

Amendment 4 Amendment No. 79 to Council Bill No. 28 -2023

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

**Legislative Day 12
Date: October 11, 2023**

Amendment No. 4 to Amendment No. 79

(This Amendment to Amendment No. 79 makes the following changes:

- 1. In Chapter 3, Ecological Health, amends Policy 5 related to stormwater management requirements in order to encourage redevelopment to meet stormwater management requirements for new development to the maximum extent possible.*

- 2. In Chapter 11, makes corresponding changes to the changes made in chapter 3 to Policy 5.)*

1 Substitute pages 1 and 2 of Amendment 79 with the attachment to this Amendment to
2 Amendment.

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4 In Chapter 3, Ecological Health, substitute pages EH 24 attached to Amendment No. 79 with the
5 page EH24 attached to this Amendment to Amendment.

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7 In Chapter 11, Implementation, substitute page IMP 18 attached to Amendment No. 79 with the
8 pages IMP 18 attached to this Amendment to Amendment.

Amendment 79 to Council Bill No. 28 -2023

BY: Deb Jung and Liz Walsh

Legislative Day 11

Date: 10/02/2023

Amendment No. 79

(This Amendment makes the following changes to HoCo by Design Chapter 3 and Chapter 11:

- Chapter 3: Ecological Health*
- *Removes all quotes;*
 - *Includes health hazards caused by airplanes in equity considerations;*
 - *Amends the EH-1 Policy Statement Implementing Actions to track outcomes of ecological health investments and provide maintenance and enforcement, and adds an action to develop open space percentage requirements for activity centers;*
 - *Adds language regarding 2020 bird-friendly amendments to design standards;*
 - *Amends the EH-2 Policy Statement Implementing Actions to include resiliency in the title of the Climate Action Plan, ensure County departments align policies with ecological health goals, and adopt the International Green Construction Code;*
 - *Deletes the section Incentivizing Natural Resource Protection and Restoration including EH-4 Policy Statement and remove all the implementing actions;*
 - *Amends the EH-5 Policy Statement Implementing Actions to incentivize existing commercial centers to provide stormwater management systems, reduce stormwater runoff and incorporate water quality management practices, increase the use of green stormwater infrastructure, and ~~add the requirement that redevelopment meets new development stormwater requirements~~ encourage redevelopment to meet stormwater management requirements for new development to the maximum extent possible;*
 - *Amends the EH-7 Policy Statement Implementing Actions to include invasive species removal in forest management;*
- Chapter 11: Implementation*
- *Amends the EH-1 Policy Statement Implementing Actions to track outcomes of ecological health investments and provide maintenance and enforcement, and adds an action to develop open space percentage requirements for activity centers;*
 - *Amends the EH-2 Policy Statement Implementing Actions to include resiliency in the title of the Climate Action Plan, ensure County departments align policies with ecological health goals, and adopt the International Green Construction Code ;*
 - *Removed EH-4 Policy Statement and all the implementing actions;*
- LEG 1795

- *Amends the EH-5 Policy Statement Implementing Actions to incentivize existing commercial centers to provide stormwater management systems, reduce stormwater runoff and incorporate water quality management practices, increase the use of green stormwater infrastructure, and ~~add the requirement that redevelopment meets new development stormwater requirements~~ encourage redevelopment to meet stormwater management requirements for new development to the maximum extent possible;*
- *Amends the EH-7 Policy Statement Implementing Actions to include invasive species removal in forest management.)*

1 In the *HoCo By Design* General Plan, attached to this Act as Exhibit A, amend the following
2 pages as indicated in this Amendment:

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4 • Chapter 3: Ecological Health: 5, 7, 8, 11, 14, 15, 18, 19, 20, 21, 24, 26, 33, 42, 44, and
5 56; and

6 • Chapter 11: Implementation: 15, 16, 17, 18, and 20.

7 Correct all page numbers, numbering, and formatting within this Act to accommodate this
8 amendment.

In 2022 the County initiated a Vulnerable Watershed Restoration and Resiliency Program to evaluate whether other watersheds are or will become susceptible to flooding and develop potential capital projects to address the problem areas. For more information about state and county efforts to address flooding, please see Technical Appendix A: Environment.

Redevelopment

The County's stormwater management regulations also have requirements for redeveloping sites. Redevelopment sites must reduce impervious cover by 50% or provide an equivalent water quality treatment for the first one inch of rainfall using ESD techniques. However, there are no quantity management requirements. The recent update to stormwater management requirements in the Plumtree Branch and Tiber Branch watersheds also added quantity management requirements for redevelopment in those watersheds.

Requiring stormwater management for redevelopment sites offers a significant opportunity to improve water quality and quantity controls for stormwater runoff in areas that were developed prior to current stormwater management regulations. The County should ensure redevelopment is designed and implemented to reduce stormwater runoff and pollutant loadings to the maximum extent practicable. The County should also consider creating incentives for new development and redevelopment to provide on-site or off-site stormwater management that exceeds minimum regulatory requirements.

Stormwater Management Facilities

Stormwater management systems must be regularly inspected and maintained and, as they age, deteriorated systems must be upgraded or replaced. The County is required by both state and local legislation to conduct inspections of stormwater management facilities every three years. There are approximately 11,000 stormwater management facilities in the County, and approximately 1,634 of these are public facilities maintained by the County.

In general, the County shares maintenance responsibilities with homeowners associations for residential facilities located on open space lots, while non-residential facilities are privately maintained. With increased use of ESD, small treatment facilities have and will continue to become more prevalent. These types of facilities can include downspout infiltration areas or drywells, and bioretention facilities or rain gardens that can be located on private residential lots. The ability to inspect and maintain these facilities over time is an area of concern. Developments with ESD have multiple facilities, which require increasing county resources for inspections. Routine maintenance of ESD facilities located on individual residential lots becomes the responsibility of the individual homeowner, resulting in property owner education and maintenance enforcement issues. Funding for County inspection and maintenance of stormwater management facilities is through the Watershed Protection and Restoration Fund, which is discussed later in this chapter under Managing Natural Resources by Watershed. The County should evaluate alternatives for improving, enforcing, and funding long-term inspection and maintenance of stormwater management facilities, particularly those facilities located on private residential lots.



EH-5 Policy Statement

Evaluate and improve stormwater management requirements to enhance climate change resilience.

Implementing Actions

1. Conduct a flooding vulnerability assessment to determine which watersheds are susceptible to chronic flooding under current and expected future precipitation patterns.
2. Update stormwater management design standards to address current and expected future precipitation patterns. Consider adding quantity management requirements, including management for short-duration, high-intensity storms in vulnerable watersheds. ~~Incorporate water quantity management practices throughout the County. Incentivize existing commercial centers to provide stormwater management systems consistent with present standards. Ensure that redevelopment, at a minimum, meets current stormwater management requirements for redevelopment projects.~~
3. ~~Evaluate opportunities to further reduce~~ Reduce stormwater runoff and pollutant loadings when redevelopment occurs: ~~and incorporate water quantity management practices throughout the County. Ensure that redevelopment, at a minimum, meets current stormwater management requirements. Incentivize redevelopment to meet current requirements for new development and address watershed health, flood risks, and other environmental concerns.~~
4. ~~Continue to use~~ Increase use of a nature-based or green stormwater infrastructure approach (bioretention, swales) in combination with a built or gray infrastructure approach (pipes, ponds) to address flood mitigation and adaptation, to maximize ecological benefits.
5. Evaluate alternatives for improving, enforcing, and funding long-term inspection and maintenance of stormwater management facilities, particularly those facilities located on private residential lots.
6. ~~Ensure that redevelopment, at a minimum, meets new development stormwater requirements and address watershed health, flood risks, and other environmental concerns. Encourage redevelopment to meet new development stormwater management requirements to the maximum extent possible and address watershed health, flood risks and other environmental concerns.~~

Table 10-1: Implementation Matrix		
Policy and Implementing Actions	Lead Agency	Timeframe (Mid-Term five-year, Long-Term six+ years, Ongoing)
EH-3 - Ensure the Subdivision and Land Development Regulations and Zoning Regulations provide adequate protection for sensitive environmental resources within new development and redevelopment.		
1. Evaluate and enhance protections, including sediment and erosion control, where needed for sensitive environmental resources, such as water resources, steep slopes, and rare, threatened, and endangered species, in the Subdivision and Land Development Regulations.	DPZ HSCD	Mid-Term
2. Explore whether cluster development may also be appropriate in other residential zoning districts during the zoning regulation update process.	DPZ	Mid-Term
EH-4 – Incentivize additional resource protection and restoration measures within new development and redevelopment.		
1. Consider increased use of a density exchange overlay district, in both the West and the East, to protect sensitive resources in areas with unique conditions or resources.	DPZ	Mid-Term
2. Consider incentives to encourage environmental protection and restoration when properties are developed or redeveloped, such as tax credits, density bonuses, housing allocations, and public-private partnerships.	DPZ HCEDA Private Partners	Mid-Term
3. Evaluate and strengthen the Green Neighborhood Program to ensure adequate incentives will increase program use and incorporate new options, such as increased moderate income housing units.	DPZ DILP OCS	Mid-Term

Table 10-1: Implementation Matrix		
Policy and Implementing Actions	Lead Agency	Timeframe (Mid-Term five-year, Long-Term six+ years, Ongoing)
EH-5 - Evaluate and improve stormwater management requirements to enhance climate change resilience.		
1. Conduct a flooding vulnerability assessment to determine which watersheds are susceptible to chronic flooding under current and expected future precipitation patterns.	DPW	Ongoing
2. Update stormwater management design standards to address current and expected future precipitation patterns. Consider adding quantity management requirements, including management for short-duration, high-intensity storms in vulnerable watersheds. <u>Incorporate water quantity management practices throughout the County. Incentivize existing commercial centers to provide stormwater management systems consistent with present standards.</u>	DPZ DPW OCS	Mid-Term
3. Evaluate opportunities to further reduce <u>Reduce</u> stormwater runoff and pollutant loadings when redevelopment occurs <u>and incorporate water quantity management practices throughout the County. Ensure that redevelopment, at a minimum, meets current stormwater management requirements. Incentivize redevelopment to meet current requirements for new development and address watershed health, flood risks, and other environmental concerns.</u>	DPZ DPW OCS	Mid-Term
4. Continue to use <u>Increase use of</u> a nature-based or green stormwater infrastructure approach (bioretention, swales) in combination with a built or gray infrastructure approach (pipes, ponds) to address flood mitigation and adaptation, to maximize ecological benefits.	DPW DPZ OCS Private Partners	Ongoing
5. Evaluate alternatives for improving, enforcing, and funding long-term inspection and maintenance of stormwater management facilities, particularly those facilities located on private residential lots.	DPW Private Partners	Mid-Term
6. Ensure redevelopment, at a minimum, meets new development stormwater requirements and address watershed health, flood risks, and other environmental concerns.	DPW DPZ OCS Private Partners	Mid-Term