

County Council of Howard County, Maryland

2019 Legislative Session

Legislative Day No. 6

Resolution No. 78 -2019

Introduced by the Chairperson at the request of the County Executive

A RESOLUTION adopting schedules for various charges related to the Watershed Protection and Restoration Fee.

Introduced and read first time May 6, 2019.

By order Jessica Feldmark
Jessica Feldmark, Administrator

Read for a second time at a public hearing on May 20, 2019.

By order Jessica Feldmark
Jessica Feldmark, Administrator

This Resolution was read the third time and was Adopted __, Adopted with amendments , Failed __, Withdrawn __, by the County Council on May 29, 2019.

Certified By Jessica Feldmark
Jessica Feldmark, 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**, Section 20.1103 of the Howard County Code provides for the County to
2 levy and fix an annual Watershed Protection and Restoration Fee (the "Fee") on all improved
3 property in the County; and
4

5 **WHEREAS**, the County Code provides that the County Council shall adopt by
6 resolution a schedule of rates that shall include (1) the impervious unit rate that may be based on
7 certain variables relative to a property's characteristics; (2) rates for residential properties; (3)
8 rates for credits awarded under section 20.1105 of the Code; (4) rates for reimbursements
9 awarded under section 20.1106 of the Code; and (5) rates for reimbursements awarded under the
10 Watershed Protection and Restoration Fee Assistance Program; and
11

12 **WHEREAS**, on April 4, 2016, the County Council passed Council Resolution No. 37-
13 2016 that last adopted schedules for various charges related to the Fee; and
14

15 **WHEREAS**, for the upcoming Fiscal Year, the County Executive has proposed the
16 attached schedules that includes changes to the credit process.
17

18 **NOW, THEREFORE, BE IT RESOLVED** by the County Council of Howard
19 County, Maryland this 29th day of May, 2019 that it adopts the schedules
20 required by Section 20.1104 of the Howard County Code.
21

22 **AND BE IT FURTHER RESOLVED** that this Resolution shall be effective on July 1,
23 2019 and shall continue in effect until changed or repealed by subsequent resolution of the
24 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.

Standard Credit

A property owner may be eligible for credits for best management practices that reduce the impact of CURRENTLY UNTREATED IMPERVIOUS SURFACES 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 calculated as a percentage of the fee equivalent to the percentage of impervious area treated by the stormwater BMP facility, up to a maximum of 100%.

Exceptions

1. A nonresidential property owner is eligible for a credit that is CALCULATED AS A PERCENTAGE OF THE FEE EQUIVALENT TO THE PERCENTAGE OF IMPERVIOUS AREA TREATED BY SW BMPs INSTALLED AFTER 2003 UP TO A MAXIMUM OF 50%.

2. A NONRESIDENTIAL PROPERTY OWNER IS ELIGIBLE FOR A CREDIT THAT IS the greater of the standard credit or 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]].

3. A NONRESIDENTIAL PROPERTY OWNER IS ELIGIBLE FOR A CREDIT UP TO 100% IF THE PROPERTY OWNER PARTNERS WITH THE COUNTY TO INSTALL UPDATED STORMWATER TREATMENT THAT PROVIDES ENHANCED WATER QUALITY ABOVE WHAT CURRENTLY EXISTS, OR IS OTHERWISE REQUIRED, ON THE PROPERTY. THE AMOUNT AND DURATION OF THE CREDIT WILL BE DETERMINED BASED ON THE FINANCIAL CONTRIBUTION OF THE PROPERTY OWNER, THE EXPECTED LIFE SPAN OF THE PROJECT, AND THE ANTICIPATED IMPROVEMENTS IN WATER QUALITY.

~~3.4.~~ Nonprofit entities are eligible for a credit in accordance with Section 20.1105 of the Howard County Code.

~~4.5.~~ A 100% CREDIT MAY BE APPLIED TO THE FEE FOR A PROPERTY THAT IS SHOWN, IN THE DETERMINATION OF THE DIRECTOR OF THE DEPARTMENT OF PUBLIC WORKS, TO ENJOY NO

~~BENEFIT FROM THE COUNTY'S STORMWATER MANAGEMENT, STORM DRAINAGE, AND WATER QUALITY PROGRAMS.~~

5. A 100% CREDIT MAY BE APPLIED TO THE FEE FOR A PROPERTY THAT IS FOUND TO ENJOY NO BENEFIT FROM THE COUNTY'S STORMWATER MANAGEMENT, STORM DRAINAGE, AND WATER QUALITY PROGRAM. THE FINDING MUST BE MADE JOINTLY BY THE DIRECTOR OF THE DEPARTMENT OF PUBLIC WORKS AND THE ADMINISTRATOR OF THE OFFICE OF COMMUNITY SUSTAINABILITY. WITHIN 30 DAYS OF THE FINDING, THE FINDING SHALL BE POSTED ON THE WEBSITE OF THE OFFICE OF COMMUNITY SUSTAINABILITY.

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:

Practice	Maximum Residential Reimbursement	Maximum Non-Residential Reimbursement
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
Septic pumping	\$100 once every 3 years.	

**In accordance with code § 20.1106, an applicant for a reimbursement shall submit an application with the Office of Community Sustainability on a form provided by the Office and accompanied by information that the Office may require.

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 the following percentage of the total property tax bill:
 - Fiscal Year 2017 – 15%
 - Fiscal Year 2018 – 10%
 - Fiscal Years 2019 and beyond – 5%.

In this event, the property owner shall pay a Fee equal to that percentage of the total property tax due for the property.

Amendment 1 to Council Resolution No. 78-2019

BY: The Chairperson at the request
of the County Executive

Legislative Day 7
Date: May 29, 2019

Amendment No. 1

(This amendment further clarifies provisions of the credit applicable to the Watershed Protection and Restoration Fee.)

1 In the fee schedules attached to the Resolution as filed, on page 3 titled "Credits", after item "2.",
2 insert:

3

4 "3. A NONRESIDENTIAL PROPERTY OWNER IS ELIGIBLE FOR A CREDIT UP TO 100% IF THE PROPERTY
5 OWNER PARTNERS WITH THE COUNTY TO INSTALL UPDATED STORMWATER TREATMENT THAT
6 PROVIDES ENHANCED WATER QUALITY ABOVE WHAT CURRENTLY EXISTS, OR IS OTHERWISE
7 REQUIRED, ON THE PROPERTY. THE AMOUNT AND DURATION OF THE CREDIT WILL BE
8 DETERMINED BASED ON THE FINANCIAL CONTRIBUTION OF THE PROPERTY OWNER, THE
9 EXPECTED LIFE SPAN OF THE PROJECT, AND THE ANTICIPATED IMPROVEMENTS IN WATER
10 QUALITY."

11

12 Strike "3." and substitute "4."

13

14 Strike "4." and substitute "5."

ADOPTED

5/29/19

FAILED

SIGNATURE

Jessica Feldman

Amendment 2 to Council Resolution No. 78-2019

**BY: The Chairperson at the request of the
County Executive and Christiana Mercer Rigby**

Legislative Day No. 7

Date: May 29, 2019

Amendment No. 2

(This amendment requires that a 100% credit may be granted only if jointly found to be warranted by the Director of the Department of Public Works and the Administrator of the Office of Community Sustainability and that the finding be posted on-line.)

1 On the CREDITS schedule attached to the Resolution, under "Exceptions", strike paragraph (4)
2 and substitute:

3

4 "4. A 100% CREDIT MAY BE APPLIED TO THE FEE FOR A PROPERTY THAT IS FOUND TO ENJOY NO
5 BENEFIT FROM THE COUNTY'S STORMWATER MANAGEMENT, STORM DRAINAGE, AND WATER
6 QUALITY PROGRAM. THE FINDING MUST BE MADE JOINTLY BY THE DIRECTOR OF THE
7 DEPARTMENT OF PUBLIC WORKS AND THE ADMINISTRATOR OF THE OFFICE OF COMMUNITY
8 SUSTAINABILITY. WITHIN 30 DAYS OF THE FINDING, THE FINDING SHALL BE POSTED ON THE
9 WEBSITE OF THE OFFICE OF COMMUNITY SUSTAINABILITY."

ADOPTED as amended 5/29/19
FAILED
SIGNATURE Jessica Feldman

Amendment 1 to Amendment 2 to Council Resolution No. 78-2019

BY: Chairperson at the request
of the County Executive

Legislative Day No. 7
Date: May 29, 2019

Amendment No. 1

(This amendment adds the County Executive as a cosponsor.)

- 1 On the amendment, before "Christiana Mercer Rigby" insert "The Chairperson at the
2 request of the County Executive and".

ADOPTED

5/29/19

FAILED

SIGNATURE

Jessica Feldman

1. The first part of the document discusses the importance of maintaining accurate records of all transactions and activities. It emphasizes the need for transparency and accountability in financial reporting.

2. The second part of the document outlines the various methods and techniques used to collect and analyze data. It highlights the importance of using reliable sources and ensuring the accuracy of the information gathered.

3. The third part of the document provides a detailed overview of the results of the study. It includes a summary of the key findings and a discussion of their implications for the field of research.

Amendment 2 to Council Resolution No. 78-2019

BY: Christiana Mercer Rigby

Legislative Day No. 7

Date: 5/29/19

Amendment No. 2

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Amendment 1 to Amendment 2 to Council Resolution No. 78-2019

BY: Chairperson at the request
of the County Executive

Legislative Day No. 7
Date: May 29, 2019

Amendment No. 1

(This amendment adds the County Executive as a cosponsor.)

- 1 On the amendment, before “Christina Mercer Rigby” insert “The Chairperson at the request
2 of the County Executive and”.

Amendment 1 to Council Resolution No. 78-2019

BY: The Chairperson at the request
of the County Executive

Legislative Day 7
Date: May 29, 2019

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9 EXPECTED LIFE SPAN OF THE PROJECT, AND THE ANTICIPATED IMPROVEMENTS IN WATER
10 QUALITY."

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12 Strike "3." and substitute "4."

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14 Strike "4." and substitute "5."

Amendment 2 to Council Resolution No. 78-2019

BY: Christiana Mercer Rigby

Legislative Day No. 7

Date: 5/29/19

Amendment No. 2

(This amendment requires that a 100% credit may be granted only if jointly found to be warranted by the Director of the Department of Public Works and the Administrator of the Office of Community Sustainability and that the finding be posted on-line.)

1 On the CREDITS schedule attached to the Resolution, under "Exceptions", strike paragraph (4)
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8 SUSTAINABILITY. WITHIN 30 DAYS OF THE FINDING, THE FINDING SHALL BE POSTED ON THE
9 WEBSITE OF THE OFFICE OF COMMUNITY SUSTAINABILITY."

Amendment 3 to Council Resolution No. 78-2019

BY: Liz Walsh

Legislative Day No. 7

Date: 5/29/19

Amendment No. 3

(This amendment removes the proposed changes to rates for credits awarded under the Watershed Protection and Restoration Fee system.)

1 Remove the CREDITS schedule attached to the Resolution and substitute:

2
3 “CREDITS

4
5 *These rates are set pursuant to Sections 20.1104 and 20.1105 of the Howard*
6 *County Code which provide for the County Council to adjust the Watershed Protection and*
7 *Restoration fee through the use of credits.*
8

9 Standard Credit

10
11 A property owner may be eligible for credits for best management practices that reduce the
12 impact on the public stormwater management system including, without limitation, rain gardens,
13 conservation landscaping, sheet flow to conservation areas, urban tree canopies, permeable
14 pavers, removing pavement, green roofs, cisterns, dry wells and any other stormwater
15 management practice as defined in the 2000 Maryland Stormwater Design Manual.
16

17 Except as otherwise provided, credits shall be calculated as a percentage of the fee equivalent to
18 the percentage of impervious area treated by the stormwater bmp facility, up to a maximum of
19 100%.
20

21 Exceptions

22
23 A nonresidential property owner is eligible for a credit that is the greater of the standard credit or

24 50% of the Watershed Protection and Restoration Fee, if the property is subject to:
25 (a) a National Pollutant Discharge Elimination System (NPDES) permit regulating
26 stormwater, or
27 (b) an industrial stormwater permit that requires the management of 20% of the
28 uncontrolled impervious area on the parcel.

29
30 Nonprofit entities are eligible for a credit in accordance with Section 20.1105 of the Howard
31 County Code.”.

