

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND
1999 Legislative Session

Resolution No. CR-18-1999

Proposed by Chairman M. H. Jim Estep

Introduced by Council Members Hendershot, Wilson, Russell and Bailey

Co-Sponsors _____

Date of Introduction May 25, 1999

RESOLUTION

1 A RESOLUTION concerning

2 Washington Suburban Sanitary Commission

3 For the purpose of modifying the System Development Charge (SDC) to help finance the capital
4 costs of expanding and augmenting water and sewage systems to accommodate service to
5 subscribers in the Washington Suburban Sanitary District (WSSD) and to provide a financing
6 mechanism to aid the Washington Suburban Sanitary Commission (Commission) in paying for
7 the capital projects thereof by providing methods and procedures by which the SDC is to be
8 implemented and/or collected in concert with any prevailing Sub-district charges already in
9 effect or such as may be established within the WSSD.

10 WHEREAS, the Maryland General Assembly adopted House Bill 883, Chapter 559, Laws
11 of Maryland 1993, System Development Charge legislation during its 1993 Session, a bill which
12 provides the enabling authority for the Montgomery and Prince George=s County Councils to
13 establish a fee which will be paid by applicants for new service; and

14 WHEREAS, the Maryland General Assembly adopted House Bill 832, Chapter 713,
15 Laws of Maryland 1998, System Development Charge legislation during its 1998 Session, a bill
16 which, among other things, alters the schedule for the payment of the System Development
17 Charge to the Commission for certain properties; establishes a new maximum System
18 Development Charge per fixture unit; allows for and limits the amount of certain exemptions;
19 establishes a maximum System Development Charge based on the number of toilets per
20 dwelling; authorizes a change in the maximum System Development Charge for certain
21 residential units based on the number of toilets per dwelling; and

1 WHEREAS, the Commission owns and operates various water treatment and sewage
2 treatment disposal plants and facilities within the WSSD and utilizes and has an equity share in
3 sewage treatment plants operated by other jurisdictions to treat sewage generated in portions of
4 the WSSD; and

5 WHEREAS, it is necessary that the Commission, with the advice and consent of the local
6 governing bodies within the WSSD, develop alternative funding to cover the costs of providing
7 quality water and sewer service in the WSSD and to similarly accommodate new growth therein
8 as authorized by the County Governments; and

9 WHEREAS, the Commission modified the System Development Charge effective July 1,
10 1995 to \$160.00 by Commission Resolution No. 95-1475, and then on July 1, 1998 to \$200.00
11 by Commission Resolution No. 98-1555; and

12 WHEREAS, for all of the foregoing reasons it is necessary or desirable to continue the
13 imposition of a System Development Charge fee; and

14 WHEREAS, House Bill 832 provides that the Montgomery and Prince George=s County
15 Councils may adopt and the Commission may implement a System Development Charge not to
16 exceed \$200.00 per fixture unit effective July 1, 1998; and

17 WHEREAS, House Bill 832 provides that on July 1, 1999 and each July 1 of each
18 succeeding year, the maximum charge may be changed by an amount equal to the prior calendar
19 year=s change in the consumer price index published by the Bureau of Labor Statistics of the
20 United States Department of Labor for urban wage earners and clerical workers for all items for
21 the Washington D.C. metropolitan area; and

22 WHEREAS, the consumer price index published by the Bureau of Labor Statistics of the
23 United States Department of Labor for urban wage earners and clerical workers for all items for
24 the Washington D.C. metropolitan area increased 1.8% from November 1997 to November
25 1998; and

26 WHEREAS, the Commission finds it necessary to raise the System Development Charge
27 rates by 1.8%; and

28 WHEREAS, the County Councils of Prince George=s County and Montgomery County met
29 and approved the modifications to the System Development Charge set forth below on May 13,
30 1999.

1 NOW, THEREFORE BE IT RESOLVED by the County Council of Prince George's
2 County, Maryland, that the County Council hereby adopts the approved System Development
3 Charge fee schedule as set forth herein. For the purposes of this Resolution, the following
4 definitions apply:

5 A. Definitions.

6 (1) Apartment Unit means one of several single family housing units within one building
7 and not specifically classified as a multi-unit dwelling, e.g., individual dwelling units in
8 garden, medium and high-rise type residential buildings.

9 (2) Biotechnology Research and Development or Manufacturing means any development
10 as jointly defined and approved by the Montgomery and Prince George=s County Councils
11 as eligible for a waived System Development Charge, more particularly described in
12 Schedule C, attached.

13 (3) Drainage Charge is the portion of the System Development Charge applicable to
14 drainage fixture units for apartments and residential properties having five or fewer toilets.

15 (4) Drainage Fixture Unit Value is a measure of the probable discharge into the drainage
16 system by a particular plumbing fixture in terms of volume rate of discharge and duration
17 of a single drainage operation and the time between successive operations.

18 (5) Dwelling Unit means a single family housing unit used as a residence, including
19 trailers and mobile homes.

20 (6) Elderly Housing means residential units as jointly defined and approved by the
21 Montgomery and Prince George=s County Councils as eligible for a waived System
22 Development Charge, more particularly described in Schedule D, attached.

23 (7) Hookup means the joining of the on-site water and/or sewer line(s) to the
24 Commission=s service connection or the installation of plumbing fixtures in a building
25 served by the Commission=s water and/or sewer facilities.

26 (8) Multi-Unit Dwelling means a building that will accommodate several housing units on
27 a lateral basis; namely, semi-attached houses, row houses, or townhouses used as
28 residences.

29 (9) New Service means:

30 (a) the first-time hook-up of a property to the Commission=s water and/or sewer
31 system; or

1 (b) a new connection or increased water meter size for a property previously or
 2 currently served by the Commission if the new connection or increased meter size is needed
 3 because of a change in the use of the property or an increase in demand for service at the
 4 property.

5 (10) Non-Residential Unit is a structure not otherwise defined as a Residential Unit,
 6 generally commercial or industrial in nature. Examples may include shopping malls, non-
 7 residential townhouses, warehouses, industrial buildings, restaurants, schools, dormitories,
 8 hospitals, hotels, motels, nursing homes, office buildings, churches, theaters, and similar
 9 commercial or industrial buildings.

10 (11) Public Sponsored or Affordable Housing means residential units as jointly defined and
 11 approved by the Montgomery and Prince George=s County Councils as eligible for a
 12 waived System Development Charge, more particularly described in Schedule A, attached.

13 (12) Residential Unit means any housing unit defined in Paragraphs 1, 5, and 8 above used
 14 as a residence.

15 (13) Revitalization means any development as jointly defined and approved by the
 16 Montgomery and Prince George=s County Councils as eligible for a waived System
 17 Development Charge, more particularly described in Schedule B, attached.

18 (14) Sub-District Charge means that charge established by the Commission pursuant to
 19 the provisions of Section 6-103, Article 29, Annotated Code of Maryland.

20 (15) Toilet is a water closet as set forth in the WSSD Plumbing and Gasfitting Regulations.

21 (16) Water Supply Charge is the portion of the System Development Charge applicable to
 22 water supply fixture units for apartments and residential properties having five or fewer
 23 toilets.

24 (17) Water Supply Fixture Unit Value is a measure of the probable hydraulic demand on the
 25 water supply by a particular plumbing fixture in terms of volume rate of supply and
 26 duration of a single supply operation and the time between successive operations.

27 BE IT FURTHER RESOLVED, that the System Development Charge for non-residential
 28 properties and dwelling units or multi-unit dwellings with more than five toilets shall be as
 29 follows:

30 The base System Development Charge for a water supply fixture with an assigned fixture unit
 31 value of 1 is \$88.00.

1 The base System Development Charge for a drainage fixture with an assigned drainage fixture
2 unit value of 1 is \$115.00.

3 The amount of the System Development Charge for the above shall be based on the number of
4 plumbing fixtures and the assigned values for those fixtures as set forth in the Plumbing and
5 Gasfitting Regulations of the WSSD.

6 BE IT FURTHER RESOLVED, that the System Development Charge for residential units
7 with five or fewer toilets shall be as follows:

8 (1) The water supply charge for each apartment unit is \$896.00 and the drainage charge is
9 \$1,140.00.

10 (2) The water supply charge for each dwelling unit or housing unit within a multi-unit
11 dwelling with one or two toilets is \$1,344.00 and the drainage charge is \$1,710.00.

12 (3) The water supply charge for each dwelling unit or each housing unit within a multi-unit
13 dwelling with three or four toilets is \$2,240.00 and the drainage charge is \$2,850.00.

14 (4) The water supply charge for each dwelling unit or each housing unit within a multi-unit
15 dwelling with five toilets is \$3,135.00 and the drainage charge is \$3,991.00.

16 BE IT FURTHER RESOLVED, that the System Development Charge, as established
17 herein shall be paid to the Commission at the time of application for plumbing permit to install
18 fixtures or hookup(s) to the Commission=s water and/or sewage system(s) except that an
19 applicant for a plumbing permit for a residential unit may pay the System Development Charge
20 in two payments as follows:

21 (1) One-half at the time of Plumbing Permit Application;

22 (2) the remaining one-half within 12 months after the first payment or prior to the transfer
23 of title to the property, whichever occurs first.

24 At the time of the first payment, the applicant for the plumbing permit for a residential unit
25 shall deposit with the Commission security for the second payment in an amount and form
26 established and approved by the Commission; and

27 BE IT FURTHER RESOLVED, that the fees established herein shall be in addition to, and
28 not a substitution for, any other fees, rates, charges, or assessments allowed by law except in
29 areas where an established sub-district charge prevails. In the event of an extant sub-district
30 charge, the greater amount between the sub-district charge and System Development Charge
31 shall be due and payable; and

1 BE IT FURTHER RESOLVED, that the System Development Charge shall be waived for
2 any public sponsored or affordable housing as defined in Schedule A; and

3 BE IT FURTHER RESOLVED, that the System Development Charge may be fully or
4 partially waived for Revitalization as defined in Schedule B, in accordance with the separate
5 administrative approval process adopted in Prince George's County and in Montgomery County;
6 and

7 BE IT FURTHER RESOLVED, that the System Development Charge may be reduced up
8 to \$43.00 per combined fixture unit value for any Biotechnology Research and Development or
9 Manufacturing project as defined in Schedule C; and

10 BE IT FURTHER RESOLVED, that the System Development Charge may be reduced up
11 to \$43.00 per combined fixture unit value for Elderly Housing as defined in Schedule D and as
12 shown on Schedule E; and

13 BE IT FURTHER RESOLVED, that the full or partial exemption of the Systems
14 Development Charge provided in any one year for a projects defined in Schedules B, C, and D
15 shall not exceed one million dollars with one half of the exemption amount to be allocated on a
16 fiscal year basis to properties located in Prince George=s County and one half to properties
17 located in Montgomery County.

18 BE IT FURTHER RESOLVED that any remainder of the annual allocation amount will not
19 lapse at the end of the fiscal year, but shall be carried over into the ensuing fiscal year and be
20 available for allocation within the same jurisdiction in addition to the approved annual allocation
21 for the current fiscal year.

22 BE IT FURTHER RESOLVED, that nothing herein shall be construed to prevent the
23 County Councils from jointly, by joint resolutions, increase the annual allocation amount
24 provided for the System Development Charge exemption; and

25 BE IT FURTHER RESOLVED, that nothing herein shall be construed as creating a
26 contract between the Commission and the applicant for service, and that the providing of water
27 and/or sewer service to an applicant=s property shall be subject to intervention of other
28 governmental authority; and the duly adopted policies of Montgomery and Prince George=s
29 Counties, and the Commission=s ability to otherwise provide such service; and

30 BE IT FURTHER RESOLVED, that Prince George's County Council Resolution 83-1998
31 adopted November 17, 1998 be and the same is hereby superseded by this Resolution; and

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BE IT FURTHER RESOLVED, that the System Development Charge established herein shall take effect on July 1, 1999.

Adopted this 25th day of May, 1999.

COUNTY COUNCIL OF PRINCE
GEORGE'S COUNTY, MARYLAND

BY: _____
M. H. Jim Estepp
Chairman

ATTEST:

Joyce T. Sweeney
Clerk of the Council

SCHEDULE A

“Public sponsored or affordable housing” means:

- (1) Any dwelling unit built or financed under a government program, regulation, or binding agreement that limits for at least 10 years the price or rent charged for the unit in order to make the unit affordable to households earning less than 80% of the area median income, adjusted for family size;
- (2) Any Moderately Priced Dwelling Unit built under Chapter 25A of the Montgomery County Code or Subtitles 13 and 27 of the Prince George=s County Code;
- (3) Any Productivity Housing Unit, as defined in Section 25B-17 (k) of the Montgomery County Code;
- (4) Any unit in an Opportunity Housing Project built under Sections 56-28 through 56-32 of the Montgomery County Code or Subtitle 13, Division 8, of the Prince George=s County Code, which is reserved for occupancy only by persons with low or moderate incomes (as defined in applicable provisions of State and County Law);
- (5) Any dwelling unit constructed pursuant to the Capturing Housing Opportunities in Communities Everywhere (CHOICE) Program in Prince George=s County which is reserved for occupancy only by persons with low or moderate incomes (as defined in applicable provisions of State and County Law).

SCHEDULE B

- 1: “Revitalization” means a project located in one of the following geographic areas and meeting any additional criteria that may be adopted by the respective county council or applicable municipal council:
- (a) Any state designated revitalization area as defined by the Maryland Department of Housing and Community Development (DHCD)
 - (b) Any state designated enterprise zone as defined by the Maryland Department of Business and Economic Development (DBED)
 - (c) Any federally designated economic development district as defined by the U.S. Department of Commerce, Economic Development Administration (EDA)
 - (d) Any federally designated empowerment zone and developable sites as defined by the U.S. Department of Housing and urban Development (HUD)
 - (e) Any Transit District Overlay Zone (T-D-O Zone) as defined by Subtitle 27, Part 10A, Division 1, of the Prince George=s County Code
 - (f) Any Prince George=s County designated revitalization area as defined in Subtitle 10 of the Prince George=s County Code
 - (g) Any state designated Neighborhood Business Development Program, as defined in Subtitle 2, of Title 4, of Article 83B, of the Annotated Code of Maryland
 - (h) Any Montgomery County Designated Neighborhoods, as determined by the Montgomery County Executive and County Council, as a revitalization neighborhood for activities that will act to preserve, stabilize, and enhance the social, physical, and economic conditions of the neighborhood. Activities may include concentrated housing code inspections and enforcement, housing rehabilitation, social service programs, public infrastructure improvements and private and/or public capital investment.

SCHEDULE C

Biotechnology Research and Development or Manufacturing” means:

Any activity that substantially involves research, development, or manufacturing of:

- (1) Biologically active molecules;
- (2) Devices that employ or affect biological processes; or
- (3) Devices and software for production or management of specific biological information.

SCHEDULE D

“Elderly Housing” include the following types of housing, as defined in the Prince George=s County Zoning Ordinance:

Sec. 27-107.01. Definitions

(a) Terms in the Zoning Ordinance are defined as follows:

- (20.1) Assisted Living Facility
- (54) Congregate Living Facility
- (151.1) Mixed Retirement Development

Sec. 27-352.01 Elderly Housing (one-family attached dwellings)

Sec. 27-374. Medical / residential campus

Sec. 27-395 Planned retirement community

OR

As defined in the Montgomery County Zoning Ordinance:

Section 59-G-2.35 Housing and related facilities for elderly or handicapped persons

Section 59-G-2.35.1 Life Care (continuing care) facility

Section 59-C-7.4. Housing constructed in a planned retirement community zone

OR

As defined in a municipal zoning ordinance in a municipality having separate zoning powers and that is found by the Director of the Department of Housing and Community Affairs to be equivalent to the definition for the county in which the municipality is located. The review of equivalency should be based upon age of occupants and the inclusion of assisted living dwelling units.

SCHEDULE E

Maximum “elderly housing” exemptions are as follows:

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| 1. Apartment unit | \$436.00 |
| 2. Dwelling Unit or housing unit within a Multi-Unit Dwelling with one or two toilets | \$654.00 |
| 3. Dwelling Unit or housing unit within a Multi-Unit Dwelling with three or four toilets | \$1,090.00 |
| 4. Dwelling Unit or housing unit within a Multi-Unit Dwelling with five toilets | \$1,526.00 |
| 5. For other housing that meets the elderly housing exemption criteria | Not more than \$43 per combined fixture unit value |