

POLICY

STORM WATER UTILITY RATE CREDIT

Adopted April 22, 2013 (Resolution 2013-077)
Amended April 10, 2023 (Resolution 2023-###)



INTRODUCTION & HISTORY

The City Council of the City of Marshalltown (City), Iowa amended the Code of Ordinance of the City of Marshalltown, Iowa, 2003 by modifying Article IV. Storm Water. The purpose of the amendment was to modify the storm water rate charged to all developed properties in the City as well as the fee in lieu of detention. The storm water rate provides revenue to fund operation and maintenance of storm water infrastructure, storm water utility capital projects, and to meet storm water permit requirements.

Storm water rates 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 rate is based on the impervious area on each property.

The City of Marshalltown has established a credit program through which a customer is eligible to reduce their monthly storm water rate.

The 2013 adopted policy outlines 5 different credit levels that a customer can apply for a full or partial credit to reduce their monthly storm water rate. The 2023 amendment provides for one additional credit level (Level 6) that a customer can apply for.

ELIGIBILITY

Residential:

A residential customer may be eligible for a storm water utility rate ~~Direct~~-Discharge Credit (Level 5 or Level 6) when the following condition applies:

1. All storm water or a portion of the storm water generated from impervious areas of the from developed property discharges directly to unincorporated areas.

Non - Residential:

A non-residential customer may be eligible for a storm water utility ~~Rate~~-Reduction Credit (Levels 1-4) when the following conditions apply:

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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. *Please note - properties draining to public storm water detention or retention facilities are not eligible for a storm water utility rate credit.*

A non-residential customer may be eligible for a storm water utility rate ~~Direct~~-Discharge Credit (Level 5 or Level 6) when the following condition applies:

1. All storm water or a portion of the storm water generated from impervious areas of the~~from~~ developed property discharges directly to unincorporated areas.

CREDIT CRITERIA

Rate/Volume-Reduction Credits

Storm water runoff ~~Rate~~-Reduction Credits are available to non-residential 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 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.

1. Level 1 Credit (Rate Reduction Credit) – 25% Credit

Currently, the City of Marshalltown 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 stating that 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.

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

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2. 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.

3. 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.

4. 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 Marshalltown 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.

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 storm water facility qualifies. A customer can, alternately, qualify for Level 4 Credit for a 10% credit.

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Direct Discharge Credits

Storm water ~~Direct~~ Discharge Credits are available to residential or non-residential 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.~~

5. Level 5 Credit (Direct Discharge Credit) - 100% credit

~~Property owner~~Customers can qualify for this credit if their property is contiguous to and discharges ~~all-ALL~~ storm water from the property directly to unincorporated areas. ~~All storm water would be required to have no storm water quantity impact on the City's storm water infrastructure (which includes storm sewer, inlets, box culverts, pipe culverts, and open drainage ways including creeks, rivers, gutter flow, and road ditches).~~ This credit will not be granted if:

- ~~Discharge point is upstream of any public drainage facility for which the City has maintenance responsibilities.~~
- ~~Portion draining off site has no impervious surface.~~
- Discharge ~~the discharge~~ point is outside corporate limits but ultimately drains back into the ~~Citycity~~.
- ~~Storm water is discharged to a creek or stream and property owner does not own and maintain their own NPDES permit for the discharge.~~

Existing and new properties that meet Level 5 Credit criteria are eligible to apply for and receive a 100% credit.

6. Level 6 Credit (Partial Discharge Credit) – Partial Credit

~~Customers can qualify for a partial credit if their property is contiguous to and discharges some of the storm water generated from impervious surfaces directly to unincorporated areas. Said storm water would be required to have no storm water quantity impact on the City's storm water infrastructure (which includes storm sewer, inlets, box culverts, pipe culverts, and open drainage ways including creeks, rivers, gutter flow, and road ditches). This credit will not be granted if the discharge point is outside corporate limits but ultimately drains back into the city.~~

~~Existing and new properties that meet Level 6 Credit criteria are eligible to apply for and receive a partial credit by essentially splitting their property into a portion that would be eligible for Level 5 Credit and the remainder that would be billed in accordance with our policy and eligible for Level 1-4 Credit, if applicable.~~

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APPLCIATION 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:
 - Single-family residential parcels: \$50.00
 - All other parcels: \$100.00

2. The ~~owner~~-customer shall supply the following technical information along with their application for ~~Rate~~-Reduction Credits (Level 1-4).
 - Conceptual site plan and structural control location diagram.
 - Locations, dimensions, and characteristics of all proposed and existing drainage patterns and facilities.
 - Existing and proposed grading and location/size of all structures, parking, driveways, and other impervious areas.
 - Detailed engineering calculations providing the results of routing the storm runoff for the 100 year, or 50-year, storm event through the basin, along with comparison to pre-development runoff rates. Total storage volume calculations are also required along with detention basin elevations. An Iowa Professional Engineer must certify the calculations.
 - Specific location(s) of storm water discharge point(s).
 - As-built data, certified by an Iowa Professional Engineer, shall be submitted upon completion of construction to complete the application. The as-built data must verify the capacity of the storm water facilities for which the credit has been applied.
 - A maintenance plan which shall include:
 - Description and locations of storm water facilities to be inspected and maintained by the applicant.
 - 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.
 - Name and phone number of person(s) responsible for inspection and maintenance.

3. The ~~owner~~-customer shall supply the following technical information along with their application for a ~~Direct~~-Discharge Credit (Level 5 & 6).
 - Topographic survey map of the applicant's parcel(s) sufficient to verify general

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drainage patterns and identify key drainage boundaries used to determine the portion of the parcel(s) draining to unincorporated areas. In cases of Level 6 application, it is particularly important to identify the exact drainage boundary, including breaks and which direction portions of pavement and roofs drain. Gutter systems, tile, or other drainage pipes must also be shown.

- ~~Layout of the drainage system of the property including location and elevations of natural and structural features.~~
- Specific location(s) of storm water discharge point(s)

4. ~~NOTE:~~ Developers are encouraged to apply for all applicable credit levels of credits on new developments as part of the normal development plan review procedures. The credits, as well as the storm water rates, 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.

4. ~~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 inspected and maintained by the applicant.~~
- ~~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.~~
- ~~Name and phone number of person(s) responsible for inspection and maintenance.~~

5. ~~Existing properties will be eligible for credit as long as they meet the requirements of the City of Marshalltown Storm Water Utility Rate Credit Policy. In this case, the information required in Numbers 2 and 3 above for Rate Reduction Credits and any other supporting material shall be submitted for review. Retrofitting of with existing storm water facilities is also~~ are 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 with applicable calculations shall be submitted for the existing or retrofitted storm water facility before the credit will be applied.

6. The ~~owner~~ customer 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.

7. The City will process applications within sixty (60) days of submittal of the complete and

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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.

The City will issue an order to repair the storm water facilities if the facility is found to not be functioning properly. The applicant will be notified and given sixty (60) days to address the deficiencies and bring the facility to full compliance. The credit will be forfeited if the deficiencies have not been corrected within 60 days of notice of noncompliance. The ~~property owner~~customer will have to address the site deficiencies resulting in the forfeiture and reapply for a new storm water credit upon forfeiture of the storm water credit. Any ~~property owner~~customer who fails to comply with a repair order within 60 days shall be ineligible to reapply for credit for a period of two years. The credit application fee will not be waived in this situation.