COUNTY AGENDA REQUEST

Department:	Environmental Management Dept	Presenter(s):	Vanessa Birrell
Meeting Date:	November 14, 2013	Type of Request:	New Business

Wording for the Agenda:

Consideration of Ordinance 2013-22 amending the Fayette County Code, Chapter 19, Article IV, Stormwater Management and establishing a rate-fee schedule and amendments to the Stormwater Utility Credit Technical Manual referenced in this ordinance.

Background/History/Details:

Revisions to the Stormwater Management Ordinance and the Stormwater Utility Credit Technical Manual resulted from public comment during three townhall meetings conducted in early 2013. These amendments summarily refocus the overall use of utility enterprise funds from a stormwater management function to a stormwater operations and maintenance function exclusively.

Amendments proposed in this ordinance include:
1. Defining stormwater services and stormwater systems,
2. Establishing a rate-fee schedule,
3. Establishing a late payment penalty and removing sections pertaining to filing a notice of liens as a payment enforcement method, and
4. Amending the user-fee appeal process.

Revisions proposed in the Stormwater Utility Technical Manual include:
1. Removing credits for rain barrel, watershed stewardship and septic tank maintenance,
2. Adding credits for 10 and 15 acre lots and residential ponds, and
3. Placing burden of proof of no-impact parcel on environmental management staff in lieu of the property owner.

What action are you seeking from the Board of Commissioners?

Approval of Ordinance 2013-22 amending the Fayette County Code, Chapter 19, Article IV, Stormwater Management and establishing a rate-fee schedule and amendments to the Stormwater Utility Credit Technical Manual referenced in this ordinance.

If this item requires funding, please describe:

No funding required.

Has this request been considered within the past two years?	No	If so, when?	September 22, 2011
Is Audio-Visual Equipment Required for this Request?*	No	Backup Provided with Request?	No

**** All audio-visual material must be submitted to the County Clerk's Office no later than 48 hours prior to the meeting. It is also your department's responsibility to ensure all third-party audio-visual material is submitted at least 48 hours in advance.***

Approved by Finance	Not Applicable	Reviewed by Legal	Yes
Approved by Purchasing	Not Applicable	County Clerk's Approval	Yes
Administrator's Approval	Yes		

Staff Notes:

Fayette County Stormwater Utility Rate Schedule

The Fayette County Stormwater Utility Rate Schedule establishes the basis for calculating the stormwater user fee rate for developed property within the County. The below rate schedule was contained in the Stormwater Management Ordinance, Article IV, Chapter 19 adopted by the Board of Commissioners on September 22, 2011. The County shall assign the amount of impervious area for the fair, reasonable and equitable allocation of the costs to deliver stormwater services and shall use this assignment to calculate the stormwater user fee charges for all developed properties in unincorporated Fayette County.

User-Fee Rate Calculation.

Properties shall be treated as containing one billing unit for each 1,000 square feet of impervious area located on the property to establish the total number of billing units. The total square footage impervious area will be rounded down to the nearest 1,000 ft. increment. (Example. A property with 1,990 square feet of impervious area shall contain 1 equivalent runoff unit.)

Gravel and compacted soils shall be calculated as 0.85 equivalent runoff units, because of the hydrologic response characteristics of these materials. (Example. A property with 2,000 square feet of gravel area shall be equivalent to 1,700 square feet and then rounded down to 1 equivalent runoff unit.)

Calculation of Rate.

The periodic stormwater user fee charges imposed on all developed properties shall be a rate of $0.35 per 1,000 square feet of impervious surface per month.

STATE OF GEORGIA;
COUNTY OF FAYETTE

ORDINANCE NO. 2011-08

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES OF FAYETTE COUNTY, GEORGIA, CHAPTER 19 UTILITIES, BY ADDING A NEW ARTICLE VI, STORMWATER ~~MANAGEMENT~~ SERVICES, TO ESTABLISH A STORMWATER UTILITY FOR UNINCORPORATED FAYETTE COUNTY AS A DEDICATED ENTERPRISE ACCOUNTING UNIT, ~~STORMWATER MANAGEMENT DEPARTMENT~~; TO IDENTIFY THE SERVICE AREA, PURPOSES, AND POWERS OF THE UTILITY; TO PROVIDE DEFINITIONS; TO ESTABISH GENERAL SERVICE CHARGE RATE POLICIES; TO PROVIDE FOR SEVERABILITY; TO PROVIDE FOR CODIFICATION; TO ESTABLISH AN EFFECTIVE DATE; TO REPEAL CONFLICTING ORDINANCES; AND FOR OTHER PURPOSES ALLOWED BY LAW.

WHEREAS, the duly elected Governing Authority of Fayette County is the Board of Commissioners thereof; and

WHEREAS, Fayette County is responsible for the protection and preservation of the public health, safety, and welfare of the community; and

WHEREAS, the Board of Commissioners desires to establish provisions sufficient for ~~management of~~ stormwater services throughout the unincorporated areas of Fayette County; and

~~**WHEREAS**, the Federal Clean Water Act as amended by the Water Quality Act of 1987 (33 U.S.C. 1251 et seq.) and rules promulgated by the United States Environmental Protection Agency pursuant to the Act place increased emphasis on the role of local governments in developing, implementing, conducting and funding stormwater management programs which address water quality impacts of stormwater runoff; and~~

WHEREAS, Fayette County commissioned a stormwater funding feasibility analysis by an independent engineering firm from which the Board of Commissioners finds and concludes that substantial ~~stormwater management~~ operational and capital investment needs exist for stormwater services; and

WHEREAS, financial analysis indicates that adequate and stable funding will be essential if the county is to meet the requirements and mandates of future stormwater ~~management~~ operational and capital investment needs; and

WHEREAS, it is the desire of the Board of Commissioners to proceed with the development, implementation, and operation of a utility for stormwater ~~management~~ services accounted for in the County's budget as a separate enterprise fund dedicated solely to stormwater ~~management~~ services and to institute funding methods associated therewith;

NOW, THEREFORE, BE ORDAINED BY THE BOARD OF COMMISSIONERS OF FAYETTE COUNTY, AND IT IS HEREBY ORDAINED BY AUTHORITY THEREOF:

Section 1. That the Fayette County Code of Ordinances, as amended, Chapter 19, Utilities, is hereby amended by adding a new Article VI, Stormwater ~~Management~~Services, to read as follows:

Sec. 19-96. Findings.

The Board of Commissioners of Fayette County, Georgia makes the following findings:

~~(a) An independent professional engineering and financing analyses as prepared by Integrated Science and Engineering, Inc. properly assesses and defines the stormwater management problems, needs, goals, program priorities, and funding opportunities of unincorporated Fayette County.~~

~~(b) Given the problems, needs, goals, program priorities, and funding opportunities identified in the professional engineering and financing analyses, it is appropriate to authorize the formation of an organizational and accounting entity dedicated specifically to the management, maintenance, protection, control, regulation, use, and enhancement of stormwater systems in unincorporated Fayette in concert with other water resource management programs.~~

~~(c)~~(a) Stormwater ~~management~~ drainage is applicable and needed throughout the unincorporated boundaries of Fayette County. While specific service ~~and facility~~ demands may differ from area to area at any given time, a stormwater ~~management~~ service area encompassing all lands and water bodies within the unincorporated boundaries of Fayette County is consistent with present and future needs of the community.

~~(d)~~(b) The stormwater needs in unincorporated Fayette County include, but are not limited to, protecting the public health, safety, and welfare. Provisions ~~of~~ for stormwater ~~management programs and facilities~~services renders and/or results in both service and benefit to all properties, property owners, citizens, and residents of Fayette County in a variety of ways ~~as identified in the professional engineering and financial analyses~~. The service and benefit rendered or resulting from provision of stormwater ~~management~~ systems ~~and facilities~~ may differ depending on many factors and considerations, including but not limited to location, demands and impacts imposed on the stormwater systems ~~and programs~~, and risk exposure.

~~(e)~~(c) Fayette County presently owns and operates stormwater ~~management~~ systems and facilities developed over many years. Future usefulness of existing stormwater systems owned and operated by the County, and of additions and improvements thereto, rests on the ability of the County to effectively ~~manage,~~ protect, control, regulate, use, and enhance stormwater systems and facilities in the County in concert with ~~management of~~ other water resources in the County. In order to do so, the County must have adequate and stable funding for its stormwater management operating and capital investment needs.

~~(f)~~(d) The Board of Commissioners finds, concludes and determines that a ~~S~~stormwater ~~U~~utility provides the most practical and appropriate means of properly delivering and funding stormwater ~~management~~ services in unincorporated Fayette County.

~~(g)~~(e) An equitable approach to funding stormwater ~~management~~ services and facilities can be provided by adopting a schedule of service charges upon properties that is related to the burden of stormwater ~~quality~~ control service requirements and costs posed by properties throughout the County. Such schedule of service charges can be complemented by other funding methods ~~which~~ that address specific needs, including but not limited to, allocations of special purpose local option sales taxes to stormwater drainage improvement projects. A service charge credit is an appropriate means of adjusting service charges in recognition that private stormwater systems and/or actions can effectively reduce or eliminate the burden of stormwater quantity and quality control service requirements and costs that a property or properties pose for the County. Impervious area is the most important factor influencing stormwater service requirements and costs posed by properties throughout the County, and therefore is an appropriate parameter for calculating stormwater service charges and associated credits. In addition, the value to the stormwater utility of certain actions and practices performed by property owners and other stormwater utility customers may be recognized by credits based on other factors, including but not limited to, the avoided cost of public information and education realized by the utility when public

information and education about stormwater management is provided by the public school system.

Comment [VTB1]: Steve/Dennis are we allowing public education credit to be taken by BOE since program now has nothing to do with permit. BOE did not take credit this year.

~~(h)~~(f) A schedule of ~~S~~stormwater ~~U~~utility user fee charges based on the area of impervious surface located on each improved property is the most appropriate and equitable means of allocating the cost of stormwater ~~management~~ services throughout the County. Such user fee charges may be complemented by other types of charges ~~which~~ that address specific needs, including, but not limited to, special service fees, special assessments, revenue bonds, use of proceeds from special purpose local option sales taxes and other forms of revenue, as deemed appropriate by the Board of Commissioners.

~~(i)~~(g) The existence of privately owned and maintained on-site or off-site systems, ~~facilities, activities or assets~~ that reduce or otherwise mitigate the impact of a particular property on the Stormwater Utility's cost of providing stormwater ~~management~~ services~~ and/or stormwater management systems and facilities~~, can be taken into account to reduce the user fee charge on that property in the form of a credit, and such credit ~~should~~ shall be conditioned upon continuing ~~provision of such services, systems, facilities, activities or assets in a manner complying with the standards and codes as determined~~maintenance of the system as outlined the Fayette County Stormwater Utility Technical Credit Manuel by the ~~Stormwater Utility Manager~~Environmental Management Director.

~~(j)~~(h) It is imperative that the proceeds from all user fee charges for stormwater ~~management~~t services, ~~systems or facilities,~~ together with any other revenues raised or otherwise allocated specifically to stormwater ~~management~~ services~~, systems or facilities,~~ be dedicated solely to those purposes, and such proceeds of user fee charges and revenues shall therefore be deposited into the enterprise accounting fund of the Stormwater Utility and shall remain in that fund and be dispersed only for stormwater ~~management~~ services including capital, operati~~ng and non-operating costs~~on and/or maintenance, lease payments and debt service of bonds or other indebtedness for stormwater ~~management purposes~~services.

Sec. 19-97. Definitions.

Except as specifically defined in this chapter, all words used in this title have their customary dictionary definitions. For the purpose of this title, certain words or terms used are defined as follows:

Credit. A conditional reduction in the amount of a customer's stormwater user fee charge in recognition of a customer's efforts to mitigate the stormwater runoff impact that developed property has on the County's stormwater ~~management~~ system~~s, and/or the efforts of a customer to offset the County's cost for implementation of the stormwater management program activities that include, but not limited to, public education, watershed stewardship, etc~~.

County. The unincorporated jurisdictional boundaries of Fayette County, Georgia.~~ For purposes of this ordinance may also be referred to in this ordinance as Fayette County or the County~~.

Developed ~~Land~~Property. All real property ~~altered from its natural state by grading, paving, compaction, construction of structures, impervious services, or drainage works so that hydrologic response of the property is changed from that which would occur in the natural undeveloped condition~~containing 1,000 square feet or more of impervious area.

Fayette County Stormwater Utility~~ User Fee~~ Credit Technical Manual. A technical guidance manual published by Fayette County that defines user fee credits available to private and public entities ~~that~~ who undertake specific stormwater ~~management~~ activities. ~~and c~~Criteria and procedures for customers to secure and maintain stormwater user fee credit(s) are detailed in the document. The 'Fayette County Stormwater Utility ~~User Fee~~ Credit Manual' is hereby incorporated by reference.

Georgia Stormwater Management Manual. A stormwater technical guidance manual published by the Atlanta Regional Commission. The 'Georgia Stormwater Management Manual' is hereby incorporated by reference into this ordinance.

Hydrologic Response. The manner and means whereby stormwater collects, remains, infiltrates, and is conveyed from a property. It is dependent on several factors including, but not limited to, the presence of impervious area; the size, shape, topographic, vegetative, and geologic conditions of a property; antecedent moisture conditions; and groundwater conditions on a property.

Impervious Area/Impervious Surface. Areas or surfaces that prevent or impede the infiltration of stormwater into the soil. The following types of surfaces will be considered "impervious" for purposes of the ~~s~~Stormwater ~~utility~~Utility: the projected area of buildings; asphalt-, concrete-, brick-, or stone-paved areas; improved vehicular drives and parking areas; compacted gravel and soil surfaces; fabric or plastic coverings; and other surfaces that prevent or impede the natural infiltration of stormwater runoff or that change the hydrologic response of the property that existed prior to development.

~~*Non-Single Family Residential Property*. Developed property that consists of various non-residential land uses including, but not limited to: (1) multi-family, commercial, office/institutional, public, transportation, industrial, manufacturing and storage buildings and facilities; (2) parking lots, parks, public and private schools, universities and hospitals; (3) streets, roads, water and wastewater treatment plants; and (4) any other form of use not specifically defined as a single family residential property.~~

Service Charge/User Fee. A periodic rate, fee, or charge applicable to a parcel of land, reflective of the service provided by ~~Fayette County~~the Stormwater Utility. Service charges are based on measurable parameters ~~which~~ that influence the ~~s~~Stormwater ~~u~~Utility's cost of providing services and facilities, with the most important factor being the amount of impervious area on each parcel of land, which is the user-rate fee charge. The use of impervious area as a service charge rate parameter shall not preclude the use of other parameters to determine the impact on the ~~s~~Stormwater ~~u~~Utility's cost of providing stormwater ~~management~~ services~~ and facilities~~. Stormwater service charges may also include special charges to the owners of particular properties for stormwater services ~~or facilities~~ uniquely related to ~~stormwater management of that~~a set of particular property~~y~~ies, including but not limited to ~~charges for development plan review, inspection of development projects and~~ on-site stormwater control systems, and an enhanced level of stormwater services above those normally provided by the County.

~~*Single-Family Residential Property*. Developed property containing at least one dwelling with one (1) or more bedrooms, a bathroom, and cooling facilities, designed for occupancy by one or more persons, regardless of relationship, living as a single-family unit. Improved property may be classified as single-family residential even if supplemental detached dwelling units are present that include but not limited to garages, carports, storage buildings and barns.~~

Stormwater. Rainfall that does not seep into the ground, but runs off a surface.

Stormwater Customers. All ~~persons~~Fayette County~~,~~ propert~~ies~~y owners, ~~and~~ or entities including individual partnership, corporations, LLC, etc.,~~ served by and/or benefiting from the utility's acquisition, management, maintenance, extension, and improvement of the public stormwater management systems and facilities and regulation of public and private stormwater systems, facilities, and activities related thereto, and persons, properties, and entities which will ultimately be served or benefited as a result of the stormwater management program~~.

~~*Stormwater Drainage Influence Zone*. Areas lying downstream of a culvert, or other stormwater management conveyance system. On the downstream side of the conveyance system, the stormwater~~

~~influence zone will extend for a length of six times the diameter (or width) of the culvert from which runoff is being discharged (Field Manual for Erosion and Sediment Control in Georgia, Third Edition, pg. 99), and within the horizontal limits set forth in the aforementioned field manual. For example, if a 48-inch diameter culvert is discharging to a private property, the stormwater drainage influence zone shall extend 24 feet (six times 48 inches) from the end of the culvert and for the specified width (i.e. typically the width of the creek). The County stormwater utility may perform maintenance and/or capital construction activities only within that portion of the public water influence zone which the County has an ownership interest in, or for which a dedicated easement has been granted to, and accepted by the County for such purpose.~~

Stormwater Drainage System. A system designed to provide adequate surface drainage that includes inlets, street and roadway gutters, ditches, small channels, swales and underground pip~~ing systems~~e.

Stormwater ~~Management~~ Services. All services provided by the County that~~ relate to the~~:

1. Transfer, control, convey~~ance~~ or move~~ment~~ ~~of~~ stormwater runoff through the ~~Fayette County Stormwater~~portion of the Stormwater ~~Management~~ System owned by Fayette County;
2. Maint~~en~~an~~ce~~e, repair and replace~~ment of~~ existing stormwater drainage systems owned by Fayette County; and,
3. Regulat~~ion~~e ~~of~~ the use, maintenance and operation of stormwater ~~management services~~drainage ~~and~~ systems~~; and,~~.
4. ~~Compliance with applicable state and federal stormwater management regulations and permit requirements.~~

~~Stormwater management services may address the quality of stormwater runoff as well as the quantity thereof.~~

Stormwater ~~Management~~ System. ~~The structural and nonstructural stormwater drainage systems, facilities, operations, and programs that address the issues of drainage management (flooding) and environmental quality (pollution, erosion and sedimentation) of receiving rivers, streams, creeks, lakes, ponds, and reservoirs through improvements, maintenance, regulation and funding of plants, works, instrumentalities and properties used or useful in the collection, retention, detention, and treatment of stormwater or surface water drainage.~~ Any system designed or used for collecting and/or conveying stormwater into receiving rivers, streams, creeks, lakes, ponds and reservoirs, including but not limited to any roads or bridges with drainage structures, gutters, inlets catch basins, pipes, structural controls, ditches, swales, natural and man-made drainage channels, reservoirs, and other drainage structures including dam.

Undeveloped ~~Land~~Property. ~~Land in its unaltered natural state or which has been modified to such minimal degree as to have a hydrologic response comparable to land in an unaltered natural state shall be deemed undeveloped. Undeveloped land shall have no pavement, asphalt, or compacted gravel surfaces or structures which create an impervious surface that would prevent infiltration of stormwater or cause stormwater to collect, concentrate, or flow in a manner materially different than that which would occur if the land was in an unaltered natural state.~~All real property with less than 1,000 square feet of impervious area.

Sec. 19-98. Establishment of a Stormwater Utility and Enterprise Fund.

(a) There is hereby established a Stormwater Utility within the Fayette County Utility Services ~~which~~ that shall be responsible for stormwater ~~management~~ services throughout the unincorporated County limits~~, and shall provide for the management, protection, control, regulation, use, and enhancement of the County's stormwater management system. Such utility shall be under the direction of a Stormwater Management Director~~.

(b) The County Administrator and the County Chief Financial Officer shall establish a Stormwater

Enterprise Fund in the County budget and accounting system, separate and apart from its General Fund, for the purpose of dedicating and protecting all funding applicable to the purposes and responsibilities of the ~~u~~Utility, ~~including but not limited to rentals, rates,~~ charges~~, fees, and licenses~~ as ~~may be~~ established by the Board of Commissioners. All revenues and receipts of the stormwater utility shall be deposited promptly upon receipt into the Stormwater Enterprise Fund, to be held and invested in trust for the purposes dedicated, and expended exclusively for purposes of ~~the~~ stormwater ~~utility~~services~~, including capital project construction~~. No other funds of the County shall be deposited in the Stormwater Enterprise Fund or commingled with dedicated stormwater revenues, except that other revenues, receipts, and resources not accounted for in the Stormwater Enterprise Fund, including, but not limited to, grants, transfers of County funds, loans, and bond proceeds may be combined with and applied to stormwater ~~management~~ services as deemed appropriate by the Board of Commissioners, upon recommendation of the County Administrator.

Sec. 19-99. Scope of Responsibility for the Stormwater Utility.

(a) The ~~s~~Stormwater ~~u~~Utility shall ~~be responsible for stormwater management throughout the unincorporated limits of Fayette County government. The utility~~ shall ~~provide for the conservation, management, protection, control, use, and enhancement of stormwater through planning, acquisition, construction, installation, management,~~ operat~~ion~~e, maint~~en~~an~~c~~e, ~~regulation, extension,~~ and improve~~ment of~~ the public stormwater drainage system~~s to collect, control, convey, store, detain, retain, recharge, and treat stormwater and through regulation of stormwater management systems on private property. It shall be the long-term objective of the County to provide a comparable and consistent level of stormwater service to similarly situated properties throughout the service area~~ according to the extent and level of service approved by the Board of Commissioners.

~~(b) The County owns or has legal access for purposes of operation, maintenance and improvements to those segments of the Fayette County Stormwater Management System that:~~

~~(1) Are located within public streets, rights-of-way, and easements;~~

~~(2) Are subject to easements, rights-of-entry, rights-of-access, rights-of-use, or other permanent provisions for adequate access for operation, maintenance, and/or improvement of stormwater drainage systems; or,~~

~~(3)~~(1) ~~Are located on public lands to which the County has adequate access for operation, maintenance, and/or improvement of stormwater drainage systems and facilities.~~

~~(c)~~(b) Operation and maintenance of stormwater ~~management~~ drainage systems located on private property or public property not owned by Fayette County and ~~for which~~where there has been no public dedication and acceptance of such systems and/or facilities for operation, maintenance, and/or improvement of the systems and facilities shall be and remain the legal responsibility of the property owner, or its occupant, except as that responsibility may be otherwise affected by the laws of the State of Georgia and/or the United States of America.

~~(d)~~(c) It is the intent of this ordinance to protect the public health, safety and general welfare of all properties and persons in general, but not to create any special duty or relationship with any individual person or to any specified property within or without the boundaries of Fayette County. Fayette County expressly reserves the right to assert all available immunities and defenses in any action seeking to impose monetary damages upon the County, its officers, employees and agents arising out of any alleged failure or breach of duty or relationship as may now exist or hereafter be created. To the extent any permit, plan approval, inspection or similar act is required by the County as a condition precedent to any activity by or upon property not owned by the County, pursuant to this or any other regulatory ordinance,

regulation or rule of the County or under Federal or State law, the issuance of such permit, plan approval, or inspection shall not be deemed to constitute a warranty, express or implied, nor shall afford the basis for any action, including any action based on failure to permit or negligent issuance of a permit, seeking the imposition of money damages against the County, its officers, employees or agents.

Comment [VTB2]: Dennis please check to see if needed.

Sec. 19-100. Requirements for Stormwater Systems; Inspections and Enforcement Methods.

The appropriate and efficacious management of the stormwater ~~management~~ system by the County on behalf of all its citizens and in compliance with applicable state and federal law places necessary and appropriate obligations on private property owners as well. The ~~s~~Stormwater ~~u~~Utility may provide for inspection of private stormwater drainage systems ~~and/or facilities~~ to ascertain that the stormwater drainage systems ~~and/or facilities~~ are functioning as designed and approved by the County.

(a) All property owners of improved property within ~~the incorporated areas of~~ unincorporated Fayette County shall provide, manage, maintain, and operate on-site stormwater ~~management~~ systems sufficient to collect, convey, detain, and discharge stormwater runoff in a safe manner consistent with all applicable County development regulations, ordinances, and State and Federal laws. Any failure to meet this obligation shall constitute a violation of this article and be subject to citation and prosecution in the Fayette County Municipal Court. Each day such violation exists shall constitute a separate offense, subject to the penalties set forth in the Fayette County Code.

(b) The County shall have the right, pursuant to the authority of this ordinance, for its designated officers and employees to enter upon private and public property owned by entities other than the County, upon reasonable notice to the owner thereof, to inspect the property and conduct surveys and engineering tests thereon in order to assure compliance.

(c) ~~If determined by the Stormwater Management Department, u~~Undocumented drainage systems, located on private property that are connected to the County's stormwater drainage system, shall be permitted and/or improved by the property owner to ensure proper function to the public stormwater system if required by the Environmental Management Department. This determination may be based upon on the severity of stormwater problem~~s~~, current or potential damage to the publicly-owned stormwater ~~management~~ system and potential hazards to ~~the~~ public health, safety and welfare.

(d) In the event a public nuisance is deemed to exist by the ~~Stormwater~~ Environmental Management Department, the County may elect to sue in the Superior Court of Fayette County to abate such nuisance. In the event a public nuisance is found by the court to exist, which the property owner fails to abate within such reasonable time as allowed by the Superior Court, the County may enter upon the property and cause work as is reasonably necessary to be performed, with the actual cost thereof assessed against the property owner in the same manner as a tax levied against the property. From date of filing of such abatement action, the County shall have lien rights which may be perfected, after judgment, by filing a notice of lien on the general execution docket of the Superior Court of Fayette County.

(e) Any failure to meet the obligations set forth in this Ordinance shall constitute a nuisance and be subject to an abatement action filed by the County in the State Court. In the event a public nuisance is found by the Court to exist, which the owner fails to properly abate within such reasonable time as allowed by the Court, the County may enter upon the property and cause such work as is reasonably necessary to be performed. The actual cost thereof shall be assessed against the owner in the same manner as a tax levied against the property.

~~(f) The County shall have lien rights from the date of the filing of the abatement action by the County, and said lien rights may be perfected through:~~

~~(1) A judgment; and,~~

~~(2) The filing of a writ of fieri facias against all property of the person or entity against whom the assessment was made. Upon issuance of said fi. fa., and forwarding of same to the Sheriff, the Sheriff shall be authorized pursuant to Georgia law to levy same upon the property of the owner to satisfy the amount due on the judgment.~~

~~These enforcement methods shall be perfected by filing a notice of lien on the General Execution Docket of the Superior Court of Fayette County. A fi. fa. issued by any court in the State of Georgia can be recorded on the General Execution Docket of the Superior Court of any other county in the state in which the owner possesses property. When the execution has been entered upon the docket, the lien shall date from such entry~~.

~~State law reference — O.C.G.A. § 9-12-81(b).~~

Sec. 19-101. Stormwater Service Charges.

The ~~s~~Stormwater ~~management u~~Utility shall recover the cost of providing stormwater services and facilities by imposing a stormwater user fee on all developed properties within ~~the service area~~unincorporated Fayette County in a fair and equitable manner. The ~~s~~Stormwater ~~management u~~Utility shall apportion the cost of delivering stormwater services to all ~~developed properties~~stormwater customers based on the demand the property places on the County's stormwater ~~management programs~~system ~~and the stormwater services provided by the County~~.

~~It shall be the goal of the Board of Commissioners to establish stormwater user fee rates that are fair, equitable and reasonable, and together with other funding sources available to the Fayette County Stormwater Management Utility, such as special service fees and charges deemed appropriate by the Board of Commissioners to customers for services, systems, and/or facilities related to stormwater management (e.g. credit application fees, plan review fees, development inspection fees, regulatory compliance inspection fees, special assessments and other fees related to provision of stormwater management services), are sufficient to support the cost of the stormwater management services, including, but not limited to, the payment of principal and interest on debt obligations, lease payments, operating expenses, capital outlays, non-operating expenses, provisions for prudent reserves and other costs as deemed appropriate by the County.~~

~~The basis for calculation of the stormwater user fee rate to all developed property within the County is established in this article. The County shall assign or determine the amount of impervious area and other pertinent factors as may be needed for the fair, reasonable and equitable allocation of the costs to deliver stormwater management services and to calculate the stormwater user fee charges for all developed properties in the County.~~

(a) User-Fee Rate ~~Calculation~~.

~~(1) Properties shall be treated as containing one billing unit for each 1,000 square feet of impervious area located on the property to establish the total number of billing units for billing. The total square footage impervious area will be rounded down to the nearest 1,000 ft. increment. (Ex. A property with 1,990 square feet of impervious area shall contain 1 equivalent runoff unit.)~~

~~(2)~~(1) ~~Gravel and compacted soils shall be calculated as 0.85 equivalent runoff units, because of the hydrologic response characteristics of these materials. (Ex. A property with 2,000 square feet of gravel area shall be equivalent to 1,700 square feet and then rounded down to 1 equivalent runoff unit.)~~

(b) ~~Calculation of Rate.~~ The periodic stormwater user fee charges imposed on all developed properties

shall be ~~a rate of $0.35 per 1000 square feet of impervious surface per month~~based on the rate fee schedule approved by the Board of Commissioners.

Sec. 19-102. Stormwater User-fee Billing, ~~/~~Collections, and Delinquencies.

(a) Billing and Collections.

~~(1) The stormwater user fee charge will be billed and collected as deemed most effective and efficient by the County.~~

~~(2)~~(1) Stormwater user fee charges shall begin to accrue ~~(date)~~on January 1, 2012, and shall be billed periodically, thereafter to customers, except as specific exemptions and credits may apply. A bill for stormwater user fee charges may be sent through the United States Postal Service or by alternative means, notifying the property owner ~~of the property being billed~~ of the ~~amount of the~~ stormwater user fee charge, less credits, ~~the date the payment is due~~ and the date when payment is ~~past~~ due.

(b) Delinquencies.

(1) ~~Failure to receive a bill shall not be justification for nonpayment~~. Regardless of the party to whom the bill is initially directed, the owner of each developed property subject to stormwater user fee charges on the date the bill is due and shall be obligated to pay stormwater user fee charges and any interest on delinquent stormwater user fee charge payments.

(2) Any service charge or portion of a service charge not paid when due may be recovered in an action at law or equity by the County.

(3) ~~No lien shall be imposed for delinquent collections unless a judgment is first obtained from a court of competent jurisdiction.~~***A late charge of ten (10) percent, compounded annually, shall be assessed against the customer for the unpaid balance of any Stormwater Utility user fee charge that becomes delinquent in accordance with applicable State law. In addition, the County shall assess all costs of collection, including attorney's fees and court costs, against the property owner.***

(4) Suits for collection shall be commenced by the County in the county of the owner's residence; provided, however, if the owner is not a resident of this state, suit may be filed in the Superior or State Court of Fayette County, Georgia. If a suit is instituted by the County for collection, the owner shall pay court costs, litigation expenses, and reasonable attorney's fees incurred by the County.

(5) If suit is instituted for the collection of any fees due hereunder or for the enforcement of this Ordinance, the owner shall pay the court costs, litigation expenses, and reasonable attorney's fees associated therewith.

Sec. 19-103. Exemptions and Credits Applicable to Stormwater ~~Service~~ User-Fee Charges.

Except as provided in this section or otherwise provided by law, no public or private property located in ~~the~~ unincorporated ~~area of~~ Fayette County shall be exempt from the stormwater user fee ~~charges~~. No exception, credit, offset, or other reduction in stormwater user fee charges shall be granted based on age, tax status, economic status, race, religion or other condition unrelated to the Stormwater Utility's cost of providing stormwater ~~management~~ services ~~and facilities~~.

(a) Exemptions to the stormwater user fee charges are as follows:

(1) Railroad rights-of-way (tracks) shall be exempt from stormwater user fee charges. However, railroad stations, maintenance buildings, and/or other improved property used for railroad purposes shall not be exempt from stormwater user fee charges.

(2) Georgia Department of Transportation (GDOT) streets and rights-of-way shall be exempt from stormwater user fee charges. This exemption is in recognition of routine drainage system maintenance and capital construction services undertaken by GDOT in association with GDOT rights-of-way and road systems. However, maintenance buildings and/or other improved property used for GDOT purposes shall not be exempt from stormwater user fee charges. All other State, Federal, and County properties are subject to the user fee charges on the same basis as private properties.

(3) Fayette County owned streets and rights-of-way shall be exempt from stormwater user fee charges. This exemption is in consideration for the County allowing the Stormwater Utility to use the County's existing street, curbs, gutters, drainage ways and ditches, storm sewers, culverts, inlets, catch basins, pipes, head walls and other structures, natural and man-made, that controls and diverts surface water for the purposes of collecting, diverting, transporting and controlling surface and storm waters. However, other improved property owned and used for County purposes shall not be exempt from stormwater user fee charges.

(b) The ~~Stormwater~~ Environmental Management Department shall grant credits or adjustments based on the technical and procedural criteria set forth in the Stormwater Utility Credit Technical Manual, ~~which shall be~~ adopted and amended by and at the discretion of the Board of Commissioners as an operating policy of the Stormwater Utility. Copies of the Credit Technical Manual shall be maintained by and available from the ~~Stormwater~~ Environmental Management Department.

Sec. 19-104. Effective Date of Stormwater Charges.

Stormwater service charges shall accrue beginning January 1, 2012, and shall be billed periodically, thereafter to customers, except as specific exemptions and credits may apply.

Sec. 19-105. Appeals.

~~Any customer who believes the provisions of this Article have been applied in error may appeal in the following manner.~~

~~(a)~~ An appeal must be filed in writing with the Fayette County ~~Stormwater~~ Environmental Management D~~irector~~epartment. ~~In the case of service charge appeals, the appeal shall include a survey prepared by a registered land surveyor or professional engineer containing information on the total property area, the impervious surface area, and any other features or conditions which influence the hydrologic response of the property to rainfall events.~~

(a) ~~Based on the information provided, a~~A technical review shall be conducted by the ~~Stormwater~~ Environmental Management Director ~~of the Stormwater Utility~~ and a written determination will be issued within thirty (30) days stating whether an adjustment to the service charge is appropriate and, if so, the amount of such adjustment.

(b) ***In the case of service charge appeals,*** ***if an appellant is adverse with a decision of the Environmental Management Director, the appellant may resubmit the appeal that shall include a***

survey prepared by a registered land surveyor or professional engineer containing information on the total property area, the impervious surface area, and any other features or conditions that influence the hydrologic response of the property to rainfall events. A second technical review shall be conducted by the Environmental Management Directors based on additional information provided by the appellant. A written determination will be issued within thirty (days) stating whether an adjustment to the service charge is appropriate and, if so, the amount of the adjustment.

(c) In response to an appeal, the ~~Stormwater~~ Environmental Management Director may adjust the stormwater ~~service~~ user-fee charge applicable to a property in conformance with the general purpose and intent of this chapter.

(d) A decision of the ~~Stormwater~~ Environmental Management Director ~~which~~ that is adverse to an appellant may be further appealed to the Director's supervisor within thirty (30) days of receipt of notice of the adverse decision. Notice of the appeal shall be served on the Director's supervisor by the appellant, stating the grounds for the appeal. The Director's supervisor shall issue a written decision on the appeal within thirty (30) days. All decisions of the Director's supervisor shall be served on the appellant personally or by registered or certified mail, sent to the billing address of the appellant.

(e) If the person or entity seeking adjustment or relief from the ~~service~~ user fee charge desires, the decision of the ~~Stormwater~~ Environmental Management Director's supervisor may be appealed in writing to the Board of Commissioners. Such appeals must be made within thirty (30) days of the decision of the Director's supervisor and include a written basis for the appeal. The decision of the Board of Commissioners shall be final.

~~(f)~~ This appeal process shall not interfere with the rights of the person or entity to seek judicial relief in a court of competent jurisdiction, but shall be exhausted before judicial relief is pursued. Any appeal to the Superior Court of Fayette County must be filed within thirty (30) days of the decision of the Board of Commissioners.

~~(g)~~

~~(h)~~(f) Notices of the appeal and decisions shall be served personally or delivered by registered or certified mail to the address of record.

Section 2. That the preamble of this Ordinance shall be considered to be and is hereby incorporated by reference as if fully set out herein.

Section 3. a. It is hereby declared to be the intention of the Board of Commissioners that all Sections, paragraphs, sentences, clauses and phrases of this Article are and were, upon their enactment, believed by the Board of Commissioners to be fully valid, enforceable and constitutional.

b. It is hereby declared to be the intention of the Board of Commissioners that, to the greatest extent allowed by law, each and every section, paragraph, sentence, clause or phrase of this Ordinance is severable from every other section, paragraph, sentence, clause or phrase of this Ordinance. It is hereby further declared to be the intention of the Board of Commissioners that, to the greatest extent allowed by law, no Section, paragraph, sentence, clause or phrase of this Article is mutually dependent upon any other Section, paragraph, sentence, clause or phrase of this Article.

c. In the event that any phrase, clause, sentence, paragraph or section of this Article shall, for any reason whatsoever, be declared invalid, unconstitutional or otherwise unenforceable by the valid judgment or decree of any court of competent jurisdiction, it is the express intent of the Board of Commissioners that such invalidity, unconstitutionality or unenforceability shall, to the greatest extent allowed by law, not render invalid, unconstitutional or otherwise unenforceable any of the remaining phrases, clauses, sentences, paragraphs or Sections of the Article and that, to the greatest extent allowed by law, all remaining phrases, clauses, sentences, paragraphs and Sections of the Article shall remain valid, constitutional, enforceable, and of full force and effect.

Section 4. All ordinances or resolutions and parts of ordinances or resolutions in conflict herewith are hereby expressly repealed.

Section 5. The effective date of this Ordinance shall be January 1, 2012.

It is so ordained this ~~22nd~~ 13th day of ~~September~~December, ~~2011~~2013, by the

BOARD OF COMMISSIONERS
FAYETTE COUNTY, GEORGIA

_____
Steve Brown, Chairman

ATTEST:

_____
Clerk/Deputy Clerk

Stormwater Utility Credit Technical Manual

Fayette County
GEORGIA

Environmental Management Department

November 2013

SECTION 1 – GENERAL INFORMATION

Stormwater Utility user fee credits are given to property owners for being good stewards of the natural water resources in Fayette County by performing stormwater best management practices. The cumulative effect of these best management practices are intended to reduce demand and impact on Fayette County stormwater services, reduce flooding, and provide a cleaner natural resource for Fayette County.

Credits, when applied to the customer's account, will reduce the customer's user fee amount. These credits will be reviewed on a periodic basis by the County to insure compliance with this Stormwater Utility Credit Technical Manual (the Manual.)

Summary of Stormwater User Fee Credits

Table 1 summarizes both structural and non-structural user fee credits available to Stormwater Utility customers. Per County policy, the maximum user fee credit that a customer account can receive is **100%** for no-impact parcels and **50%** for all other parcels**.**

Table 1- Stormwater User Fee Credits

Best Management Practice	Term[1]	Potential Stormwater User Fee Credit	
		Single Family Residential (SFR)	Non-Single Family Residential (NSFR)
Residential Environmental Technology	3 YEARS	20 %	
2 acres[2]	5 YEARS	10 %	
5 acres[2]	5 YEARS	15 %	
10 acres[2]	5 YEARS	20%	
15 acres[2]	5 YEARS	25%	
No-impact Parcel	Never Expires	100 %	100%
Residential Pond	1 YEAR	10%	
Natural Area Preservation	Easement Duration	20%	20 %
Water Resources Education Programs	1 YEAR		50 %
Unified Stormwater Sizing Criteria[3]			
Channel Protection	3 YEARS		15 %
Overbank Flood Protection	3 YEARS		15 %
Extreme Flood Protection	3 YEARS		15%

1 - Credits are applicable as long as the property owner or multiple owners (where applicable) account(s) are in good standing with the Fayette County Stormwater Utility.
2 - Credits shall be automatically applied to all parcels that meet the condition, as long as the property owner's account is in good standing with Fayette County Stormwater Utility.
3 - Residential customers that are part of a larger common development (or subdivision) can collectively apply for credits detailed in the Georgia Stormwater Management Manual Unified Stormwater Sizing Criteria and in this Manuel.

SECTION 2 - DEFINITIONS

Except as specifically defined in this manual, all words used in this title have their customary dictionary definitions. For the purpose of this document, certain words or terms used are defined as follows:

Best Management Practice (BMP): Schedules of activities, general good housekeeping practices, pollution prevention and educational practices, and maintenance procedures that prevent or reduce the discharge of pollutants directly or indirectly to stormwater, receiving waters, or stormwater conveyance systems. Best management practices also include treatment practices, flood controls, operating procedures, and practices to control site runoff, spillage or leaks, sludge or water disposal, or drainage from raw materials storage.

Credit. A conditional reduction in the amount of a customer's stormwater user fee in recognition of a customer's efforts to mitigate the stormwater runoff impact that developed property has on the County's stormwater system.

County. The unincorporated jurisdictional boundaries of Fayette County, Georgia.

Developed Property. All real property containing 1,000 square feet or more of impervious area.

Georgia Stormwater Management Manual. A stormwater technical guidance manual published by the Atlanta Regional Commission. The 'Georgia Stormwater Management Manual' is hereby incorporated by reference into this ordinance.

Impervious Area/Impervious Surface. Areas or surfaces that prevent or impede the infiltration of stormwater into the soil. The following types of surfaces will be considered "impervious" for purposes of the Stormwater Utility: the projected area of buildings; asphalt-, concrete-, brick-, or stone-paved areas; improved vehicular drives and parking areas; compacted gravel and soil surfaces; fabric or plastic coverings; and other surfaces that prevent or impede the natural infiltration of stormwater runoff.

Non-Single Family Residential Property (NSFR). Developed property that consists of various non-residential land uses including, but not limited to: (1) multi-family, commercial, office/institutional, public, transportation, industrial, manufacturing and storage buildings and facilities; (2) parking lots, parks, public and private schools, universities and hospitals; (3) streets, roads, water and wastewater treatment plants; and (4) any other form of use not specifically defined as a single family residential property.

Service Charge/User Fee. A periodic rate, fee, or charge applicable to a parcel of land, reflective of the service provided by the Stormwater Utility. Service charges are based on measurable parameters that influence the Stormwater Utility's cost of providing services and facilities, with the most important factor being the amount of impervious area on each parcel of land, which is the user-rate fee charge. The use of impervious area as a service charge rate parameter shall not preclude the use of other parameters to determine the impact on the Stormwater Utility's cost of providing stormwater services. Stormwater service charges may also include special charges to the owners of particular properties for stormwater services uniquely related to a set of particular properties, including but not limited to on-site stormwater control systems, and an enhanced level of stormwater services above those normally provided by the County.

Single-Family Residential Property (SFR). Developed property containing at least one dwelling with one (1) or more bedrooms, a bathroom, and heating facilities, designed for occupancy by one or more

persons, regardless of relationship, living as a single-family unit. Improved property may be classified as single-family residential even if supplemental detached dwelling units are present that include but not limited to garages, carports, storage buildings and barns.

Stormwater. Rainfall that does not seep into the ground.

Stormwater Customers. All Fayette County property owners, including individuals, entities, partnerships, corporations, LLCs., etc.

Stormwater Drainage System. A system designed to provide adequate surface drainage that includes inlets, street and roadway gutters, ditches, small channels, swales and underground pipe.

Stormwater Services. All services provided by the County that relate to the:

1. Transfer, control, conveyance or movement of stormwater runoff through the portion of the stormwater system owned by Fayette County;
2. Maintainance, repair and replacement of existing stormwater drainage systems owned by Fayette County; or
3. Regulation of the use, maintenance and operation of all stormwater drainage systems.

Stormwater System. Any system designed or used for collecting and/or conveying stormwater into receiving rivers, streams, creeks, lakes, ponds and reservoirs, including but not limited to any roads or bridges with drainage structures, gutters, inlets catch basins, pipes, structural controls, ditches, swales, natural and man-made drainage channels, reservoirs, and other drainage structures, including dams.

Undeveloped Property. All real property with less than 1,000 square feet of impervious area.

SECTION 3 - STORMWATER USER-FEE CREDIT POLICIES

The County has established the following general policies regarding consideration and approval of stormwater user fee credits. Please refer to Section 19-103 of the Stormwater Services Ordinance for additional guidance and requirements pertaining to stormwater user fee credits.

- Credit applications for existing facilities may be submitted at any time. However, the credit will be applied retroactively to the first stormwater bill cycle only for those credit applications received within one year from the end of the month of the 2012 stormwater billing cycle. After that time it will be applied in the next billing cycle after the credit has been approved.

- Credit applications for new construction or redevelopment may be submitted once the best management practices are in place and are approved by the County, and the stormwater billing is scheduled.

- A group of customers can apply for a credit if:

    - the property owners enter a Memorandum of Agreement; and

    - all property signing the Memorandum of Agreement are served by the same best management practice(s).

  Canceled and/or voided Memorandums of Agreement will result in loss of credit on the effected properties for the next billing cycle.

- A residential homeowner's association, or a common development such as a multi-family apartment complex and/or a manufactured home park, that has its own properly designed, constructed, and maintained stormwater best management practice(s) should contact the County Environmental Management Department to determine if the homeowner's association members, or common development customers, are eligible for a credit. For the purposes of the credit, the best management practice(s) must be located on a parcel that is platted within the common development and owned by the homeowner's association (or a single property owner within the subdivision or common development). Best management practice(s) located on County owned properties are not eligible for credits to private property owners. Additionally, best management practice(s) that the County maintains through a dedicated maintenance easement or other legal agreement, though lying within private property, cannot be used by the customer for credit purposes.

    - For the purposes of awarding the credit, the credit being considered must be in compliance for the entire common development and must meet this Manual's criteria.

    - Any resulting credit awarded will be divided among eligible customers within the homeowner's association or the common development.

SECTION 4 - STORMWATER CREDIT APPLICATION PROCESS

The application process for a stormwater user fee credit is as follows:

1. The customer shall obtain a copy of this manual (available online or in the Fayette County Stormwater Environmental Department) and determine if a credit is applicable to their property.

2. If applicable, the customer shall submit a completed application package (see Appendix) and an executed right of Entry Agreement, if need for inspection purposes.

3. The County will review the application package and notify the customer if the request is approved or denied within 30 days of receipt of the completed application. Incomplete application packages will not be considered by the County and will be returned to the customer for completion and/or revision. The County will send written notification when an application has been denied.

4. If the credit application is approved, the County will apply the stormwater user fee credit to the next customer billing cycle, except those applications submitted and approved before June 1, 2012. Applications submitted and approved before June 1, 2012 shall be retro-actively applied up to the time the user fee was initiated.

5. Once approved. the County may choose to conduct an onsite inspection of the applicant's property, or review non-structural practices, to ensure conformance to the manuals criteria. As such, the application shall include a Right-of-Entry (Appendix D.) The Right-of-Entry shall be valid for the entire time in which the credit is valid.

   Note: Stormwater user fee credits expire automatically at the end of the credit term. It will be the responsibility of the customer to renew the credit at the appropriate time by resubmitting the application package for review and approval by the County. If a customer's account is not in good standing with Fayette County all credits will be voided. The property(s) owner will need to reapply for the credits once the account is in good standing.

SECTION 5 – CREDIT POLICY AND PROCEDURES

This section explains the procedures involved in applying for a stormwater user fee credit including step-by-step instructions and eligibility requirements for obtaining a Stormwater Utility credit.

Listed below are the stormwater user-fee credits that Stormwater Utility customers are eligible to apply for. Customers should follow the credit application procedures outlined below for each credit they desire to secure.

- Residential Environmental Technology
- Low-Impact Parcel
- No-impact Parcel
- Residential Pond
- Natural Area Preservation
- Water Resources Education Programs
- Unified Stormwater Sizing Criteria
    - Management of Stormwater Runoff Channel Protection Volume
    - Management of Stormwater Runoff Overbank Flood Protection Volume
    - Management of Stormwater Runoff Extreme Flood Protection Volume

In order to receive credits, the customer shall continue to conduct maintenance on all structural credits and will provide Fayette County Environmental Management Department with the appropriate information and inspection documentation.

Residential Environmental Technology (10% credit for 3 years)

Eligible Customer Classes: Single Family Residential

This credit shall be applied to eligible, county-approved residential environmental technologies. These may include but are not limited to cisterns, rain gardens, pervious pavements, etc. Home owners should work with the Environmental Management Department to select the appropriate residential environmental technology. All residential environmental technologies shall be designed using the Georgia Stormwater Management Manual standards; if the Georgia Stormwater Management Manual does not have a standard for a technology, other technical documentation may be used at the discretion of Fayette County.

The credit shall be applied once documentation has been approved by the Environmental Management Department confirming installation of the residential environmental technology.

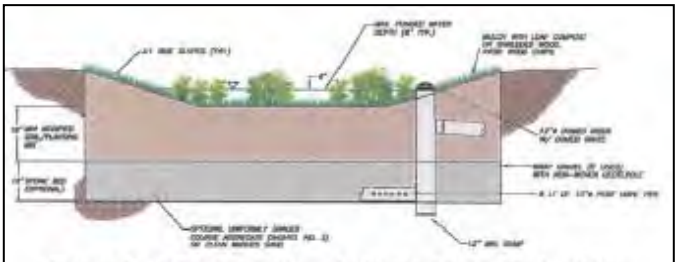


Figure 4.7-1 Cross Section of a Typical Rain Garden (stone bed is optional) (Source: PGDER, 2002)

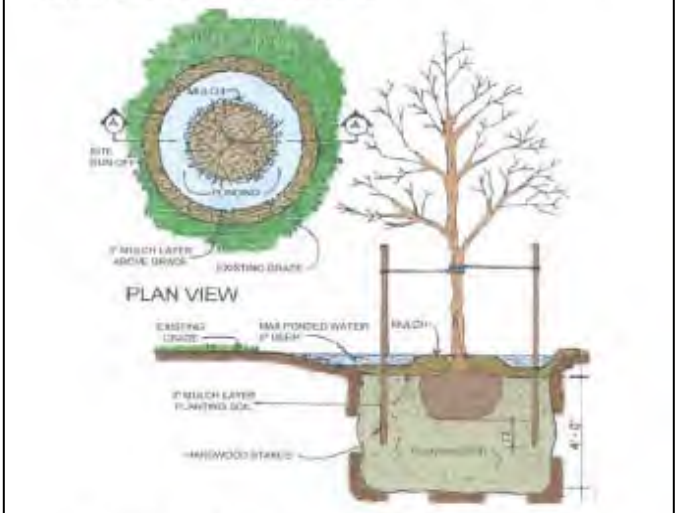


Figure 4.7-2 Tree Pit Bioretention (Source: PGDER, 2002)

The customer shall continue to maintain the residential environmental technology during the full credit term of three years. Renewal of the stormwater user fee credit shall be in accordance with the procedures outlined in this Manual.

Low-Impact Parcel (10%, 15%, 20%, or 25% credit for 5 years)

Eligible Customer Classes: Single Family Residential

There are areas in the County where the amount of impervious area in comparison to the total lot size reduces runoff impacts.

A credit of 10% shall apply automatically to all single family residential customers whose parcels are larger than 2 acres and their impervious area is less than 10% of the total parcel.

A credit of 15% shall apply automatically to all single family residential customers whose parcels are larger than 5 acres and their impervious area is less than 10% of the total parcel.

A credit of 20% shall apply automatically to all single family residential customers whose parcels are larger than 10 acres and their impervious area is less than 10% of the total parcel.

A credit of 25% shall apply automatically to all single family residential customers whose parcels are larger than 15 acres and their impervious area is less than 10% of the total parcel.

Note: If the stormwater utility account is delinquent the credit will be revoked and the customer will have to reapply for the credit.

No-Impact Parcel (100%)

Eligible Customer Classes: Single and Non-Single Family Residential

A property or site that does not contribute stormwater runoff to the County's public drainage system either directly or indirectly may be eligible for a no-impact stormwater user fee credit.

The no-impact parcel credit is available to customers who demonstrate the stormwater runoff leaving the property does not drain or discharge to a County-owned drainage system and/or water supply watershed at any point downstream and ultimately drains or discharges to a drainage system of another local government. (Defined by Rules of Georgia Department of Natural Resources Environmental Protection Division Chapter 391-3-16 Rules for Environmental Planning Criteria.)

A credit of up to 100% will automatically be applied to all No-Impact Parcels.

Residential Pond Credit (10% credit for 1 year)

Eligible Customer Classes: Single Family Residential

Customers are eligible for a stormwater user fee credit if the customer owns a pond that meets the following criteria:

- constructed prior to 2010 or built in accordance with all Federal, State and Local regulations;
- located entirely on a parcel with more than 2 acres; and,
- the pond's water surface area must be greater than or equal to the amount of impervious area on the parcel;

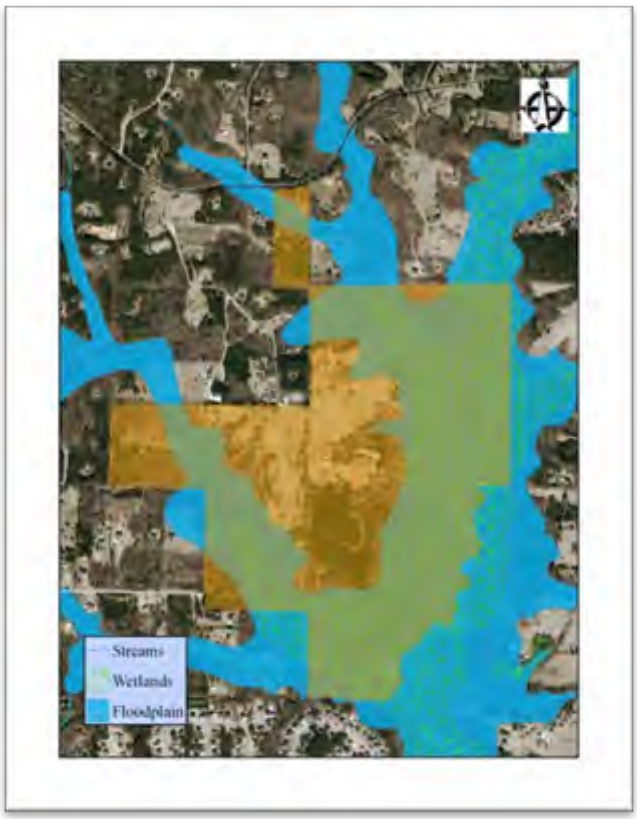
The customer shall provide the county with all applicable documentation that supports the criteria listed above including a signed annual inspection. All applicants for the residential pond credit can receive information on pond and dam/impoundment maintenance from the Environmental Management Department.

Natural Area Preservation (20% for the Easement Duration)

Eligible Customer Classes: Single and Non-Single Family Residential

A stormwater credit may be granted when undisturbed natural areas are conserved on a site, thereby retaining their pre-development hydrologic and water quality characteristics. These areas can include:

- Undeveloped land;
- Federally recognized wetlands;
- Lands containing Federally Endangered Species;
- Undeveloped lands within stream buffers and/or floodplains; and
- Constructed stormwater wetlands.



The natural area must have a minimum contiguous area of 1 acre and must be located within an acceptable conservation easement instrument that ensures perpetual protection of the proposed area.

The customer shall provide the County all applicable documentation regarding the conservation easement instrument, including, but not limited to, a plat of the proposed area with the deed book and page number as recorded at the Clerk of Court's office.

The customer is eligible to receive a 1% credit for every 1% of the total area of the parcel that is permanently protected, up to 20%. The credit is valid for the indicated duration of the conservation easement instrument.

Water Resources Education (50% for 1 years)

Eligible Customer Classes: Non-Single Family Residential

The County encourages and supports the efforts of both public and private organizations to educate and inform the public on the importance of water conservation and water resources issues.

The Water Resources Education Program credit is available for educational services in all public or private K-12 educational systems. The education program must be consistent with the County's approved stormwater management education program and must also be pre-approved by the County. The credit shall be available to eligible customers that teach at least 500 participants in an approved Water Resources Education Program.

The program must address the following elements: stormwater runoff/pollution prevention or water conservation.

The person responsible for the customer account shall certify to the County Stormwater Utility Manager, that a water resources based curriculum is being taught at the facility and provide detailed documentation verifying the program.

A 50% credit off the stormwater user fee is available for the Water Resources Education credit for a period of five years.

Unified Stormwater Sizing Criteria (up to 40%)

Eligible Customer Classes: Non-Single Family Residential*

**Single Family Residential customers that are part of a larger common development (or subdivision) can collectively apply for the credits related to the Georgia Stormwater Management Manual Unified Stormwater Sizing Criteria after consultation with the Environmental Management Department to establish potential eligibility.*

The Unified Stormwater Sizing Criteria is an integrated approach to addressing stormwater runoff impacts associated with both water quality and quantity issues. Each of the unified stormwater sizing criteria is intended to be used in conjunction with the others to address the overall stormwater runoff impacts from a development site. When used as an overall set of criteria, the unified stormwater sizing criteria controls and manages the entire range of stormwater runoff events from the smallest storm events to the largest storm events (i.e. the 100- year storm).

The customer shall provide a hydrology report (or comparable document) prepared and sealed by a Georgia Professional Engineer or Professional Hydrologist demonstrating compliance with the requirements and criteria outlined herein. Table 3 presents each treatment level with a description of each, as provided in the Georgia Stormwater Management Manual.

Table 3: Unified Stormwater Sizing Criteria

Treatment Level	Credit	Criteria Description
Channel Protection	15%	Provide extended detention for rainfalls up to the 24-hour, 1-year storm event. Retained water is released over a period of 24 hours to reduce bankfull flows and protect downstream channels from erosive velocities and unstable conditions.
Overbank Flood Protection	15%	Provide peak discharge control of the 24-hour, 25-year storm event such that the post-development peak rate does not exceed the predevelopment rate to reduce overbank flooding.
Extreme Flood Protection	15%	Evaluate the effects of the 24-hour, 100-year storm on the stormwater system, adjacent property, and downstream facilities and properties. Manage the impacts of the extreme storm event through detention controls and/or floodplain management.

Note: The criteria description for each stormwater runoff treatment level is in general accordance with information published in the Georgia Stormwater Management Manual.

A 15% credit off the stormwater user fee per the unified stormwater sizing criteria element is available for a period of three years.

The customer shall continue to conduct maintenance as per the maintenance plan provided with the original application. The customer may reapply for the credit every three years. If a

customer is reapplying for the unified stormwater sizing criteria credit and site conditions have not changed since the original application, the application only needs to include a copy of the original design information and certification that all the necessary maintenance has been performed per the maintenance plan for re-issuance of the credit. If significant changes to the site layout and/or site stormwater controls has occurred, the County may request design information be updated to document compliance with Manual criteria.

In order to maintain eligibility for the credit, the customer must properly maintain the onsite stormwater controls documented in the credit application for the term specified in the Manual. Furthermore, all stormwater control design, construction and maintenance shall be done in strict accordance with the County's current ordinances and design standards related to post-development stormwater management.

STORMWATER USER FEE CREDIT APPLICATION FORMS AND OTHER MISCELLANEOUS FORMS

Stormwater user fee credit applications are required to secure approval of all credits offered in this Manual. The forms and documents attached to the appendices are summarized below.

Appendix A includes the credit application form for single family residential stormwater user fee credits described in this Manual.

Appendix B includes the credit application form for the non-single family residential stormwater user fee credits described in this Manual.

Appendix C includes the credit application forms for each available credit.

Appendix D includes miscellaneous forms required as part of the stormwater user fee credit application process, including a Right-of-Entry Agreement.

Stormwater Utility Credit Technical Manual
Appendix A
Single Family Residential Credit Application

Stormwater Utility Credit Technical Manual
Appendix B
Non-Single family Residential Credit Application

Stormwater Utility Credit Technical Manual
Appendix C
Credit Forms

Stormwater Utility Credit Technical Manual
Appendix D
Right-of-Entry Agreement