

RESOLUTION NO. R-19-03

A RESOLUTION OF THE CITY OF SEBASTIAN, INDIAN RIVER COUNTY, FLORIDA, PROVIDING FOR METHODOLOGY, APPLICATION, DETERMINATION AND DEADLINE FOR REQUESTING STORMWATER FEE CREDITS PURSUANT TO SECTION 102-124 OF THE CODE OF ORDINANCES OF THE CITY OF SEBASTIAN; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR SCRIVENER'S ERRORS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, it is intention of the City of Sebastian to provide, properly maintain, pay indebtedness and program capital improvements for the Stormwater Utility System which ultimately ensures for the drainage and treatment of stormwater runoff in the City of Sebastian; thereby, securing public health and safety.

WHEREAS, revenue is collected annually to maintain service levels, replace equipment and meet cash reserve requirements in the City of Sebastian Stormwater Utility Fund.

WHEREAS, a Stormwater Utility Fee Credit Policy was established October 1, 2001 and the City would like to recognize the latest methods employed by property owners who manage stormwater without the imposition to the City's Utility.

WHEREAS, upon passage of this Resolution, the City Manager is authorized to take the necessary administrative measures required to ensure that the stormwater utility fee is properly assessed and collected.

NOW, THEREFORE, be it resolved by the City Council of the City of Sebastian, Indian River County, Florida, that:

SECTION 1: STORMWATER UTILITY FEE CREDIT POLICY. Pursuant to Section 102-124(c) the City Manager is authorized to determine credits based upon the equitable pro-rata decrease in total services required of the utility. (Exhibit 1 Attached)

SECTION 2. PROVIDING FOR CONFLICTS. All Resolutions or parts of Resolutions in conflict herewith are repealed.

SECTION 3. PROVIDING FOR SEVERABILITY. In the event a court of competent jurisdiction shall hold or determine that any part of this Resolution is invalid or unconstitutional, the remainder of the Resolution shall not be affected and it shall be presumed that the City Council of the City of Sebastian did not intend to enact such invalid or unconstitutional provision. It shall further be assumed that the City Council would have enacted the remainder of this Resolution without said invalid or unconstitutional provision, thereby causing said remainder to remain in full force and effect.

SECTION 4. SCRIVENER'S ERRORS. Sections of this resolution may be renumbered or re-lettered and corrections of typographical errors which do not affect the intent may be authorized by the City Manager, or the City Manager's designee, without need of further action of the City Council by filing a corrected copy of same with the City Clerk.

SECTION 5. EFFECTIVE DATE. This Resolution shall take effect upon its adoption.

The foregoing Resolution was passed for adoption by Council Member McPartlan, was seconded by Council Member Dodd, and upon being put to a vote, the vote was as follows:

Mayor Jim Hill	<u>absent</u>
Vice Mayor Linda Kinchen	<u>aye</u>
Council Member Ed Dodd	<u>aye</u>
Council Member Albert Iovino	<u>aye</u>
Council Member Bob McPartlan	<u>aye</u>

The Mayor thereupon declared this Resolution duly passed and adopted this 27th day of February, 2019.

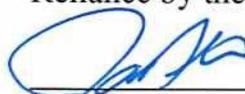
CITY OF SEBASTIAN, FLORIDA

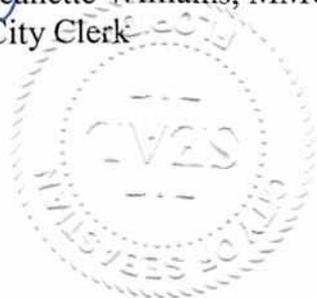
By: 
Linda Kinchen, Vice Mayor
for Jim Hill, Mayor

ATTEST:


Jeanette Williams, MMC
City Clerk

Approved as to Form and Content for
Reliance by the City of Sebastian Only:


James Stokes, City Attorney



SEBASTIAN STORMWATER UTILITY FEE CREDITS POLICY

I. POLICY

In accordance with City of Sebastian (City) Ordinance No. O-02-19 and Resolution No. R-03-19, property located within the City from which stormwater runoff is discharged, either directly or indirectly, to the stormwater system or to water bodies within or surrounding the City, may be eligible for a reduction in the stormwater fee from the Sebastian Stormwater Utility (Utility). Single-Family Residential lots are not eligible for this credit.

All properties within City, whether or not they discharge stormwater directly into the Utility system, will pay a proportionate share of the Utility expenses incurred in providing generalized benefits to the system. These expenses include engineering, planning, management of storm water upon the public rights-of-way, and administrative costs. Additionally, capital improvement projects that improve water quality in the waterbodies of the drainage basin are included in such generalized benefits.

The City shall reasonably determine said “fee credit” based upon the equitable pro-rata decrease in the total services required of the utility in providing the systemic benefits of stormwater management to the property. The fee credit will be based upon the savings to the utility resulting from the property's stormwater facilities or unique features.

The owner of the property for which the fee credit is sought shall be responsible for requesting the fee credit and for supplying sufficient information as may be required by the City to evaluate the merits of the fee credit request. Documentation shall be in accordance with the requirements established herein and contained in the Stormwater Management Utility Fee Credit Application.

II. PROCEDURES

Applications for storm water utility fee credits can be obtained and should be submitted to the Community Development Department, City Hall, 1225 Main Street, Sebastian, Florida OR visit www.cityofsebastian.org. After the application form and related materials have been submitted, the application will be reviewed and processed by a City agent for conformance to acceptable stormwater management practices and site plan approvals. A City agent will review the application and perform a site inspection within 30 working days, unless extensive modifications to the application or extenuating circumstances require additional time. If the application is approved, the conditions of approval will be noted upon the application. If the application is rejected, or modified, reasons for rejection or modification will be noted on the application.

Initial credit request applications and renewal requests must be filed by **June 1st** for 2019 and all initial applications for 2020 and the following years must be submitted by May 1st of each year in order to avoid having the full stormwater fee appearing on the customer's property tax bill. Credit requests must be applied for in writing by the property owner using the Stormwater Management Utility Fee Credit Application and submitted to the Community Development Department. The amount of reduction will be determined by the Stormwater Utility Director or designee on a case-by-case basis in accordance with the following approved basis for fee credits.

By accepting a fee credit, the property owner agrees to comply with the conditions of issuance and authorizes the City to enter upon the property, without additional notification, to verify compliance with the conditions of issue of the fee credit. Failure to comply with any of the conditions of issuance of the fee credit will result in the rescission of the fee credit, until the violation(s) are corrected to the City's satisfaction.

To receive the credit, first-time applicants must supply to the City the following:

- 1) Site plan and as-built construction drawings (as certified by a licensed surveyor, architect, or engineer) at an appropriate scale, showing the grading and drainage plan for the property which typically includes: boundary survey, topographic and soil surveys; overland flow paths, all stormwater facilities, discharge structure, and area of impervious surface.
- 2) A current St. Johns River Water Management District stormwater management permit and supporting documentation for the development outlining the storm event storage and treatment volume, and maintenance criteria, OR if not applicable, a description of alternative stormwater management design criteria incorporated into the site design to reduce stormwater volume and increase water quality from the development including Low Impact Design (LID) or Best Management Practices (BMP).
- 3) An authorized signature as part of the application stating that the property owner agrees to maintain the stormwater management system in accordance with the applicable permits and/or site plan improvements. Failure to operate the facility as designed shall be reason for forfeiture of the credit. The City shall inspect and notify the property owner/operator of the facility's deficiencies during the inspection period. The owner/operator will have thirty (30) days to comply or the stormwater fee credit will be rescinded at the Stormwater Utility Directors or designee's discretion.

III. FEE CREDITS

Customers are entitled to a credit when they can demonstrate that their existing or proposed stormwater management facilities provide the Utility with a cost savings that the City otherwise would incur as part of its efforts to manage stormwater. The Utility incurs several costs associated with the management of stormwater including planning, engineering, capital construction, operation/maintenance, and administrative costs.

The Utility incurs planning, engineering, and capital costs related to the construction of stormwater collection and treatment facilities. These facilities include, but are not limited to, the design and construction of swales, curbs, gutters, catch basins, stormwater sewers, regional detention basins, and retention basins. Stormwater construction projects address two aspects of stormwater management; water quantity (facilities that convey stormwater runoff) and water quality (facilities that reduce pollution).

The Utility also incurs costs related to the operation and maintenance of stormwater facilities located throughout the City. These costs include, but are not limited to catch basin cleaning; detention/retention basin sediment removal; inspecting, cleaning, and repairing storm sewers; and mowing/maintaining drainage swales and basins.

No credits shall be granted for the Utility's stormwater management system-wide program which includes costs associated with administration and maintenance. Since all residents receive the benefits (protection of property and improved public health and safety) associated with the development and operation of the Utility, all property owners within the City will bear these costs. **System-wide program costs are ten percent (10%) of the Total Percent Cost of the program.**

Credits shall be granted on an annual basis and requests therefore must be made every three (3) years. Customers must provide a maintenance record documenting all maintenance procedures conducted including inspections, mowing, and trash/sediment removal. Failure to operate or maintain the facility shall be reason for forfeiture of the credit. Properties having previously received a credit may submit an abbreviated credit renewal request no later than May 1st if conditions at the site have not substantially changed.

Table 1 presents the Utility's total projected stormwater management costs on an annual percentage basis for local and system-wide spending.

**Table 1
STORMWATER MANAGEMENT PROJECTED ANNUAL EXPENSE**

	Percent Total Cost	Percent System-Wide
Administration	3	3
Operation & Maintenance	27	7
Capital Improvement	70	
TOTAL	100	10

Guidelines for allowable credits are contained in **Table 2**. Credit determinations, however, shall be on an individualized basis and not all applicants will receive the credits listed therein. Only one credit strategy will be allowed per property request.

**Table 2
STORMWATER FEE MAXIMUM CREDIT GUIDELINE**

Outfall into City System

- No stormwater management system or alternative LID/BMP treatments 0%
- Incorporation of LID/BMP alternatives (5-10% each practice) up to 25%
- SJRWMD permitted stormwater management system (24 hr/25 yr storm) 30%
- Permitted systems with treatment/storage greater than 24hr/25yr (may include LID/BMP's) 50%
- Property greater than 10 acres which contain no impervious surface or are undeveloped with existing stormwater management system 70%

Discharge Outside City System

- No stormwater management system or alternative LID/BMP treatments 0%
- Incorporation of LID/BMP alternatives (5-10% each practice) up to 30%
- SJRWMD permitted stormwater management system (24 hr/25 yr storm) 50%
- Permitted systems with treatment/storage greater than 24hr/25yr (may include LID/BMP's) 70%
- Property greater than 10 acres which contain no impervious surface or are undeveloped with existing stormwater management system 90%

IV. LEGAL EFFECT AND APPEAL

Appeals of a determination as to fee credits must be taken pursuant to the provisions of City Code Section 102-107(a). This fee credit policy, maximum credit guidelines, and the procedural requirements herein may be revised by the City at its discretion at any time.

Stormwater Treatment Alternatives

Small incremental treatments have the best potential to work effectively as stormwater quality retrofits on developed parcels without stormwater treatment systems. Utilizing Stormwater Best Management Practices (BMP's) strategies, the City can encourage the new construction and redevelopment of existing properties to work towards a cooperative effort and provide the best opportunity for improvement to the Indian River Lagoon and Sebastian River systems. The following description provides examples of BMP's which may be applicable to utilize as part of the City's Stormwater Utility Fee Credit process.

Best Management Practices (BMPs): A term used to describe both "structural" (i.e., devices installed or constructed on a site) or "non-structural" (procedures, such as modified landscaping practices or street sweeping) that treats polluted stormwater. Generally BMPs focus on water quality problems caused by increased impervious surfaces from land development. The EPA has published a list of stormwater BMPs for use by local governments, builders and property owners.

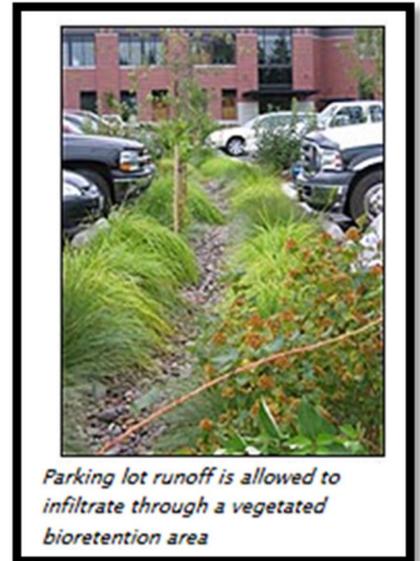
As part of BMP's, Low Impact Development (LID) and Green Infrastructure shall be considered for new construction and for redevelopment of existing sites for Stormwater Utility fee reductions.

Low Impact Development (LID): The approach emphasizes the integration of cost-effective, integrated strategies that mimic and rely on natural processes to reduce the impacts of development by addressing runoff close to the source. LID is more economical than conventional stormwater management systems to install and maintain by controlling stormwater runoff at the lot level.

- 1) *Rain Gardens, Bioretention and/or Bioswales*
- 2) *Rooftop Gardens/Walls*
- 3) *Vegetated Swales, Buffers, and Strips*
- 4) *Tree Preservation/Florida Friendly Landscape*
- 5) *Redirected Runoff to Vegetated Areas*
- 6) *Rain Barrels and Cisterns*
- 7) *Permeable Pavers/Pavement*
- 8) *Impervious Surface Reduction*
- 9) *Treatment Train*

Green Infrastructure: A comprehensive approach to water quality protection defined by reducing and treating stormwater at its source. A connected system of natural and built infrastructure to restore some of the natural processes required to manage water and create healthier urban environments Reduces the need for expensive gray infrastructure by utilizing patchwork of natural areas as stormwater management systems to soak up and store water.

- 1) *Protect natural areas: Natural areas shall be protected including natural landscape groupings, trees over 24-inches diameter at breast height (DBH), and small native trees such as scrub oak or wax myrtle. Where established natural vegetation is incorporated into the landscape design, irrigation of those areas shall not be required.*
- 2) *Plantings and irrigation: The plant palette and irrigation system shall be appropriate for site conditions. Plants shall be grouped together by irrigation demand. The percentage of landscaped area in irrigated high water use hydrozones should be minimized. Soil improvement should be considered to possibly enhance water use efficiency.*
- 3) *Use Runoff from Paved Areas: Stormwater runoff from paved areas such as parking lots, shall discharge to landscaped areas such as vegetated islands, swales, rain gardens or similar green spaces. Landscape islands may be permitted at the ends of parking aisles and within aisles to provide locations where native vegetation and bioretention can be used to manage stormwater. Additionally, instead of irrigated raised*



islands, parking lots can incorporate curb cuts to allow stormwater to flow into bio retention areas in depressed islands.

- 4) Protect existing trees: Trees on public property and rights-of-way shall be protected and additional trees shall be planted outside of the clear-zone to enhance the urban tree canopy. Existing trees on public lands and street rights-of-way shall be surveyed and inventoried.
- 5) Utilize Open Spaces: Open spaces shall serve a dual function of providing recreational areas and assisting in management of stormwater runoff. Strategically locate and use open-space areas for runoff capture to reduce flows into system.

