

SECTION XI. CAPACITY FEES

G. LEED Eligibility for Reduced Capacity Fees

1. The LEED program is established by the U.S. Green Building Council (USGBC). The latest version of LEED (version 3, established in 2009) consists of nine (9) categories of rating systems. The New Construction and Major Renovations (NC) rating category is focused on prerequisites and credits within seven (7) topics. The only topic relevant to LEED eligibility for reduced Capacity Fees is Water Efficiency (WE); specifically, WE Prerequisite 1: Water Use Reduction and WE Credit 3: Additional Water Use Reduction, only.
2. Only Property Owners, buildings, and/or Properties that meet **all** of the following criteria are considered eligible for the LEED-based reduced Capacity Fees under this section G:
 - a. The Property for which the Property Owner is seeking reduced Capacity Fees due to LEED certification must be eligible for service from the County's water **and** wastewater systems. County wastewater-only properties, or those obtaining public water from a municipality or other source (e.g., City of Frederick) are not eligible.
 - b. The building permit for the building must have been or be issued after May 1, 2011.
 - c. The Commercial/Business type must be listed in Appendix B.
 - d. The LEED certification must apply to the entire building and the entire building must be owned by a single person or entity. No partial renovations of a building shall be considered eligible for reduced Capacity Fees under this section. Only new construction or a complete renovation or redevelopment of an entire building shall be eligible under this section. Multiple buildings on one parcel or lot are not individually eligible, unless all buildings are collectively constructed or renovated in their entirety.

- e. Prior to issuance of a building permit, the Property Owner must: (1) sign a Notice of Intent to Obtain LEED Certification, indicating the Property Owner's intent to build a LEED certified building and seek reduced Capacity Fees; and (2) pay the Capacity Fees required in Appendix B IN FULL.
 - f. Within thirty-six (36) months following issuance of a use and occupancy permit for the building(s), the Property Owner must obtain, and provide evidence to the Division of, LEED certification for the building from the USGBC that includes points earned for WE Prerequisite 1: Water Use Reduction for a 20% capacity reduction, and WE Credit 3: Water Use Reduction for a capacity reduction of at least 30% ("LEED Certification for Water Efficiency").
 - g. Within 30 days after obtaining LEED certification as described above, the Property Owner must execute a LEED Reduced Capacity Fee Agreement with the County.
3. Within 30 days after receipt of confirmation that the building has obtained LEED certification for Water Efficiency and an executed LEED Reduced Capacity Fee Agreement, the County will execute the LEED Reduced Capacity Fee Agreement and reimburse the Property Owner in an amount equal to the difference between the Capacity Fees paid by the Property Owner and the reduced Capacity Fees that apply to LEED certified buildings, using the LEED Certified Capacity Adjustment Factors shown in Appendix B, based on the initial certification (the "LEED Reimbursement").
4. The Property Owner shall maintain the LEED certification for Water Efficiency for the life of the building. The Property Owner shall provide proof of continuing LEED Water Efficiency certification by having LEED audits (focused on Water Efficiency) performed for the building every three (3) years. If any LEED audit shows that the building is no longer LEED-certified for Water Efficiency at the same level as the original certification, or if the Property Owner fails to obtain any required LEED audit, the Property Owner shall no longer be eligible for reduced Capacity Fees and shall be obligated to repay the LEED Reimbursement to the County.

5. If the Property Owner fails to maintain LEED certification for Water Efficiency for the building at the same level as the initial certification, or if the Property Owner fails to provide any required LEED audit to the Division, then the Division will send to the Property Owner written notice of the obligation to repay to the County the LEED Reimbursement. If the Property Owner fails to repay the LEED Reimbursement in full to the County within 30 days of the date of the written notice, then the amounts due will be added to the water bill for the Property. Failure to pay the additional Capacity Fees thereafter could result in the termination of water service to the building and/or sale of the Property at a County Tax Sale.
6. The addition of fixtures within a building that has qualified for reduced Capacity Fees due to LEED certification shall be handled in accordance with Paragraph B of this Section. An addendum to the LEED Reduced Capacity Fee Agreement shall be required.