

Sayers, Margery

From: Bruce Taylor <btaylor@taylorservice.com>
Sent: Tuesday, July 10, 2018 1:44 PM
To: Weinstein, Jon
Cc: Kittleman, Allan; Ball, Calvin B; Terrasa, Jen; Sigaty, Mary Kay; Fox, Greg; 'Rob Vogel'; Ross Taylor; Lazdins, Valdis; Charles Alexander (CAlex@brokenboxes.com); Feldmark, Jessica; Smith, Gary; 'Maureen E.C. Smith'; DREUWER@LDANDD.COM <dreuwer@ldandd.com>; 'Joe Rutter'; Michael McCann (michael.mccann@beazer.com); Timothy W Hartman (TWHartman@drhorton.com); Scott, Kevin (kscott@nvrinc.com); JHARRIS@tollbrothers.com; Heather Gaetano; Matthew H. Fleming; 'Karen Besson'; "greatpanes@gmail.com" <greatpanes@gmail.com>; Barry & Nancy Gibson (fmmf2000@yahoo.com); 'gracek8@verizon.net'; Debbie Slack Katz; Roger Caplan; Sang Oh (soh@talkin-oh.com)
Subject: Additional Proposed Amendments to CB56 to prevent OEC Flooding

I appreciate, but am disappointed by your response.

After further discussion with others, the amendment I suggest to help prevent additional damage in OEC is as follows: This amendment would be item 4 under paragraph D. *Exemptions.*

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I have changed this to "meets or exceeds" since other projects are already in the queue, are designed to meet the 100 year flood requirement and would replace areas with no SWM with this 100 year control of 8.5 inches of rain in 24 hours. The more of these projects we can approve and the sooner we can put them in place, the better off OEC will be.

I must say it is disappointing that council is asking for a year to study the issue when the McCormick Taylor study is very detailed, very complete, and pretty clear about what needs to be done to solve the Ellicott City flooding problem. I do understand the issues and solutions are complex, but not beyond our grasp. Maybe a new set of councilors and a new resolve by the executive will see clear to funding the improvements needed with state and federal help, as was done, I believe, in Frederick. However, given that the information needed has been available for over a year, I am hopeful this administration will comprehend that the solutions are readily at hand.

With that in mind, the CB56 legislation should also be amended to add something like the following:

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I am hopeful that we can all work together to put the necessary infrastructure improvements in place before we spend as much or more money on repairs from a third or fourth flood that are likely in the coming months.

Thanks,

Bruce T. Taylor, M.D.

Taylor Property Group
8 Park Center Court, Suite 200
Owings Mills, MD 21117-5616

Office: 410-465-3674

From: Weinstein, Jon [mailto:jweinstein@howardcountymd.gov]

Sent: Tuesday, July 10, 2018 11:58 AM

To: Bruce Taylor <btaylor@taylorservice.com>

Subject: RE: Proposed Amendment to CB56 to further reduce OEC Flooding; Alexander plan to reduce flooding

Dr. Taylor,

Thank you for sharing your thoughts on a potential amendment to the CB56. I look forward to hearing or reading testimony on the bill as part of the public hearing on Monday. At this time, I do not anticipate filing any amendments to include exceptions to the proposed legislation.

Regards,

Jon

Jon Weinstein, Councilman
Howard County Council
Representing District 1
+ Ellicott City, Elkridge, Hanover, & Columbia
+ Office: 410.313.2001

<https://cc.howardcountymd.gov/Districts/District-1>

From: Bruce Taylor <btaylor@taylorservice.com>

Sent: Wednesday, July 4, 2018 12:13 PM

To: Weinstein, Jon <jweinstein@howardcountymd.gov>

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Subject: Proposed Amendment to CB56 to further reduce OEC Flooding; Alexander plan to reduce flooding

Importance: High

As we celebrate July 4th, the birth of our country and independence from oppression, please consider the rebirth of Old Ellicott City (OEC) and its freedom from future major floods. As you know I have major investments in OEC and in land at the top of College Avenue, some of which drains to the New Cut Road streams which eventually flow into the Tiber River and OEC. This email is about major changes at the top and bottom of the hill to benefit OEC and Howard County.

Jon I would like for you to add, and for the County Executive and Council to approve, the following amendment to your proposed legislation CB56 as it is both in the spirit of the legislation and in the best interest of OEC, as I will explain below.

This amendment would be item 4 under paragraph D. *Exemptions.*

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This is consistent with exception #3; it will result in immediate reductions of flooding in OEC while any further studies or changes to codes are completed.

Specifically the 65 acre "hospital property" at 4100 College Avenue was largely developed prior to modern storm water management (SWM); with the exception of two small SWM ponds built to accommodate two new 3000 square foot print homes in the late 1980s, there is no SWM on the property other than to get the water to the nearest streams. There are many acres of impervious buildings, parking lots and roads. Under CB56 as proposed, re-development of this property to current standards with quality, quantity and 100 year flood management will not occur at this time. This will continue to doom OEC to the extent my property at the top of the hill floods OEC, including my properties at the bottom of the hill. I propose that our redevelopment will exceed the current standards, providing even more protection. This is vital to prevent further damage to OEC and further possible loss of life. We want to start part of this work early next year, as has been planned for several years with plans that have already been submitted and can be modified to exceed current standards for water flow to OEC.

Several multimillion dollar projects will be delayed or halted by CB56 without this amendment. This will mean that the county will not only be failing to allow requested projects that will reduce flooding, but it will have political, legal and fiscal implications as well. The new tax base alone for the reconstruction of the "hospital" properties will be well over \$100 million in just a few years, and should eventually exceed \$200 million or more, depending on the ultimate build out – all while reducing storm water run-off to OEC from its exiting state.

In addition to these plans at the top of the hill to help free OEC from flooding, Don Reuwer, Charles Alexander and I have created the attached plans for lower Main Street, Old Columbia Road and Saint Paul St. It is our hope that this plan can be studied by the County with McCormick and Taylor engineers to see how substantially it will reduce or eliminate flooding of OEC in most storms when implemented in addition to the plans devised for the Hudson Branch and upper Main Street. For any who are not familiar with the plan, we would be happy to meet with you to review it.

With the proposed friendly condemnation and removal of buildings bridging the Tiber from Caplan's on down, this plan will allow the Tiber to be dredged and flow unimpeded to the Patapsco, and it diverts most or all the water from the New Cut streams, estimated to be 40% of the water reaching lower Main St., by sending it down or under Saint Paul to the Patapsco. I am in favor of this plan to protect OEC even though it involves the demolition of 5 or more of my properties. In addition to SWM the plan offers better traffic flow and an opportunity to replace demolished buildings with new structures for the economic viability of OEC. I understand there may be a reluctance to move forward with such a bold plan prior to the November elections, but let's at least get studies moving forward now. How soon can we get McCormick and Taylor to meet with us to evaluate its potential positive contributions to improving the safety of OEC?

Please let me know your thoughts on the amendment for CB56 as above.

Thanks,

Bruce T. Taylor, M.D.

Office: 410-465-3674

Cell: 410-868-9871

Sayers, Margery

From: Bruce Taylor <btaylor@taylorservice.com>
Sent: Wednesday, July 11, 2018 11:55 PM
To: CouncilMail
Subject: RE: Additional Proposed Amendments to CB56 to prevent OEC Flooding
Attachments: Main Street Concept 062818.pdf; Flood Control & Revitalization of Old Ellicott City 070918.docx

Please make this email exchange and the attachments part of the written testimony to appear on the web and be considered as testimony on CB56.

Many Thanks,

Bruce T. Taylor, M.D.
Taylor Property Group
8 Park Center Court, Suite 200
Owings Mills, MD 21117-5616

Office: 410-465-3674

From: Bruce Taylor
Sent: Wednesday, July 11, 2018 10:06 PM
To: 'Weinstein, Jon' <jweinstein@howardcountymd.gov>
Cc: Kittleman, Allan <AKittleman@howardcountymd.gov>; Ball, Calvin B <cball@howardcountymd.gov>; Terrasa, Jen <jterrasa@howardcountymd.gov>; Sigaty, Mary Kay <mksigaty@howardcountymd.gov>; Fox, Greg <gfox@howardcountymd.gov>; 'Rob Vogel' <Rob.Vogel@timmons.com>; Ross Taylor <rossitaylor@gmail.com>; Lazdins, Valdis <vlazdins@howardcountymd.gov>; Charles Alexander (CAlex@brokenboxes.com) <CAlex@brokenboxes.com>; Feldmark, Jessica <jfeldmark@howardcountymd.gov>; Smith, Gary <glsmith@howardcountymd.gov>; 'Maureen E.C. Smith' <ecpmaureen@comcast.net>; DREUWER@LDANDD.COM <dreuer@ldandd.com> <dreuer@ldandd.com>; 'Joe Rutter' <jrutter@ldandd.com>; Michael McCann (michael.mccann@beazer.com) <michael.mccann@beazer.com>; Timothy W Hartman (TWHartman@drhorton.com) <TWHartman@drhorton.com>; Scott, Kevin (kscott@nvrinc.com) <kscott@nvrinc.com>; JHARRIS@tollbrothers.com; Heather Gaetano <hfgaetano@gmail.com>; Matthew H. Fleming <matthew.hitchcock.fleming@gmail.com>; 'Karen Besson' <ksbesson@aol.com>; "greatpanes@gmail.com" <greatpanes@gmail.com> <greatpanes@gmail.com>; Barry & Nancy Gibson (fmmf2000@yahoo.com) <fmmf2000@yahoo.com>; 'gracek8@verizon.net' <gracek8@verizon.net>; Debbie Slack Katz <debbie.slackkatz@genesishcc.com>; Roger Caplan <roger@caplangroup.com>; Sang Oh (soh@talkin-oh.com) <soh@talkin-oh.com>; Keller, Jessie <jkeller@howardcountymd.gov>; Angela Hammond (angelpris@aol.com) <angelpris@aol.com>
Subject: RE: Additional Proposed Amendments to CB56 to prevent OEC Flooding

Thank you for sending the article and for responding. It is indeed because of climate change that I have requested the amendment to not delay plans that include 100 year or more flood protection where there now is minimal to no storm water management. To prevent these projects is, in my opinion, to delay some of the many measures that need to be taken to protect OEC. Delay prevents me from doing in a timely manner what I can at the top of the hill to protect OEC at the bottom. It is in the same spirit as allowing projects for storm water management only and is better than allowing folks to rebuild without storm water protections in place.

The second amendment, I suggest, or a variant of it, should be more appealing to you and others in office, to show your commitment and the County's commitment to actually doing many more of the many things which need to be done, and soon, not delayed, since the article you sent implies, as I fear, that flooding will happen again sooner than later.

McCormick and Taylor's study, now over a year old, is a pretty clear guide to what needs to be accomplished and that development is not more than 22 % the problem. So, for example, if the entire watershed were forested, the river would have come up 8 feet instead of 10 feet: OEC would still have flooded badly if there were no development in the watershed. It will be expensive to install the infrastructure improvements to make a difference, but, in my opinion, it is worth the investment in a key economic engine, the county seat, and the historical center of the County. The 51 page, 7 Mb McCormick Taylor study can be found online here (<https://www.howardcountymd.gov/LinkClick.aspx?fileticket=t3mtiyi2q1g%3d&portalid=0>). (The study includes 5280 pages in 8 amendments of 290 mb that can be downloaded separately, but it is not necessary to read those appendices as I have, in my opinion, to understand the points in the 51 pages.)

I hope I am wrong in predicting that a third flood is just around the corner, but I will most likely need to leave several of my buildings in shambles, or condemned and demolished as the Alexander Plan suggests, until substantial changes are put into effect to protect Main Street. It is indeed unfortunate that this will have a substantial negative influence on the town, but I cannot in good conscience expect tenants to return to an unprotected likely disaster zone. Both of the amendments I suggest get us closer to that protection, even if it requires educating more people about the study and the true causes of and fixes for the flooding.

For those who may not want to read the 51 page report, a key point I am referring to is on page 4: "In addition to the existing conditions, current Howard County zoning data was utilized to examine ultimate conditions that reflect a full developed build out of the watershed, as a point of comparison to existing conditions. The existing conditions were quite close to the ultimate zoning results since few undeveloped sites remain in the watershed."

I interpret this to mean that building out the watershed, or new development projects will not change things for the worse, in fact, I believe they will improve things by providing storm water management where there is none, and by providing an additional economic engine to help OEC and to help pay for the flood prevention infrastructure that is needed.

Thanks for continuing the discussion,

Bruce T. Taylor, M.D.
Taylor Property Group
8 Park Center Court, Suite 200
Owings Mills, MD 21117-5616

Office: 410-465-3674

From: Weinstein, Jon [<mailto:jweinstein@howardcountymd.gov>]
Sent: Wednesday, July 11, 2018 7:50 PM
To: Bruce Taylor <btaylor@taylorservice.com>
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Subject: Re: Additional Proposed Amendments to CB56 to prevent OEC Flooding

Dr. Taylor,

I can appreciate your disappointment. I was not seeking your agreement, just sharing my thoughts on which we clearly disagree.

That being said, we're not replicating or redoing the study, but extending the work to account for the recent flood. The results and additional considerations will be applied by the next council to potential changes to policies, regulations, and laws to protect the people in the watershed. As I'm sure you understand, as a man of science, that the "standards" you refer to consider a long history of weather. There is no doubt that those standards are not reflective of the reality we are in and the specific experience our area has had with storms over the past few years ([please consider this article](#)). In my humble opinion, not taking a pause without exception would be irresponsible. I appreciate that all four of my colleagues have agreed to co-sponsor the legislation and the Executive has indicated he will sign the bill, if passed.

Further, I truly appreciate the plans you and Mr. Vogel have shared with the County and found them quite interesting. They will help to provide an additional perspective and ideas for the Historic District, along with the many other projects and plans the County is considering resulting from the McCormick/Taylor Study and other concerned stakeholders.

Thank you for your continued passion for Main Street and its success.

Warm Regards,

Jon

Jon Weinstein, Councilman

Howard County Council

Representing District 1

- Ellicott City, Elkridge, Hanover, & Columbia

Office: 410.313.2001

Facebook Page: Jon Weinstein - Howard County Council

Twitter: @HC_JonWeinstein

From: Bruce Taylor <btaylor@taylorservice.com>

Sent: Tuesday, July 10, 2018 1:43:30 PM

To: Weinstein, Jon

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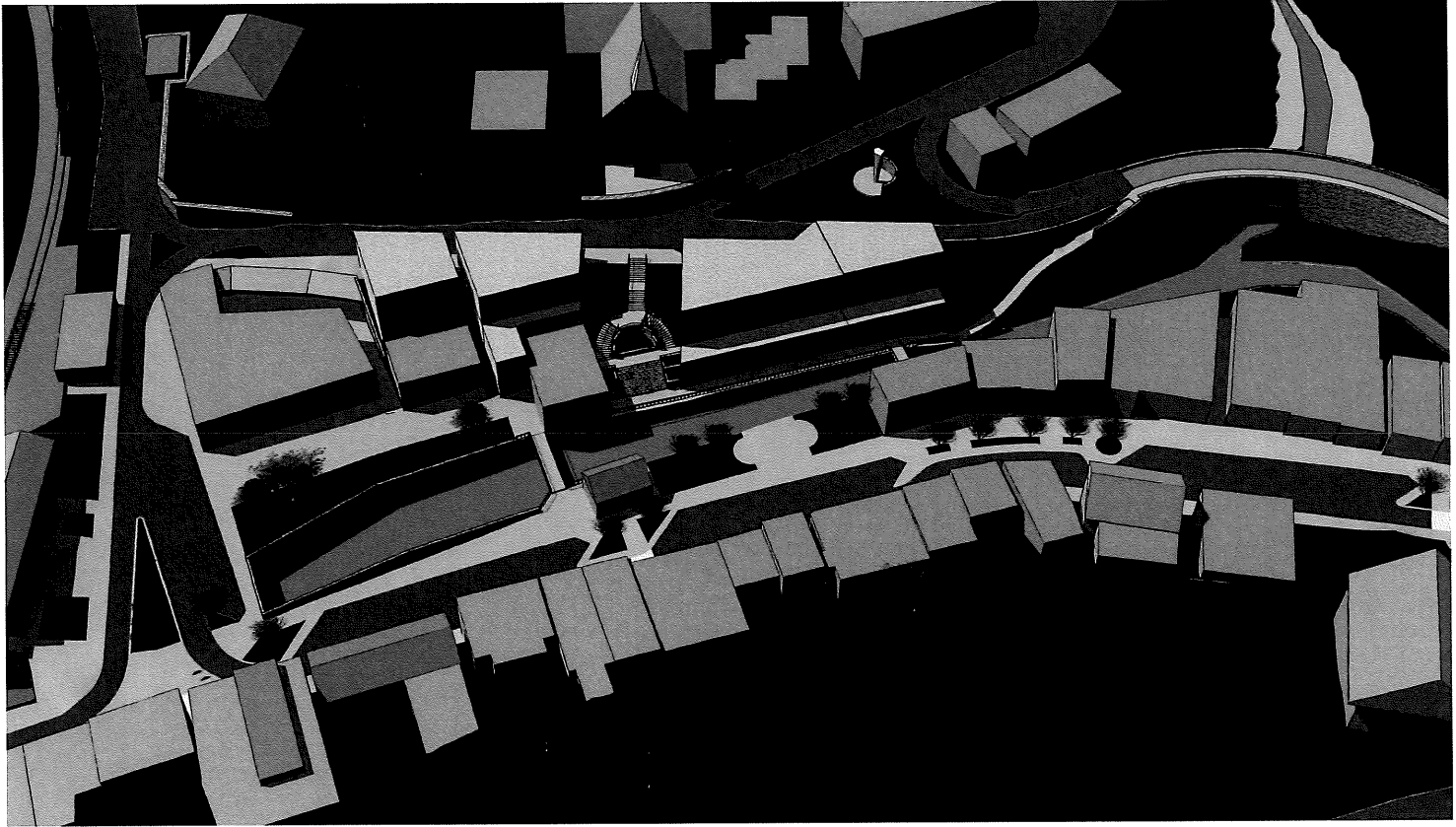
Please let me know your thoughts on the amendment for CB56 as above.

Thanks,

Bruce T. Taylor, M.D.

Office: 410-465-3674

Cell: 410-868-9871



CONCEPT PLAN

① Aerial of Lower Main From East

Alexander Design Studio

8212 Main Street, Ellicott City, Maryland 21043 | 410.465.8207

Rebuilding Old Ellicott City – an Insider’s View

The two recent floods of Old Ellicott City (OEC) have caused significant damage, business and financial losses, disruptions and tragic deaths. Careful analysis indicates that to prevent or reduce future problems we cannot simply keep putting the town back together the way it was and expect a different result the next time; after all, it is in a flood zone, collecting water from over 2,000 acres. Flooding will happen again, most likely sooner than later due to more dramatic weather events brought on by climate change. Is development the problem? Surprisingly, not much: McCormick Taylor, engineers hired by Howard County found that had the same rains occurred before the development in the OEC watershed, the resulting floods would have been only about 20% less and that completing the development of the watershed will also make little difference. So stopping development is not the answer based on scientific data. In fact, stopping development projects will make things worse for OEC. New communities and re-development of old sites under our current regulations will improve the situation by providing quality, quantity and 100-year flood controls to reduce runoff to OEC from places where there is little to no storm water control now. To help reduce flooding in OEC these new projects need to be fast tracked, not slowed down. These projects alone will help, but not stop the flooding. To mitigate the flooding we need to make infrastructure changes above and in OEC, as recommended by McCormick Taylor, and changes to Main Street itself.

A concept to revitalize OEC and significantly reduce flooding for lower Main Street has been put forward privately by an architectural and planning team from OEC experienced in flood measures for historic structures in the similarly flood prone Jones Falls Valley. The concept plan shown here should provide significant flood relief for lower Main Street while also improving vehicular and pedestrian flow. Further study and development of this plan along with the implementation of the flood warning system and suggestions from the McCormick Taylor study should make a significant difference. In summary this plan would divert most or all of the water from the New Cut streams that normally flow into the Tiber River midway down Main Street. A diversion structure with a new road on top would send the water under Saint Paul Street to carry it safely to the Patapsco without impacting Main Street. This would prevent perhaps as much as 41% of the water during a flood event from reaching Main Street. As proposed in previous concepts, this plan would remove the buildings which bridge and constrict the Tiber at the bottom of Main Street allowing the Tiber to be daylighted and appropriately dredged, giving its channel greater carrying capacity. A park setting will be created that makes the river an attractive asset to OEC instead of being its enemy. After all, it is because of the confluence of rivers here that the town was built in the first place. To preserve most of the town we need to sacrifice a few of its buildings, or at least the parts that restrict flow and access to the river. In addition, the plan would connect Saint Paul Street to Old Columbia Pike by creating a new link, connecting across the diversion structure to Saint Paul Street. Some of the buildings proposed to be removed are owned by my family and associates. With fair compensation to owners this plan can be a key part of the solution. This concept has the added benefit of allowing Main Street to be one way going west to Old Columbia with the St. Paul extension going one way east, creating a giant traffic circle. The traffic lights at Maryland Avenue and Old Columbia could be removed, the sidewalks widened and angle parking instituted. Re-zoning parts of OEC will provide an opportunity for new businesses and buildings on higher ground to maintain a critical mass of shops and restaurants, reinforcing the vibrancy of lower Main Street.

Additional projects which would help prevent flooding damages include: substantial steel fences around the parking lots and dumpster enclosures to prevent clogging the rivers; stabilizing and cleaning stream embankments; re-building our sidewalks out of concrete to protect infrastructure and foundations; and creating public private partnerships to build new retail, offices and apartments with storm water management and structured, free public parking.

Contact your elected officials and let them know that a re-vitalized Ellicott City which embraces its river heritage is possible now, that new development with modern storm water management must be permitted to proceed to help protect OEC and that the projects recommended by these studies should be funded as soon as possible to preserve the history, charm and beauty of OEC.

Bruce T. Taylor, M.D.

btaylor@taylor-service.com The Taylor Family came to OEC over a century ago and owns properties above and in OEC.

Sayers, Margery

From: Levin, Edward J. <elevin@gflaw.com>
Sent: Thursday, July 12, 2018 10:20 AM
To: Kittleman, Allan; Weinstein, Jon; Ball, Calvin B; Terrasa, Jen; Sigaty, Mary Kay; Fox, Greg
Cc: CouncilMail
Subject: Ellicott City Flooding -- Amendments for Council Bill 56
Attachments: CB56-2018 062218 Weinstein.pdf; Main Street Concept 062818.pdf

Dear County Council Members and County Executive Kittleman,

Old Ellicott City is a real treasure for this entire area. We should do whatever we can to enable it to be restored and used as a center for stores and residences.

This email is intended to be written testimony in favor of amending in two ways County Council of Howard County, Maryland Bill No. 56-2018 (copy attached) ("CB56") to help prevent flooding in Ellicott City and enable the revitalization of this important area.

First, I request that CB56 be amended to allow development in the watershed with building and grading permits where the plans provide at least 100-year flood storm water management. This will reduce the water that reaches Ellicott City now to help prevent flooding at the earliest possible time.

I also request that CB56 be amended to include \$25 million per year in funding to complete the necessary infrastructure improvements and to further study and implementation of additional plans and measures, including the Alexander Concept Plan (copy attached). This will enable Ellicott City to be revitalized at the same time as our heritage is protected from flooding.

Thank you for your consideration of this written testimony.

Edward J. Levin
2309 South Road
Baltimore, Maryland 21209
elevin@gflaw.com
(410) 576-1900

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Introduced _____
Public Hearing _____
Council Action _____
Executive Action _____
Effective Date _____

County Council of Howard County, Maryland

2018 Legislative Session

Legislative Day No. 10

Bill No. 56-2018

Introduced by: Jon Weinstein

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.

Introduced and read first time _____, 2018. Ordered posted and hearing scheduled.

By order _____
Jessica Feldmark, 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 _____, 2018.

By order _____
Jessica Feldmark, Administrator

This Bill was read the third time on _____, 2018 and Passed ____, Passed with amendments _____, Failed _____.

By order _____
Jessica Feldmark, Administrator

Sealed with the County Seal and presented to the County Executive for approval this ____ day of _____, 2018 at ____ a.m./p.m.

By order _____
Jessica Feldmark, Administrator

Approved/Vetoed by the County Executive _____, 2018

Allan H. Kittleman, 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** the Tiber Branch and its tributaries constitute the natural drainage for the Tiber
2 Branch Watershed to the Patapsco River; and

3
4 **WHEREAS** the Tiber Branch Watershed contains various land uses including older and newer
5 commercial and residential development, public facilities and public schools, State and County
6 road networks, unimproved property, and Historic Ellicott City, which is located at a low-point
7 in the Tiber Branch Watershed and along the Patapsco River; and

8
9 **WHEREAS** the Tiber Branch and its tributaries drain through Historic Ellicott City, are
10 confined by steep topography surrounding Historic Ellicott City’s Main Street, and are lined
11 along their banks by historic buildings that are unique and pose challenges for meeting modern
12 construction practices; and

13
14 **WHEREAS** Historic Ellicott City is a national and local designated historic district and contains
15 architectural, historic, and cultural resources that cannot be replaced and which have been
16 severely damaged by repeated flooding; and

17
18 **WHEREAS**, on May 27, 2018, Historic Ellicott City and other areas of the County were
19 subjected to devastating flooding for the second time in twenty-two months, resulting in the loss
20 of human life, the catastrophic destruction of private and public property, and the interruption of
21 public road networks and public, commercial, and personal activities and necessitating the
22 County Executive to exercise Emergency Powers through Executive Order 2018-07, which
23 declared a State of Emergency that was subsequently extended through July 3, 2018, by the
24 County Council with the passage of Council Resolution No. 84-2018 on June 1, 2018, and is
25 subject to further extension to address the devastating effects of flooding in Historic Ellicott City
26 and other areas of the County; and

27
28 **WHEREAS**, extreme weather events have recently become more frequent and severe as
29 documented by the National Oceanic and Atmospheric Administration in the 2016 U.S. Climate
30 Extremes Index and by the United States Environmental Protection Agency, which noted in its
31 2016 report of Climate Change Indicators in the United States that:

1 “In recent years, a larger percentage of precipitation has come in the form of intense
2 single-day events. Nine of the top 10 years for extreme one-day precipitation events have
3 occurred since 1990” ([https://www.epa.gov/climate-indicators/climate-change-indicators-
4 heavy-precipitation](https://www.epa.gov/climate-indicators/climate-change-indicators-heavy-precipitation)); and
5

6 **WHEREAS**, after the catastrophic flooding in the Tiber Branch Watershed in July 2016, the
7 Howard County Department of Public Works (DPW) conducted a Hydraulic and Hydrologic
8 (H&H) analysis of the area in and around Historic Ellicott City, along with other analyses of the
9 July 2016 flood event in Historic Ellicott City and other areas of the County; and
10

11 **WHEREAS**, the H&H study, entitled, “2016 Ellicott City Hydrology/Hydraulic Study and
12 Concept Mitigation Analysis,” concluded the following:

13 “The results of this study demonstrate that construction of stormwater storage facilities
14 throughout the watershed, combined with stormwater conveyance infrastructure
15 improvements, can make an appreciable difference in the severity of flooding from a 100-
16 year or other similar storm event. However, the nature and scope of such improvements is
17 significant in scope, impact and cost. It will require a long-term planning and
18 implementation effort, supplemental to the Master Plan process, to prioritize, design and
19 construct improvements based on the concepts represented in this report.”; and
20

21 **WHEREAS**, in the current State of Emergency, where much of Main Street in Historic Ellicott
22 City is temporarily closed to the public to assess and repair flood damage, the Howard County
23 community made up of residents, property owners, business owners, government workers, non-
24 profit groups, and volunteers has again galvanized to begin the task of clean-up, repair, and
25 restoration of Historic Ellicott City; and
26

27 **WHEREAS**, the cost to County taxpayers for the repair of public facilities damaged by the 2018
28 flood is currently estimated at over \$20 million and the cost from the 2016 flood was \$10
29 million; and
30

31 **WHEREAS**, due to the potential that zoning changes may be necessary in the Tiber Branch

1 Watershed in response to the studies, reports, and recommendations requested by this Bill and
2 because the County Council is prohibited from taking any zoning action until January 2019, it is
3 imperative that the County have sufficient time to consider and act on any recommendation
4 concerning zoning changes in the Tiber Branch Watershed.

5
6 **NOW THEREFORE,**

7
8 **Section 1. *Be It Enacted*** by the County Council of Howard County, Maryland, that the
9 *Department of Inspections, Licenses and Permits shall not issue Permits for property that drains,*
10 *in whole or in part, to Tiber Branch Watershed, as highlighted in green on the map attached to*
11 *this Bill as Exhibit A, during the Effective Period.*

12
13 **Section 2. *And Be It Further Enacted*** by the County Council of Howard County, Maryland,
14 *that, subject to the exception for emergency legislation as provided in the County Charter, the*
15 *County Council shall not pass any zoning regulation text amendment for property that drains, in*
16 *whole or in part, to the Tiber Branch Watershed during the Effective Period.*

17
18 **Section 3. *And Be It Further Enacted*** by the County Council of Howard County, Maryland that
19 *the Zoning Board shall not take final action on any petition for approval of a development plan*
20 *or for piecemeal map amendment for property that drains, in whole or in part, to the Tiber*
21 *Branch Watershed during the Effective Period.*

22
23 **Section 4. *And Be It Further Enacted*** by the County Council of Howard County, Maryland that
24 *the Department of Planning and Zoning and the Department of Public Works, along with other*
25 *appropriate units of County Government, are requested to study, as expeditiously as practicable*
26 *without compromising quality, the extent to which existing, planned, and future land use, storm*
27 *water management, drainage infrastructure, and flood mitigation for property that drains in*
28 *whole or in part to the Tiber Branch Watershed, and any other relevant factor, may contribute to*
29 *flooding in the Watershed, and on or before May 31, 2019, submit to the County Council a*
30 *report of such study or studies and any recommendations about changes in law and procedures*
31 *that may help protect the Watershed from the effects of future flood events. Areas of inquiry are*

1 to include, but not be limited to the following:

- 2
- 3 (1) An analysis of the May 27, 2018, flood based on the models and findings of the 2016
4 Ellicott City Hydrology/Hydraulic Study and Concept Mitigation Analysis; and
- 5 (2) Designs or plans for construction of stormwater storage facilities combined with
6 stormwater conveyance infrastructure improvements, and drainage infrastructure and
7 flood mitigation for property that drains in whole or in part to the Tiber Branch
8 Watershed; and
- 9 (3) An analysis of how any existing or proposed development or redevelopment of property
10 that drains in whole or in part to the Tiber Branch Watershed may impact flooding in
11 the Watershed; and
- 12 (4) Proposed changes to the County's Stormwater Management regulations as they apply to
13 property that drains in whole or in part to the Tiber Branch Watershed; and
- 14 (5) An analysis of public and private options for retrofitting existing public and private
15 property that drains in whole or in part to the Tiber Branch Watershed that was
16 developed with no or superseded stormwater management requirements; and
- 17 (6) An analysis of potential general plan and density and open space zoning regulations
18 changes with respect to future development and redevelopment of property that drains
19 in whole or in part to the Tiber Branch Watershed; and
- 20 (7) An analysis of creating a special benefits district for the Tiber Branch Watershed or
21 other funding mechanisms to finance stormwater and drainage infrastructure, and flood
22 mitigation, and retrofitting improvements for property that drains in whole or in part to
23 the Watershed; and
- 24 (8) Any other matter that may assist the County in identifying and clarifying the various
25 complex factors contributing to flooding in the Tiber Branch Watershed and in
26 establishing a comprehensive plan for managing and controlling such factors to the
27 maximum extent practicable to protect public safety, health, and welfare in the
28 Watershed.

29

30 **Section 5. And Be It Further Enacted** by the County Council of Howard County, Maryland
31 that:

1 A. *Short Title. This Act shall be known as the “Tiber Branch Watershed Safety Act.”*

2
3 B. *Purpose. The purpose of this Act is to protect the public health, safety, and*
4 *welfare in the Tiber Branch Watershed. Based on the 2016 Ellicott City Hydrology/Hydraulic*
5 *Study and Concept Mitigation Analysis, development in the Tiber Branch Watershed may have*
6 *contributed to flooding events in the Watershed, especially in Historic Ellicott City. Planned and*
7 *future development of property that drains in whole or in part to the Tiber Branch Watershed*
8 *may pose a threat to public health, safety, and welfare in the Watershed, including to Historic*
9 *Ellicott City. To combat this threat, this Act is necessary:*

- 10 1. *To provide the Department of Planning and Zoning and the Department of Public*
11 *Works, with help from other appropriate units of County government, time to*
12 *study the extent to which existing, planned and future development or*
13 *redevelopment of property that drains in whole or in part to the Tiber Branch*
14 *Watershed and any other relevant factor may contribute to future flooding in the*
15 *Watershed, identify potential public policy and private solutions, and make*
16 *recommendations for changes in law and procedures to the County Council to*
17 *protect public health, safety, and welfare in the Watershed, including in Historic*
18 *Ellicott City; and*
- 19 2. *To provide the County Council time to study and act on any recommendations.*

20 C. *Definitions. For the purposes of this Act:*

- 21 1. *“Permit” means a building or grading permit issued by the Department of*
22 *Inspections, Licenses and Permits for property that drains in whole or in part to*
23 *the Tiber Branch Watershed.*
- 24 2. *“Development Review Process” means the process of review and decision on an*
25 *application submitted to the Department of Planning and Zoning or any other*
26 *applicable authorized County agency for a proposed subdivision or development*
27 *or redevelopment plan for property that drains in whole or in part to the Tiber*
28 *Branch Watershed.*

29 D. *Exemptions. The restrictions in this Act shall not apply to the following:*

- 30 1. *Any proposed construction on real property that drains in whole or in part to the*
31 *Tiber-Hudson Watershed involving the reconstruction or repair of improvements*

1 *on real property damaged by fire, flood, or other natural disaster which results in*
2 *no change of the square footage of impervious surfaces that existed on the*
3 *property prior to the natural disaster; or*

4
5 2. *Any proposed construction on real property that drains in whole or in part to the*
6 *Tiber Branch Watershed that does not change the square footage of the*
7 *impervious surfaces on the property over the square footage of impervious*
8 *surfaces that existed on the property prior to the Effective Date of this Act; or*

9
10 3. *Any proposed construction that is exclusively devoted to improving storm water*
11 *management on existing developed property that drains in whole or in part to the*
12 *Tiber Branch Watershed.*

13
14 E. *Development Review Process. The development review process specified in Title 16*
15 *of the Howard County Code may continue notwithstanding this Act becoming*
16 *effective. Applications made to the Department of Planning and Zoning under the*
17 *development review process, filed before, on, or after the Effective Date of this Act*
18 *may proceed but shall not be considered for plan approval by the Department of*
19 *Planning and Zoning until the expiration of this Act. The Department of Planning and*
20 *Zoning shall notify any current or future applicant in the development review process*
21 *of this Act and of the potential for changes to County law that might become*
22 *applicable to the plans under the development review process before a Permit is*
23 *issued. During the Effective Period, the Department of Planning and Zoning shall*
24 *grant an applicant's written request for an extension of a development review process*
25 *deadline for development or redevelopment of property that drains in whole or in*
26 *part to the Tiber Branch Watershed. No fees shall be charged for requesting,*
27 *processing, or granting such an extension.*

28
29 F. *Permitting deadlines suspended. During the Effective Period, any applicable review*
30 *deadline or timeframe for a Permit that is subject to this Act shall be suspended until*
31 *this Act is no longer in effect.*

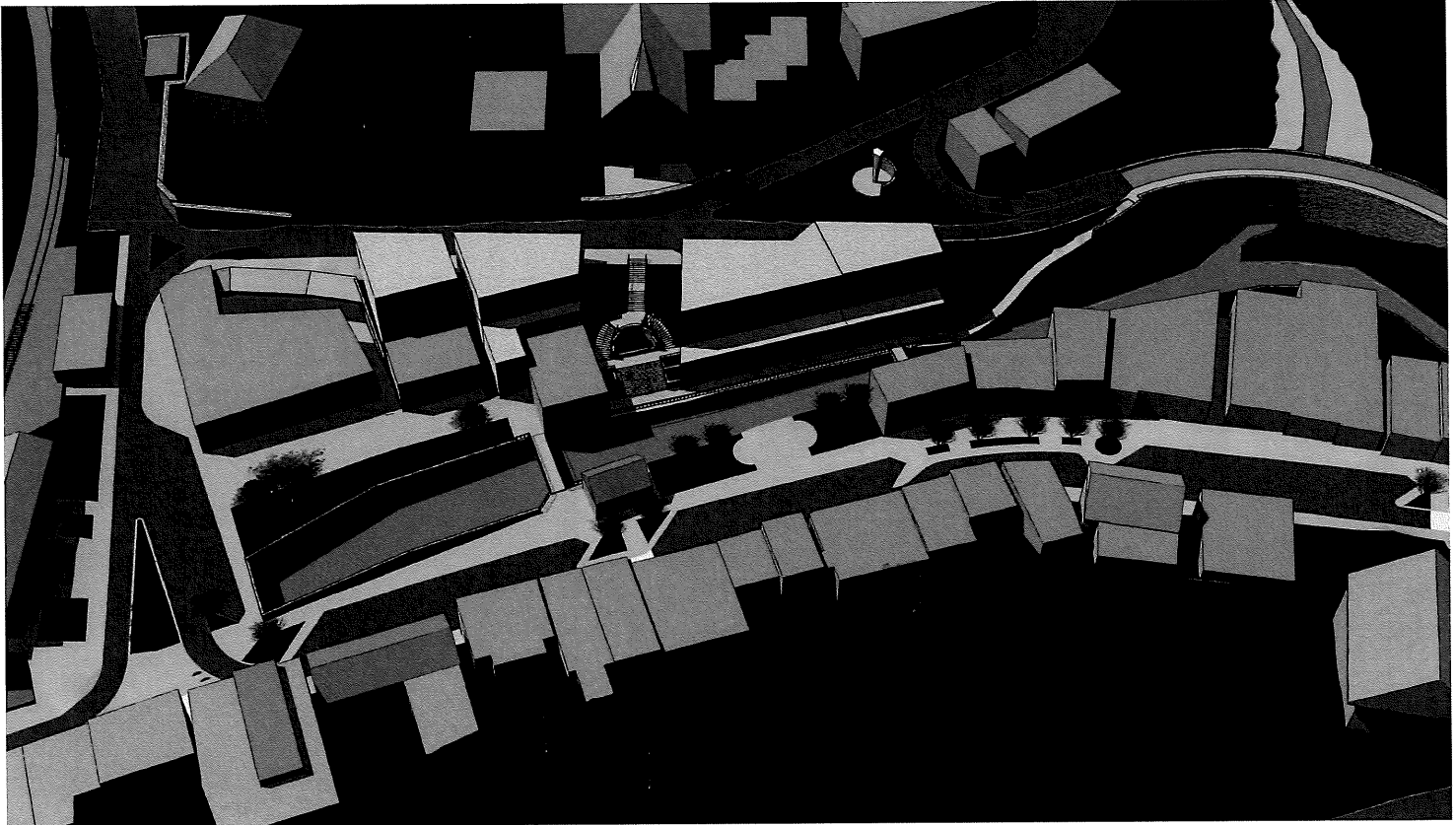
1 G. Severability. Should any part of this Act be declared unconstitutional or invalid by a
2 court of competent jurisdiction, such decision shall not affect the validity of the
3 remaining parts of this Act.
4

5 H. Conflict with Existing Law. In case of a conflict between this Act and other applicable
6 law, this Act shall prevail.
7

8 I. Effective Date & Effective Period. This Act is adopted as an interim measure and
9 shall be in effect for twelve months (the Effective Period) from its Effective Date, and,
10 at the end of the day on the final day of the Effective Period, with no further action
11 required by the County Council, this Act shall be abrogated and of no further force
12 and effect unless this Act is modified, extended, replaced or terminated through a
13 subsequent legislative act of the Council.
14

15 **Section 6. And Be It Further Enacted** by the County Council of Howard County, Maryland that
16 *that this Act is hereby declared an emergency bill and necessary to meet a public emergency*
17 *affecting life, health or property and is effective upon enactment.*
18

19
20
21
22



CONCEPT PLAN

① Aerial of Lower Main From East

Alexander Design Studio

8212 Main Street, Ellicott City, Maryland 21043 | 410.465.8207

Sayers, Margery

From: Robert Lucas <rtlucas03@yahoo.com>
Sent: Thursday, July 12, 2018 11:30 AM
To: CouncilMail
Subject: Prevent Further Disaster in Historic Ellicott City

I'm a citizen concerned about Historic Ellicott City. I don't live in Howard County but I do work in Howard County, and I frequent Historic Ellicott City and its businesses. I'm concerned about the flooding. The last flood disaster in 2016 was called a thousand-year storm. Now less than 2 years later another one has occurred, worse than 2016. Please don't simply rebuild and don't simply prevent further development. Do something instead that prevents further loss of property, something that prevents further loss of life.

I heard about and read Bill 56-2018, the Tiber Branch Watershed Safety Act, but believe that simply preventing further development is not the answer. Please amend the bill to permit grading and construction in Historic Ellicott City that meets or exceeds 100-year flood storm water management. And please further amend the bill to support and fund the recommendations of the McCormick Taylor study and the Alexander Concept Plan.

Preventing development is not the answer. Rebuilding is not even the answer. Rebuilding so as to prevent this from happening again is the answer. The McCormick Taylor study and the Alexander Concept Plan offer the prevention necessary so no more lives are lost.

I request that my email be included as part of the written testimony. Thank you.

Robert T. Lucas

Office: 4100 College Ave., Ellicott City, MD 21043

Sayers, Margery

From: Betty Adeosun <badeosun@taylorservice.com>
Sent: Thursday, July 12, 2018 5:18 PM
To: Kittleman, Allan
Cc: Sigaty, Mary Kay; Fox, Greg; CouncilMail; Weinstein, Jon; Ball, Calvin B; Terrasa, Jen
Subject: Ellicott City Flooding and Amendments for Council Bill 56

Dear County Council Members and County Executive Kittleman,

Please accept this email as written testimony in favor of amending CB56 to help prevent flooding in Ellicott City. Please amend CB56 to allow development in the watershed with building and grading permits where the plans provide at least 100 year flood storm water management as this will reduce the water which reaches Ellicott City now to help prevent flooding as soon as possible. Please also amend CB56 to include \$25 million per year in funding to complete the necessary infrastructure improvements and to further study and implementation of additional plans and measures such as the Alexander Concept Plan so that Ellicott City can be revitalized at the same time as our heritage is protected from flooding.

I am a concern resident of Howard County who frequently visited Old Town with my children who are looking forward to the new rebuild.

Sincerely,
Betty Adeosun
6164 Hanover Rd,
Elkridge, MD 21076

Sayers, Margery

From: Charles Piven <piven@browerpiven.com>
Sent: Thursday, July 12, 2018 5:50 PM
To: Kittleman, Allan; Weinstein, Jon; Ball, Calvin B; Terrasa, Jen; Sigaty, Mary Kay; Fox, Greg; CouncilMail
Subject: Amending CB56 for Ellicott City

Dear County Council Members and County Executive Kittleman:

I am a Maryland citizen who enjoys visits to Old Ellicott City. It is one of Maryland's charms. Please accept this email as written testimony in favor of amending CB56 to help prevent flooding in Ellicott City. Please amend CB56 to allow development in the watershed with building and grading permits where the plans provide at least 100 year flood storm water management as this will reduce the water which reaches Ellicott City now to help prevent flooding as soon as possible. Please also amend CB56 to include \$25 million per year in funding to complete the necessary infrastructure improvements and to further study and implementation of additional plans and measures such as the Alexander Concept Plan so that Ellicott City can be revitalized at the same time as our heritage is protected from flooding. Thank you.

Sincerely,

Charles Piven, 1925 Old Valley Road, Baltimore, MD 21153

Sayers, Margery

From: Betty Adeosun <badeosun@taylorservice.com>
Sent: Friday, July 13, 2018 12:30 AM
To: CouncilMail
Subject: Ellicott City Flooding and Amendments for Council Bill 56

Dear County Council Members and County Executive Kittleman,

Please accept this email as written testimony in favor of amending CB56 to help prevent flooding in Ellicott City. Please amend CB56 to allow development in the watershed with building and grading permits where the plans provide at least 100 year flood storm water management as this will reduce the water which reaches Ellicott City now to help prevent flooding as soon as possible. Please also amend CB56 to include \$25 million per year in funding to complete the necessary infrastructure improvements and to further study and implementation of additional plans and measures such as the Alexander Concept Plan so that Ellicott City can be revitalized at the same time as our heritage is protected from flooding.

I am a concern resident of Howard County who frequently visited Old Town with my children who are looking forward to the new rebuild.

Sincerely,
Betty Adeosun
6164 Hanover Rd,
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