Amendment No. 1 to Council Bill No. 61-2026

BY: The Chairperson at the request of the County Executive

Legislative Day No. 14
Date: October 30, 2026

Amendment No. 1

(*This Amendment makes the following corrections:*
1. *In the titles, corrects the agency;*
2. *Requires that development in a floodway show that the encroachment will not increase flood levels;*
3. *Prohibits the use of CLOMR-F and LOMR-F to justify otherwise prohibited development in the floodway; and*
4. *Provides that DPW critical and essential facilities like the wastewater treatment plants, pumping stations, and drinking water tanks, are exempt from prohibited development in the floodway but such development must comply with all other requirements provided for development in a floodway.*)

In the short title, strike "MEMA" and substitute "MDE".

In the title, strike "Emergency Management Agency" and substitute "Department of the Environment".

On page 63, in line 19, after "FLOODWAYS." insert "AREAS DESIGNATED AS FLOODWAYS ON THE FLOOD INSURANCE RATE MAP OR FLOOD INSURANCE STUDY ARE EXTREMELY HAZARDOUS DUE TO THE VELOCITY OF FLOODWATERS WHICH CARRY DEBRIS, POTENTIAL PROJECTILES, AND EROSION POTENTIAL. ENCROACHMENTS, INCLUDING FILL, NEW CONSTRUCTION, SUBSTANTIAL IMPROVEMENTS, AND OTHER DEVELOPMENT, ARE PROHIBITED WITHIN A DESIGNATED FLOODWAY UNLESS IT HAS BEEN DEMONSTRATED THROUGH HYDROLOGIC AND HYDRAULIC ANALYSES PERFORMED IN ACCORDANCE WITH STANDARD ENGINEERING PRACTICE THAT THE PROPOSED ENCROACHMENT SHALL NOT RESULT IN ANY INCREASE IN FLOOD LEVELS WITHIN THE COMMUNITY DURING THE OCCURRENCE OF THE BASE FLOOD DISCHARGE. THE COUNTY SHALL REVIEW AND APPROVE THE TECHNICAL ANALYSIS PRIOR TO ISSUANCE OF ANY PERMIT.".

On page 63, in line 27, strike "; AND " and substitute a period.

On page 64, in line 2, strike "; OR" and substitute a period and, following the period, insert the following:

"CLOMR-FS AND LOMR-FS CANNOT BE USED TO CIRCUMVENT THIS PROHIBITION AND WILL NOT BE RECOGNIZED BY THE COUNTY. THE ANALYSIS SHALL BE SUPPORTED BY A NO-RISE CERTIFICATION PREPARED, SEALED, AND SIGNED BY A LICENSED PROFESSIONAL ENGINEER.".

On page 64, after line 7, insert:

"(IV) DEPARTMENT OF PUBLIC WORKS CRITICAL AND ESSENTIAL FACILITIES, INCLUDING BUT NOT LIMITED TO WASTEWATER TREATMENT PLANTS, PUMPING STATIONS, AND DRINKING WATER TANKS, ARE EXEMPT FROM THE PROHIBITIONS OF THIS SECTION AT THE DISCRETION OF THE FLOODPLAIN ADMINISTRATOR, BUT SHALL ADDRESS ALL OTHER REQUIREMENTS OF THESE REGULATIONS.".