

County Council of Howard County, Maryland

2015 Legislative Session

Legislative Day No. 13

Resolution No. 182-2015

Introduced by: The Chairperson
at the request of the County Executive
and cosponsored by Greg Fox

A RESOLUTION approving a financial assurance plan for funding Howard County’s stormwater management program for a two-year period, in accordance with Section 4-202.1 of the Environment Article of the Annotated Code of Maryland.

Introduced and read first time _____, 2015.

By order _____
Jessica Feldmark, Administrator

Read for a second time at a public hearing on _____, 2015.

By order _____
Jessica Feldmark, Administrator

This Resolution was read the third time and was Adopted___, Adopted with amendments___, Failed___, Withdrawn___, by the County Council on _____, 2016.

Certified By _____
Jessica Feldmark, Administrator

Approved by the County Executive on _____, 2016.

Allan H. Kittleman, County Executive

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**, related to the Watershed Protection and Restoration Fee (the “Fee”),
2 Howard County is required to have a financial assurance plan approved by the local governing
3 body and the Maryland Department of the Environment on or before July 1, 2016, in accordance
4 with § 4-202.1 of the Environment Article of the Annotated Code of Maryland; and
5

6 **WHEREAS**, prior to the passage of this Resolution, the County Council has passed Council
7 Bill No. 52-2015 (the “Bill”) that reduces the Fee by 50% for Fiscal Year 2017, which begins on
8 July 1, 2016; and
9

10 **WHEREAS**, the Bill also abrogates the Fee entirely for Fiscal Year 2018, which begins on
11 July 1, 2017; and
12

13 **WHEREAS**, related to the Bill, the County has prepared a financial assurance plan based
14 on the law as it will exist if Council Bill No. 52-2015 is enacted.
15

16 **NOW, THEREFORE, BE IT RESOLVED** by the County Council of Howard County,
17 Maryland, this _____ day of _____, 2016, that it hereby approves the
18 attached Financial Assurance Plan for funding Howard County’s stormwater management
19 program.
20

21 **AND BE IT FURTHER RESOLVED**, that the County Executive be, and is hereby,
22 requested to endorse this Resolution, thereby indicating his approval of the financial assurance
23 plan.
24

25 **AND BE IT FURTHER RESOLVED** that a copy of this Resolution be sent to the
26 Maryland Department of the Environment, 1800 Washington Boulevard, Baltimore, MD 21230.

Howard County Financial Assurance Plan: Fiscal Years 2017-2018

Permit Overview

The National Pollution Discharge Elimination System (NPDES) Municipal Separate Storm Sewer System (MS4) permit, hereinafter “the Permit”, issued to Howard County, hereinafter “the County”, in December 18, 2014, mandates that the County treat 20% of its total untreated impervious acreage. In the first year of the Permit, the County has determined that the untreated Countywide impervious area is approximately 9,000 acres. In order for the County to meet its MS4 permit, the County must treat approximately 1,800 acres. The County has already treated approximately 200 acres, leaving the total amount of impervious acreage needed to treat at approximately 1,600 acres.

Actions Required to Meet Permit

The County will continue to implement the numerous programs required by the Permit, including development of Restoration Plans that will identify projects to treat untreated impervious acreage. Best management practices (BMPs) utilized in completing the work of treating impervious acreage includes stream restoration, planting trees, and constructing bio-retention ponds. The County has numerous BMP projects at various stages of development. The County also continues to research and develop the voluminous electronic data necessary to meet the expanded Geodatabase reporting requirements of the Permit.

The work required by the Permit will be difficult to complete within the allotted timeframe, due to the sheer volume of construction required, as well as the necessity to complete work on private land. There is simply not enough public land to meet the impervious acreage requirement. Easements will have to be acquired to complete work on private land, and obtaining these easements is far from guaranteed. The County is creatively developing Public-Private Partnerships in order to complete some of the work, but in the end, this will not completely solve the larger issue of gaining access on to private land.

Projected Annual and 5-Year Costs to Meet Impervious Surface Restoration Plan Requirements

The County’s 5-year costs will be approximately \$90,000,000 to meet the impervious surface restoration plan requirements. Based on this estimate, the County has determined that its capital costs in FY 2017 will be approximately \$19,000,000, and capital costs in FY 2018 will be approximately \$21,000,000. These are estimates, and expenses will fluctuate based on project implementation schedules. The operating costs in order to meet the entire MS4 permit, including the impervious surface restoration plan requirements, will be approximately \$4 million in FY 2017 and FY 2018.

Projected Annual and 5-Year Revenue Sources to Meet Impervious Surface Restoration Plan Requirements

The County will use the following revenue sources for FY 2017 and FY 2018 in funding the costs of the County's permit:

State Grants- The County receives approximately \$1 million annually for projects that remediate impervious acreage throughout the County in the form of grants. This will total approximately \$2 million over the next two fiscal years.

Watershed Protection and Restoration Fee- The County currently collects approximately \$11 million from the Watershed Protection and Restoration Fee. In FY 2017, the County is planning to reduce the fee by 50% so the County will only receive approximately \$5.5 million. In FY 2018, the County is planning to eliminate the fee entirely.

Watershed Protection and Restoration Fund Balance- The Watershed Protection and Restoration Fund has accumulated a fund balance that can be used to fund capital costs, in addition to operating expenses. It is expected that approximately \$6.7 million will be available to fund these expenses in FY 2017.

Transfer Tax- Of the transfer tax that the County currently collects, a quarter is awarded to the County's Agricultural Land Preservation Program. This program is reaching its peak, and the Agricultural Land Preservation Fund will grow a significant positive balance in the near future. The County will pursue state legislation so that it can allocate \$1 million in FY 2018 from the portion of the proceeds that the Agricultural Land Preservation Program currently receives.

General Fund- In operating funds, the County will budget \$1.8 million from the General Fund in FY 2017, and the County will increase that amount in FY 2018 to approximately \$4 million. In capital expenditures, the County will budget approximately \$7.7 million in FY 2017, funded by Government Obligation (GO) bonds. In FY 2018, the County will issue approximately \$19 million in GO bonds in order to meet expected costs. In addition, the County may use PayGo funds to the extent that they are available.

The County will use the aforementioned revenue sources to fund the estimated 5 year costs of the permit. The County will use monies from State grants, the Watershed Protection and Restoration Fund Balance, the Watershed Protection and Restoration Fee, the General Fund, GO bonds, and, potentially, the Transfer Tax to fund the County's expected costs over the next two fiscal years.

Completed Stormwater Remediation Projects

Please see Appendix 1 for a list of projects completed. Information for prior years is also located in the Annual MS4 Reports the County files with MDE.

Appendix 1

Facility Name	Impervious Acres Restored Since 7/1/2013	Cost (dollars)
Permeable Pavement (APRP)		
Savage Library Water Quality Enhancements	0.66	
Bioretention (FBIO)		
Savage Library Water Quality Enhancements	0.09	
Planting Trees or Forestation on Pervious Urban (FPU)		
Belle Haven Estates	1.65	
Brighton Mill	1.20	
Cattail Creek Forest Mitigation Bank	3.68	
Chapel Rise	0.49	
Chelsea Knolls	5.64	
Cloverfield	0.69	
Fairway Overlook, Hickory Park Offsite	0.39	
Hall Shop Manor	0.40	
Hay Meadow, offsite Maryland Food Center Authority	1.50	
Maplewood Farms	3.75	
McDaniel Property	0.75	
Owings Property	1.38	
Renfro Property	0.49	
Studdard Property	1.36	
Students Branching Out - Board of Education and Applications and Research Laboratory	1.21	
Students Branching Out - Dayton Oaks Middle School	0.24	
Students Branching Out - Dunloggin Middle School and Northfield Elementary	0.70	
Students Branching Out - Folly Quarter Middle School	0.74	
Students Branching Out - Glenwood Middle School and Bushy Park Elementary School	2.83	
Students Branching Out - Hammond Middle/Elementary School	0.55	
Students Branching Out - Harpers Choice Middle School/Old Cedar Lane School	0.85	
Students Branching Out - Lisbon Elementary School	0.85	
Students Branching Out - Patapsco Middle School	0.46	
Students Branching Out - Waterloo Elementary School	0.22	
Walnut Creek	2.52	
Woodbine Crossing	2.20	
Underground Filter (FUND)		
Wilde Lake High School Retrofit	12.75	

Infiltration Basin (IBAS)	
Ashmede Road	2.58
Enhanced Filters (MENF)	
Savage Library Water Quality Enhancements	0.18
Dry Wells (MIDW)	
F-01-156_DW 1 A	0.01
F-01-156_DW 1 B	0.02
F-01-156_DW 1 C	0.03
Micro-Bioretenion (MMBR)	
Ellicott City Parking Lot E	67.78
SDP-05-074_BIO 1	0.15
Stevens Forest Elementary School - MB-1	0.23
Stevens Forest Elementary School - MB-2A	0.13
Stevens Forest Elementary School - MB-2B	0.09
Rain Gardens (MRNG)	
10133 Cape Ann Drive	0.15
10305 Tailcoat Way	0.15
10334 Launcelot Lane	0.15
10339 Tailcoat Way	0.15
10342 Launcelot Lane	0.15
10362 Crossbeam Circle	0.15
10387 Launcelot Lane	0.15
10395 Launcelot Lane	0.15
10517 Catterskill Ct	0.15
10734 Crestview Lane	0.15
10971 Hickory Ridge Road	0.15
11005 Wood Elves Way	0.15
2249 Ballard Way	0.15
4056 Fragile Sail Way 1	0.15
4056 Fragile Sail Way 2	0.15
4625 Broken Lute Way	0.15
4944 Snowy Reach	0.15
5038 W. Running Brook Road	0.15
5057 Ten Mills Road	0.15
5206 Silas Choice	0.15
5409 April Wind Court	0.15
5772 Old Buggy Court	0.15
6089 Covington Rd	0.15
6137 Gate Sill	0.15
6148 Gate Sill	0.15
6149 Gate Sill	0.15

6158 Tower Top	0.15
6201 Farstar Place	0.15
6208 Painted Yellow Gate	0.15
6230 Sunny Spring	0.15
6235 Bright Plume	0.15
6239 Plaited Reed	0.15
6256 Golden Coin Ct	0.15
6310 Kiteline Court	0.15
6332 Frostwork Row	0.15
6334 Soft Thunder Trail	0.15
6357 Saddle Drive	0.15
6479 Bright Plume	0.15
6483 Summer Cloud Way	0.15
6485 Bright Plume	0.15
6589 Belmont Woods Road	0.15
6668 Star Path	0.15
6672 Star Path	0.15
6676 Star Path	0.15
6680 Star Path	0.15
7138 Rivers Edge Road	0.15
7218 Meadow Wood Way 1	0.15
7218 Meadow Wood Way 2	0.15
7322 Farthest Thunder Court	0.15
8145 Sea Water Path	0.15
8400 Oak Bush Terrace	0.15
9056 Red Apple Lane 1	0.15
9056 Red Apple Lane 2	0.15
Atholton Elementary School	0.30
Atholton ES	0.15
Beth Shalom Congregation	0.15
Bethany United Methodist Church	0.15
Bethel Korean	0.15
Carriage House HOA	0.15
College Square	0.15
Dayton Oaks Elementary School	0.15
Deering Woods	0.15
Deering Woods A	0.15
Deering Woods B	0.15
Deering Woods C	0.15
Dorsey Emmanuel United Methodist Church	0.30
Enclave 2	0.15

Epiphany Lutheran Church	0.15
Forest Ridge Elementary School	0.15
Franciscan Friars' Provincial House	0.30
Gary Arthur	0.15
Glen Mar United Methodist Church	0.15
Greenleaf	0.60
Harvester Baptist	0.30
HCC Swim Center	0.30
Howard Community College	0.60
Howard Community College Athletic Field Fence Expa	0.15
Howard Community College Athletic Field Soccer Fie	0.15
Howard Community College Pathway	0.15
Kittamaquidi	0.15
Manor Woods Elementary School	0.45
Morningside Park Senior Apartments Howard Public H	0.60
Mt. Zion UMC	0.15
North St. John Swim Club	0.15
Oakland Mills	0.15
Oakland Mills IFC front expansion	0.15
Oakland Mills Interfaith Center	0.30
Owen Brown Interfaith Center	0.15
Resurrection St. Paul	0.45
Ring Dove HOA	0.15
Rockburn Elementary School	0.15
Sharon Missionary	0.15
Simpson UMC	0.30
Spring Breeze	0.30
Spring Breeze Community Association	0.15
St. Francis of Assisi	0.15
St. John's Episcopal Cemetery Fence	0.15
St. John's Episcopal Corner Garden A Expansion	0.15
St. John's Episcopal Parking Lot Corner Expansion	0.15
St. Matthew House	0.15
St. Paul's Episcopal	0.15
Temple Isaiah	0.30
The Enclave at Ellicott Hills	0.15
Trinity School	0.60
Wilde Lake Interfaith Center	0.15
Individual Owner Rain Gardens (SMART Tool)	5.70
Rainwater Harvesting (MRWH)	
SDP-11-041AB_RB 1	0.11

SDP-11-041AB_RB 10	0.11	
SDP-11-041AB_RB 11	0.11	
SDP-11-041AB_RB 12	0.11	
SDP-11-041AB_RB 13	0.11	
SDP-11-041AB_RB 14	0.11	
SDP-11-041AB_RB 15	0.11	
SDP-11-041AB_RB 16	0.11	
SDP-11-041AB_RB 17	0.11	
SDP-11-041AB_RB 18	0.11	
SDP-11-041AB_RB 19	0.11	
SDP-11-041AB_RB 2	0.11	
SDP-11-041AB_RB 20	0.11	
SDP-11-041AB_RB 3	0.11	
SDP-11-041AB_RB 4	0.11	
SDP-11-041AB_RB 5	0.11	
SDP-11-041AB_RB 6	0.11	
SDP-11-041AB_RB 7	0.11	
SDP-11-041AB_RB 8	0.11	
SDP-11-041AB_RB 9	0.11	
Bio-Swale (MSWB)		
Stevens Forest Elementary School - Bioswale	0.27	
Grass Swale (MSWG)		
Mendenhall	0.34	
Dry Swale (ODSW)		
F-01-156_SW	0.22	
Extended Detention Structure, Wet (PWED)		
F-08-055-01_POND 2	2.64	
SW to the MEP (SPSC)		
Dorsey Hall Village Center Outfall Rehabilitation	3.63	
Stream Restoration (STRE)		
Pinehurst Court Stream Rehabilitation	3.21	
Tiller Drive Phase 2	0.79	
Tuscany Road Stream Restoration	1.03	
Whiterock Court Stream Restoration	2.11	
Shallow Marsh (WSHW)		
Pinehurst Court Shallow Marsh	1.57	
Septic Upgrades	40.04	
Rain Barrels	0.30	
Countywide Total	205.03	\$8,221,380.45*

*Note- This is only an estimate of capital costs.

FILE COPY**H C A R**

Howard County Association of REALTORS®

5501 Twin Knolls Road, Suite 111

Columbia, MD 21045

410.715.1437 P

410.715.1489 FAX

December 15, 2015

Dr. Calvin Ball, Chairperson, District 2
Mr. Jon Weinstein, Vice Chairperson, District 1
Ms. Jen Terrasa, Councilmember, District 3
Ms. Mary Kay Sigaty, Councilmember, District 4
Mr. Greg Fox, Councilmember, District 5
Howard County Council
George Howard Building
3430 Court House Drive
Ellicott City, MD 21043-4392

RE: CB52-2015, CR181-2015, and CR182-2015

Dear Members of the County Council:

The Howard County Association of REALTORS® supports the enactment of CB52-2015 which calls for the reduction of the existing Watershed Protection and Restoration Fee beginning on July 1, 2016 and the repeal of certain provisions in the County Code related to the fee as of July 1, 2017.

Among the jurisdictions in Maryland that impose this tax on its residents, Howard County's fee structure is the 4th highest and is slated to increase in the coming years if CB52-2015 is not passed. This tax impairs housing affordability for potential buyers in the County, increases rent, increases homeowners' monthly mortgage payments and reduces the amount of disposable household family incomes. This tax burden is particularly onerous to our low- to moderate-income families.

This tax also harms the County's commercial and industrial property owners. By significantly increasing commercial property tax bills by 10% or more, businesses in the County must ultimately pass on to the consumer, many of whom are also County residents, higher prices for goods and services. Moreover, higher taxes make Howard County less attractive to commercial enterprises seeking a place to establish, grow and create job opportunities.

Please support passage of CB52-2015 and the accompanying resolutions CR181-2015, and CR182-2015. Broad based home affordability and economic growth are critical to the long-term health and vibrancy of Howard County.

Sincerely yours,



Alicyn DelZoppo
President

Howard County Association of REALTORS®

**PLEASE SEE CB52-2015
FOR ADDITIONAL
TESTIMONY RELATED
TO STORMWATER FEES**