

County Council of Howard County, Maryland

2023 Legislative Session

Legislative Day No. 5

Resolution No. 78 -2023

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 1, 2023.

By order

Michelle Harrod

Michelle Harrod, Administrator

Read for a second time at a public hearing on May 15, 2023.

By order

Michelle Harrod

Michelle Harrod, Administrator

This Resolution was read the third time and was Adopted___, Adopted with amendments___, Failed , Withdrawn___, by the County Council on May 24, 2023.

Certified By

Michelle Harrod

Michelle Harrod, 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**, Section 20.1104 of the County Code provides that the County Council shall
6 adopt by resolution a schedule of rates that shall include (1) the impervious unit rate that may be
7 based on certain variables relative to a property's characteristics; (2) rates for residential
8 properties; (3) rates for credits awarded under Section 20.1105 of the Code; (4) rates for
9 reimbursements awarded under Section 20.1106 of the Code; and (5) rates for reimbursements
10 awarded under the Watershed Protection and Restoration Fee Assistance Program established by
11 Section 20.1109 of the Code; and
12

13 **WHEREAS**, these rates were last set by the passage of Council Resolution No. 69-2022
14 and there are changes proposed for FY24 to the rates applicable to nonresidential and residential
15 properties.
16

17 **NOW, THEREFORE, BE IT RESOLVED** by the County Council of Howard County,
18 Maryland this _____ day of FAILED, 2023 that it adopts the attached schedules:

- 19 1. Impervious Unit Rate for Non-Residential Properties;
- 20 2. Rates for Residential Properties;
- 21 3. Credits;
- 22 4. Reimbursements; and
- 23 5. The Watershed Protection and Restoration Fee Assistance Program.
- 24

25 **AND BE IT FURTHER RESOLVED** that this Resolution shall be effective on July 1,
26 2023 and shall continue in effect until changed or repealed by subsequent resolution of the
27 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]] \$21 per apartment for apartment buildings that are not subject to the schedule of rates for residential properties

\$21 PER MOBILE HOME SITE SITUATED WITHIN MOBILE HOME PARKS THAT ARE NOT SUBJECT TO THE SCHEDULE OF RATES FOR RESIDENTIAL PROPERTIES.

[[\$15.00]] \$21 per impervious unit FOR THE FOLLOWING NON-RESIDENTIAL PROPERTIES:

- COMMERCIAL
- AGRICULTURAL, WITHOUT A WATER QUALITY PLAN PER SECTION 20.1103(F) OF THE COUNTY CODE
- OWNED BY A NON-PROFIT

LESSER OF \$123 OR \$21/IMPERVIOUS UNIT FOR AGRICULTURAL WITH A WATER QUALITY PLAN PER SECTION 20.1103(F) OF THE COUNTY CODE.

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]] \$21
Single Family Detached	
Properties up to and including .25 acres	[[\$45]] \$62
Properties larger than .25 acres	[[\$90]] \$123

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.

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 and is secured through a maintenance agreement with the property owner.

The County may grant reimbursements for the following practices installed by a licensed contractor up to the maximum amounts listed below. Funding will be prioritized based on the potential for environmental benefits, including enhanced water quality, as determined by the Office of Community Sustainability. 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.

Practice	Maximum Residential Reimbursement 75% of the total cost*	Maximum Non-Residential Reimbursement 75% of the total cost
Rain Garden	\$5,000 total minimum garden size is 75 SF	\$7,000 total minimum garden size is 150 SF
Conservation Landscaping	\$3,000 total; minimum size is 150 SF	\$5,000 total; minimum size is 300 SF
Urban Tree Canopy	\$1,000 total – \$150 per tree maximum; minimum 1-inch caliper (deciduous) or 3 feet tall (evergreen)	\$2,500 total – \$150 per tree maximum; minimum 1-inch caliper (deciduous) or 3 feet tall (evergreen)
Permeable Pavers	\$5,000 total – minimum paver area of 100 SF	\$7,000 total – minimum paver area of 350 SF
Impervious Surface Removal	\$2,000 total– minimum amount removed and restore to permeable surface is 100 SF	\$7,000 total – minimum amount removed and restored to permeable surface is 300 SF
Green Roof	\$7,000 – minimum roof area is 100 SF	\$10,000 – minimum roof area is 200 SF
Rainwater Harvesting	\$750 – maximum reimbursement is \$2 per gallon of treated volume; 250 gallon minimum for Single Family Home and 100 gallon minimum for Townhome	\$2,500 – maximum reimbursement is \$2 per gallon of treated volume; 250 gallon minimum
Dry Wells	\$2,000	\$4,000

*An owner of a residential property may be eligible for up to 100% reimbursement, less \$1, if the owner demonstrates at the time a site visit is requested that the owner’s household income is 250 percent or less of the poverty level, as established by the U.S. Department of Health and Human Services and adjusted for family size.

Practice	Maximum residential reimbursement	Maximum Non-Residential Reimbursement
Septic Pumping	\$100 once every 3 years	Not applicable

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.