



## Opposition from real estate group and others is lining up against sewer district's planned storm water fees

By Joan Mazzolini, The Plain Dealer

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A local commercial real estate group and others are lining up against the Northeast Ohio Regional Sewer District's plan to charge property owners a fee to manage storm water and pay for projects to reduce flooding and control erosion across the region.

And at least one of those, the Northern Ohio chapter of the commercial real estate development association, recently voted to join efforts challenging the authority of the sewer district to impose the storm water fees.

Summit County communities that are part of the sewer district filed suit in that county late last year, even before the district approved its plan, arguing that the Summit County engineer and not the sewer district has authority over their storm water management.

Immediately after the sewer board voted for the plan last January, **the district** went to Cuyahoga Common Pleas Court -- which originally formed the agency -- asking it to rule that they have legal authority to implement the plan and charge all property owners that are part of the sewer district.

Cleveland lawyer Sheldon Berns who represents the commercial real estate development association and others will likely intervene in the Cuyahoga County case as early as next week and argue against the district's right to assess the fees.

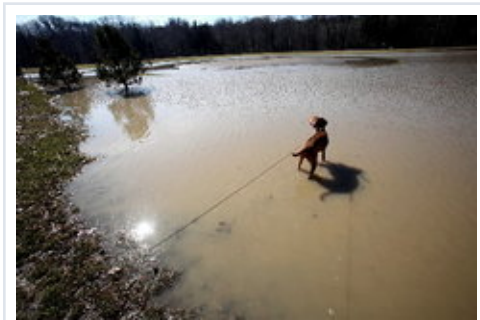
Berns has said that the plan has a major flaw because it doesn't include about nine Cuyahoga County communities, including Lakewood, Euclid and Rocky River, which do their own sewer treatment and aren't part of the district.

"If he's successful in making that argument, maybe the judge will broaden our (storm water) authority over the rest of the county," said Julius Ciaccia, executive director of the sewer district.

Ciaccia said he wasn't surprised by the possible new legal challenge.

The sewer district's plan is to assess a fee on homeowners and others including businesses and churches, that is based on the amount of a property's impervious surfaces, such as driveways and roofs.

Owners of average-size homes - with 2,000 to 4,000 square feet of impervious surface-- will be \$57 a year,



Lisa DeJong/The Plain Dealer

"Lucy", a 10-year-old Vizsla, ventures out into the flooded area of Memorial Field in the Cleveland Metroparks' Rocky River Reservation after heavy rain last March. The Northeast Ohio Regional Sewer District is planning to impose fees on property owners to pay for projects designed to reduce storm water runoff.

or \$4.75 a month.

Owners of businesses, parking lots, churches and other commercial property would be also be charged based the amount of hard surface. For example, a business with a 250-car parking lot that has 120,000 square feet of impervious area would be charged \$190 a month or \$2,280 a year.

Property owners would be eligible for a fee reduction if they reduced storm water runoff by such things as retention ponds, swales, rain gardens and using porous pavements.

Commercial and business property owners, could get up to a 75 percent credit or fee reduction while residential property owners could be eligible for a 25 percent reduction. Schools can get a 100 percent credit.

Sewer district officials pledged in January they would not begin assessing the fees until credit guidelines have been worked out.

However, the commercial property trade group is opposing the plan for several reasons, including their contention that fees will be imposed regardless of whether the credit guidelines are in place.

Sewer district officials said Thursday that credit guidelines in draft form will be done next month and that finalized guidelines will come out in June.

"The timing of the billing and credits are pretty close," said Frank Greenland, director of watershed programs for the district. Greenland said because of this, while property owners may initially be charged a full fee even if they have done things to reduce storm water, the district will retroactively credit them.

David Sobochan, president of the Northern Ohio Chapter of the commercial real estate development association, said the group struggled, to a degree, with the decision to join the challenge to the fees.

"Many of our board members understand there needs to be storm water control and the detrimental effects if there isn't control, he said." The association has about 125 local members that includes everyone from strip mall owners to office and industrial property owners.

Sobochan said the members were concerned there wasn't a community vote on the plan and questioned the distribution of the money raised by the fee. He said an executive summary of the districts plans shows that about 48 percent of the fees collected -- expected to be about \$38 million a year -- will go to construction projects to manage storm water and that 11 percent to management.

Greenland said the group is wrong. The district aims to use 53 to 54 percent of the money collected on construction projects, 35 percent for maintenance projects, such as stream and culvert clearing and the remainder will go to overhead, including billing costs and paying for district staff overseeing the program.

Finally, Sobochan said members are afraid about the timing of the program with commercial real estate being hard hit during the recession.

"It's one of the harder hit industries," Sobochan said, with owners losing tenants and having a tough time getting credit. "Any additional fees they may or may not be able to pass to their tenants."

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