

CB65-2016 Public Hearing Sep 19, 2016 Council Meeting - Denise Cortis Statement

DC Denise A Cortis <crhouse@verizon.net>
Tue 4:00 PM
Weinstein, Jon; Smith, Gary; Ball, Calvin B; Pruim, Kimberly; Terrasa, Jai+5 more

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Councilman Weinstein,

Following the public meeting last night, I am sending a copy of my statement in favor of CB65-2016 along with recommendations for council consideration. Thank you, Denise Cortis

I am a resident of the Ellicott City Historic District at 3407 Deanwood Road and a board member of the Woods at Park Place Home Owners' Association. I wanted the opportunity to speak with you today to support the recommendation CB65-2016 to halt new development licenses and permits in the Tiber-Hudson Watershed until there is time for a thorough evaluation for and creation of a comprehensive flood resistance plan for the Tiber-Hudson Watershed. I believe the county and experts will need to move swiftly with the short life of this interim bill compared with the extent of work needed. While there have been studies and recommendations to the county over the past 15 years, conditions have dramatically changed in the Tiber-Hudson Watershed particularly with new construction at Burgess Mills, the new Roger Carter Center, Ellicott Center, and proposed development on upper Church Road and Ellicott Terrace. I request that you take this seriously and continue to hold permits for new construction until a plan is actually in place and is being implemented.

In addition, I want to share some recommendations for The Council on flood mitigation within The Watershed that apply to existing and in-progress development along with proposed future development. The recommendations I share take into account the increased frequency and intensity of storms resulting in 5 or more inches of rain within 24 hours and that most of the streams and tributaries in The Watershed carry a flash flood risk.

My recommendations follow:

1. A comprehensive flood resistance plan and regulations that apply to all existing, in-progress, and proposed new development in the Tiber-Hudson Watershed. This would integrate storm-water management and flood controls with an intent to manage quantities and quality of water flow from storms.
2. Within a new set of comprehensive integrated flood resistance regulations, all new projects are reviewed in the context of all other in-progress projects, other proposals for new development, and

existing development within The Watershed. This approach would be in contrast to current development where each proposal is treated as an individual project with limited consideration of surrounding development that is completed, in-progress, or under review. The 2011 and 2016 floods happened as a result of cumulative factors which will continue to add-up year after year as development and increased frequency and intensity of storms continue.

3. As a part of development proposal reviews, experts will need to evaluate whether proposals will effectively protect the environment versus simply meeting code. Good flood resistance evaluates what will work and using “what-if” scenarios and may require going beyond minimum requirements of code depending on the surroundings. The inability of the Burgess Mill storm water drainage pond to hold its capacity when it burst instead of filling, draining through its output mechanism, and gradually overflowing in the case of an intense storm is an example of where a design needed to be “what will work” in the worst case, e.g. if the pond fills to capacity while rain continues.
4. Department of Planning and Zoning along with its staff and commissions should carefully review requests to waive regulations with an eye to limit waivers and shift the priority from financial gain of property owners and developers to the well-being of the overall community and region. Refuse to grant waivers without a compelling reason and approve only when the waiver will benefit the overall community and region beyond financial interests. For example, there is a proposal for development within the Ellicott City Historic District (PB-418) that has been granted 5 waivers of existing code and design guidelines including tree removal which will nearly clear-cut 8 acres, leveling natural slopes, and building retaining walls where natural slopes are being leveled (some retaining walls created will be 12-ft). What good are laws, code, and guidelines if they are automatically waived for developers to maximize density?
5. Re-evaluate existing development (old and recent) for storm-water run-off infrastructure to upgraded flood mitigation systems including added or deeper flood water retention ponds, increasing pervious paving in large lots, removal of unnecessary impervious surfaces, upgrade materials for street gutters that channel water using sponge-like absorbent surfaces, etc. Some examples of existing opportunities include reducing the size The District Court parking lot, reducing or replacing impervious surfaces in the Ellicott Center commercial area and the Burgess Mill and Roger Carter Center roads and parking lots. Without re-evaluating existing flood mitigation, property continues to be damaged and resident’s safety is at risk. For example, most of the structures on the north side Lower Church are historic. Yet, over the past 5 years, Emory Road at Lower Church Road becomes a raging river when there is 2-4 inches of rain in few hours and those historic structures are now experiencing flood damage.

While policies will set minimum requirements, development plans need to take into account the specific project AND the surrounding area within the entire Watershed.

Because this is the second severe flood on Main St. in five years, flood mitigation strategy and policies will need to influence how Main St. in downtown Ellicott City will be rebuilt and managed. It’s unclear how much commercial activity will return to downtown Ellicott City in the near-term. However, progress on gradually opening Main St. to traffic continues. Without sufficient flood management, drivers on Main St.

will always be at risk as they were on Saturday, July 30th. The alternative is the need to dispatch county resources to close Main St every time it rains ... in case it floods...which is not a 21st Century solution. As we all were reminded on July 30th, 1-foot of water floats a vehicle and 2-feet of water will wash-away a vehicle including SUVs and trucks.

Residents of the Ellicott City historic district which is in the Tiber-Hudson Watershed have built our lifestyles here; it's more than an economic formula for us. And, when it comes to flood resistance policies, lives and the historic legacy are at risk when insufficient resources are in place. In addition to residents of a region we love, we are your constituents. Mr. Kittleman ran for election as County Executive in 2014 on a platform that included a reduction in impervious surfaces within Howard County. More recently, Mr. Kittleman has stated that all development will be according to regulations. We are your constituents and we don't see it. Instead, it feels like we are treated as an enemy and developers are favored while we are maintaining the area daily. We maintain our properties and surrounding areas including trash pick-up in the park and we even have to maintain the periphery of abandoned property in our area (i.e., the Lacey Property has not been maintained in 8+ years); we volunteer to clean up after floods, we donate money for recovery, etc. We live here; developers don't.

These 5 requests are intended to mitigate overall adverse impact on the region and protect the lives of residents and visitors to Ellicott City and contribute to becoming a flood resistant city which means the ability to resist, absorb, accommodate to, and recover from flooding in an efficient manner. I commend county officials on your responses to the flood. However, preventing another disaster is far more important than the most heartfelt elegant response.

Thank you for your support and for introducing this legislation during this very difficult time.

Reply all | Delete Junk |

CR 65-2016 - Tiber Hudson Moratorium Act

N no-reply@howardcountymd.gov
Tue 11:51 AM
john@slaterassoc.com

Reply all |

First Name: John
Last Name: Slater
Email: john@slaterassoc.com
Street Address: 4993 Dalton Drive
City: Columbia
Subject: CR 65-2016 - Tiber Hudson Moratorium Act

Message: September 20, 2016 The Honorable Calvin Ball, Chairperson Howard County Council [3430 Courthouse Drive Ellicott City, MD 21043](#) Ref: CR 65-2016 - Tiber Hudson Moratorium Act Dear Councilman Ball: I am writing to offer my support for CB 65-2016 – I support the effort to study the problems and identify potential solutions to the flooding in historic Ellicott City. After watching much of the testimony on TV I was impressed that so many people understood the effects that bad land development decisions have on the environment, although I believe their complaints are misguided. While many have spoken out against recent upstream developments, the real culprits are the original developers of historic Ellicott City who tragically chose to pave over the floodplain and route existing tributaries beneath buildings and roads. Also contributing to the problem of excess water are those developments that preceded the current storm water management regulations. Existing Conditions Clearly our current storm water system in historic Ellicott City is not designed to handle major storm events. The fact that the early inhabitants constructed habitable structures in the natural flood plains and over the streams created situations where the streams do not have the capability to overflow their banks. In basic terms, the streams are not large enough to handle the flow. Because there are no “emergency spillways” to handle excess water, we saw Main Street become the emergency spillway by default. Proposed Solution Now that we’ve seen possibly the worst-case scenario, we need to begin an honest discussion about how to ensure historic Ellicott City’s survival into the future. As part of this process, we need to study ways to enhance the water conveyance system in the historic district while providing stormwater infrastructure to handle overflow. We should be asking whether or not it is feasible to construct a bypass system such as a large box culvert beneath Main Street to handle excess water and prevent flooding. The City of Frederick invested in a similar system to deal with flooding from Carroll Creek and the results have been outstanding. We should also be asking whether or not there are changes that can be made to existing stormwater rules and regulations to minimize upstream flows in the Tiber-Hudson watershed while also studying ways to encourage retrofitting older communities (designed and built prior to stormwater regulations) to slow or stop off-site runoff. Additionally, we need to develop a targeted approach to installing high-volume stormwater management facilities upstream where possible – including within the BGE right-of-way. Lastly, we need to evaluate the value, costs, benefits, and risks of existing structures including homes and commercial facilities located within the floodplains. An honest assessment of these structures will help to determine whether or not they should remain or be purchased by the County and slated for removal. I encourage the County to move expeditiously to address these issues and to hold firmly to the 9-month deadline set up in the moratorium. Thank you. John Slater

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CB 65-2016 Ellicott City Moratorium Followup correspondence from public hearing

ST Stephanie Tuite <Stephanie@fcc-eng.com>
Tue 11:35 AM
CouncilMail

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Stephanie Tuite.vcf
18 KB

CB65-2016 Tuite Follow...
47 KB

2 attachments (65 KB) Download all

Thanks for hearing my testimony. I am attaching a letter for your consideration to follow my testimony last night.

Stephanie Tuite

September 20, 2016

Howard County Council
3430 Courthouse Drive
Ellicott City, Maryland 21043

RE: SB65-2016
Ellicott City Moratorium

Dear Council,

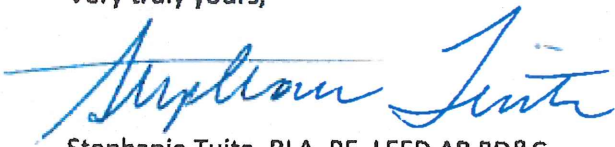
I appreciated the opportunity to testify at the hearing last night. I did not come prepared with a script to read from since I really just wanted to provide information to all of you in the hopes of helping in your decision making regarding the legislation. Although I am a Professional Engineer as well as a Registered Landscape Architect, I have lived and worked in Howard County for 22 years. I came out last night not in a professional capacity but as a citizen offering opinions since I have background in stormwater management. I know that others took the opportunity to use the forum to air their own agendas and not so much comment on the legislation directly. Not all testimony was really about the bill but more to request unrelated changes to other county agency decision making. I wanted to truly comment on the legislation.

I wanted to follow-up with this letter just to say that I am willing to offer any help or input needed by the Council. Some residents said that by seeking the help of people like myself would be like "putting the fox in charge of the hen house". I did not state my reasons for coming last night because I didn't think it was necessary. But the more I thought about it, I think it is important. Many would question the intentions of an engineer offering help and opinions such as mine, so maybe it is necessary for you to know why I was testifying. One of my best friends is a co-owner of Ellicott Mills Brewing Company, located at 8308 Main Street in Ellicott City. He and his partner were significantly impacted by the flood like many other business owners and have been left rebuilding and pick up the pieces. I spent two weekends digging out mud and sand, salvaging as much as we could, cleaning, and throwing out what could not be saved. So, my motivation to attend last night was personal. I want to assist in any way I can. I surely can help clean and will be soon helping them repaint, but since I have background as a Professional Engineer, it seemed logical to put my education and training to a much greater use. I want to see Ellicott City rebuilt and my friend regain his livelihood. On a personal note, my wedding reception was held at Ellicott Mills, so I have a number of personal and emotional investment in helping however I can.

I mentioned last night that there were things that should be considered. First, one exemption to the moratorium allows permits for additions and construction that typically disturb less than 5,000 square feet to move forward. This type of construction typically does not require stormwater management to be built, but ultimately adds more impervious runoff. New construction would at least provide stormwater management. Secondly, I still stand neither for nor against the legislation, but I offer this. There have been many studies over the years. The conclusion has seemed to be the same. The option of providing stormwater management to treat impervious

surface where no stormwater management exists in Ellicott City is costly and with little benefit. I don't know that more studies will result in much else. I do however believe that one avenue that should be investigated is the possibility of enlarging the pipe / culvert that goes underneath one of Ellicott Mills Brewing Company's buildings. This is the point at which the river goes underground and starts to back up flow during storms like July 30th. If more of the flood water were allowed to go underground (larger pipe), then flow would not back up and overflow at the top of main street as often and likely in a lesser amount. There are many of us in the Engineering community with ideas that could potentially help improve the flooding. If we cannot be a part of the process, maybe at the very least, the committee in charge could entertain and look into some of our ideas. Thanks for your time and consideration of my ideas and opinions.

Very truly yours,



Stephanie Tuite, RLA, PE, LEED AP BD&C
Interested Howard County Resident

Testimony in support of CB 65-2016



Juanita Walker <jwalker818@msn.com>

Mon 7:36 PM

CouncilMail

Reply all |

Dear Council:

I would like to offer my written testimony in lieu of in person at tonight's meeting. I applaud Councilman Weinstein for developing the bill that is critical for a safer future of historical Ellicott City. I have been living in Ellicott City most of my adult life and always enjoyed the charm and uniqueness that small business owners brought to Main Street. Equally, I love the people of this historic district--from West End to College Ave. The over development of this small town and visions of turning Main Street into Georgetown clearly do not have the community's interest in mind. Instead, per usual, it is the greed and desire to continually make more money at the expense of destructive practices. This is not isolated to Ellicott City--it is a county-wide problem.

As I carefully reviewed your bill and the FAQs, there is still a concern that this will provide an opportunity for manipulation if not handled correctly, which may need an amendment to the bill. I am referring to the practice of using engineering subject matter experts in conducting stormwater management studies who are also consultants for the development firms and property owners--the proverbial fox guarding the hen house. A perfect example are quotes showing skepticism about the bill referenced in the Baltimore Sun article--one is an engineer working for Fisher Collins & Carter, which happens to have Land Design & Development Inc. as a major client--the developer responsible for much of the over development in the area. The other quote is from a Maryland Building Industry Association lobbyist. Both have special interests in stopping this bill as a show of support for their clients.

Because it is the practice to hire subject matter experts for advisement on stormwater management, very often these engineering consultants have developers as clients. Additionally, these same consultants are used to create regulations for stormwater management, which is a conflict of interest considering their client base.

I want the public to be assured that no such conflicts of interest will occur for the study of the flow of water draining from the watershed using hydraulic and hydrologic analysis and that all studies and analyses referenced in the bill will be conducted and verified by local and state government engineers (Department of Public Works, Army Corps of Engineers) and not contracted out. Further, any regulations resulting from the outcome of the studies be developed by professionals with no ties to building/development firms. This should retroactively be enforced for the workgroups already in place studying the runoff problems in Ellicott City. Fair and objective research and reporting is all we ask.

Thank you for this opportunity. I look forward to the bill being passed in October.

Very respectfully,
Juanita L. Walker
10210 Maxine St.
Ellicott City, MD 21042
410-461-3100

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Fw: CB65-2016 Sierra Club Howard County Written Testimony

MB Meagan Braganca <mbraganca@verizon.net>
Mon 3:45 PM
CouncilMail

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CB65-2016 Written Test...
124 KB

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Please see attached.

Thank you
Meagan Braganca

“Now that you know, what will you do?”
-Everyone’s an advocate for something-

Howard County Council Hearing
September 19, 2016
Written Testimony
CB65-2016
Position: In Strong Favor (with Amendments)

Submitted by: Meagan Braganca (3720 Valerie Carol Court, Ellicott City) for Sierra Club
Howard County Ex. Com.

CB65-2016 as proposed provides common-sense precaution in the wake of the severe storm and subsequent flooding of July 30, 2016. This event has been dubbed the once-in-a-millennium storm; but is it? As the world warms, we enter uncharted territory the likes of which we have not actually witnessed in the human era. As urged by climate scientists and eventually by world leaders, global average temperatures resulting from climate change SHOULD not exceed an additional 2 degrees above pre-industrial era average temperatures. The encouraging news is that a large number of world leaders have agreed to, and many have ratified, targeted INDCs as introduced at or before the Paris Climate talks of last November.

The bad news?

Current targets agreed upon will actually land us just over an added 3 degrees global average temp. above pre-industrial numbers.

So what does this mean in our lifetime, and what does it mean for our community? The first thing we need to understand is that this is not a once-in-a millennium storm. Our air and ocean temperatures have increased significantly over the past two centuries, and have had accelerated warming in the past few decades. Because of this, our atmosphere holds about 4% more water vapor than it did only 30 years ago. As a result, flooding in coastal and watershed regions around the planet (like Historic Elliott City) are seeing increased frequency and severity of flooding events.

Projections show that we can re-stabilize our climate, and therefore in theory, see fewer and less frequent flooding events by about 2070 if we reduce our emissions and return to a normal carbon cycle. But those are big 'ifs.' In the meantime, we need to ensure that Historic Ellicott City remains intact for future generations to cherish & enjoy.

Sierra Club Howard County strongly supports this bill, and we urge the council to consider amending it further to include not just the areas within the Tiber-Hudson watershed, but also any surrounding property that could reasonably contribute to increased risk of future flooding events in Historic Ellicott City to ensure that all property positioned in proximity, grade and relevance with the potential to create an impact are equally assessed.

Respectfully Submitted,
Meagan Braganca

MBIA Letter of Opposition to CB65 - Ellicott City Development Moratorium

JG Joshua Greenfeld <jgreenfeld@marylandbuilders.org>
Mon 12:13 PM
Feldmark, Jessica; Ball, Calvin B; Smith, Gary; Weinstein, Jon; Terrasa, J+15 more

Reply all |

MBIA Opposition Letter...
156 KB

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Dear Chairman Ball and Members of the Howard County Council:

In advance of tonight's Council session, please find attached a letter of **opposition** to CB65 from the MBIA. Below is an excerpt from the letter for your reference.

The Howard County Chapter of the Maryland Building Industry Association (MBIA) writes in opposition to Council Bill 65, which creates a moratorium on the approval of new building and grading permits in the Tiber-Hudson watershed (Ellicott City, generally). The MBIA believes development moratoria are bad public policy while other approaches will more fully address the concerns of community.

Since the mid-1990s, new projects in Ellicott City, unlike anywhere else in the County and very few areas in the State, are required to go above and beyond typical stormwater regulations to control runoff for a 100 year storm. Controlling for a 100 year storms is considered the gold-standard in stormwater management and it means that when new projects are built in Ellicott City, **they add no new stormwater runoff to the watershed**. While they are the target of this moratorium, these projects did not cause the flooding in Ellicott City and any other new projects will not create or exacerbate the very real problem of flooding in the Tiber-Hudson watershed.

However, the majority of development in Ellicott City, both publicly and privately owned, is older and was built when the best regulations and science of the day allowed for either uncontrolled or under-controlled stormwater runoff as compared to that in today's projects. It is these areas that add stormwater runoff during a major storm event and as such, should be the areas the County should focus its efforts to reduce the frequency and force of future flooding.

Rather than impose a development moratorium, the MBIA proposes to work with the bill sponsor, the County Council, the County Executive, DPZ, DPW, environmental experts and the local community to use the studies and science we already have as well as the new hydraulic study underway to identify and help construct retrofits to existing, uncontrolled or under-controlled stormwater facilities. This will have a measurable impact on flooding in Ellicott City without punishing Howard County businesses that are not contributing to the flooding problem.

The MBIA urges you to vote against this moratorium and to address the actual causes of flooding in Ellicott City. Thank you for your attention to this vital issue and your continued support of the local home building industry.

Best,

Josh Greenfeld, Esq.

jgreenfeld@marylandbuilders.org


Vice President of Government Affairs

Maryland Building Industry Association

11825 W. Market Place

Fulton, MD 20759

Ph: 443-515-0025

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Future Industry Leaders Speaker Series - Sept. 22

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September 21, 2016

Re: OPPOSITION TO CB65 – Ellicott City Development Moratorium

Dear Chairman Ball and Members of the Howard County Council:

On behalf of the Howard County Chapter of the Maryland Building Industry Association (MBIA), I write in opposition to Council Bill 65, which creates a moratorium on the approval of new building and grading permits in the Tiber-Hudson watershed (Ellicott City, generally). The MBIA believes development moratoria are bad public policy while other approaches will more fully address the concerns of community.

Howard County MBIA members are not only builders, developers, engineers and environmental experts in the County, they are also citizens of the County. They, like most others in the County, hope to see Ellicott City continue to serve as a cultural, social and economic hub while also ensuring that the residents and businesses continue to live and work in the safest possible environment. The building industry welcomes its role in re-building Ellicott City in a stronger and safer manner consistent with the best science and technology available. **Specific to this legislation, a building moratorium ignores the lessons from previous Ellicott City flood studies, catastrophic floods dating back to the late 1800s and the best science of the day to target only new development where older public and private developments, as well as largely uncontrollable natural forces, are the real causes of flooding in Ellicott City.**

Since the mid-1990s, new projects in Ellicott City, unlike anywhere else in the County and very few areas in the State, are required to go above and beyond typical stormwater regulations to control runoff for a 100 year storm. Controlling for a 100 year storms is considered the gold-standard in stormwater management and it means that when new projects are built in Ellicott City, **they add no new stormwater runoff to the watershed.** While they are the target of this moratorium, these projects did not cause the flooding in Ellicott City and any other new projects will not create or exacerbate the very real problem of flooding in the Tiber-Hudson watershed.

However, the majority of development in Ellicott City, both publicly and privately owned, is older and was built when the best regulations and science of the day allowed for either uncontrolled or under-controlled stormwater runoff as compared to that in today's projects. It is these areas that add stormwater runoff during a major storm event and as such, should be the areas the County should focus its efforts to reduce the frequency and force of future flooding.

Rather than impose a development moratorium, the MBIA proposes to work with the bill sponsor, the County Council, the County Executive, DPZ, DPW, environmental experts and the local community to use the studies and science we already have as well as the new hydraulic study underway to identify and help construct retrofits to existing, uncontrolled or under-controlled stormwater facilities. This will have a measurable impact on flooding in Ellicott City without punishing Howard County businesses that are not contributing to the flooding problem. The MBIA urges you to vote against this moratorium and to address the actual causes of flooding in Ellicott City.

Thank you for your attention to this vital issue and your continued support of the local home building industry. 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 (443) 433-6287 or Jamie@i-s-land.com or Josh Greenfeld at (443) 515-0025.

Best regards,

James Fraser, Chair, MBIA of Howard County

Cc: Councilman Jon Weinstein
Councilman Greg Fox
Councilwoman Mary Kay Sigaty
Councilmember Jen Terrassa
County Executive Allan Kittleman
Diane Wilson
Valdis Lazdins, Planning Director