



HCCA

Howard County Citizens Association

Since 1961...

The Voice Of The People of Howard County

CB 13: Approve with amendments

I think that many of us realize that we are at an important juncture in what the future of the bay and of our streams and river will be. We realize that we have just played at restoring our waters and here in the year 2010, for many reasons, we have come up woefully short. We are now paying for not taking a harder stand in the past; by lost jobs, by decimated fish populations and by poor water quality. And, yes, it can get even worse.

However, I think most of us, whether we are developers, politicians or average citizens-we all want the bay and our local waters to be clean, healthy and teeming again with fish. Which brings us to the state efforts and now the county efforts to rewrite the stormwater management regulations and to this bill tonight.

These regulations provide a shift in how SWM is done in developments from the large, pond kind of facility to many smaller, more natural looking facilities. Before I get into specifics in this legislation, I would like to make several overreaching observations. Although HCCA was dismayed that the state in the last legislative session allowed over 100 developments in Ho Co to be grandfathered, we hope that this will be the absolute last grandfathering allowed and that Howard County at least will ensure that all developments built after 2017 come under the new regulations, no matter what. Giving the developers 10 years is certainly enough lead time and predictability.

Another recommendation HCCA makes is that the council request a semiannual report detailing the waivers or exemptions of this SWM regulation that are requested by developers and the ensuing decision by the county. This report could also raise any issues that have come up to see if the legislation needs to be tweaked.

HCCA's third recommendation is to remind the council and the executive that this legislation will not fulfill its intent unless the development community is educated in new ways to provide SWM and unless the county is willing to hire enough enforcement staff to fully implement and enforce these laws and inspect these facilities into the future. This bill is a new way of doing things, hopefully better, and will need increased funding to carry it out.

Now some specific suggestions:

1. CB 13 states:

Exceptions:

Section 18.905 (C)(1) Building Permits with stormwater management plans previously reviewed and approved through another review process;

Please place an expiration date on this exception. There are some awful plans in Elkrigde that have been exempt for decades that shouldn't be allowed to be grandfathered indefinitely.

2. Section 18.905 (D)(7) states:

If a stormwater management plan involves direction of some or all runoff off of the site, the developer shall obtain from adjacent property owners any easements or other necessary property interests concerning flowage of water.

This could be interpreted as empowering the developer to obtain these easements. We suggest: The developer needs to obtain from adjacent property owners any easements or other necessary property interests concerning flowage of water if their stormwater management plan involves direction of some or all runoff off of the site onto their adjacent property.

3. Section 18.906. Grading or Building Permits

(A) Permit Requirement. A grading or building permit may not be issued for any parcel or lot unless final erosion and sediment control and stormwater management plans have been approved by the county as meeting all the requirements of the Design Manual and This Code. **Where appropriate**, a building permit may not be issued without: recorded easements, recorded SWM maintenance agreement, or a performance bond.

Please strike “**Where appropriate**”

4. Section 18.907 SWM alternative compliance

We agree that flexibility needs to be available. However, this is also where the transparency is also important as we noted in our comments above.

Also, in this section it states that “the county” may grant a written alternative compliance. Who is “the county” in this case?

5. Section 18.908 SWM waivers: watershed management plans

(B) Criteria to grant waivers

(2) consider the cumulative effects *of* waivers *in the watershed*

Suggest adding “of” and defining where the effects to be considered are

6. Section 18.909 Fee in Lieu

(D) Amounts collected from this fee shall be used in the same **major drainage basin** (*suggest same subwatershed*) in which the property is located. Period-then continue with where it may be used.

This continues with permitted uses. I suggest that **watershed studies be deleted**. We need to use this money directly in restoration and prevention.

The last, to reimburse developers who do more than required, might add only if they aren’t getting some credit for the extra (so no double dipping)

7. Section 18.910 Redevelopment

(C) Add *in the same subwatershed area*

Also:

(6) delete watershed management plans

(7) A partial waiver-delete They can always do some fee in lieu

8. Section 18.913 Ho Co Design Manual

(B) Amendments to the manual shall be prepared and approved in the same manner. (ie submitted by the CE and approved by resolution by CC) Does this allow for the County Council to make amendments to the manual??