

County Council of Howard County, Maryland

2020 Legislative Session

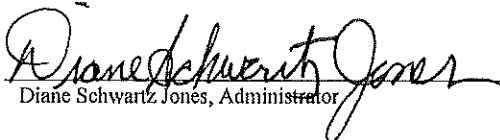
Legislative Day No. 3

Resolution No. 35 -2020


Introduced by the Chairperson at the request of the County Executive

A RESOLUTION amending the Reimbursement rates applicable to one-time reimbursements for an investment in an on-site stormwater best management practice that reduces the impact on the public stormwater management system; providing that certain previously adopted rates shall remain in effect; and generally relating to schedules of rates adopted as part of the Watershed Protection and Restoration Fee.


Introduced and read first time March 2, 2020.

By order 
Diane Schwartz Jones, Administrator

Read for a second time at a public hearing on May 18, 2020.

By order 
Diane Schwartz Jones, Administrator

This Resolution was read the third time and was Adopted , Adopted with amendments , Failed , Withdrawn , by the County Council on June 1, 2020.

Certified By 
Diane Schwartz Jones, Administrator

NOTE: [[text in brackets]] indicates deletions from existing law; TEXT IN SMALL CAPITALS indicates additions to existing law; Strike-out indicates material deleted by amendment; Underlining indicates material added by amendment

1 **WHEREAS**, Section 20.1103 of the Howard County Code provides that the County shall
2 charge and a property owner shall pay an annual Watershed Protection and Restoration Fee; and

3
4 **WHEREAS**, Section 20.1104 of the County Code provides that the County Council shall
5 adopt by resolution a schedule of rates that shall include (1) the impervious unit rate that may be
6 based on certain variables relative to a property's characteristics; (2) rates for residential
7 properties; (3) rates for credits awarded under section 20.1105 of the Code; (4) rates for
8 reimbursements awarded under section 20.1106 of the Code; and (5) rates for reimbursements
9 awarded under the Watershed Protection and Restoration Fee Assistance Program; and

10
11 **WHEREAS**, on May 29, 2019, the County Council passed Council Resolution No. 78-
12 2019 that last adopted the schedule of rates required by Section 20.1104 of the County Code; and

13
14 **WHEREAS**, the Office of Community Sustainability has proposed changes to the
15 Reimbursement rates required by Section 20.1104(a)(4) of the County Code; and

16
17 **WHEREAS**, the changes made to the Reimbursement rates are as follows:

- 18 1. Practices for which a reimbursement may be sought must be installed by a licensed
19 contractor;
- 20 2. The property owner must provide a maintenance agreement with the County;
- 21 3. The priority of projects will be based on the potential for environmental benefits,
22 including enhanced water quality, as determined by the Office of Community
23 Sustainability;
- 24 4. Increases all of the reimbursement amounts;
- 25 5. Except for septic pumping, the maximum reimbursement shall not exceed 75% of the
26 total cost of the practice;
- 27 6. Amends the minimum size and technical requirements of some of the practices; and
- 28 7. An owner of a residential properties may be eligible for up to 100% reimbursement if
29 they demonstrate a household income of 250 percent or less of the poverty level, as
30 established by the U.S. Department of Health and Human Services and adjusted for
31 family size; and

1
2 **NOW, THEREFORE, BE IT RESOLVED** by the County Council of Howard County,
3 Maryland this 1st day of June, 2020 that it amends the Reimbursement
4 rates required by Section 20.1104(a) of the County Code in accordance with Exhibit A of this
5 Resolution.

6
7 **AND BE IT FURTHER RESOLVED**, that there are no changes to the following rates
8 adopted by Council Resolution No. 78-2019 and the rates shall remain in effect until changed or
9 repealed by subsequent Resolution of the County Council:

- 10 1. Impervious Unit Rate for Non-Residential Properties;
11 2. Rates for Residential Properties;
12 3. Credits; and
13 4. The Watershed Protection and Restoration Fee Assistance Program.

14

Exhibit A

REIMBURSEMENTS

These rates are set pursuant to Sections 20.1104 and 20.1106 of the Howard County Code which provide for the County Council to adjust the Watershed Protection and Restoration fee through the use of a one-time reimbursement.

All properties, or portions of properties, that are not currently treated to the levels of the 2000 Maryland Stormwater Design Manual are eligible for the County's Watershed Protection and Restoration Reimbursement program. The reimbursement is not a credit, but a one-time payment for an investment made by the property owner that benefits the public stormwater management system AND IS SECURED THROUGH A MAINTENANCE AGREEMENT WITH THE PROPERTY OWNER.

The County ~~will~~ MAY grant reimbursements FOR THE FOLLOWING PRACTICES INSTALLED BY A LICENSED CONTRACTOR up to the maximum amounts listed below~~[:]~~. FUNDING WILL BE PRIORITIZED BASED ON THE POTENTIAL FOR ENVIRONMENTAL BENEFITS, INCLUDING ENHANCED WATER QUALITY, AS DETERMINED BY THE OFFICE OF COMMUNITY SUSTAINABILITY. IN ACCORDANCE WITH CODE § 20.1106, AN APPLICANT FOR A REIMBURSEMENT SHALL SUBMIT AN APPLICATION WITH THE OFFICE OF COMMUNITY SUSTAINABILITY ON A FORM PROVIDED BY THE OFFICE AND ACCOMPANIED BY INFORMATION THAT THE OFFICE MAY REQUIRE.

Practice	Maximum Residential Reimbursement 75% OF THE TOTAL COST*	Maximum Non-Residential Reimbursement 75% OF THE TOTAL COST
Rain Garden	[[[\$1,200]]\$5,000 total MINIMUM GARDEN SIZE IS 75 SF	[[[\$5,000]]\$7,000 total [[- maximum reimbursement is \$1 per SF impervious area treated]] MINIMUM GARDEN SIZE IS 150 SF
Conservation Landscaping [[(Turf or Invasive Species Replacement)]]	[[[\$250-\$750]]\$3,000 total [[- maximum reimbursement is \$1 per SF]]; minimum [[treatment area]] SIZE is [[250]]1250 SF	[[[\$3,000]]\$5,000 total [[- maximum reimbursement is \$3 per SF]]; minimum [[treatment area]]size is [[350]]300 SF
Urban Tree Canopy	[[[\$600]]\$1,000 total – \$150 per tree MAXIMUM; minimum [[2]]1 inch caliper (deciduous) or [[6]]3 feet tall (evergreen)	[[[\$600]]\$2,500 total – \$150 per tree MAXIMUM; minimum [[2]]1 inch caliper (deciduous) or [[6]]3 feet tall (evergreen)
Permeable Pavers	[[[\$1,200]]\$5,000 total – minimum paver area of 100 SF	[[[\$5,000]]\$7,000 total – minimum paver area of 350 SF
IMPERVIOUS SURFACE [[Pavement]] Removal	[[[\$600-\$1,200]]\$2,000 TOTAL – minimum amount removed AND RESTORE TO PERMEABLE SURFACE IS 100 SF	[[[\$1,800 - \$5,000]]\$7,000 TOTAL – minimum amount removed AND RESTORED TO PERMEABLE SURFACE IS 300 SF
Green Roof	[[[\$1,200]]\$7,000 – minimum [[area treated]] ROOF AREA IS [[300]]100 SF [[or ¼ roof retrofit]]	[[[\$5,000]]\$10,000 – minimum ROOF area [[treated]] IS [[300]]200 SF [[or ¼ roof retrofit]]

RAINWATER HARVESTING [[Cisterns]]	[[[\$500]]\$750 – maximum reimbursement is [[[\$1]]\$2 per gallon OF TREATED VOLUME [[stored]]; 250 gallon minimum FOR SINGLE FAMILY HOME AND 100 GALLON MINIMUM FOR TOWNHOME	[[[\$2,000]]\$2,500 – maximum reimbursement is [[[\$1]]\$2 per gallon OF TREATED VOLUME [[stored]]; 250 gallon minimum
Dry Wells	[[[\$600]]\$2,000	[[[\$600]]\$4,000
[[Septic pumping	\$100 once every 3 years.]]	

*AN OWNER OF A RESIDENTIAL PROPERTY MAY BE ELIGIBLE FOR UP TO 100% REIMBURSEMENT, LESS \$1, IF THE OWNER DEMONSTRATES AT THE TIME A SITE VISIT IS REQUESTED THAT THE OWNER'S HOUSEHOLD INCOME IS 250 PERCENT OR LESS OF THE POVERTY LEVEL, AS ESTABLISHED BY THE U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES AND ADJUSTED FOR FAMILY SIZE.

PRACTICE	MAXIMUM RESIDENTIAL REIMBURSEMENT	MAXIMUM NON-RESIDENTIAL REIMBURSEMENT
SEPTIC PUMPING	\$100 ONCE EVERY 3 YEARS	NOT APPLICABLE

[[**In accordance with code § 20.1106, an applicant for a reimbursement shall submit an application with the Office of Community Sustainability on a form provided by the Office and accompanied by information that the Office may require.]]

Amendment 1 to Council Resolution No. 35-2020

BY: The Chairperson at the request
of the County Executive

Legislative Day 9
Date: June 1, 2020

Amendment No. 1

(This amendment provides that a reimbursement shall be less \$1 in order to comply with Section 20.1106 of the Code that allows for "partial reimbursements".)

- 1 In Exhibit A, on page 2, in the paragraph that begins "*AN OWNER OF RESIDENTIAL PROPERTY",
- 2 after "REIMBURSEMENT", insert "LESS \$1".

ADOPTED June 1, 2020
FAILED _____
SIGNATURE Diane Jones

County Council of Howard County, Maryland

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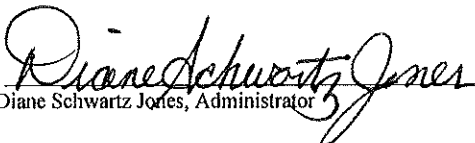
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NOW, THEREFORE, BE IT RESOLVED by the County Council of Howard County, Maryland this _____ day of _____, 2020 that it amends the Reimbursement rates required by Section 20.1104(a) of the County Code in accordance with Exhibit A of this Resolution.

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Amendment 1 to Council Resolution No. 35-2020

BY: The Chairperson at the request
of the County Executive

Legislative Day 9
Date: June 1, 2020

Amendment No. 1

(This amendment provides that a reimbursement shall be less \$1 in order to comply with Section 20.1106 of the Code that allows for "partial reimbursements".)

- 1 In Exhibit A, on page 2, in the paragraph that begins "**AN OWNER OF RESIDENTIAL PROPERTY",
- 2 after "REIMBURSEMENT", insert ", LESS \$1,".

Sayers, Margery

From: Lauren's Garden Service & Native Nursery <laurensgardens@gmail.com>
Sent: Thursday, May 14, 2020 10:20 AM
To: CouncilMail
Subject: Testimony for CR 35

[Note: This email originated from outside of the organization. Please only click on links or attachments if you know the sender.]

To Whom It May Concern,

My name is Lauren Turner and I have been running Lauren's Garden Service and Native Plant Nursery in Howard County for 16 years. We are an eco friendly company that is knowledgeable about native plants, supporting pollinators and helping to keep local waterways cleaner by designing and installing stormwater BMPs. We've been installing rain gardens since before Cleanscapes started and have had 30-40 rain gardens approved by the Cleanscapes program. We've worked closely with Julie Constantino and Rachel Beebe over the years to make sure what we are doing with our stormwater BMP design and installs lines up with the needs of the Cleanscapes program and clients needs.

The new changes being proposed to the Cleanscapes program will make projects we do like rain gardens, conservation landscapes and tree plantings more affordable to clients. We find that many clients are interested in projects like these and that the cost share aspect helps the clients to commit to these projects. Rain gardens require a lot of work to install with making sure there is attention to the right location, the grading, the 24 inch excavation and adding the soil back in. Because of all this work they are considerably more time consuming and costly to install then a regular garden. There is often follow up maintenance required at the first rain after the garden is installed to trouble shoot where the water flows. We build this into the upfront pricing for our gardens which drives the cost up a bit. The inclusion of a maintenance requirement is a good idea so that clients commit to the ongoing maintenance the rain garden will require before the install happens.

Many clients have been interested in planting conservation landscapes but the current reimbursement is too low to motivate them to do the project. The removal of the ponding depth for the conservation landscape is helpful to make the project more affordable for the landscape companies to install. The increased amount available per property is a big help.

So an increase in the amount of reimbursement would motivate more homeowners to install rain gardens, conservation landscapes and trees and make sure that the companies installing them are fully compensated for the extra detail and planning that goes in to a stormwater maintenance project like these.

Thanks,

Lauren Turner
Owner Operator

Landscape Designer
CBLP Level 1 & 2 Design, Install, Maintain
BS Horticulture Pennsylvania State University

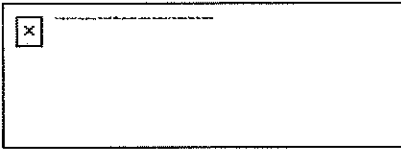
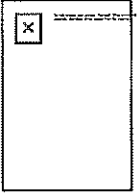
**Lauren's Garden Service
& Native Plant Nursery**

Eco-Friendly landscapers

Check out updated project photos and gardening information on our [Facebook Page](#) and [Website](#)

Call now for a FREE ESTIMATE!

410-461-2535





UNIVERSITY OF
MARYLAND
EXTENSION

Howard County Watershed Stewards Academy
3300 North Ridge Road
Suite 240
Ellicott City, MD 21043
Office Phone: 410-313-2707
Fax Number: 410-313-2712

Subject: Testimony on Council Resolution No CR 35-2020: Reimbursement rates for the installation of stormwater best management practices on private property.

To: The Honorable Liz Walsh, Opel Jones, Deb Jung, David Yungmann, Christiana Rigby

From: Terry R. Matthews, Program Coordinator, Howard County Watershed Stewards Academy

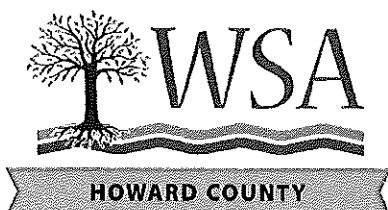
Date: May 13, 2020

The Howard County Watershed Stewards Academy (HoCoWSA) is an affiliate program of the University of Maryland Extension (UME) that seeks to increase the number and diversity of trained volunteers who have the knowledge and skill required to enhance the health of our local lakes, streams, and rivers through actions to eliminate polluted stormwater runoff from our watersheds. The Chesapeake Bay Program's development of the Watershed Stewards Academy concept was the direct result of attempting to address how local jurisdictions target private property owners' regarding stormwater management and treatment of impervious cover as a vital part of compliance with the Municipal Separate Storm Sewer System (MS4) and Watershed Implementation Plan (WIP).

HoCoWSA's mission is to work directly with the citizens of Howard County in helping them better manage the stormwater that is generated on their property. Through such interactions, we've learned that most people want to do what is right concerning their role in controlling any stormwater pollutants that they create. Once they are made aware of ways to reduce pollutants they willingly change their behaviors, such as reducing fertilizers and picking up pet waste. The previously mentioned behaviors don't require much of a sacrifice from the homeowner.

However, it is somewhat of a tougher sell to ask someone that has been in their home for three decades to sacrifice a portion of their property to install a Rain Garden, Conservation Landscape, or Urban Tree Canopy. Hopefully, there still may be those who are solely intrinsically motivated to make such sacrifices but based on the conversations that I have had over the past few years, extrinsic motivators in conjunction with intrinsic are what will be required to move people to action. The proposed increases to reimbursement rates in CR35-2020 can provide that extrinsic motivator, and makes it more likely that the projects and recommendations made through HoCoWSA's Homeowner Interview and Site Assessments (HISAs) are implemented.

As a program that works with the Office of Community Sustainability's residential stormwater incentive program, HoCoWSA strongly supports Council Resolution No. 35-2020.



The University of Maryland Extension programs are open to any person and will not discriminate against anyone because of race, age, sex, color, sexual orientation, physical or mental disability, religion, ancestry, national origin, marital status, genetic information, political affiliation, and gender identity or expression.

Office of the County Auditor
Auditor's Analysis

Council Resolution No. 35-2020

Introduced: March 2, 2020

Auditor: Owen Clark

Fiscal Impact:

We anticipate the passage of this resolution will result in an incremental increase in the amount of reimbursements paid to private landowners through the County's stormwater management incentive programs. However, we cannot quantify this increase since we have no basis for estimating the volume of future applicants to the program.

The Administration has not prepared an analysis of this resolution's fiscal impact. However, it does expect to provide reimbursements for the total funding provided to this program in Fiscal Year 2021. This funding is anticipated to remain level at \$130,000 for the residential program and \$300,000 for the non-residential program.

Compared to the past two fiscal years that averaged reimbursements of \$65,000, all from the residential program, this rate change would result in increased reimbursements of about \$365,000 annually. Since the program's inception there have been zero non-residential best management practices (BMP's) installed via the reimbursement program. If demand for these reimbursements exceeds the funding, a waiting list would be kept until FY 2022.

Funding for these reimbursements will continue to come from the Watershed Protection and Restoration Fund, which is an Enterprise fund that derives revenues from a fee charged in residents' real estate tax bills.

Purpose:

This resolution amends the rates applicable to one-time reimbursements out of the Watershed Protection and Restoration Fund for the installation of stormwater BMP's on private property. Other new requirements include:

- Approved BMP's must be installed by a licensed contractor and secured by a maintenance agreement; and
- Owners of residential property may be eligible for up to 100 percent reimbursement if their household income is 250 percent or less of the poverty level.

These reimbursements are part of the residential and non-residential stormwater incentive programs that are administered by the Office of Community Sustainability.

Other Comments:

It should be noted that lower income residents who qualify for the 100 percent reimbursement of BMP installation costs would still be required to pay the total cost of their installation before applying for reimbursement. The Office of Community Sustainability (OCS) has indicated it will work with contractors and residents on this situation to ensure the fastest possible reimbursement.

Due to the inactivity of the non-residential program, OCS has partnered with commercial properties on larger stormwater retrofits. To support this effort, the County has a contract with OptiRTC, Inc. (Opti) through November 2023 for \$1,657,689. Per SAP (a County financial database), the County has paid Opti \$375,838 since Fiscal Year 2018.

Since FY 2018, there have been 96 residential BMP's installed via the reimbursement program. These installations have resulted in 2.5 impervious acre credits towards the County's Municipal Separate Storm Sewer Systems (MS4) permit, which is 0.1 percent of the restoration target identified in the permit's FY 2018 Annual Report.

The Administration stated the requirements that BMP's be installed by a licensed contractor and secured by a maintenance agreement were included to assure they are compliant with the County's MS4 permit. Regarding the maintenance agreements, these will include:

- Homeowners signing a Maintenance and Right of Entry Agreement for the life of the BMP (approximately 10 years) that requires triennial inspections.
- No cost to the County, as the County will not provide the maintenance.
- The private landowner being responsible for ensuring the BMP is maintained by a contractor or according to maintenance guidelines available through online guidance.

The Office of Community Sustainability anticipates the residential program will continue to be initiated through an online request process, and it plans to create an online request form for the non-residential program after this resolution passes in anticipation of it generating greater interest.