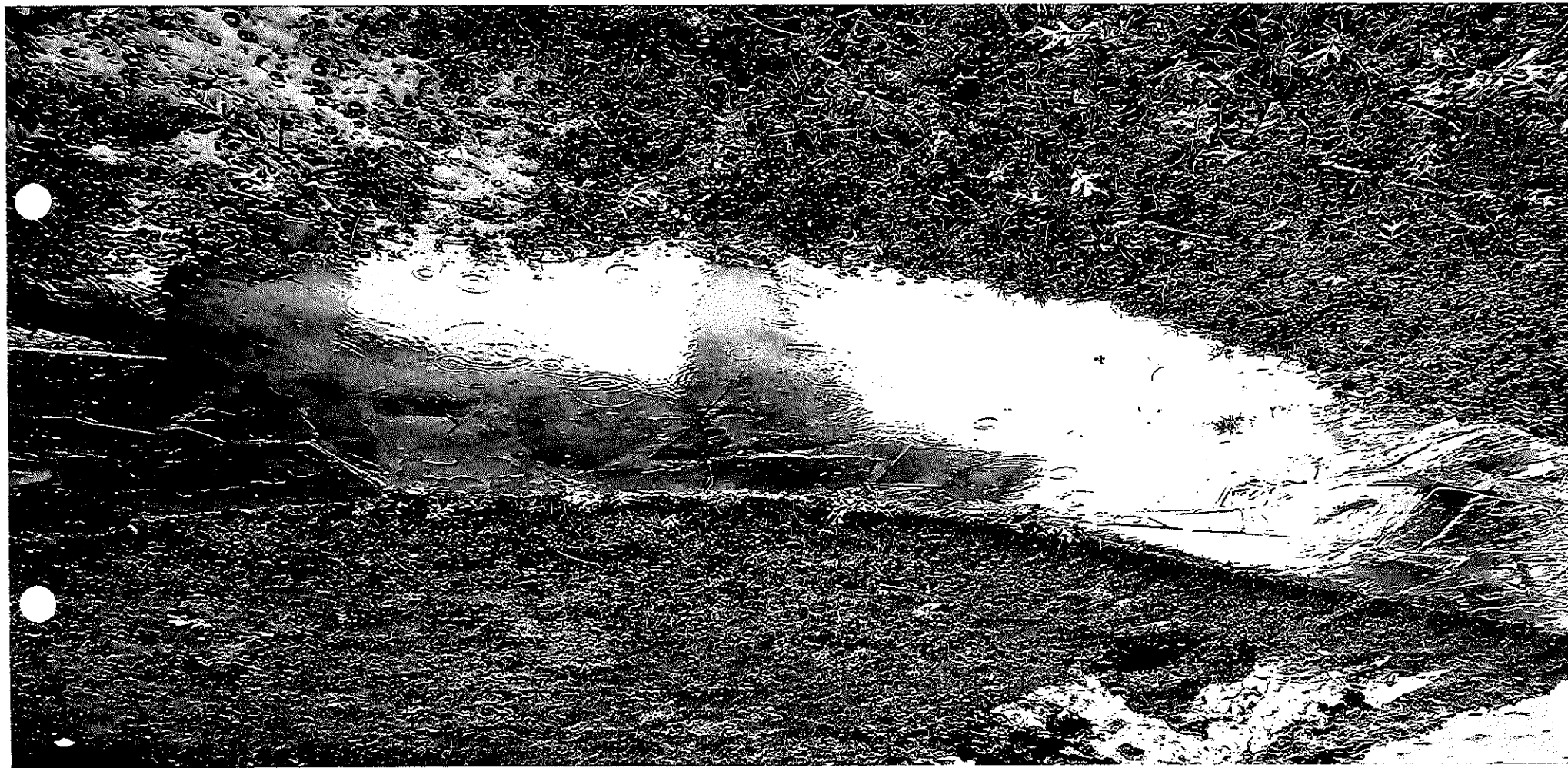
Dayna S. Pachman

Dayna S. Pachman









Sayers, Margery

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

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

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

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

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



Liz Walsh, Council Member
Howard County Council
Serving District 1: Ellicott City, Dorsey's Search, Elkridge & Hanover

3430 Court House Drive
Ellicott City, MD 21043
410.313.2001

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

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

CB40-2019

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

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

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

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

CB38-2019

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

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

Thanks, Val

Valdis Lazdins

Director
Department of Planning and Zoning
Howard County Government
410.313.4301
vlazdins@howardcountymd.gov

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

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

Kent

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

Val, please see my responses below.

From: Lazdins, Valdis
Sent: Monday, August 26, 2019 2:11 PM
To: Bronow, Jeff <jbronow@howardcountymd.gov>

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

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

Valdis Lazdins

Director
Department of Planning and Zoning
Howard County Government
410.313.4301
vlazdins@howardcountymd.gov

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

Team,

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

CB40-2019

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

CB38-2019

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

Can you let us know if you can provide this information by EOB Thursday? Please advise if there are any issues with preparing this information.

Thank you,

Owen Clark

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

SCHOOL BIN LIST AND PASS/FAIL STATUS FOR NEW SCHOOL CAPACITY CHART TO BE ADOPTED ON JULY 1, 2019 (CR-89 2019)

CB 20-2019
Expires
10/27/2019

| File Number | File Name | Elementary District | School Region | Middle District | High District | School Capacity Test | Allocations | Unit Type | Number of School Capacity Test Failures | Watershed | | | | | |
|-------------|------------|-------------------------|--------------------|-----------------|---------------|----------------------|----------------|-----------|---|-----------|-----------|-----|------------------|--|----------|
| 1 | F-15-005 | Gladys Woods | Waterloo | Pass | Northeast | Pass | Ellicott Mills | Fail | Howard | Fail | Pass | 2 | SFD | Passes by default - 5th failure | |
| 2 | F-15-024 | Sunset Plains | Waterloo | Pass | Northeast | Pass | Ellicott Mills | Fail | Howard | Fail | Pass | 1 | SFD | Passes by default - 5th failure | |
| 3 | SP-15-013 | Lacey Property | Veterans | Fail | Northeast | Pass | Dunloggin | Fail | Mt Hebron | Fail | Fail | 12 | SFD | 4th failed test | Tiber |
| 4 | S-17-007 | The Towns at Court Hill | Veterans | Fail | Northeast | Pass | Dunloggin | Fail | Mt Hebron | Fail | Fail | 8 | SFA | 4th failed test | Tiber |
| 5 | SP-15-016 | Hampton Hills | Worthington | Pass | Northeast | Pass | Ellicott Mills | Fail | Mt Hebron | Fail | Pass | 13 | SFD | Passes by default - 5th failure | |
| 6 | S-17-004 | Dorsey Center | Hanover Hills | Fail | Northeast | Pass | Thomas Viaduct | Fail | Long Reach | Fail | Fail | 230 | APT | 3rd failed test | |
| 7 | F-17-088 | Keehn Property | Waterloo | Pass | Northeast | Pass | Ellicott Mills | Fail | Howard | Fail | Fail | 1 | SFD | 3rd failed test | |
| 8 | S-17-006 | Dorsey's Ridge | Veterans | Fail | Northeast | Pass | Ellicott Mills | Fail | Centennial | Fail | Fail | 52 | SFA | 4th failed test | Tiber |
| 9 | SP-16-013 | Taylor Highlands | Worthington | Pass | Northeast | Pass | Ellicott Mills | Fail | Mt Hebron | Fail | Pass/Fail | 252 | 88 SFA & 164 APT | Passes by default 248 units - 5th failure, 4th failed test for 4 units | Tiber |
| 10 | SDP-12-001 | Buch Property | Hanover Hills | Fail | Northeast | Pass | Thomas Viaduct | Fail | Long Reach | Fail | Fail | 16 | SFA | 2nd failed test | |
| 11 | F-16-095 | Goldberg Property | Hollifield Station | Fail | North | Pass | Dunloggin | Fail | Mt Hebron | Fail | Fail | 1 | SFD | 4th failed test | |
| 12 | F-14-112 | Centennial Choice | Northfield | Fail | North | Pass | Dunloggin | Fail | Centennial | Fail | Pass | 2 | SFD | Passes by default - 5th failure | Plumtree |
| 13 | F-15-057 | Crestleigh Property | Northfield | Fail | North | Pass | Dunloggin | Fail | Centennial | Fail | Pass | 1 | SFD | Passes by default - 5th failure | Plumtree |
| 14 | F-16-034 | Van Stone Property | Northfield | Fail | North | Pass | Dunloggin | Fail | Centennial | Fail | Pass | 1 | SFD | Passes by default - 5th failure | Plumtree |
| 15 | F-17-021 | Honrao's Property | Northfield | Fail | North | Pass | Dunloggin | Fail | Centennial | Fail | Fail | 1 | SFD | 4th failed test | Plumtree |
| 16 | S-18-002 | Beechwood Manor | Gorman Crossing | Fail | Southeast | Pass | Murray Hill | Fail | Reservoir | Fail | Fail | 30 | 19 SFD & 11 SFA | 3rd failed test | |
| 17 | F-19-022 | Magnolia Manor | Gorman Crossing | Fail | Southeast | Pass | Murray Hill | Fail | Reservoir | Fail | Fail | 3 | SFD | 2nd failed test | |
| 18 | F-17-105 | Mill Haven Lots 8 & 9 | Talbot Springs | Pass | Columbia East | Pass | Oakland Mills | Pass | Oakland Mills | Pass | Pass | 1 | SFD | | |
| 19 | F-17-089 | Gopoz Property | Fulton | Fail | West | Pass | Hammond | Pass | Reservoir | Fail | Fail | 1 | SFD | 3rd failed test | |
| 20 | F-18-079 | Isla's Woods | Fulton | Fail | West | Pass | Hammond | Pass | Reservoir | Fail | Fail | 5 | SFD | 2nd failed test | |
| 21 | F-18-116 | Willow Nook | Pointers Run | Fail | West | Pass | Clarksville | Pass | Atholton | Pass | Fail | 1 | SFD | 2nd failed test | |
| 22 | SP-17-010 | Lyhus Property | Fulton | Fail | West | Pass | Lime Kiln | Pass | Reservoir | Fail | Fail | 26 | SFD | 2nd failed test | |

(1) This plan has actually failed 4 times, however it took on the status of Corridor Square (SDP-18-002) by swapping in May, 2018, so the failure status is now 3 times.
 (2) This plan has failed four times for the remaining 4 2019 units.
 (3) This plan had been voided but was reactivated on June 13, 2019.

PLANS IN PROCESS AFFECTED BY CB 56-2018 MORATORIUM

August 28,

| <u>Project Name, Zoning & Street Address</u> | <u>File Number & Plan Stage</u> | <u>Watershed</u> | <u>Number & Occupancy</u> |
|--|-------------------------------------|------------------|-------------------------------|
| 1. Ahmad Property (R-20) 3350 Saint Johns Lane | F-18-030 Final Plat | Plum Tree Branch | 2 SFD Unit |
| 2. Ahmad Property (R-20) 3350 Saint Johns Lane | WP-19-037 Alternative Comp. | Plum Tree Branch | Same as a |
| 3. Bethany Glen (R-20) 9891 Old Frederick Road | SP-19-005 Pre. Eq. Sketch Plan | Plum Tree Branch | 112 SFD L |
| 4. Bethany Glen (R-20) 9891 Old Frederick Road | WP-19-118 Alternative Comp. | Plum Tree Branch | Same as a |
| 5. Bethel Bapt. Church (RSI) 4261 Montgomery Road | F-15-018 Final Plat | Tiber Branch | 0 Units, 13 |
| 6. Bethel Bapt. Church (RSI) 4261 Montgomery Road | SDP-15-011 Site Dev. Plan | Tiber Branch | Same as a |
| 7. Centennial Choice (R-20) 4040 Saint Johns Lane | F-14-112 Final Plat | Plum Tree Branch | 3 SFD Unit |
| 8. Crestleigh Property (R-20) 4218 Club Court | F-15-057 Final Plat | Plum Tree Branch | 2 SFD Unit |

- Permit Hold - DILP

old Bin Letter 7/02/19
17/18, Moratorium Letter 9/25/18

ension Letter issued on 8/9/18

m Letter, 2/25/19

nt on 8/08/19

nt on 1/04/17

cess - Revision Letter 6/2/19

on 8/10/18

old Bin Letter 7/02/19

| Project Name, Zoning & Street Address | File Number & Plan Stage | Watershed | Number & Type of Units. & Occupiable Square Footage | Status |
|---|--------------------------------------|------------------|--|---------------------------|
| 9. Dorsey's Ridge (CEF-R) 3956 Cooks Lane | S-17-006 Sketch Plan | Tiber Branch | 55 SFA & 2 Apt. Units, SF Unknown | Closed School APFO H |
| 10. Dorsey's Ridge (CEF-R) 3956 Cooks Lane | WP-18-136 Alternative Comp. | Tiber Branch | Same as above | Moratorium Hold Letter |
| 11. Dorsey's Ridge (CEF-R) 3956 Cooks Lane | F-19-047 Final Plat | Tiber Branch | 3 SFA & 2 Apt Units (units were counted above) SF Unknown | Final Plat in Review Proc |
| 12. Fels Lane Property (RVH) Fels Lane (No Address #) | ECP-16-067 Env. Concept Plan | Tiber Branch | 1 SFD Unit, SF Unknown | Plan Revision Letter Se |
| 13. Gatherings at Taylor Place (POR), College Avenue | ECP-18-028, POR Env. Concept Plan | Tiber Branch | 41 SFA Units & 54 Apt. Units Age Rest. Units, SF Unknown | Plan Revision Letter Se |
| 14. Gatherings at Taylor Place (POR), College Avenue | WP-19-072, POR Alternative Comp. | Tiber Branch | Same as above | Plan on Hold Moratoriu |
| 15. Geier Subdivision (R-20) 9307 Dunloggin Road | SDP-18-062 Site Dev. Plan | Plum Tree Branch | 2 SFD Units, SF Unknown | Rev. Letter 7/24/18, Ext |
| 16. Goins Property (R-20) 2778 Saint Johns Lane | F-14-045 Final Plat | Plum Tree Branch | 4 SFD Units, SF Unknown | Released APFO Bin 7/2 |
| 17. Honrao's Property (R-20) 4060 Saint Johns Lane | F-17-021 Final Plat | Plum Tree Branch | 2 SFD Units, SF Unknown | Closed School APFO H |
| 18. Howard Heights, Lot 25-A (R-20), 3004 Southview Rd | SDP-18-016 Site Dev. Plan | Plum Tree Branch | 1 SFD Unit, SF Unknown | SDP Signed on 4/18/18 |

| <u>Project Name, Zoning & Street Address</u> | <u>File Number & Plan Stage</u> | <u>Watershed</u> | <u>Number & Occupia</u> |
|--|-------------------------------------|------------------|-----------------------------|
| 19. Howard Heights, Lot 26-A (R-20), 2940 Southview Rd | ECP-18-049 Env. Concept Plan | Plum Tree Branch | 1 SFD Unit |
| 20. Lacey Property (R-ED) 3538 Church Road | SP-15-013 Pre. Eq. Sketch Plan | Tiber Branch | 13 SFD Un |
| 21. Legacy at Ellicott's Retreat (POR), 8910-8950 Carls Ct | SDP-14-090, POR Site Dev. Plan | Tiber Branch | 162 Apt. U Age Restri |
| 22. Long Gate Overlook(RA15) Montgomery Road | F-16-048 Final Plat | Tiber Branch | 79 SFA Un |
| 23. Long Gate Overlook(RA15) Montgomery Road | SDP-14-074 Site Dev. Plan | Tiber Branch | Same as al |
| 24. Lutheran Village (PSC) Frederick Road | F-17-103 Final Plat | Plum Tree Branch | 0 Units, Ea |
| 25. Maple Grove (R-12) 9060 Upton Road | S-18-005 Sketch Plan | Tiber Branch | 9 SFD Unit |
| 26. Maple Grove (R-12) 9060 Upton Road | WP-19-033 Alternative Comp. | Tiber Branch | Same as al |
| 27. Nobel Manor (R-20) 9061 Upton Road | ECP-19-029 Env. Concept Plan | Tiber/Plum Tree | 3 SFD Unit |

Moratorium Hold Letter
on 7/22/19
Bin Letter 7/02/19
Bin Letter 7/02/19
ed on 9/07/18
Moratorium Hold Letter
ter 7/02/19 for 4 units
Bin Hold Letter sent 8/10/18

| Project Name, Zoning & Street Address | File Number & Plan Stage | Watershed | Number & Type of Units. & Occupiable Square Footage | Status |
|---|-----------------------------------|------------------|---|---|
| 28. Taylor Place (RA-15) College Avenue | SP-16-013 Pre. Eq. Sketch Plan | Tiber Branch | 88 SFA Units & 164 Apt. Units SF Unknown | Originals on Hold, M & Closed School API |
| 29. Gatherings at Taylor Place College Avenue (RA-15) | WP-19-072 Alternative Comp. | Tiber Branch | Same as above | Defer Letter on 2/25/1 |
| 30. Terrapin (Tiber) Woods (RSC), Frederick Road | F-18-001 Final Plan | Tiber Branch | 34 SFA Units, SF Unknown | Plat Hold, Extension I |
| 31. The Towns at Court Hill (RA-15), 3614 Court House Drive | S-17-007 Sketch Plan | Tiber Branch | 8 SFA Units, SF Unknown | Closed School APFO |
| 32. Van Stone Property (R-20) Saint Johns Lane | F-16-034 Final Plat | Plum Tree Branch | 1 SFD Unit | Released from APFO P on Hold Moratorium |
| 33. SMO Dash-In Store (B-2) 4205 Montgomery Road | ECP-19-043 Env. Concept Plan | Tiber Branch | Gas Station/Convenience Store SF Unknown | Revised Plan in Review |
| 34. SMO Dash-In Store 4205 Montgomery Road | WP-19-091 Alternative Com. | Tiber Branch | Same as above | Defer Letter on 4/29/19, |

Total Number of Lots/Units = 156 SFD units, 305 SFA units and 382 Apt. units