

Introduced 11/7/16  
 Public Hearing 11/21/16  
 Council Action 12/5/16  
 Executive Action 12/9/16  
 Effective Date 12/9/16

**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.

Introduced and read first time November 7, 2016. Ordered posted and hearing scheduled.

By order Jessica Feldmark  
 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 November 21, 2016.

By order Jessica Feldmark  
 Jessica Feldmark, Administrator

This Bill was read the third time on December 5 2016 and Passed     , Passed with amendments ✓, Failed     .

By order Jessica Feldmark  
 Jessica Feldmark, Administrator

Sealed with the County Seal and presented to the County Executive for approval this 7<sup>th</sup> day of December, 2016 at 5:00 a.m./p.m.

By order Jessica Feldmark  
 Jessica Feldmark, Administrator

Approved/Vetoed by the County Executive Dec 9, 2016

Allan H. Kittleman  
 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.*

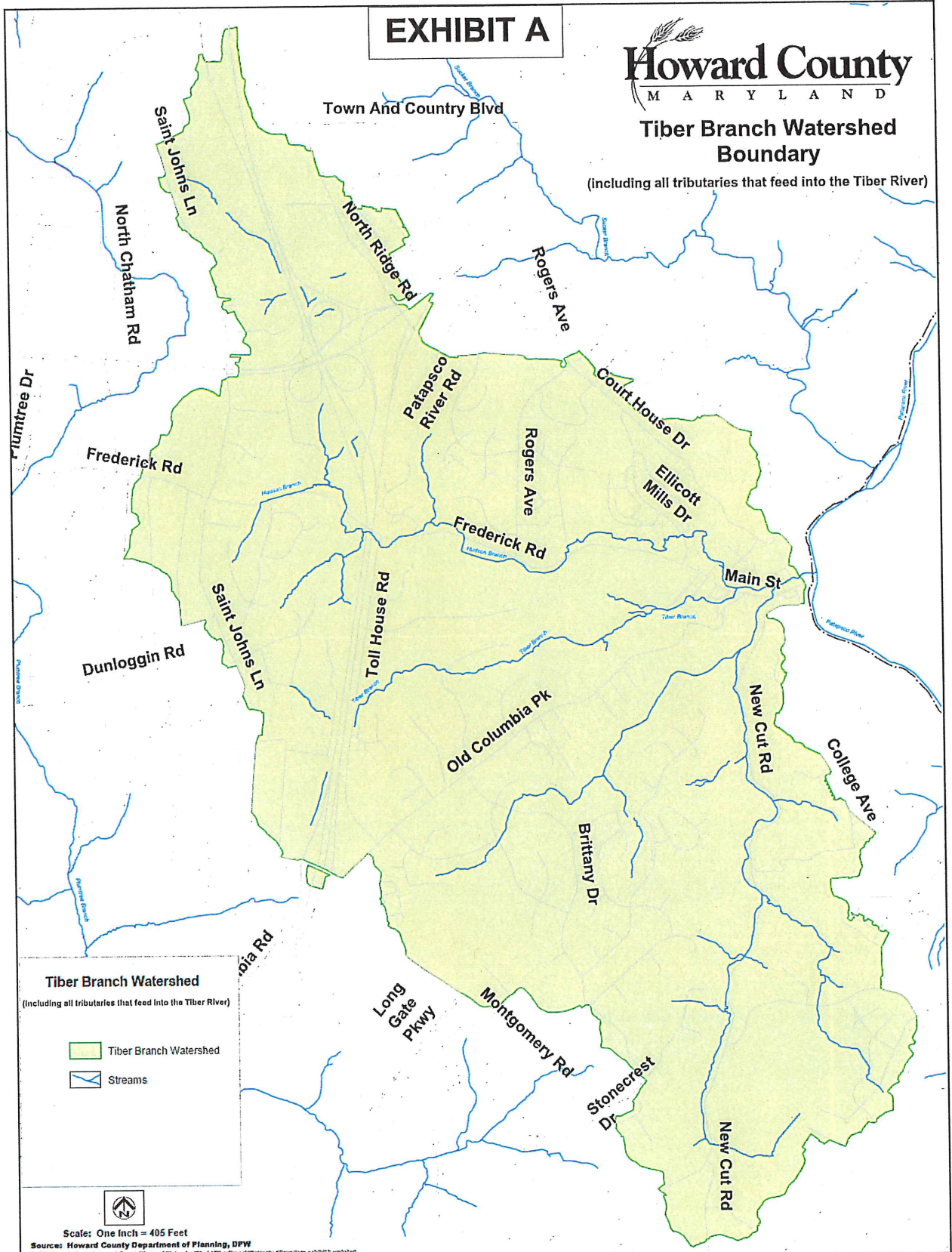
*~~Section 3.~~ Section 5. And Be It Further Enacted by the County Council of Howard County, Maryland, that this Act is an Emergency Bill that is necessary to protect the public health, safety, and welfare and is effective upon enactment.*

# EXHIBIT A



## Tiber Branch Watershed Boundary

(including all tributaries that feed into the Tiber River)



BY THE COUNCIL

This Bill, having been approved by the Executive and returned to the Council, stands enacted on December 9, 2016.

  
Jessica Feldmark, Administrator to the County Council

BY THE COUNCIL

This Bill, having been passed by the yeas and nays of two-thirds of the members of the Council notwithstanding the objections of the Executive, stands enacted on \_\_\_\_\_, 2016.

\_\_\_\_\_  
Jessica Feldmark, Administrator to the County Council

BY THE COUNCIL

This Bill, having received neither the approval nor the disapproval of the Executive within ten days of its presentation, stands enacted on \_\_\_\_\_, 2016.

\_\_\_\_\_  
Jessica Feldmark, Administrator to the County Council

BY THE COUNCIL

This Bill, not having been considered on final reading within the time required by Charter, stands failed for want of consideration on \_\_\_\_\_, 2016.

\_\_\_\_\_  
Jessica Feldmark, Administrator to the County Council

BY THE COUNCIL

This Bill, having been disapproved by the Executive and having failed on passage upon consideration by the Council stands failed on \_\_\_\_\_, 2016.

\_\_\_\_\_  
Jessica Feldmark, Administrator to the County Council

BY THE COUNCIL

This Bill, the withdrawal of which received a vote of two-thirds (2/3) of the members of the Council, is withdrawn from further consideration on \_\_\_\_\_, 2016.

\_\_\_\_\_  
Jessica Feldmark, Administrator to the County Council

Amendment 1 to Council Bill No. 79-2016

BY: Jon Weinstein  
Calvin Ball

Legislative Day No. 19  
Date: 12/5/16

Amendment No. 1

*(This amendment provides a more accurate map of the boundary of the Tiber Branch Watershed, clarifies that the map is illustrative, includes reference to rainfall data from NRCS and other government scientific agencies, and provides that the change to § 18.903 will sunset after the Design Manual is updated.)*

1 Remove Exhibit A that is attached to the Bill and substitute the Exhibit A that is attached to this  
2 Amendment.

3

4 On page 1, in the italicized function text at the beginning of Section 1 of the Bill, strike the line  
5 that reads "*Section 18.913 – Howard County Design Manual.*".

6

7 Also on page 1, in the second sentence of Section 18.903(a)(3), strike "ALL" and after "100  
8 YEAR" insert "24 HOUR".

9

10 On page 2, before "**Sec. 18.913. – Howard County Design Manual.**", insert:

11 "Section 2. And Be It further Enacted by the County Council of Howard County,

12 Maryland that the Howard County Code is amended as follows:

13 By amending:

14 Title 18 – Public Works.

15 Subtitle 9. – Stormwater Management.

16 Section 18.913 – Howard County Design Manual."

17

18 Also on page 2, in the introductory language of Section 18.913(c), strike "ADMINISTRATION" and  
19 substitute "ADMINISTRATION, THE NATURAL RESOURCES CONSERVATION SERVICE, AND ANY  
20 OTHER FEDERAL GOVERNMENT AGENCY WHICH TRACKS AND PUBLISHES LOCAL PRECIPITATION  
21 DATA AS THE COUNTY EXECUTIVE MAY DEEM APPROPRIATE".

1 Also on page 2, Section 18.913(c)(ii), strike “REFLECT THE CURRENT FIGURES PUBLISHED BY THE  
2 NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION” AND SUBSTITUTE “BE CONSISTENT  
3 WITH THE CURRENT FIGURES PUBLISHED BY THE NATIONAL OCEANIC AND ATMOSPHERIC  
4 ADMINISTRATION, THE NATURAL RESOURCES CONSERVATION SERVICE, AND ANY OTHER FEDERAL  
5 GOVERNMENT AGENCY CONSULTED AS PART OF THE REVIEW REQUIRED BY THIS SECTION.”.

6  
7 Also on page 2, strike Section 2. in its entirety and substitute:

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

17  
18 Section 4. And Be It Further Enacted by the County Council of Howard County,  
19 Maryland, that Section 1 of this Act shall expire upon adoption of a Resolution by the  
20 County Council approving an amendment to the Design Manual that indicates a depth of  
21 at least 8.51 inches for the 100 year 24 hour storm event.”.

22  
23 Also on page 2, strike “Section 3.” and substitute “Section 5.”.

24  
25  
ADOPTED 12/5/16  
FAILED  
SIGNATURE Jessica Feldman

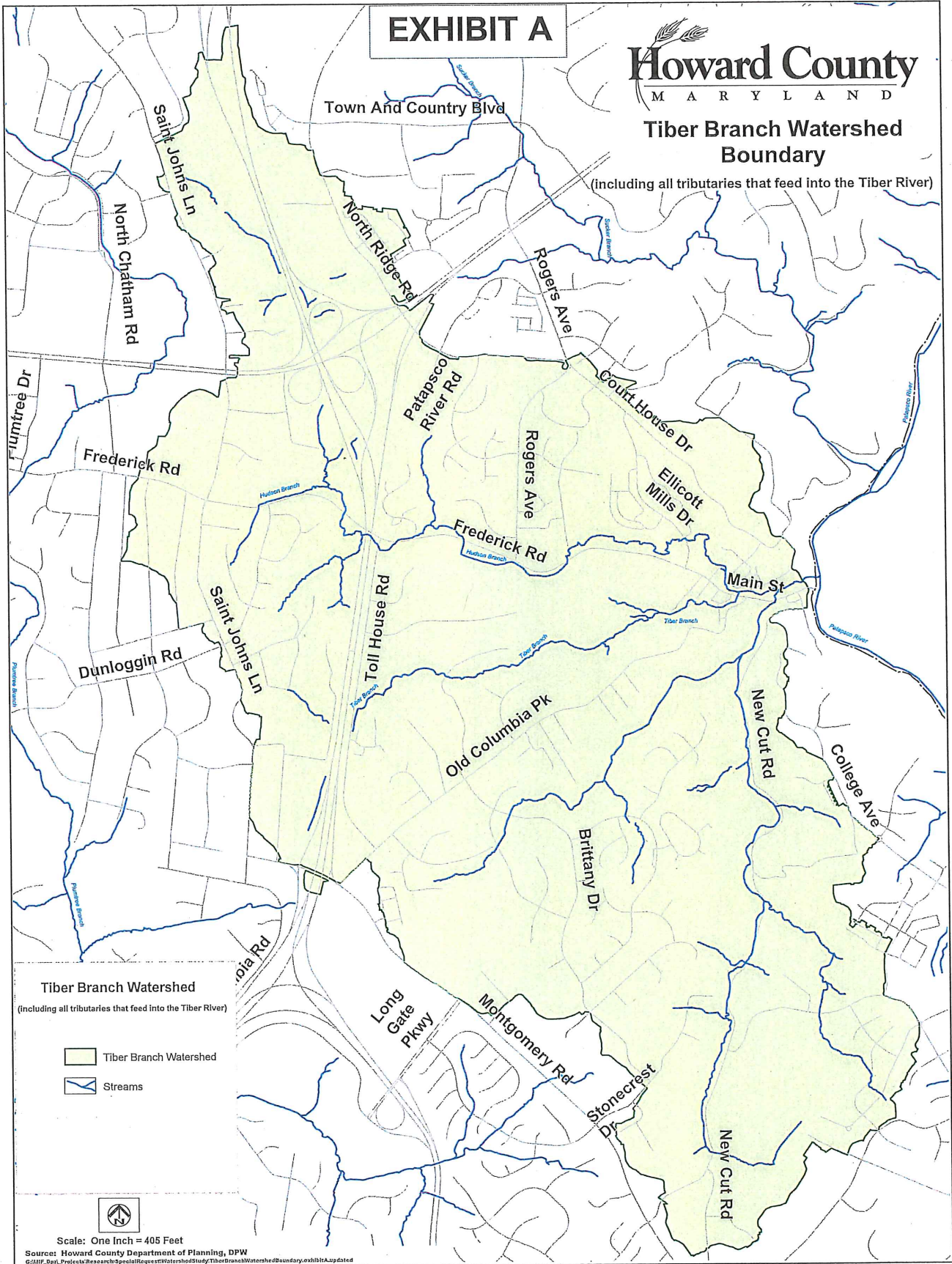


# EXHIBIT A



## Tiber Branch Watershed Boundary

(including all tributaries that feed into the Tiber River)



Tiber Branch Watershed  
(including all tributaries that feed into the Tiber River)

- Tiber Branch Watershed
- Streams

Scale: One Inch = 405 Feet

Sources: Howard County Department of Planning, DPW  
©2011, DPW, Projects/Research/SpecialRequests/WatershedStudy/TiberBranchWatershedBoundary/exhibitAUpdated

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

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

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*Section 3. 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.*







roduced \_\_\_\_\_  
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

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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

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*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 this Act*

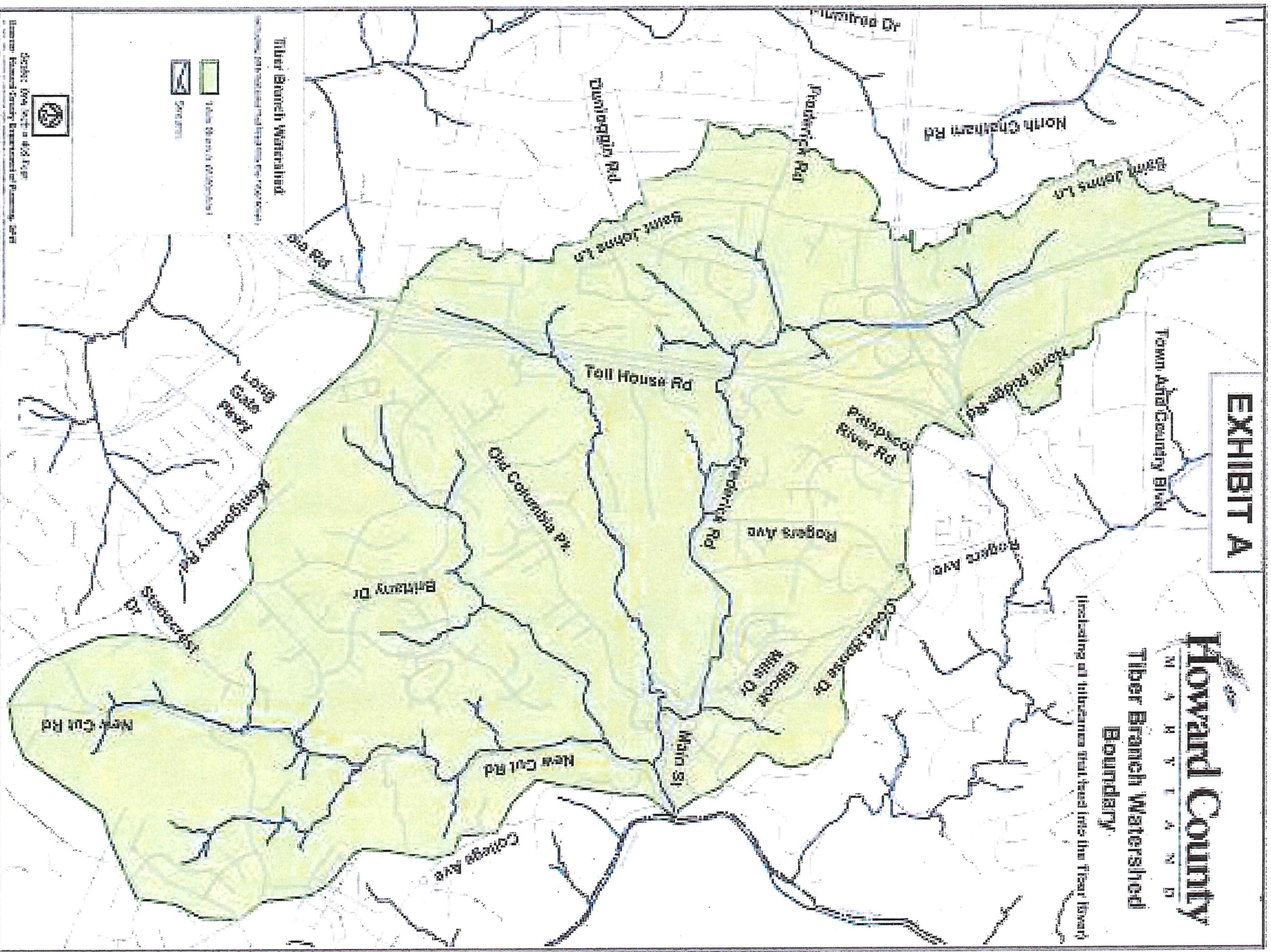
*is an Emergency Bill that is necessary to protect the public health, safety, and welfare and is effective upon enactment.*

# EXHIBIT A

## Howard County M A R T I N D

### Tiber Branch Watershed Boundary

Including all tributaries that feed into the Tiber River



Amendment 1 to Council Bill No. 79-2016

BY: Jon Weinstein  
Calvin Ball

Legislative Day No. 19  
Date: 12/5/16

Amendment No. 1

*(This amendment provides a more accurate map of the boundary of the Tiber Branch Watershed, clarifies that the map is illustrative, includes reference to rainfall data from NRCS and other government scientific agencies, and provides that the change to § 18.903 will sunset after the Design Manual is updated.)*

1 Remove Exhibit A that is attached to the Bill and substitute the Exhibit A that is attached to this  
2 Amendment.

3

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6

7 Also on page 1, in the second sentence of Section 18.903(a)(3), strike "ALL" and after "100  
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15 Subtitle 9. – Stormwater Management.

16 Section 18.913 – Howard County Design Manual."

17

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19 substitute "ADMINISTRATION, THE NATURAL RESOURCES CONSERVATION SERVICE, AND ANY

20 OTHER FEDERAL GOVERNMENT AGENCY WHICH TRACKS AND PUBLISHES LOCAL PRECIPITATION

21 DATA AS THE COUNTY EXECUTIVE MAY DEEM APPROPRIATE".

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19 Maryland, that Section 1 of this Act shall expire upon adoption of a Resolution by the  
20 County Council approving an amendment to the Design Manual that indicates a depth of  
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23 Also on page 2, strike “Section 3.” and substitute “Section 5.”.

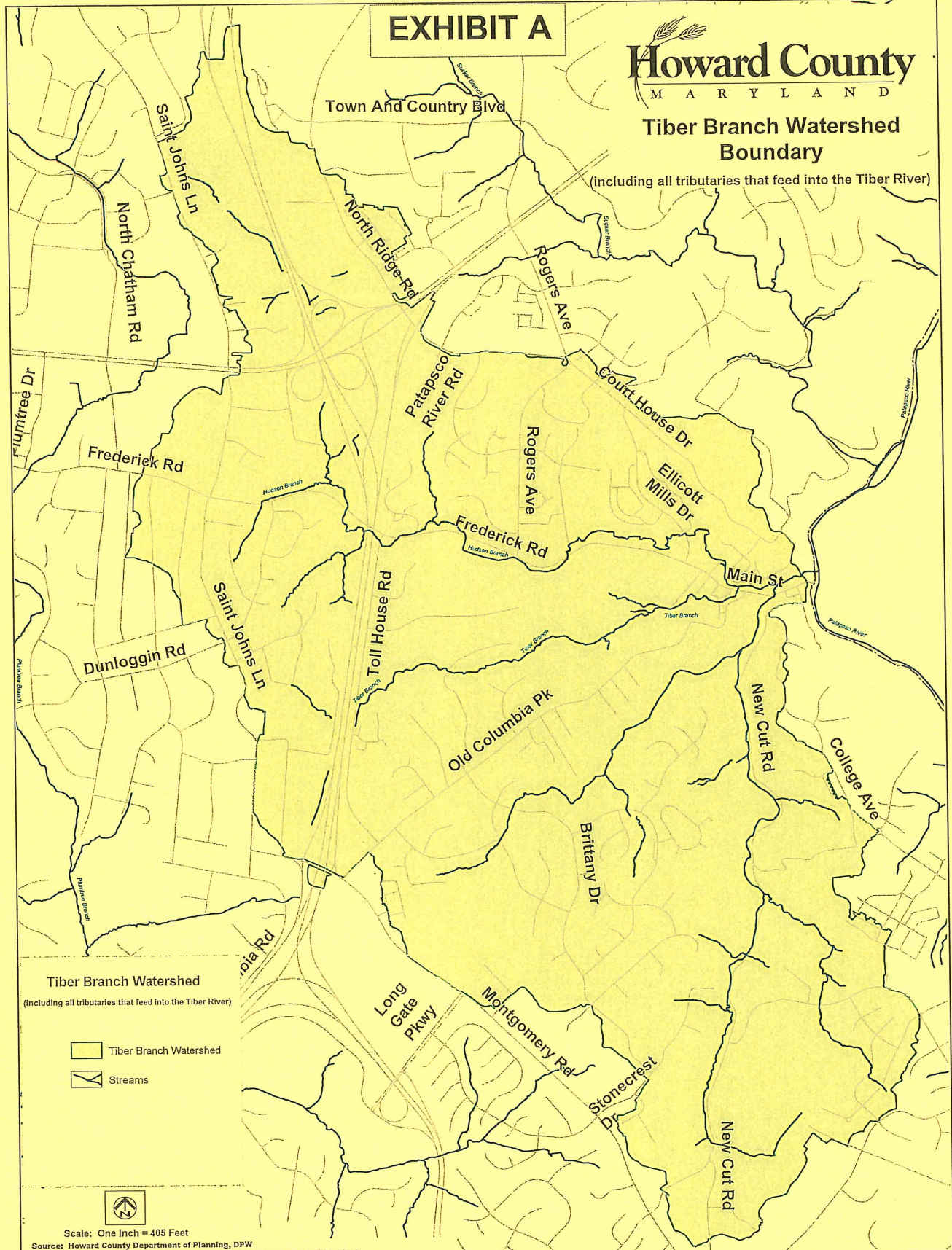
24  
25

# EXHIBIT A

## Howard County MARYLAND

### Tiber Branch Watershed Boundary

(Including all tributaries that feed into the Tiber River)



Tiber Branch Watershed  
(Including all tributaries that feed into the Tiber River)

- Tiber Branch Watershed
- Streams



Scale: One Inch = 405 Feet

Source: Howard County Department of Planning, DPW  
C:\MIP\_Dppl\_P\Projects\Research\SpecialRequest\WatershedStudy\TiberBranchWatershedBoundary\exhibitA\updated





**FILE COPY**

Re: Prefiled CB 79-2016

○ ome <pjfarragut@aol.com>  
 ○ Thu 11/10, 11:52 AM  
 smramsey1@verizon.net; gracek8@verizon.net; john@slaterassoc.com

Reply all |

Sylvia,

I think this bill is well intended but has several problems. Let's remember that the watershed is largely developed so we are tinkering with marginal improvements.

I suspect the ability to build a structure and at the same time contain a Hurricane Agnes type storm, with a probability of once in 100 years, is unachievable on most remaining properties in the watershed. Think of the piping required or a dry pond large enough to contain 8 inches of rain over an entire site. It seems to me the later would require, in many cases, almost the entire site be devoted to stormwater management. The "law of unintended consequences" also comes to mind. I'm thinking of many of the older commercial structures in the watershed that had no stormwater requirements when built. If owners redevelop the site, I believe they would be required to meet present stormwater requirements. Take the Normandy Shopping center site as an example and imagine they must meet this standard. My guess is that this requirement would be so onerous that it would be uneconomic, if not impossible to achieve resulting in the owner doing nothing. I think a better idea for the small part of the watershed that can be developed would be to say that any rezoning of property to a higher density would require greater stormwater control defined in some way.

I think the County needs to concentrate on a comprehensive stormwater management plan focused on creating large, dry ponds and other techniques, creating a funding mechanism for such, offering residential owners in the 25 or 50 year flood plain along Frederick Road who have frequent flooding problems a buy-out opportunity and requiring owners in the flood plain to have flood insurance where County subsidies are provided. Thank you for sending this along for comment.

Paul

-----Original Message-----

From: smramsey1 &lt;smramsey1@verizon.net&gt;

To: davidbnitkin <davidbnitkin@gmail.com>; Chris Gallant <cgallant3@verizon.net>; Nancy Pickard <director@peerlessrockville.org>; Lisa Wingate <wingatelj@aol.com>; Gabriele Hourticolon <hourticolon@gmail.com>; K Younkin <kyounkin@patapsco.org>; ome <pjfarragut@aol.com>; Vicki Goodman <victoriagoodman@verizon.net>; cmhudson <cmhudson@comcast.net>; Marsha McLaughlin <marshasmclaughlin@gmail.com>

Cc: grace kubofcik &lt;gracek8@verizon.net&gt;; Mary Catherine Cochran &lt;mcc.phg@gmail.com&gt;

Sent: Thu, Nov 3, 2016 8:12 am

Subject: Fw: Prefiled CB 79-2016

Hello all,

This bill, to change criteria for Stormwater management, was recently introduced to the County Council. Please review and submit any comments to Mary Catherine. We have a small committee established to weight in on the issue to determine if PVHA should testify @ a hearing later this month.

Thank you

Sylvia

-----Original Message-----

From: james kubofcik

Sent: Wednesday, November 2, 2016 10:38 AM

To: Mary Catherine Cochran ; Sylvia Ramsey  
Cc: Grace Kubofcik  
Subject: Prefiled CB 79-2016