

## County Council Of Howard County, Maryland

2013 Legislative Session

Legislative Day No. 9

### Resolution No. 88 -2013

Introduced by: The Chairperson at the request of the County Executive

A RESOLUTION approving schedules for various charges related to the Watershed Protection and Restoration Fee including a rate for residential properties; clarifying credits for nonprofit entities, and setting forth certain assistance amounts that apply to nonresidential properties.

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Introduced and read first time July 1, 2013.

By order Sheila M. Tolliver  
Sheila M. Tolliver, Administrator

Read for a second time at a public hearing on July 15, 2013.

By order Sheila M. Tolliver  
Sheila M. Tolliver, Administrator

This Resolution was read the third time and was Adopted , Adopted with amendments , Failed , Withdrawn , by the County Council on July 25, 2013.

Certified By Sheila M. Tolliver  
Sheila M. Tolliver, Administrator

NOTE: [[text in brackets]] indicates deletions from existing law; TEXT IN SMALL CAPITALS indicates additions to existing law; Strike-out indicates material deleted by amendment; Underlining indicates material added by amendment

1           **WHEREAS**, as enacted by Council Bill No. 8-2013, Section 20.1103 of the Howard  
2 County Code provides for the County to levy and fix an annual Watershed Protection and  
3 Restoration Fee (the “Fee”) on all improved property in the County; and  
4

5           **WHEREAS**, on April 3, 2013, the County Council passed Council Resolution No. 21-  
6 2013 that adopted schedules for various charges related to the Watershed Protection and  
7 Restoration Fee; and  
8

9           **WHEREAS**, by passage of Council Bill No. 38-2013, the authority to adopt rates for  
10 residential properties has been established and the County Council now wishes to adopt a fee  
11 schedule that sets forth rates applicable to residential properties; and  
12

13           **WHEREAS**, Council Resolution No. 21-2013 also established a credit and a  
14 reimbursement when certain investments in on-site stormwater best management practice  
15 reduces the impact on the public stormwater management system; and  
16

17           **WHEREAS**, the County Council wishes to amend the Credit schedule; and  
18

19           **WHEREAS**, Section 20.1109 of the Howard County Code provides for a Watershed  
20 Protection and Restoration Fee Assistance Program to assist property owners who meet certain  
21 qualifications; and  
22

23           **WHEREAS**, the County Council wishes to amend the Watershed Protection and  
24 Restoration Fee Assistance Program.  
25

26           **NOW, THEREFORE, BE IT RESOLVED** by the County Council of Howard County,  
27 Maryland this 25<sup>th</sup> day of July, 2013 that it:

- 28           (1)   Adopts the attached Residential Property schedule to establish rates for residential  
29           properties;  
30           (2)   Amends the Credit schedule; and  
31           (3)   Amends the Fee Assistance Program.

1

2           **AND BE IT FURTHER RESOLVED** that no changes are proposed to the  
3 Reimbursement Schedule adopted by Council Resolution No 21-2013.

4

5           **AND BE IT FURTHER RESOLVED** that the schedules attached to this Resolution  
6 shall be effective when Council Bill No. 38 is effective shall continue in effect until changed or  
7 repealed by subsequent resolution of the County Council.

## **IMPERVIOUS UNIT RATE FOR NON-RESIDENTIAL PROPERTIES**

*These charges are set pursuant to Sections 20.1103 and 20.1104 of the Howard County Code which provide for the County Council to adopt, by resolution, a schedule of rates including the impervious unit rate.*

\$15 per apartment for apartment buildings that are not subject to the schedule of rates for residential properties

\$15.00 per impervious unit

Per section 20.1101 of the Howard County Code, an impervious unit is 500 square feet.

## **RATES FOR RESIDENTIAL PROPERTIES**

*THESE CHARGES ARE SET PURSUANT TO SECTIONS 20.1103 AND 20.1104 OF THE HOWARD COUNTY CODE WHICH PROVIDE FOR THE COUNTY COUNCIL TO ADOPT, BY RESOLUTION, A SCHEDULE OF RATES FOR RESIDENTIAL PROPERTIES*

TOWNHOUSE OR CONDOMINIUM UNITS	\$15
SINGLE FAMILY DETACHED	
PROPERTIES UP TO AND INCLUDING .25 ACRES	\$45
PROPERTIES LARGER THAN.25 ACRES	\$90

## CREDITS

*These rates are set pursuant to Sections 20.1104 and 20.1105 of the Howard County Code which provide for the County Council to adjust the Watershed Protection and Restoration fee through the use of credits.*

A PROPERTY OWNER MAY BE ELIGIBLE FOR CREDITS FOR BEST MANAGEMENT PRACTICES THAT REDUCE THE IMPACT ON THE PUBLIC STORMWATER MANAGEMENT SYSTEM INCLUDING, WITHOUT LIMITATION, RAIN GARDENS, CONSERVATION LANDSCAPING, SHEET FLOW TO CONSERVATION AREAS, URBAN TREE CANOPIES, PERMEABLE PAVERS, REMOVING PAVEMENT, GREEN ROOFS, CISTERNS, DRY WELLS AND ANY OTHER STORMWATER MANAGEMENT PRACTICE AS DEFINED IN THE 2000 MARYLAND STORMWATER DESIGN MANUAL.

EXCEPT AS OTHERWISE PROVIDED, CREDITS SHALL BE UP TO A MAXIMUM PERCENTAGE AS FOLLOWS:

RESIDENTIAL PROPERTIES	20%
PROPERTIES OWNED BY NONPROFIT ENTITIES	100%
ANY OTHER NONRESIDENTIAL PROPERTIES	50%

- [[1. The maximum credit for any property is 50% of the Watershed Protection and Restoration Fee.
2. Properties subject to a Site Development Plan that was filed on or after January 1, 2003 are eligible for a credit of 50% of the Watershed Protection and Restoration Fee.
- 3.]]1. A NONRESIDENTIAL property owner is eligible for a credit of 50% of the Watershed Protection and Restoration Fee if the property is subject to (a) a National Pollutant Discharge Elimination System (NPDES) permit regulating stormwater, [[or]] (b) an industrial stormwater permit that requires the management of 20% of the uncontrolled impervious area on the parcel[[.]], OR (C) SUBJECT TO A SITE DEVELOPMENT PLAN THAT WAS FILED ON OR AFTER JANUARY 1, 2003.
- [[4. A property owner may be eligible for credits for best management practices that reduce the impact on the public stormwater management system including, without limitation, rain gardens, conservation landscaping, sheet flow to conservation areas, urban tree canopies, permeable pavers, removing pavement, green roofs, cisterns, dry wells and any other practice as defined in the 2000 Maryland Stormwater Design Manual.
- 5.]]2. To compute the fee subject to a credit FOR NONRESIDENTIAL PROPERTIES:  
  
The impervious area treated by the stormwater BMP facility will be multiplied by 1.0 FOR PROPERTIES OWNED BY NONPROFIT ENTITIES OR 0.5 FOR ALL OTHER NONRESIDENTIAL PROPERTIES and deducted from the total amount of impervious area on the property that is subject to the fee. The Watershed Protection and Restoration fee will then be [[readjusted accordingly]] APPLIED TO THE REMAINING IMPERVIOUS AREA.

3. RESIDENTIAL PROPERTIES ARE ELIGIBLE FOR A 20% CREDIT IF BEST MANAGEMENT PRACTICES MANAGE IMPERVIOUS AREA AS FOLLOWS:

TOWNHOUSE OR CONDOMINIUM UNITS	AT LEAST 250 SQUARE FEET
SINGLE FAMILY DETACHED	
PROPERTIES UP TO AND INCLUDING .25 ACRES	AT LEAST 500 SQUARE FEET
PROPERTIES LARGER THAN .25 ACRES	AT LEAST 1,000 SQUARE FEET
  
4. NONPROFIT ENTITIES ARE ELIGIBLE FOR A CREDIT IN ACCORDANCE WITH SECTION 20.1105 OF THE HOWARD COUNTY CODE. .

## REIMBURSEMENTS

*These rates are set pursuant to Sections 20.1104 and 20.1106 of the Howard County Code which provide for the County Council to adjust the Watershed Protection and Restoration fee through the use of a one-time reimbursement.*

All properties, or portions of properties, that are not currently treated to the levels of the 2000 Maryland Stormwater Design Manual are eligible for the County's Watershed Protection and Restoration Reimbursement program. The reimbursement is not a credit, but a one-time payment for an investment made by the property owner that benefits the public stormwater management system.

The County will grant reimbursements up to the maximum amounts listed below:

<b>Practice</b>	<b>Maximum Residential Reimbursement</b>	<b>Maximum Non-Residential Reimbursement</b>
Rain Garden	\$1,200 total	\$5,000 total – maximum reimbursement is \$1 per SF impervious area treated
Conservation Landscaping (Turf or Invasive Species Replacement)	\$250-\$750 total – maximum reimbursement is \$1 per SF; minimum treatment area is 250 SF	\$3,000 total – maximum reimbursement is \$3 per SF; minimum treatment area is 350 SF
Urban Tree Canopy	\$600 total – \$150 per tree; minimum 2 inch caliper (deciduous) or 6 feet tall (evergreen)	\$600 total – \$150 per tree; minimum 2 inch caliper (deciduous) or 6 feet tall (evergreen)
Permeable Pavers	\$1,200 total – minimum paver area of 100 SF	\$5,000 total – minimum paver area of 350 SF
Pavement Removal	\$600-\$1,200 – minimum amount removed is 100 SF	\$1,800-\$5,000 – minimum amount removed is 300 SF
Green Roof	\$1,200 – minimum area treated is 300 SF or ¼ roof retrofit	\$5,000 – minimum area treated is 300 SF or ¼ roof retrofit
Cisterns	\$500 – maximum reimbursement is \$1 per gallon stored; 250 gallon minimum	\$2,000 – maximum reimbursement is \$1 per gallon stored; 250 gallon minimum
Dry Wells	\$600	\$600



## **WATERSHED PROTECTION AND RESTORATION FEE ASSISTANCE PROGRAM**

*These rates are set pursuant to Sections 20.1104 and 20.1109 of the Howard County Code which provide for the County Council to adopt a rate for the amount of assistance provided under the Watershed Protection and Restoration Fee Assistance Program.*

1. A RESIDENTIAL PROPERTY OWNER MAY RECEIVE AN EXEMPTION IN THE AMOUNT OF 60% of the Watershed Protection and Restoration Fee
2. FOR NONRESIDENTIAL PROPERTIES OWNED BY AN ENTITY WHICH DOES NOT QUALIFY AS A NOT FOR PROFIT UNDER THE INTERNAL REVENUE CODE, THE FEE IS DEEMED A HARDSHIP IF IT EXCEEDS MORE THAN 20% OF THE TOTAL PROPERTY TAX BILL.

IN THIS EVENT, THE PROPERTY OWNER SHALL PAY A FEE EQUAL TO 20% OF THE TOTAL PROPERTY TAX DUE FOR THE PROPERTY.



AMENDED Amendment 2 to Council Resolution 88-2013

BY: Courtney Watson and Greg Fox

Legislative Day No. 10

Date: July 25, 2013

Amendment No. 2

*(This amendment sets a Watershed Protection and Restoration Fee for apartment buildings.)*

1 On the first page of the schedules attached to the Resolution, insert the following line below the  
2 italicized text:

3  
4 “\$15 per apartment for apartment buildings that are not subject to the schedule of rates for  
5 residential properties”  
6

ADOPTED As Amended 7/25/2013  
FAILED \_\_\_\_\_  
SIGNATURE Shelia Johnson



Amendment 1 to Amendment 2 to Council Resolution 88-2013

BY: Greg Fox

Legislative Day No. 10  
Date: July 25, 2013

Amendment 1 to Amendment No. 2

*(This amendment adds a sponsor.)*

- 1 In the sponsor line, after "Courtney Watson", insert "and Greg Fox".

ADOPTED 7/26/2013  
FAILED \_\_\_\_\_  
SIGNATURE Sheila Johnson



Amendment 1 to Council Resolution 88-2013

BY: Chairperson

Legislative Day No. 10  
Date: 7/25/2013

Amendment No. 1

*(This amendment clarifies that the impervious unit rate applies only to non-residential properties.)*

- 1 On the first page of the schedules attached to the Resolution, in the first line, after
- 2 "IMPERVIOUS UNIT RATE" insert "FOR NON-RESIDENTIAL PROPERTIES".
- 3

ADOPTED 7/26/2013  
FAILED \_\_\_\_\_  
SIGNATURE Shute Jullian





Amendment 3 to Council Resolution 88-2013

BY: Greg Fox

Legislative Day No. 10  
Date: 7/25/2013

Amendment No. 3

*(This amendment alters the fee cap for non-residential properties.)*

- 1 On the sixth page of the schedules attached to the Resolution, which is captioned
- 2 "WATERSHED PROTECTION AND RESTORATION FEE ASSISTANCE PROGRAM", in
- 3 item 2, strike both instances of "20%" and substitute "15%".
- 4

ADOPTED \_\_\_\_\_  
FAILED 7/25/2013  
SIGNATURE Shirley Jellison



Amendment 4 to Council Resolution No. 88 -2013

BY: Chairperson at the request  
of the County Executive

Legislative Day No. 10  
Date: July 25, 2013

Amendment No. 4

*(This amendment clarifies the types of nonresidential entities for which a hardship program applies.)*

- 1 On the Schedule for the Watershed Protection and Restoration Fee Assistance Program, in
- 2 number 2, after "NONRESIDENTIAL PROPERTIES", insert "OWNED BY AN ENTITY WHICH DOES NOT
- 3 QUALIFY AS A NOT FOR PROFIT UNDER THE INTERNAL REVENUE CODE".

ADOPTED 7/25/2013  
FAILED \_\_\_\_\_  
SIGNATURE Chris J. Sullivan



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Sheila M. Tolliver, Administrator

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- |  |                            |
|--|----------------------------|
| TOWNHOUSE OR CONDOMINIUM UNITS           | AT LEAST 250 SQUARE FEET   |
| SINGLE FAMILY DETACHED                   |                            |
| PROPERTIES UP TO AND INCLUDING .25 ACRES | AT LEAST 500 SQUARE FEET   |
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Amendment 2 to Council Resolution 88-2013

BY: Courtney Watson

Legislative Day No. 10  
Date: 7/25/2013

Amendment No. 2

*(This amendment sets a Watershed Protection and Restoration Fee for apartment buildings.)*

1 On the first page of the schedules attached to the Resolution, insert the following line below the  
2 italicized text:

3

4

“\$15 per apartment for apartment buildings that are not subject to the schedule of rates for  
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5

6

