



Howard County Government

CB56-2018

Primary Information

Title: AN ACT temporarily prohibiting issuance of certain permits and certain approvals of development plans and zoning changes for property that drains in whole or in part to the Tiber Branch Watershed in Howard County to study flooding events that threaten public health, safety, and welfare; requesting the Department of Planning and Zoning, the Department of Public Works, and other County agencies to study past, present, and future land uses, drainage infrastructure, storm water management, and flood mitigation, and all other factors related to flooding in the Tiber Branch Watershed, and report and make recommendations on changes to land uses, drainage infrastructure, stormwater management, and flood mitigation; defining certain terms; providing certain exemptions from the Act; providing that this Act shall be abrogated and of no further force and effect after a certain period; and generally relating to land use, storm water management, drainage and flood mitigation; and declaring this to be an emergency Act.

Short Title: Tiber Branch Watershed Safety Act

Category: General

Primary Sponsors: Jon Weinstein

Secondary Sponsors: Calvin Ball, Jen Terrasa, Mary Kay Sigaty, Greg Fox

Status: Passed as Amended

Date Signed: 7/27/2018

Date Enacted:

Date Vetoed:

Date Veto Overridden:

Amendments



Amendment 1

Amendment Date: 07/27/2018

Legislative Day: 11

Comments: (This amendment would ensure that studies and subsequent actions from the Administration are transparent to the public.)

Amendment 1 to Council Bill 56-2018

BY: Jon Weinstein Legislative Day No: 11

Date: July 27, 2018

Amendment No. 1

(This amendment would ensure that studies and subsequent actions from the Administration are transparent to the public.)

On page 3, in line 3, after “consider” insert “, share with the public,”.

On page 3, in line 29, before “and” insert “share findings as they become available with the public,”.

Motions on Amendment

Motion to Approve

Motion Date: 7/27/2018

Final Action: Passed as Amended

Moved By : Jon Weinstein

Seconded By : Calvin Ball

Name	District	Vote
Calvin Ball	2	Yes
Jen Terrasa	3	Yes
Mary Kay Sigaty	4	Yes
Greg Fox	5	Yes
Jon Weinstein	1	Yes



Amendment 1 to Amendment 1

Amendment Date: 07/27/2018

Legislative Day: 11

Comments: (This amendment would clarify that the Hearing Examiner and Board of Appeals are not to hear any cases or take any final action on cases in the watersheds during the effective period and would require that notice is given to applicants)

Amendment 1 to Amendment 1 to Council Bill 56 -2018

BY: Jon Weinstein Legislative Day No: 11

Date: July 27, 2018

Amendment No. 1

(This amendment would clarify that the Hearing Examiner and Board of Appeals are not to hear any cases or take any final action on cases in the watersheds during the effective period and would require that notice is given to applicants)

On page 1, in line 2, immediately following the period, insert the following:

“Also, this amendment would clarify that the Hearing Examiner and Board of Appeals are not to hear any cases or take any final action on cases in the watersheds during the effective period and would require that notice is given to applicants.”

On page 1, immediately following line 6, insert following:

“On page 3, immediately following line 22, insert the following:

“Section 4. And Be It Further Enacted by the County Council of Howard County, Maryland that the Hearing Authority shall not hear or take final action on any application or petition related to the zoning or development of a property that drains, in whole or in part, to the Tiber Branch Watershed or the Plumtree Branch Watershed during the Effective Period. This prohibition shall not apply to any appeal of an administrative decision which is not related to zoning or development nor shall it apply to any enforcement action.”.

Renumber the remainder of the section accordingly. ”.

On page 1, in line 10, insert the following:



“On page 6, strike beginning with “The” in line 19, through the period in line 23.

On page 6, immediately following line 28, insert the following:

“F. Notice. During the Effective Period, the Department of Planning and Zoning shall notify any current or future applicant in the development review process, any current or future petitioner to the Zoning Board, or any current or future applicant to the Hearing Authority of this Act and of the potential for changes to County law that might become applicable to the plans under the development review process before a Permit is issued.”

On page 6, in line 29, strike “F. Permitting deadlines” and substitute “G. Deadlines”. In the same line, strike “review”.

On page 6, after “Permit”, insert “, application, or petition”.

Renumber the remainder of this section accordingly.”.

Motions on Amendment

Motion to Approve

Motion Date: 7/27/2018

Final Action: Passed

Moved By : Jon Weinstein

Seconded By : Calvin Ball

Name	District	Vote
Calvin Ball	2	Yes
Jen Terrasa	3	Yes
Mary Kay Sigaty	4	Yes
Greg Fox	5	Yes
Jon Weinstein	1	Yes

Amendment 2

Amendment Date: 07/27/2018

Legislative Day: 11

Comments: (This amendment would add the Plumtree Branch watershed to the provisions of the Act and insert the attached map as Exhibit B).



Amendment 2 to Council Bill 56-2018

BY: Greg Fox Legislative Day No: 11

Calvin Ball Date: July 27, 2018

Jon Weinstein

Jen Terrasa

Amendment No. 2

(This amendment would add the Plumtree Branch watershed to the provisions of the Act and insert the attached map as Exhibit B).

On the title page, in lines 3 and 7 of the title, after “Watershed”, insert “or the Plumtree Branch Watershed”.

On page 2, immediately following line 30 insert the following:

“WHEREAS, the Plumtree Branch and its tributaries constitute the natural drainage for the Plumtree Branch Watershed to the Little Patuxent River; and

WHEREAS, the Plumtree Branch Watershed is home to many neighborhoods, including but not limited to Valley Mede, Chatham, Nob Hill, and Dunloggin, and contains various land uses including older and newer commercial and residential developments, public facilities, State and County road networks, and unimproved property; and

WHEREAS, the Plumtree Branch and its tributaries are, in some areas, in close proximity to roads, private properties, and homes in the floodplain that have been severely damaged by repeated flooding; and

WHEREAS, after the catastrophic flooding in the Plumtree Branch Watershed in July 2016, the Maryland State Highway Administration (SHA) in coordination with the Howard County Department of Public Works (DPW) conducted a Hydraulic and Hydrologic (H&H) analysis of the Plumtree Branch area, along with other analyses of the July 2016 flood event in Ellicott City, entitled, “Valley Mede Hydrology/Hydraulic Study and Concept Mitigation Analysis for Plumtree Branch and Little Plumtree Branch,” which evaluated stormwater management options (storage via ponds) and conveyance improvements (culvert upsizing and replacement, additional storm drain) that could provide a significant reduction in discharges and water surface elevations for the 100-year and more frequent storm events; and

WHEREAS, the increased severity and frequency of flooding in the Plumtree Watershed has led to homes flooding, roads flooding, damage to culverts and storm drain infrastructure, and public safety concerns warranting the need for the County to study, make recommendations, and consider



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implementation of best practices in the watershed; and”.

On page 3, in lines 1 and 4, after “Watershed”, insert “or the Plumtree Branch Watershed”.

On page 3, in lines 10, 16, 21, and 28, after “Watershed”, insert “or the Plumtree Branch Watershed”.

On page 3, in line 10, after the first “to” insert “the”.

On page 3, in line 10, strike “map” and substitute “maps”. On the same page, in line 11, immediately following “A”, insert “and Exhibit B, respectively”.

On page 3, in line 29, strike the first “the” and substitute “each”.

On page 4, in line 4, after “Analysis” insert “and Valley Mede Hydrology/Hydraulic Study and Concept Mitigation Analysis for Plumtree Branch and Little Plumtree Branch”.

On page 4, in lines 8, 10, 13, 15, 19, and 25 after “Watershed”, insert “or the Plumtree Branch Watershed”.

On page 4, in lines 11, 23 and 28, strike “Watershed” and substitute “Watersheds”.

On page 4, strike line 20 and substitute “An analysis of creating a special benefits district for the Tiber Branch Watershed and for the Plumtree Branch Watershed, respectively, or”.

On page 5, in line 1, after “Watershed”, insert “and Plumtree Branch Watershed”.

On page 5, in line 4, after “Watershed”, insert “and the Plumtree Branch Watershed”.

On page 5, in line 6, after the period, insert the following:

“Also, based on the 2016 Valley Mede Hydrology/Hydraulic Study and Concept Mitigation Analysis, development in the Plumtree Branch Watershed may have contributed to flooding events in the Watershed.”.

On page 5, in line 8, strike “Watershed”, and substitute “respective Watersheds”.

On page 5, in line 9, before the period, insert “, Valley Mede, and Dunloggin”.

On page 5, in lines 15 and 17, strike “Watershed”, and substitute “respective Watersheds”.

On page 5, in line 18, after “City”, insert “, Valley Mede, and Dunloggin”.

On page 5, in lines 7, 14, 23, 28, and 31, after “Watershed”, insert “or the Plumtree Branch Watershed”.

On page 6, in lines 6, 12, and 26, after “Watershed”, insert “or the Plumtree Branch Watershed”.

Attach Exhibit B attached to this amendment entitled, “Plumtree Branch Watershed Boundary” to the bill.



Motions on Amendment

Motion to Approve

Motion Date: 7/27/2018

Final Action: Passed

Moved By : Greg Fox

Seconded By : Calvin Ball

Name	District	Vote
Calvin Ball	2	Yes
Jen Terrasa	3	Yes
Mary Kay Sigaty	4	Yes
Greg Fox	5	Yes
Jon Weinstein	1	Yes

Motions/Votes On Legislation

Motion to Approve

Motion Date: 7/27/2018

Final Action: Passed as Amended

Moved By : Jon Weinstein

Seconded By : Calvin Ball

Name	District	Vote
Calvin Ball	2	Yes
Jen Terrasa	3	Yes
Mary Kay Sigaty	4	Yes
Greg Fox	5	Yes
Jon Weinstein	1	Yes

Documents

[Amendment 1 to Amendment 1](#) - Amendments

[Amendment 1](#) - Amendments

[Amendment 2](#) - Amendments



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[Signed Amendments](#) - Amendments

[public hearing testimony 7.23](#) - Supporting Documents

[public hearing testimony](#) - Supporting Documents

[written testimony 7.1](#) - Supporting Documents

[written testimony 7.10-7.13](#) - Supporting Documents

[written testimony 7.13-7.16](#) - Supporting Documents

[written testimony 7.18-7.24](#) - Supporting Documents

[written testimony 7.25-7.30](#) - Supporting Documents

[written testimony 7.2-7.6](#) - Supporting Documents

[CB56-2018](#) - As Introduced

[CB56-2018](#) - Final (Amended)

[CB56-2018public](#) - Supporting Documents

[Enrolled CB56-2018](#) - Supporting Documents