

INTRODUCTION

The City Council of the City of Burlington City, Iowa passed Ordinance No. 3447 that amended the Code of Ordinance of the City of Burlington, Iowa, 2018 by adding Chapter 100 Storm water Utility. The purpose of the ordinance was to implement a storm water user fee charged to all developed properties in the City. The user fee provides revenue to fund the operation and maintenance of storm water infrastructure and to meet storm water permit requirements.

Storm water fees are in proportion to the demand that each customer's property places on the storm water drainage system. The amount of impervious area on developed properties increases the amount of storm water runoff to the storm water drainage system and is the major contributing factor in water pollution and erosion. Impervious area has a direct and proportional relationship to the estimated amount of water that leaves a property as storm water runoff. Assessment of the storm water user fees is based on the impervious area on each property.

The City of Burlington is proposing a credit program through which commercial or industrial properties are eligible to reduce their monthly storm water user fee.

ELIGIBILITY

A non-residential customer may be eligible for a storm water utility fee Rate Reduction Credit when the following conditions apply:

1. The customer constructs and maintains private storm water detention or retention facilities onsite that effectively reduce surface water runoff from that parcel to any City storm water collection or conveyance facility.
2. The private storm water or retention facility meets the credit criteria described in this policy.
3. The customer will be required to sign an agreement to maintain facilities.

Properties draining to public storm water detention or retention facilities are not eligible for a storm water utility fee credit.

A customer may be eligible for a stormwater utility fee Direct Discharge Credit when the following condition applies:

CREDIT CRITERIA

Storm water runoff Rate Reduction Credits are available to customers that restrict the peak discharge from a developed site through onsite storm water facilities, such as detention and retention ponds that

are privately designed, constructed, and maintained to SUDAS and City standards and requirements. Property owners of private storm water detention or retention facilities may, at their option, apply for the Rate Reduction Credits described below.

Level 1 Credit (Rate Reduction Credit) - 25% Credit

Currently, the City of Burlington requires new developments to provide storm water detention as specified by Iowa Statewide Urban Design and Specifications (SUDAS) criteria. Storm water facilities qualify for the Level 1 Credit if the facility meets the SUDAS criteria that state the post-development peak storm water runoff rate from the developed site for the 100 year frequency storm shall not exceed the pre-development peak storm water runoff rate for the 5 year frequency storm as calculated per SUDAS Chapter 2A-4.

Existing and new properties that meet this criterion are eligible to receive a 25% credit.

Level 2 Credit (Additional Rate Reduction Credit) - 20% Credit

Storm water facilities that qualify for the Level 1 Credit can also qualify for the Level 2 Credit if the facility further reduces the post-development peak storm water runoff rate for the 100 year design storm by at least 20% below the pre-development peak storm water runoff rate for the 5 year frequency storm.

Existing and new properties that meet both Level 1 Credit and Level 2 Credit criteria are eligible to receive an additional 20% credit.

Level 3 Credit (Additional Volume Credit) - 20% Credit

Storm water facilities that qualify for the Level 1 Rate Reduction Credit can also qualify for the Level 3 Credit if the facility provides 20% more storage volume than required for the 100 year frequency storm.

Existing and new properties that meet both Level 1 Credit and Level 3 Credit criteria are eligible to receive an additional 20% credit.

Level 4 Credit (Alternative Rate Reduction Credit) - 10% Credit

Recognizing that many privately-maintained storm water facilities were designed and constructed before the current SUDAS criteria, the City of Burlington offers a partial credit. Storm water facilities can qualify for the Level 4 Credit if post-development peak storm water runoff rate from the developed site for the 50 year frequency storm does not exceed the pre-development peak storm water runoff rate from the 5 year frequency storm as calculated per SUDAS Chapter 2A-4.

Existing properties with storm water facilities that meet Level 4 Credit criterion but do not qualify for the Level 1 Credit are eligible to receive a 10% credit.

A customer can receive all of Level 1, 2, and 3 Credits for a total of 65% credit if the private stormwater facility qualifies. A customer can, alternately, qualify for Level 4 Credit for a 10% credit.

Storm water Direct Discharge Credits are available to customers that discharge their storm water directly to unincorporated areas. Property owners with no storm water quantity impact on the City's storm water infrastructure for this reason may, at their option, apply for the direct discharge credit described below.

Level 5 Credit (Direct Discharge Credit) - 75% credit

Property owners can qualify for this credit if their property is contiguous to and discharges directly to unincorporated areas. This credit will not be granted if:

- Discharge point is upstream of any public drainage facility for which the City has maintenance responsibilities.
- Discharge point is outside corporate limits but ultimately drains back into the City.

Existing and new properties that meet Level 5 Credit criteria are eligible to receive a 75% credit.

APPLICATION REQUIREMENTS AND CREDIT DETERMINATION

A credit application will not be considered complete and will not be processed unless accompanied by the application fee and all appropriate forms and information as required in this policy.

1. Credit application fee is: \$100.00
2. The owner shall supply the technical information along with their application for Rate Reduction Credits. The information shall be submitted accordingly and in a format outlined in chapter 2A-4 of the current SUDAS Design Manual.
3. The owner shall supply a maintenance plan along with the Rate Reduction Credit application. The plan shall include:
 - Description and locations of storm water facilities to be maintained by the applicant and inspected by the City of Burlington.
 - Schedule for inspection and maintenance that will be performed to ensure that the facility is functioning as designed and number of times per year that basic maintenance (such as erosion control and/or mowing) activities will be performed.
 - Method(s) for disposal of extracted material from maintenance activities.

Note:

Developers are encouraged to apply for all levels of quantity credits on new developments as part of the normal development plan review procedures. The credits, as well as the storm water fees, do not go into effect until the construction is complete or upon granting of conditional occupation. Credits will not begin until as-built data has been submitted.

- Name and phone number of person(s) responsible for Inspection and maintenance.
 - The City of Burlington will review the maintenance plan and provide a Maintenance Agreement.
4. Existing properties will be eligible for credit as long as they meet the requirements of the City of Burlington Storm water Utility Fee Credit Policy. In this case, the information required in Numbers 2 and 4 above for Rate Reduction Credits or Number 3 above for Direct Discharge Credits and any other supporting material shall be submitted for review. Retrofitting of existing storm water facilities is also allowed to provide or increase the amount of credit for a property. The process for retrofitting existing structures is similar to that for new developments. As-built data shall be submitted for the existing or retrofitted storm water facility before the credit will be applied.
 5. The owner shall be required to sign a statement certifying that the information is correct and acknowledging that the credit determination will be based on information provided. A later determination that the information was inaccurate may result in loss of credit.
 6. The City will process applications within sixty (60) days of submittal of the complete and correct application package. A written notice will be issued at that time as to whether the request has been granted, denied, or granted in part. The written notice shall set forth the reason or reasons for the decision and shall be sent to the customer by mail. Billing adjustments required to implement approved credits shall be applied retroactively to the date the customer submitted a complete application. Adjustments shall be made by crediting the customer's storm water charges until any overpayment has been fully repaid. A pending application for credit shall not constitute a valid reason for non-payment of the current storm water charges. In the case of new development, storm water charges and the associated credits detailed herein do not apply until construction is complete or upon granting of conditional occupancy, whichever is earlier.

MAINTENANCE AND CREDIT PROGRAM COMPLIANCE

All storm water facilities that receive a credit must be maintained by the applicant in a manner to assure that they remain as constructed and function as intended. A report of all operations/maintenance (O&M) activities is required to be submitted on an annual basis to remain eligible for the storm water credit. Failure to supply said report, the City of Burlington will mail a certified letter giving the property owner 30 days to comply. Failure to supply the report will result in the property owner forfeiting their ERU Reduction Credit. The property owner will then have to reapply for future credits.