

Introduced 9/3/2019
Public Hearing 9/16/2019
Council Action 10/07/2019
Executive Action _____
Effective Date _____

County Council of Howard County, Maryland

2019 Legislative Session

Legislative Day No. 11

Bill No. 40-2019

Introduced by: Liz Walsh

AN ACT extending the Effective Period of the temporary prohibition on the issuance of certain permits and certain approvals of development plans and zoning changes for property that drains wholly or partly to the Tiber Branch Watershed or the Plumtree Branch Watershed in Howard County that was imposed by Council Bill 56-2018; and declaring this to be an emergency bill.

Introduced and read first time September 3, 2019. Ordered posted and hearing scheduled.

By order

Diane A. Jones
Diane Schwartz Jones, 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 September 16, 2019.

By order

Diane A. Jones
Diane Schwartz Jones, Administrator

This Bill was read the third time on October 7, 2019, 2019 and Passed _____, Passed with amendments _____, Failed X.

By order

Diane A. Jones
Diane Schwartz Jones, Administrator

Sealed with the County Seal and presented to the County Executive for approval this 8th day of October, 2019 at 2 a.m. Ⓞ

By order

Diane A. Jones
Diane Schwartz Jones, Administrator

Approved/Vetoed by the County Executive _____, 2019

Calvin Ball, 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** after the Tiber Branch Watershed and the Plumtree Branch Watershed suffered
2 devastating flooding twice in the span of twenty-two months—resulting in the loss of human life
3 in Historic Ellicott City—the County Council passed CB56-2018 (the “Watershed Safety Act”),
4 which the County Executive signed, effective July 27, 2018, and CB20-2019 (to extend the term
5 of the Watershed Safety Act), which the County executive signed on June 12, 2019;

6
7 **WHEREAS** the term of the “Effective Period” of the Watershed Safety Act was twelve months,
8 through July 26, 2019, which was extended by Council Bill 20-2019 for an additional three
9 months, through October 26, 2019;

10
11 **WHEREAS** Council Bill 74-2018 clarified that certain exemptions to the limits on development
12 would be allowed providing appropriate relief from the effects of the moratorium;

13
14 **WHEREAS** during the Effective Period, the purpose of the Watershed Safety Act is to protect
15 the public health, safety, and welfare in both the Tiber Branch Watershed and the Plumtree
16 Branch Watershed;

17
18 **WHEREAS** during the Effective Period the Department of Planning and Zoning, the
19 Department of Public Works, and other appropriate units of County government must complete
20 certain studies, reports, and recommendations; such actions include but are not limited to: study
21 the extent to which existing, planned, and future development or redevelopment of property and
22 any other relevant factors may contribute to future flooding in either watershed; identify
23 potential public policy and private solutions; consider implementation of best practices; and
24 make recommendations to the County Council for changes in law and procedures to protect
25 public health, safety, and welfare in the Tiber Branch Watershed and the Plumtree Branch
26 Watershed;

27
28 **WHEREAS** during the Effective Period the County Council, having received such
29 recommendations, must study those recommendations and act on them so that any changes in
30 law and procedures to protect public health, safety, and welfare in the Tiber Branch Watershed

1 and the Plumtree Branch Watershed may be drafted, introduced, subject to public hearing,
2 enacted, and made effective before the Effective Period lapses;

3
4 **WHEREAS**, during the Effective Period, due to the potential that zoning changes may be
5 necessary in the Tiber Branch Watershed or the Plumtree Branch Watershed in response to the
6 studies, reports, and recommendations mandated by the Watershed Safety Act, it is imperative
7 that the County Council also have time to consider, share with the public, and act on any
8 recommendation concerning zoning changes in the Tiber Branch Watershed or the Plumtree
9 Branch Watershed; and

10
11 **WHEREAS**, because the County Council did not have sufficient time to undertake its certain
12 mandates pursuant to the Watershed Safety Act within the initial term or the extended term of the
13 Effective Period of that Act, the County Council must again extend the Effective Period by an
14 additional three months.

15
16 **NOW THEREFORE,**

17
18 *Section 1. Be It Enacted by the County Council of Howard County, Maryland that this Act is an*
19 *interim measure which shall extend the Effective Period of the Watershed Safety Act for an*
20 *additional three months, and, at the end of the day on the final day of the extended Effective*
21 *Period, with no further action required by the County Council, the Watershed Safety Act shall be*
22 *abrogated and of no further force and effect unless that Act is further modified, extended,*
23 *replaced, or terminated through a subsequent legislative act of the Council.*

24
25 *Section 2. And Be It Further Enacted by the County Council of Howard County, Maryland*
26 *that, except as provided in ~~Section 3~~ Sections 3 and 4 of this Act, all other terms of the*
27 *Watershed Safety Act, other than the duration of the initial Effective Period extended by this Act,*
28 *shall remain in full force and effect without interruption through the extended Effective Period.*

1 Section 3. And Be It Further Enacted by the County Council of Howard County, Maryland that
2 the Watershed Safety Act shall not apply to development on an improved property on which the
3 net increase in impervious surface is less than 1,500 square feet.

4 ~~Section 3~~ Section 4. And Be It Further Enacted by the County Council of Howard County,
5 Maryland that the Watershed Safety Act shall not apply to scheduling hearings provided that no
6 approval subject to the Act is granted during the Effective Period.

7
8 ~~Section 4~~ Section 5. And Be It Further Enacted by the County Council of Howard County,
9 Maryland that this Act shall prevail if there is a conflict between this Act and other applicable
10 law; and

11
12 ~~Section 5~~ Section 6. And Be It Further Enacted by the County Council of Howard County,
13 Maryland that this Act is adopted as an emergency measure to address an immediate emergency
14 affecting public health, safety, or welfare and having been passed by two-thirds of its members,
15 this Act shall be effective immediately upon its enactment.