

**County Council of Howard County, Maryland**

2019 Legislative Session

Legislative Day No. 11

**Resolution No. 122 -2019**

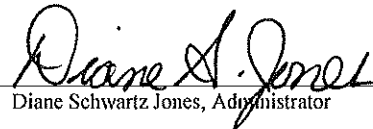
Introduced by: The Chairperson at the request of the County Executive

A RESOLUTION amending a fee-in-lieu of constructing storm water management facilities.

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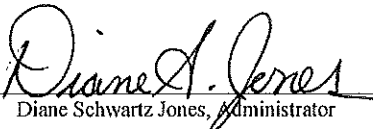
Introduced and read first time September 3, 2019.

By order

  
Diane Schwartz Jones, Administrator

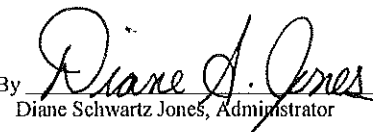
Read for a second time at a public hearing on September 16, 2019.

By order

  
Diane Schwartz Jones, Administrator

This Resolution was read the third time and was Adopted  Adopted with amendments \_\_, Failed \_\_, Withdrawn \_\_, by the County Council on October 7, 2019.

Certified By

  
Diane Schwartz Jones, Administrator

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**, on May 29, 2019, the County Council adopted Council Resolution No. 73-  
2 2019 which sets forth a schedule of fees for functions regulated by the Department of Planning  
3 and Zoning; and  
4

5           **WHEREAS**, among those fees is a schedule of rates adopted pursuant to Section 18.909  
6 of the Howard County Code that allows a developer, under certain circumstances, to pay a fee-  
7 in-lieu of constructing storm water management facilities.  
8

9           **NOW, THEREFORE, BE IT RESOLVED** by the County Council of Howard County,  
10 Maryland this 7th day of October, 2019 that it amends the schedule for fee-in-lieu of  
11 constructing storm water management facilities, as shown in the attached Exhibit A; and  
12

13           **BE IT FURTHER RESOLVED** that all other Fee Schedules adopted by Council  
14 Resolution No. 73-2019 shall remain in effect until changed or repealed by subsequent  
15 Resolution of the County Council.

Exhibit A

**DEPARTMENT OF PLANNING AND ZONING  
FEE SCHEDULE  
Developer Drainage Fees  
and Stormwater Management Fee-in-Lieu**

*These fees are adopted pursuant to Section 16.133(c) and 18.909 of the Howard County Code which Requires that a developer pay an off-site drainage fee and allows the payment of a fee in lieu of implementing best management practices.*

**DEVELOPER DRAINAGE FEES**

| <b>WATERSHED</b> | <b>RESIDENTIAL DEVELOPMENT<br/>(Single Family or Two-Family)</b> | <b>MULTI-FAMILY,<br/>COMMERCIAL AND<br/>INDUSTRIAL<br/>DEVELOPMENT</b> |
|------------------|--|--|
| Little Patuxent  | \$75/lot   | \$325/acre   |
| Main Patuxent    | \$75/lot   | \$325/acre   |
| Middle Patuxent  | \$75/lot   | \$325/acre   |
| Patapsco         | \$75/lot   | \$325/acre   |

**STORMWATER MANAGEMENT FEE-IN-LIEU**

Stormwater Fee in lieu for ESD Device:

\$35 per cubic foot of storage

Stormwater Fee in lieu for Non- ESD device:

[[~~\$72,000~~]] \$175,000 per acre foot of storage.

**Sayers, Margery**

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**From:** LISA MARKOVITZ <lmarkovitz@comcast.net>  
**Sent:** Wednesday, October 2, 2019 5:56 PM  
**To:** CouncilMail  
**Subject:** Cr 122

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

Although The People's Voice and HCCA support an increase in the fee-in-lieu of storm water management to a much higher amount, it is entirely preferable to eliminate it. It simply makes no sense to never say no to a development, if it cannot mitigate its own storm water, than why pay for that? Just say no. It's not like that fee money is going to the people who are going to get flooded, that likely never did prior.

So, if you are inclined to vote against this Bill, offer an amendment instead to eliminate the fee entirely, and let's see how that voting goes. :)

Thanks for considering some sort of assistance with our flooding issues, balancing the developer concerns. This one seems a bit obvious.

Lisa Markovitz

CR 122 - 2019

**Sayers, Margery**

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**From:** Michael Thompson <thompson624@gmail.com>  
**Sent:** Monday, September 30, 2019 11:42 AM  
**To:** CouncilMail  
**Subject:** CR122-2019 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 would like to express my support for CR 122 to increase the fee in lieu costs for stormwater management but also to petition the council to prohibit fees in lieu for the Tiber, Hudson and Plumtree watersheds. Fee in lieu will provide no additional security or comfort to those residents and business owners that live downstream of any proposed development in the event of future flooding. Fees in lieu should be a last resort throughout the County and should be cost prohibitive for developers in an effort to encourage them to provide on-site stormwater management as required. Economic hardships should not be considered as justification for not providing on-site storm water management when there is no justification to increase the threat to property or life downstream.

Thank you for your consideration

Michael Thompson  
9806 Michaels Way  
Ellicott City, MD 21042

CR122-2019

**Sayers, Margery**

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**From:** Hiruy Hadgu <hadguhiruy@gmail.com>  
**Sent:** Monday, September 23, 2019 10:24 AM  
**To:** CouncilMail  
**Subject:** Testimony on CR122 and CR123

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

Councilmembers,

The proposed CR122-2019 (fee-in-lieu) and CR123-2019 are designed to be an end-run around the proposed moratorium by CB40-2019.

They are designed to give cover to those who're inclined to vote against the moratorium.

For CR122-2019, it is not clear how the fee-in-lieu is calculated. Does it account for the cost of the tunnel or the clean up cost after the two historic floods, as well as the destruction property, not to mention the lives lost?

If CR123-2019 is intended to modify the design manual to deal with future flooding, the modification can take place while the moratorium is in effect.

The moratorium is the only leverage the county has to ensure meaningful action is taken on storm-water mitigation.

Hiruy.

**Sayers, Margery**

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**From:** Len Berkowitz / Sherry Fackler-Berkowitz <greatpanes@gmail.com>  
**Sent:** Thursday, September 19, 2019 10:50 AM  
**To:** CouncilMail  
**Subject:** CR-122-22019

[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 asking you not to support CR-122-2019. I have lived and owned a business in Howard County for the the last 40 years. The 2016 & 2018 floods in Historic Ellicott has caused me to move my residence and business out of Howard County, but I still feel the need to speak up on this resolution.

I do think the developers need to pay more for storm water management on the sites they are developing, but not so they can build in areas where no storm water management can be done. Seems to me that all of us in the county should realize that by not having proper storm water management on the existing property shows that the community around that site takes the hit. You can not simply put a sites run off some place else and protect the people in that community and the surrounding communities.

We should all realize that just because the developer has paid a fee that the money from that fee will go into a fund to help manage the problem. We tried that several times in the Historic District for parking. We requested that the county put money into a designated fund for parking when we had paid parking, so we could in the future build a parking garage. Every time we were told that the money could not go into a designated fund, but instead into the general fund.

If Howard County continues in this direction, it will destroy the quality of life for all the residents.

Thank you,

Sherry Fackler-Berkowitz  
7531 Ridge Road  
Marriottsville, MD 21104

**Sayers, Margery**

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

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

Dear Members of the County Council,

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

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

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

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

Best,



Melissa Metz

Woodstock, MD

District 5



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

September 16, 2019

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

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

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

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

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

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

Best regards,

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

Angelica Bailey, Esq., Vice President of Government Affairs

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

### Testimony against CR122 & CR 123

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

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

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

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

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

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

Each new development under current standards will provide quality and quantity controls which do not exist today; many of these SWM benefits will be on line at no cost to the County before all the features of the excellent flood mitigation plan of County Executive Ball can be completed. The more area that is developed or re-developed the more SWM that will be provided. New and redeveloped sites often feature green building aspects which are not part of older construction, helping the environment.

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

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

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

## Sayers, Margery

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

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

Good afternoon, County Council Members,

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

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

Thank you for your time.

Carolyn Weibel  
Valley Mede

## Sayers, Margery

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

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

Dear Council Members -

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

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

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

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

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

Thank you and sincerely,

Angela Tersiguel  
3113 The Oaks Rd  
Ellicott City, MD 21043

## Sayers, Margery

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

**From:** Cindi Ryland <taylorcollective@gmail.com>  
**Sent:** Thursday, September 12, 2019 11:46 AM  
**To:** Jones, Opel <ojones@howardcountymd.gov>; Yungmann, David <dyungmann@howardcountymd.gov>; Rigby, Christiana <crigby@howardcountymd.gov>; Jung, Deb <djung@howardcountymd.gov>  
**Subject:** Fwd: My support for the Ball resolutions 122, and 123 and disapproval of CB 38

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

Dear Dr Ball and Howard County Council Members:

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

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

Respectfully submitted,

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

and

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

CR 122 – 2019

Providing a fee-in-lieu for constructing stormwater management facilities has been in the county code since at least 2014. It is commendable to significantly increase this fee-in-lieu given the flooding issues that Old Ellicott City and many other locations in Howard County has endured.

However, the Stormwater Management section of the County Code for redevelopment states that “alternative management strategies may be considered after all opportunities for using ESD have been exhausted during the planning process. Alternative strategies and policies for meeting stormwater requirements may include, on-site and off-site structural BMPs, retrofitting existing structural BMPs, stream restoration, trading policies with other pollution control programs, watershed management plans, and fees-in-lieu.” Essentially, fees-in-lieu should be the last measure undertaken. One of the CR56 study requirements was to determine appropriate legislation for mitigating flood potential. Legislation for fees-in-lieu of stormwater management projects should not be at the top of the list.

If adequate stormwater mitigation is not able to be accomplished for new construction, the development should be adjusted until it can be done instead of paying a fee. Howard County seems to use the fee-in-lieu as a first line of defense.

At a minimum, this bill should be amended to include language such as the redevelopment requirements in the code to require many other strategies first. At best, it should not allow a fee-in-lieu for stormwater management.

Thank you for your consideration of the importance of stormwater management in all of Howard County.

The People's Voice, LLC



**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 CR 122-2019 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 John's Lane

Ellicott 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](mailto:councilmail@howardcountymd.gov) no later than 5pm the day of the Public Hearing or delivered in person the night of the Public Hearing before testifying.***





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

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

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

County Council regarding CR122-2019 to express the organization's  
*(bill or resolution number)*

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

Printed Name: Emily Ranson

Signature: 

Date: 9/12/19

Organization: Clean Water Action

Organization Address: Baltimore, MD 21202

Baltimore, MD 21202

Number of Members: 7000 (Howard County)

Name of Chair/President: Bob Wendelgass

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



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

✓ I, Angelica Bailey, have been duly authorized by  
*(name of individual)*  
Maryland Building Industry Association to deliver testimony to the  
*(name of nonprofit organization or government board, commission, or task force)*  
County Council regarding CR122-2019 to express the organization's  
*(bill or resolution number)*  
support for / opposition to / request to amend this legislation.  
*(Please circle one.)*

Printed Name: Angelica Bailey

Signature: 

Date: September 16, 2019

Organization: Maryland Building Industry Association

Organization Address: 11825 West Market Place

Number of Members: 1,000+

Name of Chair/President: Lori Graf, CEO

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

**Sayers, Margery**

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

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

Thank you,

Diane

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

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

Good afternoon,

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

Thank you very much.

9/13/2019

Dear Members of the Howard County Council,

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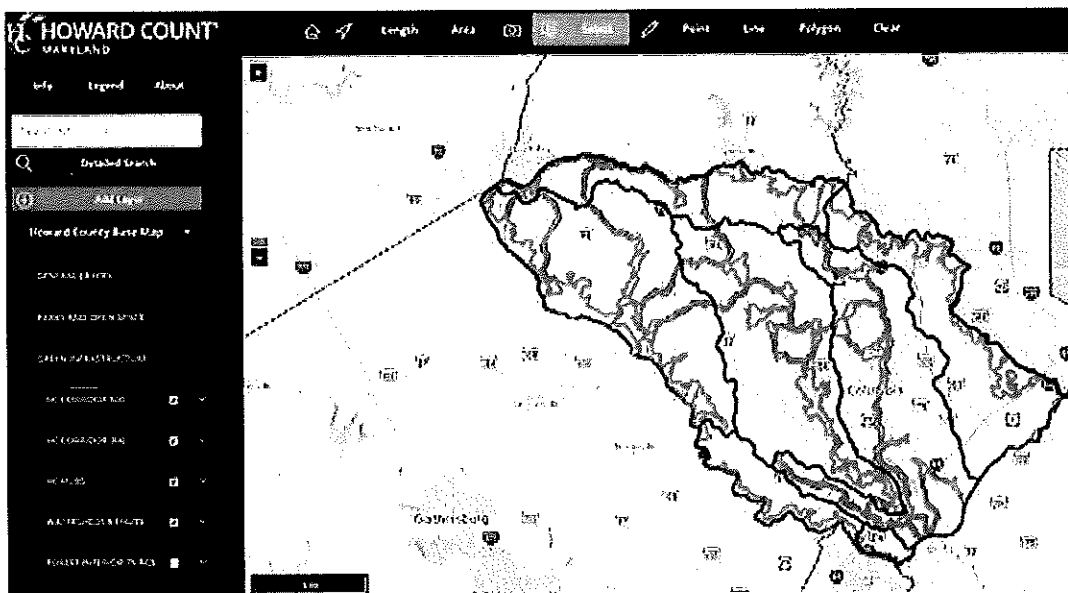
Thank you for considering these comments in your review of CB38, CR122 and CR123. Please note that these comments are from myself as an individual and resident of Howard County and do not represent the organization or Board Members of Howard EcoWorks.

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

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

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

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



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

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

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

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

Thank you for your consideration of this testimony.

Sincerely,

Lori Lilly  
10520 Old Frederick Rd.  
Woodstock, MD 21163

--  
Lori A. Lilly, CEP, CBLP

9/13/2019

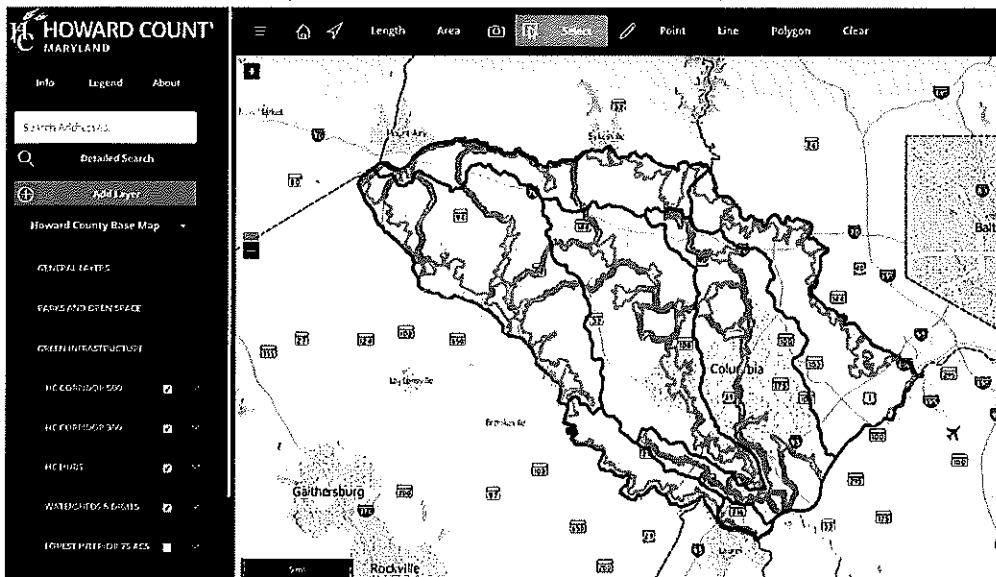
Dear Members of the Howard County Council,

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

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

I do have some reservations with regards to this legislation. While I know it was put forward with the best of intentions, the geographic scope seems arbitrary. If the legislation had been limited to the Tiber Hudson or Plumtree, I would have had no question. I do not understand the justification for the legislation to the entire Lower North Branch Patapsco as compared to other areas in the County. I feel these protections should be applied to all of our sensitive resources and, to that end, my recommendation would be to apply this legislation to the entirety of Howard County's Green Infrastructure Network (GIN).

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



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

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

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

Thank you for your consideration of this testimony.

Sincerely,

Lori Lilly  
10520 Old Frederick Rd.  
Woodstock, MD 21163