

County Council Of Howard County, Maryland

2016 Legislative Session

Legislative Day No. 3

Resolution No. 37 -2016

Introduced by: Jon Weinstein

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

Introduced and read first time March 7, 2016.

By order Jessica Feldmark  
Jessica Feldmark, Administrator

Read for a second time at a public hearing on March 21, 2016.

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This Resolution was read the third time and was Adopted , Adopted with amendments , Failed , Withdrawn , by the County Council on April 4, 2016.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           **NOW, THEREFORE, BE IT RESOLVED** by the County Council of Howard  
9   County, Maryland this 4<sup>th</sup> day of April, 2016 that it:

- 10           (1)   Adopts the attached Residential Property schedule to establish rates for residential  
11               properties;
- 12           (2)   Amends the Credit schedule; and
- 13           (3)   Amends the Fee Assistance Program.

14  
15           **AND BE IT FURTHER RESOLVED** that this Resolution shall be effective on July 1,  
16   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.*

### STANDARD CREDIT

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 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%. [[up to a maximum percentage as follows:

Residential Properties	20%
Properties owned by Nonprofit Entities	100%
Any other Nonresidential Properties	50%]]

### EXCEPTIONS

[[1.]]A nonresidential property owner is eligible for a credit THAT IS THE GREATER OF THE STANDARD CREDIT OR [[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, OR
- (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:

<b>Practice</b>	<b>Maximum Residential Reimbursement</b>	<b>Maximum Non-Residential Reimbursement</b>
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%]] 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 [[20%]] THAT PERCENTAGE of the total property tax due for the property.



Amendment 1 to Council Resolution No. 37-2016

BY: Mary Kay Sigaty

Legislative Day No. 4

Date: April 4, 2016

Amendment No. 1

*(For nonresidential properties owned by an entity that does not qualify as a not for profit under the Internal Revenue Code, this amendment provides that the Watershed Protection and Restoration Fee is deemed a hardship if it exceeds 20% of the total property tax bill.)*

- 1 On the WATERSHED PROTECTION AND RESTORATION FEE ASSISTANCE  
2 PROGRAM page of the Fee Schedule attached to the Resolution, in item 2, strike beginning with  
3 “more than” down through “5%” and substitute “20% OF THE TOTAL PROPERTY TAX BILL”.

ADOPTED

FAILED

SIGNATURE

4/4/16

Jessica J. Howard

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March 21, 2016

Testimony on Council Resolution 37-2016 to Repeal the Watershed Protection and Restoration Fee

Good evening County Council Chair Ball and Council members.

My name is Cole Schnorf. I reside at 4912 Valley View Overlook, Ellicott City, MD 21042.

I am here to testify on behalf of the Howard County Chamber of Commerce in favor of Council Resolution 37-2016 to amend certain aspects of the Watershed Protection and Restoration Fee. Before commenting on the resolution, I would like to first express our support for the intent of the Fee, which is to provide a funding source for Howard County's contribution toward cleaning up the Chesapeake Bay.

When the Howard County Chamber of Commerce and several of its members testified in January in favor of CB 52-2015 to repeal of the Fee, we raised the following concerns, many of which have been addressed in CR 37-2016:

1. Our first concern was that the Fee as currently structured places a disproportionate burden on commercial property owners. By reducing the maximum fee from 20% of the property tax bill to 5% over a three year period, the most egregious cases of disproportionality will be addressed.
2. Another concern was that the fee can result in a loss in property value. Again, by reducing the maximum fee as a % of property tax, the most extreme cases of potential loss of value have been addressed.
3. Our final concern was that by capping the credit for remediation at 50% of the fee, there is a lack of incentive to remediate the storm water runoff from a property, and a potential legal issue. By allowing credits up to 100% as proposed in CR 37-2016, this potential legal issue is eliminated and the incentive increased.

The one area of concern not addressed by CR 37-2016 is the competitive disadvantage Howard County is in competing for corporate relocations. Most of the surrounding jurisdictions have eliminated their Watershed Protection fee, giving them a potential argument in favor of a business locating in their jurisdiction instead of Howard County. The actual financial advantage of the surrounding jurisdictions would be reduced by CR 37, but the subjective argument would persist.

In summary, we ask that you vote in favor of CR 37-2016 to amend the Watershed Protection and Restoration Fee because this resolution helps alleviate the inequitable burden on employers, reduces the fee's impact on a potential loss in value for commercial properties, and increases the incentive for some properties to mitigate its storm water runoff. We look forward to working with the council and administration in finding ways to further incentivize commercial property owners to mitigate their runoff and help Howard County achieve its mandated reduction in storm water runoff.

Thank you

Cole Schnorf