

**PRINCE GEORGE'S COUNTY COUNCIL
AGENDA ITEM SUMMARY**

Meeting Date:	11/19/2001	Reference No.:	CB-67-2001
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Proposer:	County Executive	Draft No.:	2
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Sponsors: Bailey, Shapiro, Wilson

Item Title: An Act amending the Stormwater Management Division of the County Code to comport with State law, adopting fees for new publicly maintained stormwater management ponds, and to amend the fee schedule

Drafter: Karen T. Zvakos
Office of Law

Resource Larry S. Coffman
Personnel: DER

LEGISLATIVE HISTORY:

Date Presented: 9/25/2001 **Executive Action:** 12/12/2001 S

Committee Referral: 9/25/2001 THE **Effective Date:** 1/28/2002

Committee Action: 10/22/2001 FAV(A)

Date Introduced: 10/23/2001

Public Hearing: 11/19/2001 10:30 A.M.

Council Action: 11/19/2001 ENACTED

Council Votes: RVR:A, DB:A, JE:A, IG:A, TH:A, AS:A, PS:A, MW:A

Pass/Fail: P

Remarks: _____

TRANSPORTATION, HOUSING & THE ENVIRONMENT COMM. DATE: 10/22/2001

Committee Vote: Favorable with amendments 3-0. (In favor: Council Members Bailey, Gourdine and Shapiro; Absent: Council Members Estepp and Hendershot)

Staff gave an overview of the legislation and informed the Committee of referral comments that were received. CB-67-2001 modifies the County's existing Stormwater Management Ordinance. The amendments to the Ordinance are required in order for the County to comply with the State of Maryland's new stormwater management regulations. The proposed amendments to the ordinance implements and enforces Maryland's stormwater management program consistent with the Code of Maryland Regulations (COMAR) 26.17.02.

By reference, CB-67-2001 adopts two (2) Design Manuals as reflected in CB-67-2001, page 3,

lines 10 through 13.

The Department of Public Works and Transportation representative discussed two of the most significant amendments to the Stormwater Management Ordinance: Fees - The amendments add a new requirement of a special maintenance fee for all publicly maintained stormwater management ponds. A one-time fee of \$10,000.00 or 10% of the pond construction cost, whichever is greater, will be assessed for all publicly maintained stormwater ponds. Low Impact Development (LIDS): LID is included in the ordinance to provide an option for utilizing LID techniques instead of State criteria as long as it meets the intent.

The DER representative indicated that the State had hoped that local jurisdictions complied with the Model Ordinance by July of 2001.

The County Executive supports CB-67-2001. The Legislative Officer and the Office of Law find it to be in proper legislative form. The Office of Law presented proposed language for the title to incorporate language pertaining to the fees for all publicly maintained stormwater ponds. The Department of Environmental Resources supports CB-67-2001 and highly recommends its enactment, as it is designed to ensure that the County Code comports with State law on stormwater management requirements.

Additional information and clarification of Council Bill 67-2001 was requested by the Committee on October 17, 2001. Therefore, CB-67-2001 was held in Committee.

At the October 22, 2001, Committee meeting, the DER Director provided written comments to the Council with additional information and clarification of Council Bill 67-2001. Copies of the Maryland Model Stormwater Management Ordinance and a synopsis of the Prince George's County Stormwater Management Ordinance were provided for the Committee. The State Model Ordinance is intended as a template to be used for all counties in the State of Maryland. The DER Director stated that DER tailored the Model Ordinance to closely follow the existing Stormwater Management Ordinance format and did not include Model Ordinance components that were not relevant to the County. The Synopsis itemized specific changes for each section of the existing ordinance.

The Office of Law provided a proposed Draft 2, reflecting comments expressed at the October 17th meeting. The title of CB-67-2001 was amended to add language reflecting that fees are being adopted for new publicly maintained stormwater management ponds.

The proposed Draft 2 was amended to include Sec. 4-352 to revise the fee schedule in the Code with the proposed fees recommended in the Design Manual. The fees have been increased to offset cost for permit review activities.

Sec. 4-324(c) was amended to provide clarification that the maintenance fee applies to all stormwater management ponds on the same site.

BACKGROUND INFORMATION/FISCAL IMPACT

(Includes reason for proposal, as well as any unique statutory requirements)

This bill revises the Stormwater Management Division of the County Code to comport with State

law.

CODE INDEX TOPICS: