

County Council Of Howard County, Maryland

2015 Legislative Session

Legislative Day No. 13

Resolution No. 181 -2015

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

A RESOLUTION amending schedules for various charges related to the Watershed Protection and Restoration Fee; removing certain fees because they are being transferred to the County Code; providing for an effective date of certain changes; providing for certain changes to be effective in Fiscal Year 2018.

Introduced and read first time December 7, 2015.

By order Jessica Feldmark
Jessica Feldmark, Administrator

Read for a second time at a public hearing on January 19, 2016, 2015.

By order Jessica Feldmark
Jessica Feldmark, Administrator

Tabled on February 1, 2016

This Resolution was read the third time and was Adopted __, Adopted with amendments __, Failed , Withdrawn __, by the County Council
on March 7, 2016.

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**, on July 25, 2013, the County Council passed Council Resolution No. 88-
6 2013 that adopted schedules for various charges related to the Fee; and
7

8 **WHEREAS**, by passage of Council Bill No. 52-2015, the rates for residential and non-
9 residential properties have been transferred to the County Code; and
10

11 **WHEREAS**, the changes proposed in Council Bill No. 52-2015 shall apply for Fiscal
12 Year 2017, beginning on July 1, 2016; and
13

14 **WHEREAS**, accordingly, this Amendment removes the residential and non-residential
15 rates from the Fee Schedule, effective July 1, 2016; and
16

17 **WHEREAS**, during Fiscal Year 2017, there are no changes proposed to the Watershed
18 Protection and Restoration Fee Assistance Program, the Reimbursements Schedule, or the Credit
19 Program; and
20

21 **WHEREAS**, in accordance with Council Bill No. 52-2015, for Fiscal Year 2018,
22 beginning on July 1, 2017, the Watershed Protection and Restoration Fee, Credit Program,
23 Assistance Program and Reimbursements Schedule shall cease to exist.
24

25 **NOW, THEREFORE, BE IT RESOLVED** by the County Council of Howard County,
26 Maryland this _____ day of _____, 2015 that it:

- 27 (1) Strikes the Residential Property Schedule; and
28 (2) Strikes the Impervious Unit Rate For Non-Residential Properties Schedule.
29

1 **AND BE IT FURTHER RESOLVED** that no changes are proposed to the
2 Reimbursement Schedule, the Assistance Program Schedule, or the Credit Program for Fiscal
3 Year 2017, beginning on July 1, 2016.

4
5 **AND BE IT FURTHER RESOLVED** that, in accordance with Council Bill No. 52-
6 2015, the Credit Program, Reimbursement Schedule, and Assistance Program Schedule shall
7 cease to exist on July 1, 2017.

8
9 **AND BE IT FURTHER RESOLVED** that this Resolution shall be effective on July 1,
10 2016.

[[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. 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, (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.
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 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:

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

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.