

## **APPENDIX B:**

### **CITY OF PALM BAY STORMWATER UTILITY MITIGATION CREDIT POLICY**

#### **CREDIT AND ADJUSTMENT POLICY**

##### Stormwater Mitigation Credit Policy

The City recognizes that some developed properties subject to the stormwater assessment have constructed and currently operate and maintain stormwater facilities that can reduce stormwater runoff impacts from the subject property and thus reduce the burden on the City to maintain, operate and provide capital improvements to the stormwater management system. An important feature of the stormwater assessment process is the determination of mitigation credits in these situations. The proposed policy addresses mitigation credits as they apply to parcels that have participated in the private development and maintenance of man-made stormwater facilities, thus reducing the amount of runoff to be collected, conveyed or treated by the City's stormwater management program.

##### Mitigation Credit Application

Parcels subject to a stormwater charge may be granted a mitigation credit based on one of the following factors:

1. No stormwater discharges from any portion of the parcel, or no drainage to road right-of-way or any part of a stormwater system over which the City has maintenance responsibility.
2. Owner of parcel contributes monetarily to a Community Development District, Civic Association (Homeowners Association or Property Owners Association), or Special District which provides maintenance to non-City owned stormwater management facilities which accept drainage from the parcel; or the parcel has a properly permitted, maintained and functional onsite stormwater management system which treats and/or attenuates stormwater prior to discharge to the road right-of-way or stormwater system over which the City has maintenance responsibility.

Facilities must be in compliance with a valid Water Management District permit. Proof of compliance with Water Management District permit requirements and certification of proper operation and maintenance of the facility will be required on a periodic basis.

##### Rationale

Mitigation credits may be granted to parcels whose offsite stormwater impacts on the City system are non-existent, are mitigated by a properly functioning and permitted stormwater system, or the parcel owner contributes to the maintenance of a private system which provides stormwater treatment and attenuation for runoff to public right-of-way. The basis for these credits is as follows:

1. Parcels which do not discharge stormwater impose no direct stormwater maintenance burdens on the City's system. This provides a savings to the City on the cost of maintaining the City owned and operated stormwater facilities.
2. Parcel owners which contribute to the maintenance of privately held stormwater management facilities that treat runoff to reduce the pollutant load to receiving waters reduce the financial burden on the operation and maintenance of the City's stormwater treatment facilities and are eligible for a partial mitigation credit.
3. The City and the receiving waters receive benefits from privately-owned and properly maintained stormwater management facilities.
4. It is in the City's interest to encourage the proper operation and maintenance and continued existence of onsite stormwater management facilities.

Mitigation Credits

A property with functioning on-site drainage facilities may receive a stormwater management system user fee credit upon the following conditions:

Condition	Credit
1. Detention Systems – A parcel is eligible for a thirty percent (30%) credit from the user fee confirmed by the Director when the owner demonstrates that stormwater discharge rate (flow) from a detention system after development is less than or equal to the before development rate (flow) of the parcel for a 25-year, 24-hours storm event as defined by the appropriate Water Management District. The property owner must provide certification by a Florida licensed professional engineer that these requirements are met.	30%
2. Extended Detention System – A parcel is eligible for an additional credit up to twenty percent (20%) when the owner demonstrates that stormwater discharge rate (flow) from a detention system after development is less than the before development rate (flow) of the parcel for a 25-year, 24-hours storm event as defined by the appropriate Water Management District. (Credit is proportional to the percentage of runoff rate reduction achieved with a minimum fifty percent (50%) reduction in runoff rate needed to achieve a ten percent (10%) credit.)	Up to 20%
3. Retention Systems – A parcel is eligible for a fifty percent (50%) credit from the user fee confirmed by the Director when the owner demonstrates that stormwater runoff is retained from a 25-year, 24-hour storm as defined by the appropriate Water Management District. The property owner must provide certification by a Florida licensed professional engineer that these requirements are met.	50%

4.	Retention Systems – A parcel is eligible for a credit of up to one hundred percent (100%) of the amount of the user fee confirmed by the Director to be the percentage of stormwater runoff from a 100-year, 24-hour stormwater event which is retained on the property (credit is directly proportional to volume of runoff retained. Credit would be given after retention for the 25-year, 24-hour storm is achieved).	100%
5.	A property that does not contribute stormwater to the utility and is not otherwise benefited by the utility shall be allowed a credit of one hundred percent (100%).	100%
6.	Property which is designated and delineated as wetlands, wetlands under conservation easements, or designated conservation lands shall be allowed a credit of one-hundred percent (100%) effective October 1, 2011. Credits that are granted shall only be retroactive to the effective date of October 1, 2011, but retroactive credit shall not exceed one (1) year. Submittal of wetlands delineation report is required to receive credit.	100%

The above mitigation credits are not cumulative. Requests for mitigation credits with supporting documentation must be submitted to the City of Palm Bay to obtain the credit.

Right of Entry

In order to be eligible for a Mitigation Credit, the owner of the parcel must agree to allow the City to inspect the stormwater drainage facilities to ensure that they are maintained and functioning properly.

Agricultural Property

Agricultural Property meeting the requirements of Section 193.461, Florida Statutes, shall be exempt from the Stormwater Assessment if the property owner provides appropriate documentation to the City that it has an active National Pollutant Discharge Elimination System permit, environmental resource permit, or works-of-the-district permit or implements best management practices adopted as rules under Chapter 120 by the Department of Environmental Protection, the Department of Agriculture and Consumer Services, or a water management district as part of a statewide or regional program.