

8.0 Adams County Stormwater Utility Credit Policy

The Credit Policy adopted in this Stormwater Utility Policy Manual is a limited credit program based on the recommendations described in the Adams County Stormwater Utility Credit Report Analysis and the Adams County Stormwater Utility Credit Eligibility Report created on January 14, 2014 by Raftelis Financial Consultant Inc., with Adams County Staff input.

8.1 Credit Criteria

The following credit criteria describe what type of credits are available; the maximum credit available for each credit type; the creditable structure or permit; eligible properties, and how the credit is calculated.

SWU Credit Type	Maximum Credit Available	Creditable structure/permit	Eligible Property Types	Calculation
1. Water Quantity (volume)	35%	<ul style="list-style-type: none"> Private Detention basins; or Private Retention ponds. Regional ⁽¹⁾ Drainage infrastructure on private property 	Commercial Industrial Institutional	Percent credit up to 35% calculated proportional to impervious area for which 1 (one) inch of runoff is treated
2. Water Quality (treatment)	25%	<ul style="list-style-type: none"> Private Detention basins w/ Structural Best Management Practices (BMP) ; or Private Retention ponds; or Regional Drainage infrastructure in private property; or National Pollutants Discharge Elimination System (NPDES) Industrial Stormwater Discharge Permit; or Colorado Discharge Permit System (CDPS) Discharge Permitting Requirements for Stormwater Discharges; or Stormwater pollution prevention activity; or Stormwater Pollution Prevention Plan (SWPPP) and its implementation. 	Owner Associations ⁽²⁾ Regional drainage infrastructure on private property ⁽³⁾	Percent credit up to 25%: <ul style="list-style-type: none"> Calculated proportional to impervious area for which 1 (one) inch of runoff is treated Calculated proportional to impervious area covered under NPDES Industrial Stormwater Discharge Permit For only stormwater pollution prevention activity and Stormwater Pollution Prevention Plan (SWPPP) 5% max. credit available.
Total Credit Available for private drainage infrastructure	60%	Note: Except in unique circumstances described in section 8.2 below, credit will not exceed 60%. The remaining portion of the fee is intended to provide funding for public roadway and other public drainage cost (static cost).		

3. Self-Maintenance (regional)	5%	<ul style="list-style-type: none"> Maintenance of regional drainage infrastructure on private property; or Repair/replacement of regional drainage infrastructure on private property, and routine maintenance 	Regional drainage infrastructure on private property ⁽³⁾	Credit for properties that drain into regional drainage infrastructure on private property that is maintained.
Total Credit Available for regional drainage infrastructure on private property	65%	Note: Except in unique circumstances described in section 8.2 below, credit will not exceed 65%. The remaining portion of the fee is intended to provide funding for public roadway and other public drainage cost (static cost).		

⁽¹⁾ Regional drainage infrastructure as defined and considered by Urban Drainage and Flood control District and/or included in Master Drainage Regional Plans.

⁽²⁾ Credit only applies to impervious areas on parcels that are owned by the Owner’s Association (OA), not to each of the single family properties that are associated with the OA. If there is no OA, then the credit will be approved for the parcel(s) on which the drainage structure has been built.

⁽³⁾ Credit maybe granted to Owners Associations (OA) and applied to the single family properties within that organization for self-maintenance of regional drainage infrastructure on private property.

8.2 Eligibility for 100% Credit

The County may grant a 100% credit only in the narrow circumstances described below. Most properties in Adams County will not be eligible for this credit. The following unique circumstances:

- a. Property owner provides self-maintenance of regional drainage infrastructure on private property and grants a permanent drainage easement to the County over the regional facility located on private property (if not previously granted); or
- b. Property owner holds and complies with NPDES or CDPS Discharge Permitting Requirements for Stormwater Discharges, and stormwater flows are discharged directly into waters of the State, bypassing Adams County storm sewer system.

8.3 Credit Amount

The credit granted may or may not reach the maximum available for each credit type. The credit approved may range within and up to the maximum percentage available for each credit type. The amount of the credit approved for each credit type will be calculated according to the amount of impervious area for which the credit type provides treatment/coverage as indicated on the Credit Criteria Table above.

The creditable drainage structure’s design must comply with current Adams County’s Development Standards and Regulations to be able to obtain the maximum credit available for each credit type.

Credit amount will not exceed 100% of the Stormwater Utility fee.

8.4 Maintenance

Ongoing credit will only be available to properties that maintain their structural controls in a fully functional condition in accordance with current Adams County Standards, or maintains the facility in compliance with NPDES or CDPS Discharge Permitting Requirements for Stormwater Discharges.

8.5 Location

Credit is not available for any property outside the Stormwater Utility Service Area. Credit does not differ from one property to the next based on proximity to water bodies.

8.6 Lot Size

Credit is not contingent upon lot size.

8.7 Credit accumulation

Each of the three credit types (water quantity, water quality and self-maintenance) can be cumulative. Creditable structures/permits under each credit type are not cumulative.

8.8 Credit Duration

Each credit is granted for a maximum of three years. The credit expires three years from the date the original credit application was submitted. After expiration, property owners must submit a new credit application. As with the initial credit, the renewed credit will be contingent upon proper function of drainage structure or compliance with NPDES or CDPS Discharge Permitting Requirements for Stormwater Discharges.

8.9 Credit Application Process

A property owner may initiate a credit request by filling out the Adams County Stormwater Utility Credit Form. This form can be found online at www.adcogov.org/stormwater or by contacting the Stormwater Division at 720.523.6400 or swq@adcogov.org. An individual Credit Form must be submitted for each parcel requesting a credit. The Credit Application form must include, at minimum, property owner information, contact information and a signed certification statement. In addition to the Credit Form, each credit type request requires the following supporting documentation:

- Sketch/drawing of property and delineation and measurement of creditable impervious area (or permitted area for NPDES or CDPS Discharge Permitting Requirements for Stormwater Discharges); and
- Calculations and documentation that demonstrate the runoff control achieved by the drainage structure, such as drainage report and as-built plans; and
- Complete list of maintenance activities performed, including documentation and annotated photos illustrating when activities occurred and documentation of costs expended for maintenance contracts or agreements or other expenses; and

- Annotated graphic documentation that drainage structure(s) are functioning properly and being properly maintained; or
- If applicable, a copy of the NPDES or CDPS Discharge Permitting Requirements for Stormwater Discharges as well as plans, schedules or any other information requested to confirm compliance with the permit

8.10 Credit Submittal Review

An incomplete Credit Application lacking supporting documentation will be returned to the property owner. Failure to submit a complete Form with supporting documentation within 90 (ninety) days after credit application is returned shall be deemed a waiver of any further right to administrative consideration or review. The Director may grant an extension in the case of extenuating circumstances. The property owner requesting a credit may be required, at the property owner's expense, to provide supplemental information to the County. Supplemental information may include, but is not limited to, additional photos of the property and surveys or drainage plans prepared by a licensed professional.

8.11 Credit Appeal Process

In the case of denial of the credit request or dispute over credited amount, the following appeal process applies:

8.11.1 Credit Appeal: Property owner may appeal the credit determination by submitting a letter to the Stormwater Division within 30 days of the date that the credit application is decided. The letter should set forth the property owner's reasons for appeal and provide any information the property owner believes relevant to the credit determination. Any information or documentation in support of the appeal must be included in the letter or attached in order to be considered.

8.11.2 Final Decision: All appeals will be reviewed by Director or designee. If deemed necessary, the County may contact the property owner to schedule a site visit for further review. A written decision will be issued, including basis for decision, within 60 days of receiving the request for credit appeal.

8.11.3 Third Party Referee: After completing the first appeal process with the Department, the property owner may appeal to a third party referee. The Board of County Commissioners chooses the third party referees and appoints them to this position. Requests for appeal to the third party referee must be submitted in writing to the Stormwater Division within 30 days of the date of the Final decision. The Division will provide all information reviewed at the first level of appeal to the third party referee for their review. Payment of the third party referee fees will be equally divided between the County and the property owner prior to referral to the third party referee.

8.12 Stormwater Utility Fee Adjustment due to Credit & Timing

Approved credits will be applied to the stormwater fee beginning in the year in which the application was received.¹ The adjustment will appear as a credit on the property owner's account, and any reimbursement will be handled in accordance with Stormwater Utility Policy Manual.

¹ Due to initial rollout of credit program, credits awarded for applications received in years 2014 and 2015 may apply retroactively to January 1, 2013.