



KENT COUNTY STORMWATER MAINTENANCE DISTRICT

The Kent County Stormwater Maintenance District (SWMD) program was created to provide the basic level of maintenance needed to adequately maintain a subdivision's stormwater infrastructureⁱ. Subdivisions that join the SWMD will have Minor Maintenanceⁱⁱ and Major Maintenanceⁱⁱⁱ provided to their stormwater infrastructure for an annual fee.

The current fee for this service is \$50.00 per residential property, per year, but is subject to change by vote of the Levy Court as needed. The service fee for Stormwater Maintenance is billed on each property owner's annual property tax bill as a separate line item, "Stormwater Maintenance Fee."

In addition to Minor and Major Maintenance, the community has the option to include Routine Maintenance^{iv} for an additional fee. Note that the fee for Routine Maintenance is based upon an annual bidding process, and as such, is subject to change every year without notice. To date, no other community has opted for Routine Maintenance, but the option is available.

There is a process that needs to be followed in order to successfully join the SWMD, including:

- The community chooses an individual to be their point of contact for this application process. The point of contact must be a member of the community, and cannot be a hired Property Manager or Management Company. Once the point of contact is chosen, that person will submit a Letter of Intent to Kent County Planning, which includes that person's contact information.
- Upon receipt of your Letter of Intent, Kent County Planning will contact Kent Conservation District (KCD) to request an assessment of your stormwater infrastructure. Once KCD has completed their onsite inspection, they will draft an Assessment Report and an Operations & Maintenance Plan^v which will specifically describe the activities to be included in your minor and major maintenance. In addition, the assessment report will list any repairs that may be required prior to your community joining the SWMD.
- If the Assessment Report indicates that your stormwater infrastructure needs extensive repairs prior to joining the District, and the community cannot afford the cost of the repairs, then the County may consider financing the cost which would be billed back to each property owner within your development over a period of years. In most cases, the cost of repairs is minimal, which would not justify County financing.
- Once the community reviews the Stormwater Assessment Report and Operations & Maintenance Plan, you will make the decision to continue in the process or to withdraw your application. Should the community choose to continue the application, the community's point of contact will complete a form indicating whether you are requesting or waiving Routine Maintenance and/or County Financing, and submit the form to Kent County Planning.
- The community may complete the required repairs to your stormwater infrastructure before, during, or after the petition process. Once the repairs are complete, the community will contact KCD to inspect and approve the work.

- Upon receipt of the form titled, *Request for Routine Maintenance and/or County Financing*, Kent County Planning will create a petition and mail it to the community's point of contact. The petition will state whether the community has chosen or waived Routine Maintenance and/or County financing. If financing is requested and approved, the petition will also include the financing terms.
- Each lot gets one vote. When a subdivision is still under construction and the developer owns vacant lots, the developer gets one vote regardless of the number of vacant lots owned.
- The community is responsible for circulating the petition among all property owners within your development. Although ALL property owners are not required to sign the petition, ALL property owners must be provided the **opportunity** to sign it. The legal requirement to submit the petition is 51% approval by the property owners within the development. Once the community submits the petition to Kent County Planning, a Planning employee will call each property owner who signed the petition to confirm their vote. Petition votes that are not verified by phone will not be counted.
- In addition to submitting the petition, the community must also submit documentation showing proof that ALL property owners were provided an opportunity to vote. For example, if the community notifies property owners of the petition via a letter or an email, then a copy of the letter or email should be submitted with the petition.
- After the petition is verified and KCD has approved the necessary repairs, a public hearing will be scheduled with the Kent County Levy Court. A notice of the public hearing will be placed in the newspaper and posted on a sign at each entrance into the development. One community member is required to attend the public hearing to represent the application. If approved, billing will commence on the next annual tax statement.

ⁱ Stormwater infrastructure includes stormwater collection, conveyance, and management structures shown on approved stormwater management plans and located outside of state maintained rights-of-way.

ⁱⁱ Minor maintenance includes activities which typically occur annually or every two or three years such as removal of accumulated sediments, clearing of obstructions from inlet pipes or outlet structures, management of burrowing animals, stabilization of low flow channels, resetting of rip rap, and repair of eroded banks. Minor maintenance shall be provided for all subdivisions and land developments included in a Stormwater Management District

ⁱⁱⁱ Major maintenance includes renovations such as replacement of outlet structures and pipes, rebuilding of inlet pipes and aprons, repair of embankments, and in extreme cases, replacing biofiltration media, complete rehabilitation or retrofit. Major maintenance shall be provided for all subdivisions and land developments included in a Stormwater Management District.

^{iv} Routine maintenance includes grass cutting, vegetative management, control of invasive species, and trash removal for residential subdivision and land development only. Routine maintenance is an optional service that the Stormwater Management District will perform for HOAs, and a separate fee will be assessed based on factors including square footage or acreage and number of times mowing is to occur each season.

^v Operations and maintenance plan identifies the required maintenance and associated schedule for stormwater management systems. A draft plan shall be provided following the initial letter of intent from a community and a final plan shall be included as part of the resolution adopted by Levy Court creating or extending the Stormwater Maintenance District. The plan may be subsequently revised with the approval of the Technical Advisory Committee should conditions of the stormwater management system change (e.g. conversion of turf areas to meadow).