

County Council of Howard County, Maryland

2020 Legislative Session

Legislative Day No. 6

Resolution No. 73 -2020

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 4th, 2020.

By order

Diane Schwartz Jones
Diane Schwartz Jones, Administrator

Read for a second time at a public hearing on May 18, 2020.

By order

Diane Schwartz Jones
Diane Schwartz Jones, Administrator

This Resolution was read the third time and was Adopted , Adopted with amendments , Failed , Withdrawn , by the County Council

on May 27, 2020.

Certified By

Diane Schwartz Jones
Diane Schwartz Jones, 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 on all improved property in the
3 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**, Council Resolution No. 35-2020, considered along with this Resolution,
13 proposes changes to the rates for reimbursements awarded under section 20.1106 of the Code;
14 and
15

16 **WHEREAS**, there are no changes proposed for Fiscal Year 2021 to (1) the impervious
17 unit rate that may be based on certain variables relative to a property's characteristics; (2) rates
18 for residential properties; (3) rates for credits awarded under section 20.1105 of the Code; and
19 (4) rates for reimbursements awarded under the Watershed Protection and Restoration Fee
20 Assistance Program.
21

22 **NOW, THEREFORE, BE IT RESOLVED** by the County Council of Howard County,
23 Maryland this 27th day of May, 2020 that it adopts the attached schedules:

- 24 1. Impervious Unit Rate for Non-Residential Properties;
 - 25 2. Rates for Residential Properties;
 - 26 3. Credits; and
 - 27 4. The Watershed Protection and Restoration Fee Assistance Program.
- 28

29 **AND BE IT FURTHER RESOLVED** that this Resolution shall be effective on July 1,
30 2020 and shall continue in effect until changed or repealed by subsequent resolution of the
31 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 National Pollutant Discharge Elimination System (NPDES) permit regulating stormwater.
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.
4. Nonprofit entities are eligible for a credit in accordance with Section 20.1105 of the Howard County Code.
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.

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.