

Amendment 1 to Council Resolution No. 123-2019

**BY: The Chairperson at the request
of the County Executive**

**Legislative Day 12
Date: October 7, 2019**

Amendment No. 1

(This amendment:

- 1. Clarifies that the offsite facility shall be constructed pursuant to a developer agreement and at the same time as on-site improvements;*
- 2. Provides criteria to set forth when a subsequent alternative strategy would apply; and*
- 3. Corrects punctuation.)*

1 In Chapter 4 of Volume 1 of the Design Manual, included as part of Exhibit A to the Resolution:

- 2 • On page 1, in line 9, after “sumps” insert a comma
- 3 • On page 1, in line 11, after “event” insert a comma
- 4 • On page 1, in line 24, after “WATERSHEDS”, strike the comma

5

6 In Chapter 5 of Volume 1 of the Design Manual, included as part of Exhibit A to the Resolution:

- 7 • On page 3, after line 46, insert:

8 “IF BASED ON A GEOTECHNICAL ENGINEERING REPORT THAT CONCLUDES AN ADEQUATELY
9 SIZED STORMWATER FACILITY CANNOT BE CONSTRUCTED ON-SITE DUE TO EITHER THE
10 LOCATION OF GROUNDWATER, THE PRESENCE OF A ROCK STRATA THAT CANNOT BE
11 REMOVED, ON-SITE TOPOGRAPHY THAT DOES NOT ALLOW FOR A GRAVITY OUTFALL, OR
12 OTHER UNANTICIPATED GEOTECHNICAL CONSTRAINTS NOT OTHERWISE SPECIFIED ABOVE,
13 THEN 2. SHALL APPLY.”

14

- 15 • On page 4, in line 5, after “WATERSHED.” insert “SUCH AN OFFSITE FACILITY SHALL BE
16 CONSTRUCTED UNDER A DEVELOPER AGREEMENT AT THE SAME TIME AS THE ON-SITE
17 IMPROVEMENTS ARE CONSTRUCTED.

18

19 IF THE DEVELOPER CANNOT CERTIFY THAT THEY OWN PROPERTIES, OR THAT THERE ARE
20 OFFSITE PROPERTIES AVAILABLE FOR PURCHASE THAT ARE OF ADEQUATE SIZE AND CAN

1 SUPPORT THE REQUIRED HYDRAULICS TO CONSTRUCT A MANAGEMENT FACILITY WITHIN
2 THE SAME WATERSHED THEN 3. SHALL APPLY;

- 3
4 • On page 4, in line 11, after “EVENTS.” Insert “IN ORDER TO BE GRANTED RELIEF FROM THE
5 THIRD ALTERNATIVE MANAGEMENT STRATEGY, THE DEVELOPER MUST SATISFY THE
6 REQUIREMENTS FOR RELIEF FROM THE FIRST AND SECOND ALTERNATIVE MANAGEMENT
7 STRATEGIES AND PROVE THAT THERE IS NO CAPITAL PROJECT IN THE WATERSHED
8 AVAILABLE TO PAY INTO.”

- 9
10 • On page 4, in line 13, after “FEE” insert “IN LIEU”.

- 11
12 • On page 4, in line 42, after “County.” insert “MANAGEMENT SHALL BE IN ACCORDANCE
13 WITH CURRENT MDE REQUIREMENTS FOR THE DISTURBED AREA, EXCEPT AS NOTED BELOW
14 FOR ADDITIONAL REQUIREMENTS WITHIN THE TIBER BRANCH AND PLUMTREE
15 WATERSHEDS.”

- 16
17 • On page 5, after line 26, insert:
18 “IF BASED ON A GEOTECHNICAL ENGINEERING REPORT THAT CONCLUDES AN ADEQUATELY
19 SIZED STORMWATER FACILITY CANNOT BE CONSTRUCTED ON-SITE DUE TO EITHER THE
20 LOCATION OF GROUNDWATER, THE PRESENCE OF A ROCK STRATA THAT CANNOT BE
21 REMOVED, ON-SITE TOPOGRAPHY THAT DOES NOT ALLOW FOR A GRAVITY OUTFALL, OR
22 OTHER UNANTICIPATED GEOTECHNICAL CONSTRAINTS NOT OTHERWISE SPECIFIED ABOVE,
23 THEN 2. SHALL APPLY.”

- 24
25 • On page 5, in line 31, after “WATERSHED.” insert: “SUCH AN OFFSITE FACILITY SHALL BE
26 CONSTRUCTED UNDER A DEVELOPER AGREEMENT AT THE SAME TIME AS THE ON-SITE
27 IMPROVEMENTS ARE CONSTRUCTED.”

28
29 IF THE DEVELOPER CANNOT CERTIFY THAT THEY OWN PROPERTIES, OR THAT THERE ARE
30 OFFSITE PROPERTIES AVAILABLE FOR PURCHASE THAT ARE OF ADEQUATE SIZE AND CAN

1 SUPPORT THE REQUIRED HYDRAULICS TO CONSTRUCT A MANAGEMENT FACILITY WITHIN
2 THE SAME WATERSHED THEN 3 SHALL APPLY;”.

3

4 • On page 5, in line 37, after “EVENTS.”, insert:

5 “IN ORDER TO BE GRANTED RELIEF FROM THE THIRD ALTERNATIVE MANAGEMENT
6 STRATEGY, THE DEVELOPER MUST SATISFY THE REQUIREMENTS FOR RELIEF FROM THE FIRST
7 AND SECOND ALTERNATIVE MANAGEMENT STRATEGIES AND PROVE THAT THERE IS NO
8 CAPITAL PROJECT IN THE WATERSHED AVAILABLE TO PAY INTO.”

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10 • On page 5, in line 39, after “FEE” insert “IN LIEU”.

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