



500 South 4th Avenue Brighton, CO 80601
www.brightonco.gov 303.655.2000

STORMWATER & ENVIRONMENTAL DIVISION

The Director hereby adopts the following rules and procedures for a storm drainage maintenance credit fee program pursuant to Ordinance # 2362. These regulations shall be accessible to the public on the City's Stormwater Utility webpage.

STATEMENT OF PURPOSE

Per section 14-9-82 of Brighton Municipal Code, the Director of Utilities is responsible for creating the rules and procedures for a storm drainage maintenance credit fee program. The purpose of the program is to provide a financial credit to commercial, industrial, multi-family, mixed use, and other non-residential stormwater utility customers. To be eligible for the credit program, the utility customer must provide a regional stormwater benefit to the public at large. The maximum credit allowable under Brighton Municipal Code is a reduction in the storm drainage maintenance fee of 65%.

DEFINITIONS

The definition of *regional* shall be *a portion or part of the City of Brighton*. The City of Brighton has largely varying characteristics related to stormwater runoff, drainage patterns, soil types, natural drainage ways and access to municipal storm sewer systems and outfalls.

The definition of *benefit* shall be *a justifiable advantage, reduction in cost, government service, responsibility or oversight that exceeds what is required of a property owner by Brighton Municipal Code, the City's Public Works Standards and Specifications and/or the City of Brighton Municipal Separate Storm Sewer System Permit (MS4 Permit) as they relate to stormwater and drainage development criteria*. There are certain minimum requirements outlined in the previously stated documents that all property owners and developers must meet in order for a development to be approved or for a property owner to avoid enforcement action. For example, all developments in the City of Brighton that disturb one or more acres of land or are part of a larger common plan of development are required to provide water quality treatment per the City's MS4 Permit. As the previously stated is a minimum requirement that sites must meet, providing water quality treatment on a property does not provide a regional benefit.

PROGRAM REGULATIONS

To qualify for the Storm Drainage Maintenance Fee Credit Program, the following two requirements must be met:

- The property must not be connected to the City of Brighton Storm Drainage System; and
- The property must provide a regional benefit as defined in the previous section of this memorandum.

An Applicant shall complete a Stormwater Utility Credit Application Form to demonstrate that stormwater improvements meet the above two requirements, and the application may include, but is not limited to, a review of the property owner's documentation substantiating the stormwater improvements, an engineer's report, or a physical inspection by a Utilities Department staff person.

The Director of Utilities will ultimately decide if a site meets the two above requirements to be eligible for the following credits:

Regional Benefit Provided	Percent Credits in Fee
Regional Runoff Reduction/Water Quality	Not to exceed 30%
Biannual Maintenance	Not to exceed 30%
Biannual Inspections	Not to exceed 5%
TOTAL POSSIBLE CREDIT	NOT TO EXCEED 65%

Upon approval of the Application, the Applicant will receive a 30% stormwater credit. Upon completion of the first maintenance documentation and inspection, the Applicant will receive the additional 35% credit. The full 65% credit is contingent upon submission of ongoing maintenance documentation.

Definitions from Table-

Regional Runoff Reduction/Water Quality: The property must infiltrate all stormwater generated on the property and additional area needed to meet the definition of a regional benefit. The area needed to meet the definition of a regional benefit will be at the sole discretion of the Director of Utilities. Two examples of additional stormwater infiltrated to meet the definition of a regional benefit are below.

Ex. #1- A property owner of a commercial business also owns an outlot that has an infiltration basin installed on it. The infiltration pond accepts (and is designed to accept) runoff from other properties in the general vicinity that they do not own. The infiltration pond is not connected by an outlet structure to the storm drainage system owned by the City.

Example #1 meets the two requirements of the fee credit program; the infiltration pond on the outlot is not connected to the storm drainage system and it provides a regional benefit to other property owners and reduces the amount of oversight required by the City should each of the additional properties in the area have installed their own stormwater management pond.

Ex. #2- A property owner of an industrial warehouse has an infiltration pond that infiltrates all stormwater generated on their property. During the development process it was required of the property owner to widen an adjacent portion of Main Street. The stormwater runoff generated by the existing portions of Main Street, as well as the widened roadway portion, is accepted (and designed to be accepted) in the infiltration pond on the property of the industrial warehouse.

Example #2 meets the two requirements of the fee credit program; the infiltration pond on the industrial warehouse property is not connected to the storm drainage system and it provides a regional benefit to the public at large and reduces the amount of oversight required by the City. The public at large benefits from the use of the private stormwater facility because flooding is reduced or eliminated on Main Street and the City did not have to find another stormwater management alternative for the existing portions of Main Street.

Biannual Maintenance: The property owner must perform maintenance on the stormwater facility on their property at least twice a year; once between January 1 and June 30 and once between July 1 and December 31. Documentation of said maintenance shall be per the Compliance Documentation Section below. Examples of maintenance could include, but are not limited to, cleaning out trash or debris, removal of sediment from forebays, replacement of damaged parts or mitigation of erosion.

Biannual Inspections: The property owner must perform inspections of the stormwater facility on their property at least twice a year; once between January 1 and June 30 and once between July 1 and December 31. Documentation of said inspections shall be per the Compliance Documentation Section below.

Ongoing credit will only be available to properties that maintain their structural controls in a fully functional condition in accordance with City of Brighton standards.

Compliance Documentation-

Documentation of the biannual inspections must be sent to stormwater@brightonco.gov within 30 days of the completed inspection. The documentation must, at a minimum, include a description of the facility and appurtenances inspected, the condition of the facility, any action items required and pictures.

If maintenance is required following one of the inspections, documentation of completion of the action items noted on the report must be submitted to stormwater@brightonco.gov within 30 days of the inspection date. The documentation must, at a minimum, include a description of the work performed, pictures and receipts for any services/materials purchased to complete the action items.

If no maintenance is required following one of the required inspections as previously described, this does not disqualify the property from the fee reduction for this table item. A statement of “no-action” from the property owner must be submitted to stormwater@brightonco.gov as well as a request for follow-up by the City of Brighton Stormwater and Environmental Division (Division). The Division will inspect the site to confirm the finding within 30 calendar days of receiving the request.

Expiration of Fee Reduction and Reapplication-

As stated in section 14-9-82 of Brighton Municipal Code, the property will only be accepted into the fee reduction program for a maximum of three years. At least thirty days prior to December 31 of the third year, a renewal application must be submitted to stormwater@brightonco.gov. A renewal application may be denied if maintenance and inspections were not being timely conducted during the initial three-year period, the regional improvement was not fully functional for any period of time exceeding thirty days, or any other reason that would disqualify the regional benefit.

Remedies for Non-Compliance-

If the property owner is advised by the City that they have failed to comply with the program regulations, a statement of non-compliance will be mailed to the property owner. The statement shall also outline the corrective actions the property owner will take to regain compliance. The property owner shall provide a response documenting the correction action and email them to stormwater@brightonco.gov. If corrective actions are not completed to bring the stormwater

improvements to a fully functional condition within 30 days, the Director will discontinue the credit. The Director of Utilities has the sole authority to allow or not allow the property to continue in the fee credit program.

Attachment: Storm Drainage Maintenance Fee Credit Program Application



City of Brighton
Stormwater Utility Credit Application Form

Please allow five (5) business days for the application review process.

Submit the Stormwater Utility Credit application to: stormwater@brightonco.gov 500 S 4 th Ave, Brighton CO 80601 303-655-2136	Contact Information: Stormwater and Environmental Division 500 S. 4 th Ave, Brighton CO 80601 Phone: 303-655-2136 Email: stormwater@brightonco.gov
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Property Owner Information:

Name:	
Mailing address:	
City, State & Zip Code:	
Phone Number:	
Contact e-mail:	

Property Information:

Parcel Number: <small>(from property tax statement)</small>	
Property Address:	
Property City, State & Zip Code:	
Customer Number: <small>(from Utility Bill Statement)</small>	

Property Type: *(Please check appropriate box)*

<input type="radio"/> Commercial	<input type="radio"/> Industrial	<input type="radio"/> Mixed-Use
<input type="radio"/> Multi-family Residential	<input type="radio"/> School	<input type="radio"/> Other:

Credit Documentation:

Note Section: Describe how the property meets the requirements outlined in the Drainage Maintenance Fee Credit Program Memorandum.

Submittal Requirements

The following information shall be submitted with any Stormwater Utility Credit Application.

- As-built Construction Plans
- Pond Certification
- Drainage Report
- Maintenance Agreement (separate document or part of drainage report)
- Inspections performed by property owner for structure
- Other

Acknowledgement Certificate:

I certify the information contained in the application is, to the best of my knowledge, correct and represents a complete and accurate statement. By signing below, I agree to allow City of Brighton stormwater utility staff on-site to review and verify the above information, if needed.

Signature of Applicant

Printed Name

Date of Application

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Credit Application Determination (for City use only):

Date Received: _____ **Reviewed By:** _____

Site Visit Required Site Visit Date: _____

Status:

- Incomplete Accepted
 Denied Other: _____

Applicable Fee:

Stormwater Utility	Before Review	After Review
Fee(\$)		
Approved Credit (%)		
Expiration Date: <i>(Applicable fee expires 3 years from date approved)</i>		