

RESOLUTION NO. 2022-54

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FLAGSTAFF
ADOPTING THE 2023 REVISED STORMWATER CREDIT MANUAL FOR THE
CITY OF FLAGSTAFF**

RECITALS:

WHEREAS, on March 18, 2003, the City of Flagstaff ("City") enacted the Stormwater Management Utility regulations as Division 12-02-001 of the City Code ("Stormwater Regulations"), thereby establishing the Stormwater Management Utility and, among other matters, establishing the Stormwater Management Utility Service Charge ("Service Charge"); and

WHEREAS, Section 12-02-001-0001 of the Stormwater Regulations recognizes that credits are an appropriate means of adjusting fees, rentals, charges, fines and penalties; and

WHEREAS, Section 12-02-001-0008(c) of the Stormwater Regulations requires the provision of credits against Service Charges and/or other methods of funding stormwater management; and

WHEREAS, on November 2, 2004 the City Council adopted Ordinance No. 2004-22, which established and Interim Stormwater Utility Credit Manual ("Interim Credit Manual") as authorized by Section 12-02-001-0001 and 10-02-001-0008(c) of the Stormwater Regulations; and

WHEREAS, on July 18, 2006 the City Council adopted Ordinance No. 2006-17 to increase Service Charges and adopt a revised Interim Credit Manual under the Stormwater Regulations with a new fee structure which was implemented incrementally; and

WHEREAS, on June 2, 2015 the City Council adopted Ordinance No. 2015-07 to adjust Service Charges and also adopted Resolution No. 2015-17 setting forth the updated 2015 Revised Stormwater Utility Credit Manual under the Stormwater Regulations; and

WHEREAS, the Stormwater Division has again prepared and proposes that the Council adopt a newly revised and updated Stormwater Credit Manual; and

WHEREAS, having read and considered the Staff Summary Report submitted in support of this Resolution, the Council finds that adoption of the 2023 Revised Stormwater Credit Manual by resolution is in the best interests of the citizens of the City of Flagstaff.

ENACTMENTS:

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF FLAGSTAFF AS FOLLOWS:

SECTION 1. The *2023 Revised Stormwater Credit Manual* attached hereto and hereby incorporated herein is hereby adopted.

SECTION 2. The Water Services Division and the City Clerk are authorized and directed to edit and correct clerical errors or typographical and/or grammatical errors of wording and punctuation.

SECTION 3. Effective Date.

This resolution shall be immediately effective upon adoption.

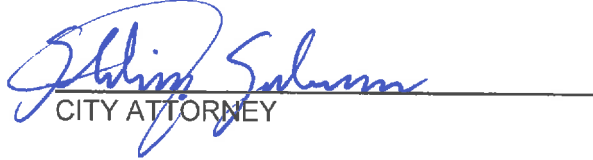
PASSED AND ADOPTED by the City Council of the City of Flagstaff this 15th day of November, 2022.


MAYOR

ATTEST:


CITY CLERK

APPROVED AS TO FORM:


CITY ATTORNEY

Exhibits:
Exhibit A – 2023 Revised Stormwater Credit Manual

WATER SERVICES DIVISION

Stormwater Management



Determination of Stormwater Credit Amounts

Prepared December 2014
Revised 2022

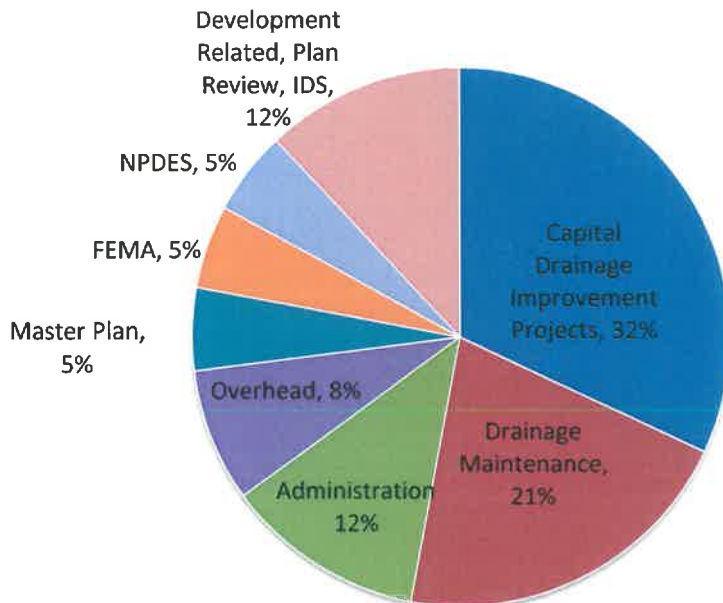
The following is a general description of how the Stormwater Section determines appropriate credits for the Stormwater Utility Fee. The credit is based on stormwater quantity and quality issues as discussed below. Credits listed are per bill and applicable until deemed not in compliance by City staff or until there is a change in account holder.

City Stormwater Program Elements

An assessment of the City’s Stormwater Management Activities is necessary to determine appropriate credits. The Program has two overall functional areas, Stormwater Quantity and Stormwater Quality. These include many sub-categories:. Stormwater Quantity is the larger of the two and includes the following:

- Regulatory Compliance: FEMA Regulations, ADWR Regulations, City Floodplain Regulations, Floodplain Permits, CRS, NFIP
- Civil Plan Review and Drainage Report Review
- Capital Drainage Improvement Program
- Masterplan activities
- Drainage Maintenance

Stormwater Quality activities include AZPDES Compliance Activities and Low Impact Development projects.



Stormwater Activities Budget breakdown activities

The effectiveness of the stormwater quantity mitigation determines the credit amount you can receive:

1. **CREDITS FOR COMMERCIAL, INDUSTRIAL, MULTI-FAMILY OR MEMBERS (ON-LOT) OF HOMEOWNERS' ASSOCIATIONS.** These credits do not apply to single family or duplex units.

A. Detention Basins

Detention basins slow the rate of runoff to ensure that downstream properties are not adversely impacted by increased flow rates. Detention is directly related to capital improvements (controlling the need for upsizing), FEMA activities (flooding potential) and Master Planning (flood flow increases). Furthermore, detention can reduce flood flow rates by up to 50% when compared with pre-development flood flows.

- Detention basins that exceed the current standard for attenuation of the 100-year storm receive a credit of up to 20%. Full credit is given to basins that attenuate a 500-year design storm or 3 inch rain event in 45 minutes if within a post-wildfire watershed.

B. Low Impact Development (LID) and Active Rainwater Harvesting (non-residential)

LID facilities or active rainwater harvesting systems designed to retain 1 inch of runoff have direct relationships with Capital Improvements, FEMA activities, NPDES and master planning. Also, LID or active rainwater harvesting retains 1 inch of stormwater as compared to the 100 year 24-hour storm volume of 4.5 inches.

For LID or active rainwater harvesting mitigations constructed greater than the 1 inch level as required, the credit is 10%.

C. Conservation Easements

A Conservation Easement is defined as a no possessory interest of a holder in real property that, for conservation purposes as defined by A.R.S. 33-271(2), permanently protects that property from being developed or otherwise altered from its natural state in the future. A Conservation Easement operates like a deed restriction and is held by a governmental body empowered to hold an interest in real property, or by a charitable corporation or trustee of a charitable trust.

To qualify for a stormwater credit, the Conservation Easement must protect a minimum of 2 contiguous acres. The effect of the undisturbed land on stormwater quality can only be measured qualitatively. The Conservation Easement must contain significant stormwater assets, such as regional watercourses to be eligible.

The credit for the granting of a Conservation Easement is 10%.

2. CREDIT FOR RESIDENTIAL DEVELOPMENT

Water Harvesting for Residential Development

To receive credits, you must provide rain barrels of sufficient size on roof downspouts or other similar method(s) of collecting rainwater and use the rainwater for irrigation or consumption. Collection of rainwater reduces stormwater runoff volume and can result in improved water quality.

A typical rain barrel collects a small percentage of the total runoff from a typical roof section during the 100-year event. For a 20x20' roof section, 1000 gallons may be expected to run off.. The use of the roof water on vegetation as irrigation results in improvements to water quality. Harvesting also decreases demands on potable water use. A minimum collection of 300 gallons is required for a credit. The credit is only applicable until there is a change in account holder, a new customer will have to re-apply and may require a site visit to confirm water harvesting is still on-site.

Credit is 10%

3. CREDIT FOR NON-RESIDENTIAL PROPERTIES

Development and Implementation of a Structured Educational Program

A credit is provided for an institution or organization that develops and implements a Public Education Program for primary, secondary or college-level students on stormwater management and water quality issues. The program must be designed to meet the goals and requirements of public education and outreach as defined in 40 CFR Parts 9, 122, 123 and 124 and A.R.S. Title 49, Chapter 2, Article 3.1 and Arizona Administrative Code, Title 18, Chapter 9, Articles 9 and 10.

Public education is a vital component of the City's Stormwater Quality Program. A properly structured program promotes pollution prevention and strengthens the City's NPDES compliance activities. If an applicant proposes such a program, the City should assist in program development to ensure compliance with the above-cited requirements.

Credit is 20%. The credit will be provided so long as the Educational Program is active.

4. CREDIT FOR ALL PROPERTIES

Active and passive floodproofing of primary structures

A credit is provided to a property that can demonstrate either "wet" or "dry" floodproofing of the primary structure(s) on the property to the extent of a 100 year design storm or a 2 inch rain in 45 minutes if within a post-wildfire watershed. The land owner needs to show adequate evidence of floodproofing which may include an Elevation Certificate, professionally sealed as-built design, or professionally sealed memorandum or technical report from a Professional Engineer, Professional Architect, or Licensed Surveyor.

Credit is 10% and is provided as long as evidence of floodproofing is maintained and operational.

Procedure for Application of Credits:

Complete the attached Application Form and submit it to the Stormwater Division. Staff will review the application to assess completeness and partial credits, if any. If eligibility requirements are met, the Credit will become effective on the next utility bill. Credits may not be applied retroactively.

The Stormwater Division Staff may periodically inspect your activities to verify credits and that credited facilities are being properly maintained. If staff discovers a deficiency, we will send a letter to the applicant noting the deficiency and suspension of the credit. Credit(s) can be reinstated after we receive and verify that the deficiencies have been corrected.



City of Flagstaff, Stormwater Division

Application for Stormwater Utility Fee Credit

Dear Flagstaff Resident:

This is an application to the City of Flagstaff to reduce your Stormwater Utility Fee. If you have implemented Stormwater controls on your property, you might be eligible for a reduction in your current fee. Please check the appropriate box(es) and provide any necessary supporting documents requested with this application. An incomplete application will not be processed.

After the Stormwater Section reviews, verifies and approves your application the credit will become effective on your next utility bill. We will send a copy of the processed application to you for your records.

CREDITS:

1.A. Stormwater Detention (commercial, industrial, multi-family, and members of homeowners' associations):

___ There is a detention basin on my property constructed that provides detention for a 500 year event or 3 inch rain in 45 minutes if within a post-wildfire watershed. The basin is presently functional and maintained as necessary (for a homeowners' association, please provide documentation that basins are inspected and maintained).

Credit is 20% or pro-rated if less than 500 year event but greater than current standards.

1.B. Low Impact Development (LID) or Active Rainwater Harvesting (commercial, industrial, multi-family or members of homeowners' associations)

___ My property has been constructed with city-approved LID or active rainwater harvesting that exceeds current minimum standards. The facilities are presently functional, and maintenance is performed as necessary (for homeowners' association, please provide documentation that facilities are inspected and maintained).

Credit is 10% Partial, prorated credits may be applied for varying amounts of LID/Active harvesting.

1.C. Conservation Easement

___ I am applying for the Conservation Easement Credit and have attached a copy of the recorded Conservation Easement, recorded Holder Acceptance, and survey map with legal description of the easement. I acknowledge that the easement protects at least 2 contiguous acres. Note: The applicant is encouraged to have all the required documentation reviewed by City staff.

Credit is 10%

2. Residential Water Harvesting (individual residential only):

___ I have installed rain barrels, of a minimum 300-gallon total capacity, on roof downspouts and utilize the stormwater for irrigation or other recycling purposes, or I have installed other types of catchments and reuse the stormwater for purposes of recycling. Attached is a sketch of my lot and house showing the locations and sizes of my rain barrels or catchments. Also attached is a description of the use of the stormwater.

Credit is 10%

3. Structured Educational Program (Public Education Program for primary, secondary and college-level students)

___ My institution/organization is applying for the credit for the development and implementation of a Stormwater Education Program. I have developed the program in conjunction with City staff and the program meets the goals and requirements of appropriate State and Federal Codes.

Up to a 20% credit may be provided

4. Active or passive floodproofing

___ My property includes active or passive “wet” or “dry” floodproofing of the primary structure(s). I am including adequate evidence that the floodproofing meets a 100 year event, or 2 inch in 45 minutes rain event if within a post-wildfire watershed.

Credit is 10%

Name: _____

Site Address: _____

Mailing Address: _____

Telephone (wk/home): _____

Home Owner’s Association Name and contact phone # (if applicable)

By signing below, I attest that the above information is true and correct. I acknowledge and agree that the City of Flagstaff may inspect my property to verify that my stormwater credits are existing and functioning properly. I further agree that I will ensure that my stormwater facilities will be properly maintained. I understand that if my stormwater facilities are no longer in place, or are not functioning properly, my credit will be revoked. I also acknowledge that misrepresentation of the above information may constitute fraud and may be punishable by law.

Print Name

Signature

You will be sent an executed copy of this form for your records.

For office use only

Received by:

Application Verification:

Date applied toward billing:

Authorized signature:
