

Common Sense Stormwater Regulation *that Supports Affordable Housing*

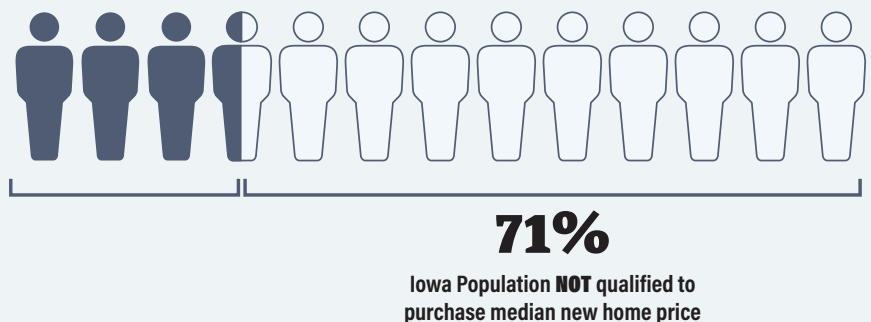
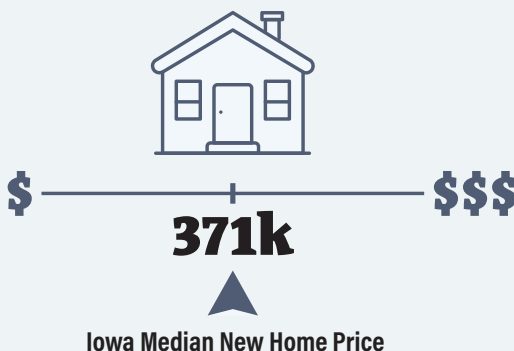
Overview

Commercial and residential development is vital to the growth of our state. Developers understand that municipalities are increasingly pressured on stormwater regulation but they believe that the improvements necessary should not be the sole responsibility of new development. Some jurisdictions have imposed excessive regulations that go well beyond requirements outlined by the US Environmental Protection Agency (USEPA) and the Iowa Department of Natural Resources (IA DNR) as well as those defined in General Permit No. 2 (GP2) where it outlines procedures for stormwater construction runoff. Some cities go significantly beyond the requirements by mandating developers to be responsible for runoff from all the neighboring uphill land AND to address it in a way that did not exist before the land was bought for development.



Impact of Overregulation

In 2022, the National Association of Home Builders (NAHB) calculated that regulatory compliance costs account for over **25%** of costs for single family housing, **40%** of costs for multifamily housing and **35%** of costs for land development.



For each \$1,000 in added construction costs, 1,943 potential home buyers in Iowa are eliminated from the ability to buy a new home.

Supporters



Breakdown of SF 455

1. Topsoil

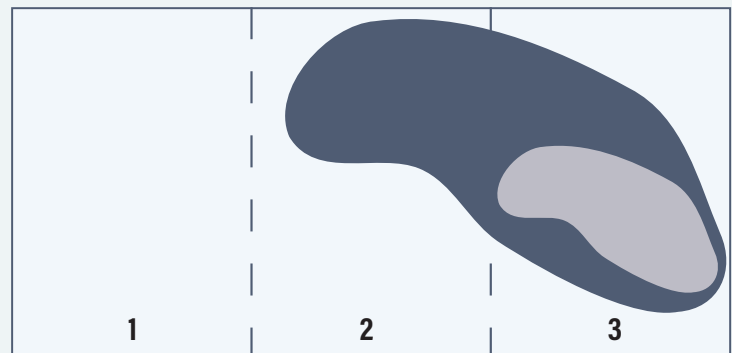
- SF 455 simply adheres to requirements under GP2 which includes preservation, compaction, placement, or depth of topsoil. Because there is no impact to GP2, there is no impact to stormwater compliance for cities who are subject to Municipal Separate Storm Sewer System (MS4) as this regulation simply requires MS4 permittees to be compliant with GP2.
- Topsoil requirements at construction sites were specifically addressed through a special commission created by Governor Terry Branstad in 2014. It resulted in the regulation of topsoil by the Iowa Environmental Protection Commission (EPC) in the manner proscribed by GP2. Since that time, cities have routinely ignored the rulemaking and imposed additional, costly soil requirements on developers.
- The cost of the 4" topsoil requirement was estimated to be in excess of \$4,000 per lot. After considering all of the evidence presented, EPC determined that the cost and effectiveness of the 4" soil requirement was impractical and could not be justified and passed rulemaking that eliminated the requirement.

2. Flood

- This provision impacts water quantity of the developed property by limiting a 100-year storm event to be controlled to a greater extent than the 5-year flow rate. A developer should not be allowed to permit stormwater discharge to leave the property at any higher peak flow rate than had existed before he/she bought the property. This change still gives the cities a great deal of control over the runoff.

3. Meadow

- The calculation for stormwater impact should be related to the actual existing condition of the property before construction and not required to address pre-European settlement conditions. Some cities have required stormwater calculations be based upon a "meadow standard" despite land starting as row crops or even fully developed. The difference between meadow and row crop is significant let alone the startling difference starting from a fully developed property.
- For example, on a 40 acre subdivision, the allowable release rate for a retention basin using a meadow calculation has to be less than the 5-year predeveloped peak runoff rate which is 37 cubic feet per second (cfs) whereas the same row crop condition produces a 5-year peak runoff rate of 78 cfs. The end result doubles the allowance under the meadow calculation. The retention basin for the subdivision would be sized 143,000 cubic feet larger using meadow as the starting condition than if the starting condition was row crops.



Potential Lots with Detention Basin Requirements

● Meadow Standard ● Row Crop Standard

4. Effluent the Same as Influent

- Municipalities should not be allowed to attempt to control stormwater runoff from adjacent properties through new development. Development of a parcel of land is not the opportunity to require the development to detain (or divert) stormwater that falls on someone else's land. If the city believes it needs to regulate the runoff from other sites, it should pass an ordinance that applies to everyone in the city. This provision allows the developer to permit the upstream stormwater to flow through their development site as it always has in the past, without being responsible for the neighbor's runoff.