

## **RESOLUTION NO. R-10-2020**

**A RESOLUTION OF THE CITY OF GREEN COVE SPRINGS, FLORIDA, RELATING TO THE PROVISION OF STORMWATER MANAGEMENT SERVICES; PROVIDING FINDINGS, DEFINITIONS, AND AUTHORITY; ADOPTING A MITIGATION CREDIT POLICY; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the City Council (the "Council") of the City of Green Cove Springs, Florida (the "City") has enacted Ordinance No. O-01-2020, which amends Chapter 70 of the Green Cove Springs Code of Ordinances (the "Code") and provides for the imposition and collection of Stormwater Usage Charges in addition to the existing Stormwater Base Charge; and

**WHEREAS**, pursuant to Section 7 of that Ordinance, eligible properties may receive a Mitigation Credit off the Usage Charge to account for a reduction in the property's Stormwater burden attributable to privately maintained Stormwater Mitigation Facilities and other factors affecting the quantity, quality, or rate of Stormwater runoff; and

**WHEREAS**, the City's Mitigation Credit Policy is to be adopted by resolution, as required by the Code; and

**WHEREAS**, the Council finds that it is in the best interest of the City and its property owners and residents to adopt the Mitigation Credit Policy attached hereto as Appendix A and incorporated herein by reference.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREEN COVE SPRINGS, FLORIDA, AS FOLLOWS:**

**SECTION 1. RECITALS.** The above recitals are true and correct and are hereby incorporated herein by reference.

**SECTION 2. AUTHORITY.** This resolution is adopted pursuant to the provisions of the Code; Article VIII, Section 2, Florida Constitution; sections 166.021 and 166.041, Florida Statutes, the City Charter of the City of Green Cove Springs; and other applicable provisions of law.

**SECTION 3. DEFINITIONS AND INTERPRETATIONS.** Unless otherwise defined herein, all capitalized terms in this resolution shall have the meanings set forth in Chapter 70 of the Code.

**SECTION 4. APPROVAL OF MITIGATION CREDIT POLICY.**

(A) The Council hereby finds that the Mitigation Credit Policy is fair and reasonable and, therefore, approves the Mitigation Credit Policy attached hereto as Appendix A.

(B) The Board recognizes the benefits provided by privately maintained Mitigation Facilities. Properties supporting private Stormwater Mitigation Facilities should be credited for the public benefits they provide. Accordingly, the number of ERUs otherwise attributable to such property shall be adjusted by a Mitigation Credit determined in accordance with the Mitigation Credit Policy.

(C) In order to receive a Mitigation Credit for which property is eligible, prior to August 15, 2020, and, thereafter, prior to the May 1 preceding the Fiscal Year for which reapplication is required, the property owner shall file a Mitigation Credit application with the City Manager on a form approved by the City. The property owner may be required to provide the City Manager with "as built" drawings of the Stormwater management facility sealed by a Florida registered professional engineer, a certification from a Florida registered professional engineer as to the standards of retention and detention achieved by the facility, evidence of compliance with any exemptions mandated under state law, or such other reasonable requirements as may be necessary to effectuate the purposes of this resolution.

(D) The City Manager, with the assistance of other members of the administrative staff of the City, shall, within forty-five (45) days after the filing of such application, review the application and such other supporting data that may be filed therewith and make such further investigation as may be reasonably required in order to determine if the applicant is qualified for a Mitigation Credit pursuant to this resolution.

(E) The City Manager shall furnish his or her written decision to such applicant by United States mail, postage prepaid, addressed to the applicant at the address stated on the application.

(F) No Mitigation Credit shall be applied for service provided to property by a Mitigation Facility constructed or maintained with City funds. However, a Mitigation Credit shall be applied for service provided to property by a regional Mitigation Facility if the developer of the property provided a capital contribution to the regional facility in lieu of constructing on-site facilities.

(G) Upon approval, Mitigation Credits shall be valid and applicable for five (5) subsequent Fiscal Years. However, Mitigation Credits previously granted to a property may be revoked at any time by the City upon notice to the property owners and a finding of ineligibility. Upon notification by the City, property owners must reapply in accordance with this resolution.

**SECTION 5. EFFECTIVE DATE.** This Resolution shall take effect immediately upon its adoption.

**DONE AND RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREEN COVE SPRINGS, FLORIDA, IN REGULAR SESSION THIS 7TH DAY OF JULY, 2020.**

**CITY OF GREEN COVE SPRINGS, FLORIDA**

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B. Van Royal, Mayor

**ATTEST:**

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Erin West, City Clerk

**APPROVED AS TO FORM ONLY:**

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L. J. Arnold, III, City Attorney

**APPENDIX A**

**MITIGATION CREDIT POLICY**



**City of Green Cove Springs**  
321 Walnut Street  
Green Cove Springs, FL 32043  
Phone: (904) 297-7012  
Fax: (904) 284-8609

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## **Stormwater Utility Mitigation Credit Policy**

It shall be the policy of the City of Green Cove Springs to allow property owners that are subject to the “user fee” portion of the Stormwater Utility fee to apply for mitigation credits based on stormwater management improvements that have been constructed on the property. The “user fee” portion of the Stormwater Utility fee is calculated based on the parameters outlined in Chapter 70 of the City Code.

Credits are only allowed for properties for which a man-made structural stormwater system has been designed, installed and has a suitable long-term operation and maintenance entity within the actual parcel limits. Single family homes in a platted subdivision are not eligible as the stormwater basin serving them is not on the site of the home and thus stormwater generated from the home must traverse public ROW and stormwater facilities on its way to its receiving stormwater basin.

Unimproved land that is developed shall comply with the SJRWMD & City of GCS criteria for stormwater treatment and rate and volume control for the required duration storm events. Development that meets both discharge rate and volume attenuation for all required storms to at or below pre-developed rates may apply for a credit of 100% of the user portion of the fee. If only rate or only volume is met to pre-developed rates, then the eligible credit is 50% of the user portion of the fee.

Re-development of land that had prior development and complies with the SJRWMD & City of GCS criteria and provides stormwater treatment that meets BOTH rate and volume attenuation to the condition prior to re-development shall be eligible for a credit of 50% of the user portion of the fee. To gain a 100% credit the applicant may choose to treat the property as un-improved land as noted above. This limited credit recognizes that re-development often takes advantage of the existing impervious areas that were built before modern stormwater regulations and thus it allows higher rates and volumes to be discharges offsite thus taxing the stormwater system.

To qualify for a mitigation credit, the applicant shall submit to the City of GCS a detailed stormwater management plan that illustrates compliance with SJRWMD & City of GCS criteria and outlines the pre and post conditions, pre and post runoff rates and volumes for the critical duration 100-year event as well as the Mean Annual and applicable SJRWMD 25-year storm event. Each application for mitigation credit shall be on a form as provided by GCS, completed by the applicant and signed and sealed by a registered Professional Engineer in the State of Florida. The applicant shall have the legally authority to sign on behalf of the property owner and for the entity that is maintaining the stormwater management system. Provided no changes to a site have occurred and the stormwater system is being properly maintained then the mitigation credit once approved would stay in place from year to year.



# City of Green Cove Springs

321 Walnut Street  
Green Cove Springs, FL 32043

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## Green Cove Springs SMU User Fee Mitigation Credit Form

Tax Parcel No \_\_\_\_\_

Owner Name \_\_\_\_\_

Address \_\_\_\_\_

Engineer Name \_\_\_\_\_

Address \_\_\_\_\_

Attach the following to the form:

- Report or calculations of Pre versus Post rates and volumes for all required design storms
- Paving, Grading, and Drainage Plan illustrating the stormwater facilities
- Operations and Maintenance Plan

Credit Request:       New Development       Redevelopment\*

- 50% - Either post rate or post volume at the below existing rate or existing volume for New Development
- 100% - Post rate and volume at the below existing rates for New Development

\* Note max credit for Redevelopment is 50%

Owner Certification

I hereby certify that I am the owner of the above referenced tax parcel and by requesting a credit to the City SMU user fee, agree to properly operate and maintain the stormwater management systems on the subject tax parcel in perpetuity as a condition of receiving this credit.

Witness

Signed

\_\_\_\_\_

\_\_\_\_\_

Name:

Name:

Engineer Certification

I hereby certify that the stormwater management systems located at the tax parcel listed above, qualify for the credit percentage noted above, meet City and SJRWMD requirements and are capable of being properly operated and maintained by the owner consistent with the provided operation and maintenance plan.

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PE #

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