

RESOLUTION NO. 1129

A RESOLUTION ESTABLISHING AND IMPOSING A SURCHARGE FEE FOR STORM DRAINAGE SERVICES AND ESTABLISHING ADMINISTRATIVE REVIEW PROCEDURES.

NOW, THEREFORE, THE CITY OF WILSONVILLE RESOLVES AS FOLLOWS:

ARTICLE I.

Purpose

Section 1. The purpose of this resolution is to provide a uniform framework for the imposition of a surcharge fee for storm drainage services, including, but not limited to, administrative review procedures, and storm water quality management. This surcharge fee is adopted to ensure that any person who benefits from the diversion, collection and disposal of storm drainage and other water run-off from properties in the City through the City's storm drainage facilities will pay a surcharge fee for storm drainage service in proportion to the degree of use. The storm drainage surcharge is intended to be a surcharge for a municipal service and not a charge against property ownership.

ARTICLE II.

Definitions

Section 1. The following words and phrases, as used within this resolution, have the following definitions and meanings:

- A. "Applicant" means a person submitting an application for City water service in accordance with Resolution No. 841, Article II, Section 7 of the current user of the property where water and storm drainage services are provided.
- B. "Business and commercial" means all buildings or structures which are not classified as residential or industrial.
- C. "City Council" means the governing body of the City of Wilsonville.
- D. "Department" means the Public Works Department.
- E. "Director" means the director of the Public Works Department.
- F. "Fee" shall mean the storm drainage surcharge adopted herein.
- G. "Impervious Surface" means any substance or material restricting the passage of water including, but not limited to, roofing materials, concrete, asphalt, compacted gravel,

compacted dirt, excavated slopes, or any storm sewer component with a run-off factor of 0.40 or greater as established by the City of Wilsonville Public Works Standards.

H. "Industrial" means all buildings or structures in which a product is manufactured, stored or distributed, or any combination of the above.

I. "Natural Outlet" shall mean any outlet into a water course, pond, ditch, lake or other body of surface or groundwater.

J. "Occupancy permit" means the occupancy permit provided for in the Uniform Building code.

K. "Owner" means the owner or owners of record title or; the purchaser or purchasers under a recorded sales agreement, and other persons having an interest of record in the described real property.

L. "Parcel of land" means a lot, parcel, block or other tract of land that is occupied or may be occupied by a structure or structures or other use, and that includes the yards and other open spaces required under the zoning, subdivision, or other development ordinances.

M. "Pollution" shall mean the presence of any foreign substance (organic, inorganic or biological) in water, which tends to degrade its quality so as to constitute a hazard or impair the usefulness or quality of water to a degree which does not create an actual hazard to the public health but which does adversely and unreasonably affect such waters for intended use.

N. "Sewer" shall mean a pipe or conduit for carrying sewage.

O. "Storm Drain" (sometimes termed "Storm Sewer") shall mean a sewer which carries storm and surface waters and drainage, but excludes sanitary sewage and industrial wastes.

P. "Watercourse" shall mean a channel in which a flow of water occurs, either continuously or intermittently.

ARTICLE III.

Administration and Administrative Review

Section 1. The City's organization includes a Public Works Department, the Director of which is employed by the City Manager. In addition to such other duties and responsibilities as may be assigned to this person, the Director shall be responsible for the administration of this resolution, for developing administrative procedures for the calculation and collection of fees, and for developing and administering storm water management programs and related activities.

Section 2. Upon application to the Public Works Director, a person responsible may seek a reduction of the monthly surcharge for storm drainage service. The application must show to the Director's satisfaction the amount of permanent reduction to the run-off coefficient for the property, or the amount of storm water being discharged directly from the property into the Willamette River.

Section 3. The fee for the application of a monthly surcharge reduction shall be \$25.00.

Section 4. Discretionary decisions of the Director made in response to an application shall be in writing and mailed by regular mail to the last known address of the applicant.

Section 5. Any person aggrieved by a discretionary decision of the Director may appeal the decision to the Wilsonville City Manager. The appeal shall be in writing and must be filed with the Director within ten working days of the date the Director's decision was mailed. The appeal shall state all relevant facts, identify the applicable ordinance provisions and specify the type and amount of relief sought. The appellant shall bear the burden of proving that an error was committed resulting in substantial prejudice.

Section 6. The appeal fee shall be \$200.

ARTICLE IV.

Methodology

Section 1. The City shall annually review the storm drainage surcharge to determine whether additional revenues should be generated to address increases in the consumer price index (CPI) for the Portland Metropolitan Tri-County Area or to ensure that revenues do not exceed estimated demands. All calculations shall be carried out to the hundredths' place. When calculating a monthly surcharge assessment, a final product ending in .49 or less shall be rounded down to the nearest dollar, .50 or more shall be rounded up to the nearest dollar.

Section 2. The City's estimated annual budget for storm drainage activities and National Pollution Discharge Elimination System (NPDES) program compliance is described in the following table:

<u>Line Item</u>	<u>Cost</u>
Capital	\$ 21,000.00
Planning	8,200.00
Regulation	16,900.00
Water Quality	35,600.00
Enforcement	35,500.00
Investigation	33,000.00
Maintenance	162,700.00
Public Info.	<u>1,900.00</u>
TOTAL:	<u>\$314,800.00</u>

Section 3. For ease of administration, the storm drainage surcharge is to be based on an equivalent residential unit (EDU). As adopted by Resolution No. 843 (Storm Drainage System Development Charge), the average impervious surface area of an EDU is 2,000 square feet. (As

defined by the Wilsonville code, Section 4.122, Residential Zone Standards, the median residential lot size is equal to 8,000 square feet and the maximum allowable lot coverage is 25 percent.)

Section 4. Based on the May, 1994, Community Development Department Development Summary, the total impervious surface area currently served by the City's existing storm drainage system may be estimated as follows:

Total Residential Housing Units (EDU) = 4836

Total Commercial EDU:

(241 total acres developed) (0.75 impervious surface) = 180.75 acres

(180.75 acres) (43,560 sq. ft./acre) = 7,873,470 sq. ft.

(7,873,470 sq. ft.) ÷ (2,000 sq. ft./EDU) = 3,937 EDU

Total Industrial EDU:

(595 total acres developed) (0.75 impervious surface) = 446.25 acres

(446.25 acres) (43,560 sq. ft./acre) = 19,438,560 sq. ft.

(19,438,560 sq. ft.) ÷ (2,000 sq. ft./EDU) = 9,719 EDU

Total EDU = 18,492

Section 5. The annual unit cost per EDU of the storm drainage surcharge is calculated by dividing the total estimated storm drainage service expenditure requirements by the total EDU receiving the storm drainage services:

$(\$314,800) \div (18,492) = \$17.02/\text{EDU}/\text{Year}$

Section 6. The monthly unit cost per EDU of the storm drainage surcharge is calculated by dividing the unit cost per EDU per year by 12:

$\$17.02 \div 12 = \$1.40/\text{EDU}/\text{Month}$

ARTICLE V.

Storm Drainage Surcharge Collection

Section 1. All water utility customers and users of developed properties with impervious surfaces shall be charged a storm drainage surcharge at the single-family unit rate of \$1.40 per 2,000 square feet of impervious surface area. Actual monthly surcharges shall be calculated in accordance with Ordinance CB-O-212-94 Article V:

A. For each two thousand square feet of impervious surface, the said property shall be charged the rate for a single-family unit. The minimum service charge shall be that established for a single-family unit.

B. The storm drainage fees for a mobile home park shall be established at the rate of one single-family unit per space.

C. The maximum charge for a multiple-family building or facility shall be limited to the number of multiple-family units on the property multiplied by the charge for a single family unit.

Section 2. Water services outside the City Limits shall be billed at double the normal storm drainage surcharge rate.

Section 3. Application for City water service, other than the connection, meter installation and SDC, shall be made by written application on forms provided at the Finance Director's Office. Each application will designate the property to be served and the user thereof and must be accompanied by a deposit in the sum of not less than \$40.00 or an amount equal to an estimated three-months billing as determined by the Finance Director.

Section 4. Water service deposit refunds are available as provided by Resolution No. 841, Article II, Section 8.

Section 5. All charges for water and storm drainage services furnished or rendered by the City of Wilsonville shall be chargeable to the current user of the property where water and storm drainage services are supplied and, in addition, all persons signing an application for the use of water and storm drainage services shall be personally liable for all charges accrued against the property designated within the application. The City reserves the right to cut off and disconnect water service to the premises without further notice when charges for water and storm drainage services have not been paid within 30 days after the due date, and the expense thereof shall be borne by the user to which such services have been supplied. The City shall provide a minimum of 3 days notice by a door hanger or by mail prior to water service disconnection. Water service disconnection procedures are specified in Resolution No. 841, Article V.

Section 6. The collection of the storm drainage surcharge shall commence with the first utility billing following October 1, 1994.

ARTICLE VI.

Disbursement of Funds

Section 1. All payments received by the City for storm drainage services rendered under the provisions of this resolution shall be deposited in the Road Operating Fund (Line Item No. 740-34408-000).

Section 2. The storm drainage surcharge payments received shall be credited to the accounts established for the operation and maintenance of the storm drainage system and all conveyances, and all elements of the NPDES storm water management program. Operations and maintenance costs may include personnel, system replacements and capital outlay. Capital outlay includes those items which are not specified as Capital Improvements to the storm sewer system.

ARTICLE VII.

Refunds

Section 1. Refunds of storm drainage surcharges may be made upon initiation of the Director or upon written application filed with the Director. Refunds shall only be allowed upon a finding by the Director that there was an actual clerical error in the calculation of the surcharge.

ARTICLE VIII.

Validity

Section 1. The invalidity of any section clause, sentence or provision of this resolution shall not affect the validity of any other part or section of this resolution which can be given effect without such invalid part(s).

CONSIDERED by the City Council of the City of Wilsonville at a regular meeting thereof this 1st day of August, 1994, at which time the resolution was continued to August 15, 1994.

ADOPTED by the City Council of the City of Wilsonville at a regular meeting thereof this 15th day of August, 1994, and filed with the Wilsonville City Recorder this date.


GERALD A. KRUMMEL, Mayor

ATTEST:


VERA A. ROJAS, CMC/AAE, City Recorder

SUMMARY of Votes:

Mayor Krummel	<u>AYE</u>
Councilor Benson	<u>AYE</u>
Councilor Hawkins	<u>AYE</u>
Councilor Lehan	<u>AYE</u>
Councilor Sempert	<u>AYE</u>

City of
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**CITY OF WILSONVILLE
STORM DRAINAGE SERVICES
AND
SURCHARGE FEE**

**Prepared by:
Steve Starner
Public Works Director**

Abstract:

The City of Wilsonville, Clackamas County, and eight other jurisdictions within Clackamas County who discharge municipal storm water into the Willamette River Basin are required to obtain a National Pollution Discharge Elimination System, (NPDES) permit from DEQ. The NPDES permit will serve to establish best management practices for the control of storm water quantity and quality and guide communities toward the achievement of federal laws and regulations as adopted by the Clean Water Act. One requirement of an acceptable storm water management program is the identification of fiscal resources available to each municipality for the budgeting of permitted storm water program activities. Based on an estimate of annual storm water program costs and the area of impervious surfaces served by the storm drainage system, the City of Wilsonville has identified a need to implement a monthly storm drainage surcharge of \$1.40 per 2,000 square feet of impervious area.

Recommendation:

Adopt Ordinance No. CB-0-212-94 and Resolution No. CB-R-819-94.

Background:

The 1987 re-authorization of the federal Clean Water Act (CWA) by the U.S. Congress contains significant new requirements associated with the quality of storm water run-off. These mandates are precedent setting as they require, for the first time, local communities to reduce storm water pollution within their municipal storm drainage systems. The mandates require the preparation of a water quality management plan that outlines the measures to be taken (referred to as Best Management Practices, or BMP's) over a five year permit period for reducing storm water pollutants to "the maximum extent practicable." At the end of the permit period, the effectiveness of the water quality management plan is evaluated for permit renewal. Administration and enforcement of the requirements will occur at the state level, through the "National Pollutant Discharge Elimination System (NPDES)" permitting program. The Oregon Department of

Environmental Quality (DEQ) is the responsible state agency for administering the program.

The implication of the new federal mandates to local communities are significant. All segments of the community are affected. Through the proposed BMP's residents will be informed and asked to modify conventional behaviors related to the use, storage and disposal of household chemicals; run-off from certain industrial and commercial uses will be required to serve separate NPDES permits for the management of storm water quality which includes monitoring to insure permit compliance; new development may be required to provide on-site pretreatment; and the way the City designs, builds and maintains its drainage system must be notified to take better advantage of the treatment qualities of natural systems.

Wilsonville is a participating jurisdiction in the National Flood Insurance Program (NFIP). This federal program is on a volunteer basis, and is administered by the Federal Emergency Management Agency (FEMA). To participate, local jurisdictions must enact flood hazard standards and procedures for new development that is located within the 100 year flood hazard zone. The effect of the flood hazard standards is to prohibit new development within the floodway area (generally the area needed to convey the 100 year flood volume), while permitting new development in the floodway fringe (where inundation occurs) provided habitable floors are at or above the flood elevation. In exchange, affected property owners are eligible for reduced flood insurance premiums.

In addition to enacting flood hazard land use provisions, participation in the NFIP obligates Wilsonville to a certain level of flood protection services to its residents and business community. The Wilsonville Code, Chapter 4, Section 4.162, outlines the City's adopted Flood Plain Regulations.

The design, construction and maintenance of the City's historic and current storm water system has been primarily focused on meeting its obligation to provide flood control services. Similar to most communities across the nation, the design of Wilsonville's flood control system is guided by the concept of conveyance where storm water run-off is conveyed away from the urban area and into receiving waters as quickly as possible. A conventional system of conveyance facilities (storm pipes, open channels, gutters, and catch basins) has been installed, replacing natural waterways, creeks, and wetlands. Storm water run-off is conveyed within these facilities and discharged directly into "receiving waters," such as the Willamette River. Storm water is generally not treated for pollutant removal prior to discharge. As a result, pollutants are also conveyed and concentrated into the receiving waters at the discharge points.

The City employs a maintenance program to maintain the capacity and efficiency of the conveyance system. The resulting system has proven to be very effective at preventing flooding and maximizing land use availability for build able lands. However, the City's current program does not adequately address water quality issues, new federal mandates for water quality management, and the public's growing desire that the City's natural resources, including the water quality in the storm drainage system, creeks, and wetland, be protected and preserved.

Significant storm water issues which must be addressed are:

- In order to maximize the development potential of properties, natural water quality treatment systems, such as riparian areas and waterway corridors are frequently replaced with conventional conveyance facilities having no water quality treatment capability.

- The current program does not have the necessary management options, such as retention basins, constructed wetlands, buffers and grassy swales, to address water quality treatment and related natural resources protection.
- Removal of natural systems conflicts with water quality treatment and wildlife habitat objectives.
- Protection of wetlands and waterway corridors may conflict with compact urban growth goals.
- Current open channel maintenance practices conflict with water quality requirements and wildlife habitat goals.
- The City is bound by the requirements of existing open channel maintenance agreements with federal agencies, which conflict with other federal mandates.
- Unmaintained natural systems may create nuisance conditions to adjoining property owners, such as vectors, invasive vegetation, and increased fire risks.
- The information needed to incorporate the City's headwater streams, creeks, ponds, and wetlands into the drainage system planning and management is inadequate.
- There may be conflicts between needed maintenance access and protection of waterside riparian areas.
- Public education can help prevent pollution. There is currently no public information or public education program.
- Existing staff, materials and revenue resources are not adequate to respond to these issues.

Surcharge Fee Development:

Nonpoint source (NPS) pollution affecting waterways and threatening beneficial uses results from land use and development that either discharges pollution (such as suspended solids, sediments, and nutrients) into surface water and groundwater in a diffuse manner, or affects water quality by increasing temperature, changing pH, or reducing dissolved oxygen. NPS pollution sources generally occur according to the following land uses:

Urban Development - (includes residential, transportation, commercial, industrial uses)	11.8%
Agriculture - (includes range and field activities)	38.7%
Forestry - (includes logging and related road construction)	17.4%
Mining -	5.2%

Construction -	3.3%
Marine Recreation - (includes boating and other marine activity)	13.8%
Natural - (includes natural erosion and naturally occurring nutrient sources)	9.7%

Urban NPS pollution problems originate when water flows past soil, exposed chemicals or impervious surfaces such as streets, driveways and roofs. Erosion from construction activities is also a major concern in urban areas.

The proposed storm drainage surcharge is intended to address the water quantity and quality impacts of run-off created by impervious surfaces. The impervious area for a median residential dwelling as defined by the Residential Zone development standards in the Wilsonville Code, is 2,000 square feet. As proposed, each dwelling unit or each 2,000 square foot area of impervious surface throughout the City would be assessed a monthly fee of \$1.40 for storm drainage and storm water management services.

An impervious surface is considered to be a developed surface which impedes natural infiltration. The degree to which a surface impedes infiltration can be measured by a run-off coefficient. By adopting a run-off coefficient standard of 0.40 or greater for the definition of an impervious surface, the following land uses may be categorized:

<u>Impervious</u>	<u>Non-impervious</u>
Parking Lots	Lawns
Roofs	Parks
Driveways	Playgrounds
Sidewalks	Woodland
Gravel	Forest
Asphalt	Meadow
Concrete	Pasture

The fee is intended to generate a revenue which would become a fiscal resource for ongoing storm system maintenance and NPDES permit activities. Prior to full implementation of the storm water management program and without actual historical data, the amount of the fee has been based on estimated and anticipated expenditures. During the first five years of the NPDES permit, the City will be able to document the fiscal resources necessary to comply with all permit conditions and program activities.

A comparison of fiscal resources required by the Public Works Department for services offered include:

	<u>'92-'93 Actual</u>	<u>'94-'95 Estimated</u>
Streetlighting	\$167,401	\$218,000
Parks Maintenance	\$158,714	\$247,792
Building Maintenance	\$220,931	\$323,102
Water System Operations	\$337,804	\$496,529
Road Operations	\$410,402	\$337,966
Storm Drainage	-	\$314,800
Sewer Operations	\$550,828	\$588,882

Approximately 50 per cent of the storm drainage fee is to be allocated for road maintenance activities which are associated with storm water management practices. Other anticipated storm water expenditures include planning, regulation compliance reporting, water quality monitoring, enforcement actions, investigation, public information and capital outlay.

Surcharge Fee Comparison:

Most of the cities and sewerage service districts in the Portland Metro Area, as well as Salem, Corvallis, Eugene and Roseburg, have established some kind of service charge to fund their surface water management programs. A comparison of those charges may be presented as follows:

<u>Jurisdiction</u>	<u>Residential Unit</u>	<u>Monthly Fee</u>
Roseburg	3,000 sq. ft.	\$2.85
Eugene	1,800 sq. ft.	\$4.48
Unified Sewage Agency	2,640 sq. ft.	\$3.00
Portland	2,400 sq. ft.	\$4.06
Clackamas County	2,500 sq. ft.	\$4.00
West Linn	2,914 sq. ft.	\$3.70
Lake Oswego	3,033 sq. ft.	\$3.75
<i>Average</i>	2,612 sq. ft.	\$3.48
Wilsonville	2,000 sq. ft.	\$1.40

Surcharge Fee Questions:

Many jurisdictions have had similar questions asked by their customers when starting up the new billing. For example:

Will everybody pay a storm drainage surcharge?

Yes, everyone pays including churches, businesses, schools and government. Only undeveloped property and public streets are not charged. Public streets are designed to be part of the storm water system, and route run-off through catch basins.

I am not connected to a storm system or all my run-off stays on my property - why should I have to pay?

Even though developed property may not be directly connected to an improved storm water system, the storm water program provides a service in the form of water quality improvements, protection and maintenance of the roads, and protection of property from the impacts of upstream development. However, the amount of the surcharge may be reduced if storm water facilities are on the property. The amount of the reduction would be proportionate to the measurable amount of permanent reduction to storm water runoff from the property.

When will this charge be removed?

The storm water management program is a long term effort to improve water quality. The surcharge fee will exist as long as surface water run-off is generated by urban areas.

Conclusion:

The long term protection of water resources is an essential component of Wilsonville's environmental and economic stability and growth. The City should take the actions necessary to ensure adequate fiscal resources for the funding of management techniques and programs intended for the protection and enhancement of the local watershed.

RESIDENTIAL WATER, SEWER, AND STORM DRAINAGE RATE COMPARISON

CITY	POPULATION	WATER CHARGE (1000 CU. FT.)	SEWER CHARGE	STORM DRAINAGE CHARGE	TOTAL
Canby*	9,565	\$20.00	\$18.25	N/A	\$38.25
Forest Grove	14,010	\$13.05	\$20.50	\$3.00	\$36.50
Hillsboro	41,000	\$13.96	\$20.50	\$3.00	\$37.46
Lake Oswego	39,000	\$12.65	\$20.20	\$3.75	\$36.60
Newberg*	14,065	\$17.38	\$28.40	N/A	\$45.78
Oregon City	17,000	\$16.00	\$16.25	\$4.00	\$36.25
Tualatin	16,640	\$17.90	\$22.25	\$3.00	\$43.15
West Linn	16,200	\$12.80	\$19.25	\$3.70	\$35.75
Wilsonville (current)	10,438	\$14.70	\$10.30		\$25.00
Wilsonville (proposed)		\$14.70	\$18.04	\$1.40	\$34.14

*Canby and Newberg are outside the Metropolitan area and therefore not yet subject to DEQ storm water permit requirements. Canby is working to develop a fee.

July 28, 1994