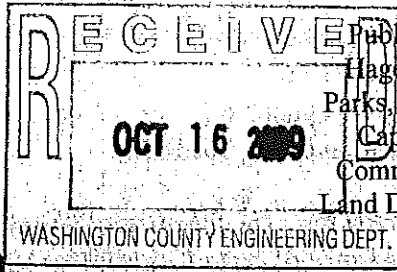




Washington County  
Division of Public Works  
**Interoffice  
Memorandum**



Public Works Administration  
Hagerstown Regional Airport  
Parks, Recreation and Facilities  
Capital Projects Engineering  
Communications Maintenance  
Land Development Engineering  
Highway Maintenance  
Transit Operations

**TO:** Jennifer Smith, P.E.  
Deputy Director of Public Works

**FROM:** *J. Kroboth* Joseph Kroboth, III, P.E., L.S., M-ASCE  
Director of Public Works

**SUBJECT:** Proposed Stormwater Management, Soil Erosion and Sediment Control Ordinance  
Revisions and Transitional Provisions (Grandfathering)

**DATE:** October 15, 2009

I am writing to confirm our discussions and intentions for the implementation schedule and grandfathering provisions for the proposed Stormwater Management, Soil Erosion and Sediment Control Ordinance revisions. This memorandum represents our position at this point in the ordinance development process and is subject to review and comment by the Board of County Commissioners, our legal staff as well as input from interested stakeholders from the land development and engineering professions.

The following summarizes the implementation schedule thus far. It is subject to change pending the level of input received and the process for adoption of an ordinance in accordance with Maryland law.

- Our goal is to complete our first draft of the proposed ordinance by the first week of November 2009. Immediately upon completion of the first draft, copies will be distributed to the Board, developers, engineers, land surveyors and other internal and external stakeholders (including our legal staff).
- During the first week of November we will initiate discussions with interested stakeholders and openly discuss the proposal. Specifically, we will meet with the Homebuilder's Land Use Council, and other interested parties.
- On November 17, 2009, we will hold our first workshop session with the Board of County Commissioners to discuss the particulars of the proposal. I suspect the workshops sessions with the Board will span over several meetings extending well into December and possibly January 2010.
- During the month of December, we will schedule at least one open forum presentation to interested stakeholders to receive comments and concerns.
- I anticipate the initial comment period closing during mid-January until the Board publicly accepts the proposal and advertises it for final approval. During this process, public hearings and other forms of public comment will be available again.
- I would like to propose a final presentation and request for adoption by the Board in late February or March 2010.
- Following adoption by the Board, the final document will be forwarded to the state.
- The Ordinance will become effective May 4, 2010.

Over the past several months, various stakeholders have expressed concern over the grandfathering provisions planned for this new ordinance. The state of Maryland specifically addresses the implementation

within their model ordinance and we have tentatively agreed to post the following language for input and discussion with the Board and the stakeholders. Obviously, all provisions are subject to Board and Maryland Department of the Environment approval. Please share this preliminary language with interested stakeholders and encourage their feedback.

*Transitional provisions. The following "Grandfathering" provisions are hereby adopted to provide for the continuance of certain development activities that would otherwise be subject to the requirements of this Ordinance:*

- a. Plans that have received final approval from the SCD for Soil Erosion and Sediment Control and final approval for stormwater management from the Division by May 4, 2010 shall be grandfathered in accordance with the following:*
  - i. Active construction sites meeting the requirements of subsection "a" above, may proceed through construction completion provided they continually proceed with construction activity without interruptions in operations, excepting intermittent weather conditions and winter shutdown approved by the SCD and the Division.*
  - ii. Projects meeting the requirements of subsection "a" above, that have not initiated construction as of the date of the respective plan expiration/renewal date, shall meet the requirements of this Ordinance.*
  - iii. Projects meeting the requirements of subsection "a" above, that initiate construction after May 4, 2010, but do not complete the construction before the plan expiration/renewal date, may renew their plan and continue construction, provided the Developer/Property Owner continually proceeds with construction activity without interruptions in operations, excepting intermittent weather conditions and winter shutdowns approved by the SCD and the Division.*
- b. Projects submitted for review, but have not obtained final soil erosion and sediment control approval from the SCD and final stormwater management approval from the Division, as of May 4, 2010 shall comply with the provisions of this Ordinance.*
- c. Phased projects previously having preliminary or final plat approval are only grandfathered for the actual phases meeting the requirements of subsection A above.*

Thank you for your continued assistance as we develop our new stormwater management, soil erosion and sediment control ordinance proposal. Please encourage interested parties to forward their questions and comments to either your attention or me.

CC: Greg Murray, County Administrator  
John Martriano, County Attorney  
Mike Thompson, Director, Planning and Community Development