

Introduced \_\_\_\_\_  
Public Hearing \_\_\_\_\_  
Council Action \_\_\_\_\_  
Executive Action \_\_\_\_\_  
Effective Date \_\_\_\_\_

## County Council of Howard County, Maryland

2016 Legislative Session

Legislative Day No. 17

### Bill No. 79 -2016

Introduced by: Jon Weinstein and Calvin Ball

AN Act requiring that the Howard County Design Manual Volume I (Storm Drainage) be used for a specified purpose; mandating a specified figure for rainfall for certain 100 year storms; requiring certain periodic reviews; providing that this Act shall apply to a specified area at a specified time; generally relating to stormwater management in Howard County; and making this Act an emergency measure.

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Introduced and read first time \_\_\_\_\_, 2016. 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 \_\_\_\_\_, 2016.

By order \_\_\_\_\_  
Jessica Feldmark, Administrator

This Bill was read the third time on \_\_\_\_\_, 2016 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 \_\_\_\_\_, 2016 at \_\_\_ a.m./p.m.

By order \_\_\_\_\_  
Jessica Feldmark, Administrator

Approved/Vetoed by the County Executive \_\_\_\_\_, 2016

\_\_\_\_\_  
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

**Section 1. Be It Enacted** by the County Council of Howard County, Maryland that the Howard County Code is amended as follows:

By amending:

Title 18 – Public Works.

Subtitle 9. – Stormwater Management.

Section 18.903. - Design criteria; minimum control requirements; alternatives.

~~Section 18.913 – Howard County Design Manual.~~

**Title 18 – Public Works.**

**Subtitle 9. – Stormwater management.**

**Sec. 18.903. - Design criteria; minimum control requirements; alternatives.**

(a) The minimum control requirements established in this section and the design manual are as follows:

(1) The County shall require that the planning techniques, nonstructural practices, and design methods specified in the design manual be used to implement ESD to the MEP. The use of ESD planning techniques and treatment practices must be exhausted before any structural BMP is implemented. Stormwater management for development projects subject to this subtitle shall be designed using ESD sizing criteria, recharge volume, water quality volume, and channel protection storage volume criteria according to the design manual. The MEP standard is met when channel stability is maintained, predevelopment groundwater recharge is replicated, nonpoint source pollution is minimized, and structural stormwater management practices are used only if determined to be absolutely necessary.

(2) Control of the two-year and ten-year frequency storm event is required according to the design manual and all subsequent revisions if the County determines that additional stormwater management is necessary because historical flooding problems exist and downstream floodplain development and conveyance system design cannot be controlled.

(3) 100-YEAR PEAK MANAGEMENT CONTROL IS REQUIRED ACCORDING TO THE DESIGN MANUAL. FOR ALL PURPOSES OF CALCULATING THE 100 YEAR 24 HOUR STORM EVENT, 8.51 INCHES OF RAINFALL DEPTH SHALL BE THE MINIMUM DEPTH USED.

[[ (3) ] (4) The County may require more than the minimum control requirements if:

(i) Hydrologic or topographic conditions warrant; or

- (ii) Flooding, stream channel erosion, or water quality problems exist downstream from a proposed project.
- (b) Stormwater management where applicable, shall be consistent with adopted and approved watershed management plans or flood management plans as approved by the Maryland Department of the Environment in accordance with the Flood Hazard Management Act of 1976.

**Section 2. And Be It further Enacted by the County Council of Howard County, Maryland that the Howard County Code is amended as follows:**

By amending:

Title 18 – Public Works.

Subtitle 9. – Stormwater Management.

Section 18.913 – Howard County Design Manual.

**Sec. 18.913. - Howard County Design Manual.**

- (a) The Howard County Design Manual Volume I (Storm Drainage) shall include the minimal control requirements and design criteria for stormwater management; procedures for the approval of plans; and construction inspection requirements.
- (b) The County Executive shall submit the Howard County Design Manual to the County Council for the Council's approval by resolution. Amendments to the manual shall be prepared and approved in the same manner.
- (c) THE COUNTY EXECUTIVE SHALL REVIEW THE HOWARD COUNTY DESIGN MANUAL AT LEAST EVERY THIRD YEAR TO ENSURE THAT THE FIGURES USED TO CALCULATE RAINFALL DEPTH AND INTENSITY ARE CONSISTENT WITH THOSE PUBLISHED BY THE NATIONAL OCEANIC AND ATMOSPHERIC ~~ADMINISTRATION~~ ADMINISTRATION, THE NATURAL RESOURCES CONSERVATION SERVICE, AND ANY OTHER FEDERAL GOVERNMENT AGENCY WHICH TRACKS AND PUBLISHES LOCAL PRECIPITATION DATA AS THE COUNTY EXECUTIVE MAY DEEM APPROPRIATE AND REPORT TO THE COUNTY COUNCIL:
  - (I) WHETHER THE FIGURES ARE CONSISTENT; AND
  - (II) IF THE FIGURES ARE NOT CONSISTENT, A PLAN TO AMEND THE DESIGN MANUAL

TO REFLECT THE CURRENT FIGURES PUBLISHED BY THE NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION BE CONSISTENT WITH THE CURRENT FIGURES PUBLISHED BY THE NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION, THE NATURAL RESOURCES CONSERVATION SERVICE, AND ANY OTHER FEDERAL GOVERNMENT AGENCY CONSULTED AS PART OF THE REVIEW REQUIRED BY THIS SECTION.

*~~Section 2. And Be It Further Enacted by the County Council of Howard County, Maryland, that the minimum control requirement required by this Act shall apply to all proposed development in the Tiber Branch Watershed, as shown on the map attached to this Bill as Exhibit A, except for proposed development for which the subdivision or site development plan has been tested for adequate public school facilities prior to September 6, 2016.~~*

*Section 3. And Be It Further Enacted by the County Council of Howard County, Maryland, that the minimum control requirement required by this Act shall apply to all proposed development in the Tiber Branch Watershed, except for proposed development for which the subdivision or site development plan has been tested for adequate public school facilities prior to September 6, 2016. The Tiber Branch Watershed is depicted on the map attached to this Bill as Exhibit A for illustrative purposes only, and any property which will drain outside the Tiber Branch Watershed as demonstrated by site plans certified by a licensed professional engineer and approved by the Department of Planning and Zoning shall not be considered part of the Tiber Branch Watershed.*

*Section 4. And Be It Further Enacted by the County Council of Howard County, Maryland, that Section 1 of this Act shall expire upon adoption of a Resolution by the County Council approving an amendment to the Design Manual that indicates a depth of at least 8.51 inches for the 100 year 24 hour storm event.*

*~~Section 3.~~ Section 5. And Be It Further Enacted by the County Council of Howard County, Maryland, that this Act is an Emergency Bill that is necessary to protect the public health, safety, and welfare and is effective upon enactment.*

