

CHAPTER 16-02. STORM DRAINAGE UTILITY

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16-02-010. Purpose.

The purpose of this Chapter is to protect the health, safety and welfare of the City and its inhabitants by improving the City's storm drain system, managing and controlling groundwater and stormwater run-off, protecting property, improving water quality, preventing polluted waters from entering the City's water supply and other receiving waters, providing for flood mitigation, and establishing a viable and fair method of financing the construction, operation and maintenance of the City's storm drain system and flood mitigation projects.

16-02-020. Definitions.

In addition to the definitions set forth in Section 16-01-080, for the purposes of this Chapter, the following terms, phrases and words shall have the following meanings:

(a) Developed Parcel. "Developed parcel" means any parcel that has been altered from its natural condition by the construction of improvements or other impervious surface areas or by grading or filling of the ground surface areas which grading or filling affects the hydraulic properties of the parcel.

(b) Equivalent Service Unit ("ESU"). "Equivalent service unit" or "ESU" means the average amount of impervious surface, expressed in square feet, on developed parcels in the City.

(c) Parcel. "Parcel" means the smallest separately segregated unit or plot of land having an identified owner, boundaries, and surface area which is documented for tax purposes and given a tax account (lot) number by the Davis County Assessor.

16-02-030. Drainage Utility.

The City Council hereby creates and establishes a drainage utility. The drainage utility shall plan, design, construct, maintain, administer and operate the City's storm drain system.

16-02-040. Enterprise Fund.

The City Council hereby establishes a drainage utility enterprise fund to handle all income, expenses and other financial transactions related to the drainage utility. All drainage utility service charges shall be deposited in the drainage utility enterprise fund. Money in the drainage utility enterprise fund shall not be commingled with or transferred to other City funds. However, the drainage utility may pay other City funds for services and expenses directly attributable to the drainage utility. The drainage utility enterprise fund shall be operated according to State law and City ordinances, rules, regulations and policies.

16-02-050. Facilities and Assets.

The drainage utility shall operate independently of City operations funded by the general fund. Upon creation of the utility, all of the City's storm drain system, facilities and assets (other than streets and other facilities and assets designated by the City Council) shall be transferred to the drainage utility in consideration for the drainage utility's agreement to take primary responsibility for planning, designing, constructing, maintaining, administering and operating the City's storm drain system.

16-02-060. Fees.

(a) Imposed. Each developed parcel of real property in the City shall be charged a drainage utility fee.

(b) ESU. The fee shall be based on the number of equivalent service units (ESU's) contained on the parcel. The City Council finds that the ESU is the most accurate measurement for determining the amount that each parcel contributes to, benefits from, and otherwise uses the drainage utility. Based on a study completed within Farmington, the City Council finds and establishes that one ESU equals 4,083 square feet of impervious surface area.

(c) Calculation. The fees established herein are based upon studies conducted by the City, or caused to be conducted by the City. Based on collected data, the City Council finds that each single family residential unit and residential duplex contributes approximately the same amount of stormwater run-off; therefore, each developed single family residential parcel or residential duplex shall pay a base rate of one ESU. All developed multi-family residential parcels, commercial parcels, and other nonresidential parcels shall pay a multiple of this base rate, expressed in ESU's, according to the measured impervious area on the parcel.

(d) Charge per ESU. The amount charged for each ESU shall be established by resolution of the City Council and set forth in the City's Fee Schedule.

16-02-070. Billing.

The City Council finds that the City's storm drain system, culinary water system and solid waste collection system are all interrelated services that are part of a unified City plan to provide for the health, safety and welfare of the City and its residents in an environmentally responsible manner. Therefore, the drainage utility fee shall be included on the City's regular monthly utility bill for any given property. If there is no regular utility bill for the property, the drainage utility fee shall be charged to the owner of the property. The fee shall be deemed a civil debt owed to the City by the person or entity paying for the City utility service provided to the property. All developed parcels shall be charged the fee, regardless of whether or not the owner or occupant of the property requests the drainage utility service. Failure to pay any portion of the utility bill may result in termination of water service.

16-02-080. Exemptions.

The following exemptions shall be provided regarding required drainage utility fees:

(a) Undeveloped Parcels. Undeveloped parcels shall not be required to pay any drainage utility fees.

(b) Streets. The City Council finds that fully improved dedicated public streets, constructed in compliance with City standards and specifications, are part of the storm utility conveyance system and are therefore exempt from the drainage utility fees set forth herein.

16-02-090. Credits.

(a) Credits and Adjustments. The City acknowledges the need to provide credits and adjustments to the drainage utility fees charged for various developments as more particularly provided herein.

(b) Residential Units. All single family residential units and residential duplexes have been assumed to be similar in terms of their impact and contribution of storm water runoff to the City's storm drainage systems. As such, all single family residential units and duplexes pay a common base user fee and will not be considered for a user fee credit.

(c) Multi-Family, Commercial and Industrial Developments. As there are many varying site runoff conditions for multi-family, commercial, industrial, institutional and other non-residential developments, the City will consider granting a reduction and/or credit to the calculated user fee for certain parcels based upon detention, retention and/or mitigation management facilities and/or measures provided on the parcel.

(d) Amendments. The City Council reserves the right to alter the criteria on which credits are granted, based on the objectives of the Drainage Utility Program. The current primary object behind the credit policies set forth herein is to encourage on-site detention, retention and/or mitigation measures in accordance with this Title, the City's Storm Drain Master Plan and Storm Water Management Plan, and to address water quality.

(e) Limitations. The credits provided herein are intended to encourage property owners to implement on-site storm water management facilities and/or best management practices to assist and improve the City's overall ability to address storm water management and water quality. The various types of credits may be utilized alone or cumulatively to address such issues, provided the maximum amount of credit that may be granted for any parcel or property shall be seventy percent (70%) of the original calculated fee. In no event shall any credit be granted that would reduce the minimum monthly storm drainage utility fee below one (1) ESU. No credit shall be imposed retroactively.

(f) Application for Credit or Adjustment. Any multi-family, commercial, industrial or institutional property owner, or their agent, may apply to the City Manager for a reduction in the monthly drainage utility fee. A reduction in the monthly fee will be considered if one or more of the following credit or adjustment criteria apply.

(1) Adjustments.

(A) Adjustment Criteria #1: Calculation of the impervious surface area is incorrect.

(B) Adjustment Criteria #2: The amount of impervious surface area on the property changes.

(2) Credits.

(A) Credit Criteria #1: Property owner has constructed on-site storm water retention or detention basin(s) which limit the storm water discharge rate and have a benefit to the overall system of the City, as determined by the City.

(B) Credit Criteria #2: Property owner has constructed on-site storm water detention that has the capacity to detain more water than the property generates and is considered to be a regional detention facility by the City.

(C) Credit Criteria #3: Property owner has constructed installed and/or maintains improvements that meet best management criteria as approved by the City, State or Federal agencies in accordance with the NPDES Phase II program for improving water quality for storm water runoff.

(g) Adjustment Criteria #1. A great amount of time and effort has been expended in analyzing and determining the measurement and calculation of the impervious surface area for property within the City to ensure accuracy and correctness. The impervious surface area for most properties is determined from site plans on file with the City, aerial photos, and/or actual field measurements. Property owners, or their agents, who disagree with the amount of impervious surface area measured on their property may apply for an adjustment based on an incorrect calculation of impervious surface. In order to receive an adjustment, the property owner, or his or her agent, must provide sufficient evidence that indicates that the amount of impervious surface has been miscalculated. This information may include, but is not limited to, final site plans, as-built drawings, aerial photos, actual field measurements, and/or other documents that indicate the impervious surface areas. All properties that are re-evaluated by the City will be billed according to the new measurements. This new billing may result in a lower or higher fee applied to the property.

(h) Adjustment Criteria #2. There is a possibility that changes may occur in the amount of impervious surface area as a result of development or other improvements to the property. If changes have been made on a parcel of land that alters the amount of impervious surface area (e.g., new areas of landscaping, or a reduction of impervious surface areas), the property owner, or his or her agent, may apply for an adjustment. Supporting documentation must accompany the application, including, but not limited to, final site plans, as-built drawings, aerial photos, actual field measurements, and/or other documents that indicate the impervious surface areas. All properties that are re-evaluated by the City will be billed according to the new calculations. This new billing may result in a lower or higher fee applied to the property.

(i) Credit Criteria #1. Many properties within the City have constructed retention or detention areas on-site. These retention or detention areas or basins help control the amount of storm water that enters into the City's system during and after a storm event. Non-residential property owners, or their agents, that have constructed such on-site storm water retention or detention facilities may be eligible to apply for credit. In order for a property to receive credit for retention or detention capabilities on their site, the property owner, or their agent, must provide detailed information about the retention or detention area. This information shall include, but is not limited to: final site plans, as-built drawings, and blue prints, engineers' studies or reports, and or drainage calculations. In order to receive credit, it must be determined by the City that the retention or detention facility has a sufficient benefit to the City's overall storm drain system; that the retention or detention facility helps to reduce the City's costs in operating and maintaining the City's storm drain system; and/or that the retention or detention facility reduces downstream flow or adds capacity or reduces the City's downstream costs in providing storm water services. The retention or detention facility must be inspected by the City to determine that the system is in good working order as represented by the applicant.

(1) If granted, the credit provided may remain in effect, subject to amendment to this credit policy, as long as:

(A) The retention or detention system is in working order and properly maintained.

(B) The property owner remains responsible for all costs of operation and maintenance of the facility.

(C) The City has access to the storm water retention or detention facility for the purpose of inspecting its compliance with design, maintenance and operating standards.

(D) The retention or detention system continues to provide a sufficient benefit to the City's overall storm drain system; helps to reduce the City's costs in operating and maintaining the City's overall storm drain system; and/or reduces downstream flow adds capacity or reduces the City's downstream costs in providing storm water services, as determined by the City.

(2) The amount of credit, if any, for an on-site storm water detention basin shall be determined by the City Manager, upon recommendation by the review committee, as to the benefit of the facility and the following table.

Basin outlet rate:	Maximum Credit amount:
0.8 cfs per acre	30%
0.6 cfs per acre	35%
0.4 cfs per acre	40%
0.2 cfs per acre	45%

(3) A maximum credit of up to fifty-five percent (55%) may be granted for on-site retention facilities with a discharge of zero, as determined by the City Manager, upon recommendation by the review committee as to the benefits of the facility.

(j) Credit Criteria #2. A maximum credit of up to forty-five percent (45%) may be granted for on-site storm water detention facilities that have the capacity to detain more water than the property generates and is considered to be a regional detention facility by the City as more particularly described herein. In some instances, certain non-single family residential parcels may have the space needed and the location desired for construction of a regional detention basin. Regional detention basins can have a great overall benefit to the City's storm drain system. In order for a property to be considered a regional detention facility, it must have the needed space to construct facilities that can detain the property's own run-off as well as additional amounts of storm water run-off from other properties within the same drainage basin. It must also be in a geographical location that is in agreement with the City's Storm Drain Master Plan and Storm Water Management Plan, as determined by the City. Properties that qualify as regional detention facilities may receive an approved credit under Credit Criteria #1 for on-site detention plus an additional credit based on the amount of additional regional detention that the site can provide. Properties requesting additional credits for excess detention must provide detention facilities with a maximum minimum 0.2 cfs per acre basin outlet rate. The amount of additional credit given for a property that has regional detention shall be based on following table.

If on-site detention exceeds the needed amount by:	The additional amount of credit given is:
25% - 49%	35%
50% - 74%	40%
75% or more	45%

(k) Credit Criteria #3. A maximum credit of thirty percent (30%) may be granted by the City Manager, upon recommendation of the review committee, for the installation and maintenance of improvements, facilities and/or measures that meet best management criteria as approved by the City, State or Federal agencies in accordance with the NPDES Phase II program for improving water quality for storm water runoff. A sample of City-approved best management practices are more particularly set forth in the Farmington City Storm Water Management Plan as adopted, and amended, by the City.

(l) Approval and Granting of Credit or Adjustment. Each property owner, or their agent, applying for a drainage utility fee adjustment or credit will be required to complete a credit or adjustment application and submit this application together with any required calculations and specific site data to the City Manager. A review committee shall meet and evaluate the adjustment or credit application and supporting documents. The review committee shall consist of the Storm Water Official, City Planner, Public

Public Works Director and City Engineer. The applicant may be invited to present his/her application, if desired by the review committee. The review committee shall evaluate the merits of each credit application and shall recommend to the City Manager the approval or denial of the fee credit or adjustment and the recommended amount of any credit or adjustment. The City Manager shall make the final decision regarding fee credits and adjustments. The City Manager's decisions for credit or adjustment may be based on the review committee's recommendation, the data submitted, as well as the City Manager's and the review committee's evaluation of how the facilities comply with and/or further the City's Storm Drain Master Plan and Storm Water Management Plan; the sufficiency of the benefit of the on-site facilities to the City's overall storm drainage system; the amount of benefit that a facility provides to the City in reducing the costs associated with operating and maintaining the storm drain system; and whether the facility adds capacity or reduces the City's costs in providing storm water services. If approved, the monthly fee will be reduced or adjusted in accordance with the amount granted by the City Manager.

(m) Duration of Credits. Subject to amendment to this policy or the City's Storm Drainage Utility, any credit for the drainage utility fee granted by the City shall remain in effect as long as the property owner, or their agent, receiving the credit is in compliance with the criteria that the credit is based upon. If a property owner, or their agent, is not in compliance, the City may suspend the fee credit granted to the property owner or their agent.

16-02-100. Administration.

The drainage utility shall be administered by the City Manager.

16-02-110. Policies.

The City Manager may recommend for adoption by the City Council policies and procedures to assist in the application, administration and interpretation of this Chapter. Said policies and procedures may be adopted by resolution of the City Council.

16-02-120. Appeals.

Any person or entity aggrieved by any final decision of the City Manager in implementing this Chapter may appeal such decision to the City Council by filing a written Notice of Appeal with the City Recorder within fifteen (15) days from the date of the decision being appealed and stating the specific grounds for the appeal. The City Council may hold a hearing on the appeal. The City Council's decision shall be final and binding on all parties.