

RESOLUTION NO. 10-0776

RE: REVISING CHARGES FOR THE USE OF THE
PORTAGE COUNTY STORM WATER DISTRICT,
FUND 6800 (STORM WATER MANAGEMENT),
PURSUANT TO CHAPTER 6117, OHIO REVISED
CODE.

It was moved by Maureen T. Frederick, and seconded by Christopher Smeiles that the following resolution be adopted:

- WHEREAS,** the federal regulations promulgated by the Federal Water Pollution Control Act, as amended (40 Code of Federal Regulations Part 122 et seq), referred to as NPDES (National Pollutant Discharge Elimination System) Storm Water Phase II Permit Program (the "Phase II Program"), the Ohio Water Pollution Control Act (Ohio Revised Code Chapter 6111), and Ohio Administrative Code Chapter 3745-39, referred to as Phase II Storm Water Rules – Small Municipal Separate Storm Sewer Systems (MS4), require dischargers of storm water from Small MS4s, including the County of Portage and various independent jurisdictions that own and/or operate a MS4, to obtain a permit from the Ohio Environmental Protection Agency and to develop a Storm Water Management Program under this permit that addresses the quality of storm water runoff; and
- WHEREAS,** Portage County and various independent jurisdictions that own and/or operate a MS4 within Portage County are required to comply with the regulations of the NPDES Phase II Program; and
- WHEREAS,** this Board established the Portage County Storm Water District by Resolution No. 09-0834, adopted on September 10, 2009, hereinafter referred to as the "District" for the purposes of implementing the Storm Water Management Plan for NPDES Phase II Program compliance; and
- WHEREAS,** this Board established service rates for users of the District by Resolution No. 09-0835, adopted on September 10, 2009, as authorized by the pertinent provisions of Chapter 6117 of the Ohio Revised Code; and
- WHEREAS,** the Storm Water District Coordinator has recommended this Board revise the service rates for users of the District as herein set forth; and
- WHEREAS,** to further ensure the equitable distribution of the cost of providing services for implementing the Storm Water Management Plan and for Phase II Program compliance among the present and future users of the District, this Board has determined to revise the service rates to be charged which, in its judgment are reasonable and proper having due regard to all relevant circumstances and conditions, as hereinafter set forth; now therefore be it
- RESOLVED,** by the Board of County Commissioners of Portage County, Ohio, that:

SECTION 1. AMENDMENTS

Resolution 09-0835 "Fixing Charges for the Use of the Portage County Storm Water District, Fund 6800 (Storm Water Management), Pursuant to Chapter 6117, Ohio Revised Code" shall be amended as follows:

1. SECTION 4. BASE USER FEE CHARGES

Delete the paragraph following the Land Use and User Fee Basis table and replace with the following:

For the above uses, in no case shall the base user fee be less than 1 ERU for a parcel before the application of credits as outlined in Sections 8-11 of this resolution, unless the parcel qualifies for a contiguous common ownership reduction as described in this section.

2. SECTION 4. BASE USER FEE CHARGES

Add the following paragraphs:

Contiguous Common Ownership Reduction

When a common property owner assembles multiple contiguous parcels of land to act as a single property for the owner's use, the contiguous parcels shall each be classified as either a main parcel, being the largest in area of the contiguous parcels, or a secondary parcel, being all non-main parcels.

For the purposes of this rule, secondary parcels shall be exempt from user fee charges when they satisfy all of the following requirements:

- a. The secondary parcel is less than 0.25 acres in area;
- b. Parcels of residential and agricultural land use have no improved value as shown on the County Auditor's property records; and
- c. Parcels of all other land use have no impervious area.

The term "common property owner" shall be defined as the same deeded owner as listed on the County Auditor's property records. When parcels are owned by the same individual or group of individuals but the deeded owner is not consistent on the County Auditor's property records, the Storm Water Coordinator shall have the authority to resolve the situation in an equitable manner.

SECTION 4. BASE USER FEE CHARGES

Add the following paragraph:

Residential Use Leased Land Condition:

When a parcel includes leased land with multiple residential units, the user fee established for the parcel shall be the greater of:

- a. the ERU's stated in the Land Use and User Fee Basis table in this section for the parcel's primary land use as determined by the Storm Water Coordinator, or
- b. an ERU equal to the number of residential units on the parcel.

3. SECTION 10. CREDIT PROGRAM – AGRICULTURAL

Add the following paragraphs:

Agricultural parcels must be enrolled in the current agricultural use valuation (CAUV) program to be eligible for credits under this section.

When an agricultural parcel's CAUV status changes, the credits earned under this section shall automatically expire. The parcel owner may reapply for the user fee credits when the parcel satisfies the requirements of this section.

SECTION 2. NOTIFICATION

The Clerk of this Board is hereby directed to certify a copy of this Resolution to the County Engineer, the County Board of Health, the County Soil and Water Conservation District, the Township Trustees, the County Auditor, the County Treasurer, and the County Recorder.

SECTION 3. SEVERABILITY

This Resolution is severable and the invalidity of any section, phrase or provision thereof shall not affect the validity of any other section, phrase or provision.

SECTION 4. OPEN MEETING

It is hereby found and determined that all formal actions of this Board concerning and relating to the adoption of this resolution were adopted in an open meeting of this Board, and that all deliberations of this Board and of any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

Voice vote as follows:

Charles W. Keiper II, Yea;

Christopher Smeiles, Yea;

Maureen T. Frederick, Yea;

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I, Clerk of the Board of County Commissioners do hereby certify that the foregoing is a true and correct copy of a resolution of the Board of County Commissioners of Portage County duly adopted August 24, 2010 and appearing upon the official records of said Board, Volume 72, Page ____.



Acting Clerk, Portage County Board of Commissioners