



Credit Policies

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Executive Summary

SEMSWA has developed a credit program through which a developer can reduce their system development fee or a non-single family residential property owner can apply for grants or receive a credit from their annual stormwater utility fee. This document provides the information, instructions, and application forms necessary to apply for a stormwater credit.

Developers may be eligible for credits up to 100% of their System Development Fee (SDF). Existing customers may be eligible for a grant to construct an improved stormwater facility that meets the needs of SEMSWA. Existing customers who are able to maintain regional stormwater facilities may also be eligible for an annual fee reduction with a self maintenance credit.

Credit Programs

The SEMSWA Board of Directors Budget Subcommittee held study sessions to discuss, analyze and recommend credits that are most applicable to SEMSWA. Based on the analysis and the Subcommittee's and Staff's discussions about the practicability, feasibility, and meaningfulness of the credits, the following credits are recommended for adoption:

- 1. Quantity and Quality Credit for Construction of Regional Systems from System Development Fees**
- 2. Grant and Technical Assistance Program for Quantity and Quality Control for Existing Customers**
- 3. Annual Fee Self-Maintenance Credit**

Definitions

Credits are conditional reductions in the amount of fee to an individual property owner based on the provisions of this Credit Policy.

Detention Facility (Dry) is a facility constructed for the purpose of mitigating stormwater runoff from a developed site to control the peak discharge rates (normally maintained as a dry basin).

Detention Facility (Wet) is a facility constructed for the purpose of mitigating stormwater runoff from a developed site to control the peak discharge rates (normally maintained with a permanent pool of water).

Development Activity means any construction or expansion of building, structure or use, any change in use of building or structure, or any change in the use of land that creates additional demand and need for public facilities.

Drainage Easement is the land required for the maintenance of a storm sewer, drainage ditch, or other drainage facility; or for a natural stream or water course for channel preservation and maintenance and to provide for the flow of flood water, to safeguard the public against flood damage.

Drainage Facilities are all ditches, channels, conduits, retention/detention systems, swales, sewers, and other natural or artificial means of **managing** (original: **draining**) stormwater (**from land**).

Drainage Requirements are the minimum drainage standards as established by the stormwater **ordinance??**.

Easement consists of certain property rights on a section of land by the public, a corporation, or persons, for a specified purpose. Conveyance and maintenance easements are examples.

Impact that would preclude a developer from a refund may include any impact reasonably identified by SEMSWA, including, but not limited to: SEMSWA having sized facilities and/or paid for, installed and/or caused the installation of facilities based in whole or part upon the developer's planned development activity even though that capacity may, at some future time, be utilized by another development.

Impervious Area is area, usually within developed land that prevents or significantly impedes the infiltration of stormwater into the soil.

Maintenance is cleaning, spraying, removing obstructions from and making repairs to a drainage facility so that it will perform the functions for which it was designed and constructed.

Percent Impervious is the impervious area of a parcel divided by the total area of a parcel, or in the case of contiguous parcels, the total impervious area of the contiguous parcels divided by the total (gross) area of the contiguous parcels.

Project Improvements are site improvements and facilities that are planned and designed to provide service for development resulting from a development activity and are necessary for the use and convenience of the occupants or users of development resulting from a development activity.

Proportionate Share of the cost of public facility improvements means an amount that is roughly proportionate and reasonably related to the service demands and needs of a development activity.

Retention Facility is a facility constructed for the purpose of mitigating stormwater runoff from a developed site to control the peak discharge rates so that only small flows are released.

Site for the purpose of this manual, a site may be a single parcel or a combination of contiguous and adjacent parcels that are hydrologically[?] connected. In the case of multi-parcel sites, credits will be proportionately allocated to each affected parcel.

Structural Best Management Practices are structural improvements that help reduce the quantity (rates and volume) and/or improve the quality of stormwater runoff.

System Development Fees are one-time charges paid by new development to finance the construction of public facilities needed to serve it.

System Improvements are improvements and facilities that provide service to more than one development that are intended to provide service to the Service Area, such as regional benefits or UDFCD master plan projects.

Quantity and Quality Credit for Construction of Regional Systems from System Development Fees

One time SDF Quantity and Quality Credits may be received by Developers who create additional capacity that exceeds the requirements established by SEMSWA. Credits up to 100% of the SDF are available under the following conditions:

Facility Type

1. The Developer constructs a regional or sub-regional* (as approved by SEMSWA) detention facility that provides excess capacity in a regional system as required by SEMSWA. The proposed facility is viewed as going above and beyond the requirements.
2. The regional facility meets SEMSWA's program goals and addresses an existing or future capacity need.
3. The regional facility serves more than one development or serves an area greater than 160 acres.
4. The regional facility is providing excess capacity for quantity and/or quality.
5. The regional facility provides a cost savings to SEMSWA by reducing the need for future projects.
6. The regional facility is designed by a professional engineer and meets SEMSWA's design criteria.
7. The regional facility is approved through the typical SEMSWA procedures.
8. The regional facility area is included in the calculation of the SDF.
9. The regional facility meets design, construction, and maintenance standards in effect at the time of construction.

Application Policy

1. A completed Credit Application Form must be submitted with the necessary information for review.
2. Once the application is complete, SEMSWA will review Credit Applications within sixty (60) days of receipt.
3. SEMSWA shall inspect the property prior to approval of a credit. A signed right-of-entry form must be included with the Credit Application.
4. No public or private property shall receive Credits to offset fees for any condition or activity unrelated to SEMSWA's cost of providing stormwater management services.
5. Credits will not apply to permit review, GESC, application, or other fees.
6. A professional engineer is required to sign and stamp supporting design documents.
7. If all requirements and condition of this section are met, the credit will be available upon successful completion of an application process and successful completion of a SEMSWA inspection.

8. When possible, the Credit shall be outlined in the Subdivision Improvement Agreement.
9. Appeals of Credit decisions may be brought to the SEMSWA Board of Directors by sending a formal written Request for Appeal of Stormwater Credit Determination to SEMSWA. If the Board awards an alternate Credit determination, adjustment of fess shall be made retroactive.

Calculation of Quantity or Quality Credit for SDFs

1. When a developer constructs a regional facility, they may be eligible for up to 100% of the SDF as a credit.
2. A developer will receive a credit for the costs of the regional facility as estimated by SEMSWA. The eligible costs shall be determined through a Credit Agreement.
3. The Credit amount will be calculated based on the excess capacity created by the regional facility minus the costs associated with the required site improvements.
4. If the costs of the regional facility exceed the SDF obligation, the developer may receive a credit for the SDF and enter into a reimbursement agreement with SEMSWA for the additional costs.

Quantity

In the City of Centennial and Arapahoe County, water quality capture volume and flow control detention are required for all new development and redevelopment. The storage volume and release rate criteria are based on the following three design events: Water Quality Capture Volume (WQCV), Excess Urban Runoff Volume (EURV), and the 100 year storm event. Developments that treat more than their share of drainage area runoff in addition to their own would be designated as exceeding the minimum criteria and would receive a credit proportional to the excess drainage area that they treat.

Quality

For quality credits, the City of Centennial and Arapahoe County's requirements include four steps in addition to capture and treatment of the Water Quality Capture Volume (WQCV). The quality credit will be calculated based on the drainage area treated in excess of the required area and the ability to meet one or more of the following criteria:

1. Reduce runoff volume to the maximum extent practicable.
2. Provide water quality capture volume and flood control detention via full-spectrum detention.
3. Utilize stream channel stabilization techniques.
4. Undertake source control, controlling for illicit discharge, using best available technologies.

Grant and Technical Assistance Program for Quantity and Quality Control for Existing Customers

Current property owners who wish to upgrade their stormwater facilities and exceed requirements may apply for a Grant from SEMSWA. The Grant Program will use budgeted funds each year to assist property owners with the costs of upgrading or installing new stormwater facilities. The following situations may apply for a Grant:

1. Grants will be allowed for non-single family residential properties. Grants may be granted in extraordinary situations for single family residential properties through the appeals process.
2. A homeowners association may apply for a grant for facilities that exceed requirements which serve their neighborhood.
3. The stormwater facility meets one or more of the following conditions:
 - a. The stormwater facility is being upgraded to include stormwater quality where it was not required at the time of construction.
 - b. The stormwater facility is a regional detention facility that provides excess capacity in a regional system as required by SEMSWA.
 - c. The regional facility meets SEMSWA's program goals and addresses an existing or future capacity need.
 - d. The regional facility serves more than one development or serves an area greater than 160 acres.
 - e. The regional facility is providing excess capacity for quantity and/or quality.
 - f. The regional facility provides a cost savings to SEMSWA by reducing the need for future projects.
4. The stormwater facility is engineered and meets SEMSWA's design criteria.
5. The stormwater facility is approved through the typical SEMSWA procedures.
6. The stormwater facility meets design, construction, and maintenance standards in effect at the time of construction.

Application Policy

1. A completed Credit Application Form must be submitted with necessary information for review.
2. Once the application is complete, SEMSWA will review Credit Applications within sixty (60) days of receipt.
3. SEMSWA shall inspect the property prior to approval of a credit/grant. A signed right-of-entry form must be included with the Credit Application.
4. No public or private property shall receive Credits/Grant to offset fees for any condition or activity unrelated to SEMSWA's cost of providing stormwater management services.

5. Credits/Grants will not apply to permit review, GESC, application, or other fees.
6. Appeals of Credit/ Grant decisions may be brought to the SEMSWA Board of Directors by sending a formal written Request for Appeal of Stormwater Credit Determination to SEMSWA.

Calculation of Grant Program Funds

A property owner who chooses to upgrade their stormwater facility to include water quality, **treat** additional quantity or quality capacity, or **other improvements that benefit the goals and objectives as approved by SEMSWA**, may be eligible for 100% funding from SEMSWA.

1. Grant funds will be included in the SEMSWA budget. Funds will be allocated on a first come, first serve basis.
2. SEMSWA will estimate the cost of the stormwater facility. The eligible costs will be established through a Grant Agreement.
3. The grant amount will be calculated based on the excess capacity created by the regional facility minus the costs associated with the required site improvements, if any.
4. SEMSWA will work with the property owner to properly design and construct the stormwater facility.
5. In most cases, once the facility is constructed, SEMSWA will be responsible for the maintenance of the facility.

Quantity

In the City of Centennial and Arapahoe County, water quality capture volume and flow control detention are required for all new development and redevelopment. The storage volume and release rate criteria are based on the following three design events: Water Quality Capture Volume (WQCV), Excess Urban Runoff Volume (EURV), and the 100 year storm event. Existing customers that treat more than their share of drainage area runoff in addition to their own would be designated as exceeding the minimum criteria and may receive a grant proportional to the excess drainage area that they treat.

Quality

For quality credits, the City of Centennial and Arapahoe County's requirements include four steps in addition to capture and treatment of the Water Quality Capture Volume (WQCV). The quality credit will be calculated based on the drainage area treated in excess of the required area and the ability to meet one or more of the following steps:

1. Reduce runoff volume to the maximum extent practicable
2. Provide water quality capture volume and flood control detention via full-spectrum detention.
3. Utilize stream channel stabilization techniques.

4. Undertake source control, controlling for illicit discharge, using best available technologies.

Annual Fee Self-Maintenance Credit

A self-maintenance credit from the annual stormwater utility fee is available to property owners who maintain regional or sub-regional* (*as approved by SEMSWA) stormwater systems that SEMSWA would otherwise maintain. By maintaining their own stormwater facility, the property owner has relieved the Authority of the responsibility to use public resources for this portion of the stormwater system and this credit recognized that fact. SEMSWA is still responsible for costs for routine inspections, capital improvements within the service area, MS4 permitting, and coordination with property owners such as the execution of agreements and provision of operation and maintenance guidelines.

Credit for the self-maintenance of regional facilities may be received if the following conditions are met:

1. The facility must be a regional or sub-regional* (as approved by SEMSWA) facility that SEMSWA would otherwise be required to maintain. A credit will not be given for on-site stormwater facilities that are the property owner's responsibility to maintain.
2. The property owner must have the proper equipment, supplies, and means to adequately maintain the stormwater facility.
3. Details for maintaining regional stormwater facilities will be documented in a credit agreement.
4. Certification that the maintenance activities were completed is required on an annual basis.
5. A Right-of-Entry form is completed to allow SEMSWA to perform periodic inspections of the facility.

The amount of the credit:

1. Will not exceed the actual savings as calculated by SEMSWA for SEMSWA to perform the maintenance activities.
2. Will be calculated on a case by case basis.
3. Will continue as long as the property owner adequately maintains the regional stormwater facility and complies with the approved maintenance plan.
4. May be reevaluated each year if conditions or situations change.

Application for Quantity/Quality SDF Credits

General Information

Applicant Information (Financially Responsible Person)

Company: _____
Name/ Title: _____
Address: _____
City: _____ State: _____ Zip Code: _____
Phone: _____
Email: _____

Owner's Representative (Engineer/ Architect, Planner, etc)

Company: _____
Name/ Title: _____
Address: _____
City: _____ State: _____ Zip Code: _____
Phone: _____
Email: _____

Project Description

Name of Project: _____
Property Parcel ID#(s): _____
Property Address/ Description of Address: _____

Brief Project Description: _____

I hereby request SEMSWA to review this application for a stormwater fee credit. I further authorize SEMSWA to inspect the above identified stormwater facility(ies) for the purpose of assessment for a stormwater fee credit. I certify that I have authority to make such a request and grant such authority for this property. The attached information is true and correct to the best of my knowledge and belief. (This form must be signed by the financially responsible person if an individual or if not an individual by an officer, partner, or registered agent with authority to execute instruments for the financially responsible person). I agree to provide corrected information should there be any change in the information provided herein.

Type or print name Title or Authority

Signature Date

Right-of-Entry

_____ Hereinafter termed "Owner" and Southeast Metro Stormwater Authority, hereinafter termed "SEMSWA" in consideration of the mutual promises of the Owner and SEMSWA hereinafter contained, agree upon the following terms for the entry of the SEMSWA and its representatives as set forth herein upon the real estate hereinafter described:

"Owner" hereby grants SEMSWA, its employees, agents, consulting engineers, contractors and other representatives the right to enter upon the above described real estate on and after _____, _____, _____, for the purpose of inspection on-site stormwater control which work shall be completed strictly in accordance with the standard practice of said department.

SEMSWA shall, as soon as practicable after completion of the work as above described, cause all affected property of the Owner to be restored to its original condition as nearly as reasonably possible.

"Owner" hereby covenants with SEMSWA that he/she/they are the true and lawful owner of the above described real estate and has/have lawfully seized of the same in fee simple and has/have the right and full power to grant this right of entry, which right of entry shall cease to be effective on completion of the above described inspection.

"Owner" will not charge SEMSWA rent or other compensation during the period of time SEMSWA occupies the said real estate for purposes aforesaid under the provisions of this right of entry.

IN WITNESS WHEREOF, the parties have caused their respective names to be signed hereto on the ____ day of _____, 20____.

Owner

SEMSWA Representative