

ORDINANCE NO. 433

AN ORDINANCE REGARDING STORM DRAINAGE AND STORM WATER QUALITY MANAGEMENT; IMPOSING A SURCHARGE FEE FOR STORM DRAINAGE SERVICES; AND DECLARING AN EMERGENCY.

WHEREAS, in the interests of public health, safety, and welfare, the City of Wilsonville provides storm drainage facilities for the collection and disposal of storm drainage and other run-off water discharged from properties in the City and from the public right-of-ways within the City; and

WHEREAS, the City's storm drainage facilities are an essential municipal service in a developing urban environment to regulate both the quantity and quality of storm drainage and other run-off. Urbanization may increase by two or three times the peak flows of five and ten year floods. Downstream property can be severely affected by the cumulative impact of unplanned or unregulated changes in natural drainage courses and drainage patterns due to urban, clearance, grading and development of impervious surfaces. Urbanization also creates pollution of surface water and other run-off which, in turn, can pollute natural water courses and streams. A prime example is motor oil leaks from trucks in industrial properties or from motor vehicles in commercial parking areas and residential areas which, individually or cumulatively, may cause such pollution; and

WHEREAS, the City Council further finds that persons using water from the City's water system use substantial amounts of water for irrigating lawns and gardens, washing structures, sidewalks and parking lots, and for other activities which result in the discharge of run-off into the City's storm drainage facilities. Additionally, improperly drained property can create bodies of standing water that provide breeding places for insects and related public health concerns. Poorly maintained drainage courses contribute to flooding hazards and property damage. Storm water discharged into public ways, if not properly managed, will cause damage to public ways and create hazards for the traveling public. Therefore, the proper disposal of storm water is an obligation that the occupants of property have, and within an urban environment it is an obligation of those who occupy property or engage in activity upon real property that directly or indirectly discharges storm water into public facilities.

WHEREAS, federal regulations under the 1972 Clean Water Act and its 1987

amendments mandate that medium jurisdictions obtain storm water discharges in order to prevent pollution from storm water and non-point sources (non-point sources are diffuse or unconfirmed sources of pollution where contaminants can enter into or be conveyed by the movement of water to public waters (OAR 430-40-010(12))). The Oregon Department of Environmental Quality has required Clackamas cities, including Wilsonville, to join with Clackamas County to apply for such a permit collectively as a medium jurisdiction; and

WHEREAS, every person within the City who either wants to have a public system available for the diversion, collection and disposal of storm drainage and other run-off water from the person's premises or who otherwise fails to divert, collect or dispose of storm drainage and other run-off as a routine obligation of property ownership benefits from the existence of these facilities; and

WHEREAS, developers, owners or occupants of property who use storm drainage services ought to be charged rates that reflect the operation of the storm drainage system as a public service in the City. Developers, owners or occupants of property ought not be compelled to use this service, nor to pay monthly service rates, if the service is not to be used by the person because it is otherwise provided or there isn't any need due to particularized circumstances. Developers, owners or occupants of property who undertake the installation of facilities on the property that reduce or eliminate the discharge of run-off into public drainage facilities ought to be given credit, in proportion to the degree of reduction, against storm drainage surcharges that would otherwise be due; and

WHEREAS, the structure of the monthly storm drainage rate is intended to be a surcharge for service and not a charge against property. Although this rate structure is intended to constitute a surcharge for service, even if it is viewed as a charge against property or against a property owner as a direct consequence of ownership of that property, the rate structure should nonetheless allow the owner to have the ability to control the amount of the charge. Similarly, the utility's rate structure should reflect the actual costs of providing the service and not impose charges on persons not receiving a service. However, the actual costs should include all costs the utility might incur were it in private ownership.

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

ARTICLE I

Definitions

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

- A. "Commercial or industrial unit" means any building or facility used other than as a single family dwelling unit or as a duplex.
- B. "Commission" means the utility commission of the City.

C. "Development" means any man-made change to improved or unimproved real property including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations.

D. "Duplex" means a single building which contains two single family units.

E. "Equivalent residential unit" or "EDU" means an area which is estimated to place approximately equal demand on the city's storm drainage system as a single-family unit. One (1) EDU shall be equal to 2,000 square feet of impervious surface.

F. "Impervious surface" means any surface area with a run-off factor of 0.40 or greater as established by the City of Wilsonville Public Works Standards which either prevents or retards saturation of water into the land surface, or a surface which causes water to run off the land surface in greater quantities or at an increased rate of flow from that present under natural conditions pre-existent to development. Common impervious surfaces include, but are not limited to, rooftops, concrete or asphalt sidewalks, walkways, patio areas, driveways, parking lots or storage areas, graveled, oiled or macadam surfaces or other surfaces which similarly impede the natural saturation or run-off patterns which existed prior to development.

G. "Improved premises" means any area which the Public Works Director determines has been altered such that the run-off from the site is greater than that which could historically have been expected.

H. "Mobile home park" means the same as defined in Wilsonville Code, Chapter 4, Section 4.122.

I. "Multiple-family unit" or "MFU" means a building or facility under unified ownership and control and consisting of more than two dwelling units with each such unit consisting of one or more rooms with bathroom and kitchen facilities designed for occupancy by one family and having a common water meter.

J. "Open drainageway" means a natural or man-made path, ditch or channel which has the specific function of transmitting natural stream water or storm run-off water from a point of higher elevation to a point of lower elevation.

K. "Person responsible" means the owner, agent, occupant, lessee, tenant, contract purchaser or other person having possession or control of property or the supervision of a construction project on the property.

L. "Public Works Director" means the person designated by the City Manager.

M. "Retention system" means a storm drainage facility which the Public Works Director has determined does not discharge or substantially reduces the discharge, into a public storm drainage facility.

N. "Run-off coefficient" means the calculation of the amount of storm water running off of a parcel of real property based on conditions on the parcel and using factors established in

the publication "City of Wilsonville, Public Works Standards" or as may be otherwise established by the Public Works Director.

O. "Run-off control" means any measure approved by the Public Works Director by which storm water run-off from land surfaces on which development exists is reduced.

P. "Single-family unit" or SFU" means that part of a building or structure which contains one or more rooms with a bathroom and kitchen facilities designed for occupancy by one family and where the units are sold and deeded as individual units and have individual water meters. An SFU is presumed to have 2,000 square feet of impervious surface area for purposes of this ordinance. The term "SFU" shall be inclusive of those units identified as detached single-family residences, unit ownership, and condominiums, etc.

Q. "Storm drainage facilities" means any structure or configuration of the ground that is used or by its location becomes a place where storm water flows or is accumulated including but not limited to pipes, sewers, curls, gutters, manholes, catch basins, ponds, open drainageways and their appurtenances, park areas, recreation areas, wetlands and flood plains. "Storm drainage facilities" does not include the Willamette River.

R. "Storm water" means storm water run-off, snow melt run-off and surface run-off and drainage.

ARTICLE II

Policy

Section 1. Pursuant to the general laws of the State of Oregon and the powers granted in the Charter of the City of Wilsonville, the City Council does hereby declare its intention to manage the quality and quantity of storm water and other run-off and to acquire, own, construct, reconstruct, equip, operate and maintain within the city limits of the City, and outside the city limits when consistent with the Council's adopted policies or intergovernmental agreements, storm drainage facilities, and also to require persons responsible to construct, reconstruct, maintain and extend storm drainage facilities.

Section 2. The improvement of both public and private storm drainage facilities through or adjacent to a new development shall be the responsibility of the developer. Said improvements shall comply with all applicable City ordinances, policies and standards.

Section 3. It is the policy of the City to participate within budgetary limits in improvements to storm drainage facilities when authorized by the City Council. To be considered for City financial participation, a facility must:

- A. Be public and be of major benefit to the community:
 - 1. If a piped system, be a design equivalent to larger than a 36 inch diameter circular concrete pipe;
 - 2. If a retention system, the capacity of such system over that required to

serve the property on which it is located and provided it is placed and sized in conformance with the storm drain master plan;

- B. Be a rehabilitation or replacement of an existing public facility.

No portion of this ordinance or statement herein or subsequent interpretations or policies shall relieve any property owner of assessments levied against real property for a local improvement project or for abating conditions on the property that violate any provision of this ordinance or the Wilsonville Code.

ARTICLE III

City Responsibilities

Section 1. The City shall manage public storm drainage facilities located on City-owned property, City right-of-way, and City easements. Public storm drainage facilities that may be managed by the City include but are not limited to:

- A. An open drainageway serving a drainage basin of at least 50 acres;
- B. A piped drainage system and its related appurtenances which have been designed and constructed expressly for use by the general public and accepted by the City;
- C. Roadside drainage ditches along unimproved City streets but not access drive culverts;
- D. Flood control facilities (levees, dikes, overflow channels, detention basins, retention basins, dams, pump stations, groundwater recharging basins, etc.) that have been designed and constructed expressly for use by the general public and accepted by the City;
- E. Retention systems constructed with City financial participation;
- F. Public streets, roads and highways, catch basins, curbs, gutters, and parking lots;
- G. Publicly owned parks, recreational areas, wetlands and flood plains.

Section 2. The City shall manage storm water quality in accordance with the goals of the Clean Water Act, 40 CFR 122.26, and applicable State of Oregon National Pollution Discharge Elimination System (NPDES) programs.

- A. NPDES program elements include:
 - 1. Adequate legal authority (40 CFR 122.26(d)(2)(i)(A-F)), enabling the City to control through ordinance, permit, contract, order or similar means, the contribution of pollutants to the municipal storm sewer by storm water discharges associated with industrial activity, illicit discharges, dumping or disposal of materials other than storm water, and the ability to carry out inspection, surveillance and monitoring procedures.
 - 2. Source identification (40 CFR 122.26(d)(2)(ii)), including the location of major outfalls discharging to the waters of the United States and an inventory reflecting the principal products or services provided by each

industrial facility which may discharge to the municipal separate storm sewer.

3. Characterization data (40 CFR 122.26(d)(2)(iii)(A-D)), including quantitative sampling and analysis from representative outfalls based on the field screening of storm events.
4. Storm Water Management Program (40 CFR 122.26(d)(2)(iv)(A-D)), including structural and source control measures and maintenance activities to reduce pollutants from run-off, a scheduling to detect and remove illicit discharge and improper disposal into the storm sewer, a program to monitor and control pollutants in storm water discharge a program to implement and maintain structural and non-structural best management practices to reduce pollutants in storm water run-off.
5. Assessment of controls (40 CFR 122.26(d)(2)(v)), including estimated reductions in loadings of pollutants from discharges of the municipal storm sewer system expected as the result of implementing municipal storm water quality management program.
6. Fiscal analysis (40 CFR 122.26(d)(2)(vi)) of the necessary capital and operation and maintenance expenditures necessary to accomplish the activities of the municipal storm water quality management program.

ARTICLE IV

Private Responsibilities

Section 1. A storm drainage facility to be managed by the person responsible includes but is not limited to:

- A. A storm drainage facility not located on City-owned property, City right-of-way, or City easement;
- B. A private parking lot storm drain;
- C. Any roof, footing or area drain;
- D. A storm drainage facility not designed and constructed for use by the general public;
- E. A drainage swale which collects storm water from a basin less than 50 acres;
- F. Access drive culverts in the public right-of-way or on private property;
- G. A retention system in the construction of which the City did not financially participate.

Section 2. Any person responsible shall keep open drainageways on his or her property cleared of debris and vegetation as required by the Wilsonville Code, Chapter 6.

Section 3. Any person responsible shall maintain non-public storm drainage facilities

on his or her property so as to prevent flooding, pollution or damage to other property not owned or controlled by the person responsible and to prevent injury to any person on property not owned or controlled by the person responsible.

Section 4. Any person violating the provisions of this ordinance shall be subject to the following:

A. If violated negligently and the damage to property is less than \$250.00, upon conviction, shall be punished for a violation pursuant to W.C. 1.012, and upon conviction of a continuing violation or of a subsequent conviction, shall be punished as a Class C misdemeanor, pursuant to Section 1.011.

B. If violated intentionally, willfully or knowingly or the damage is greater than \$250, upon conviction, shall be punished for a Class B misdemeanor pursuant to Section 1.011, and upon conviction of a continuing violation or of a subsequent conviction, shall be punished as a Class A misdemeanor pursuant to Section 1.011.

C. Notwithstanding the penalty, provisions herein, whenever a violation of the provision of this ordinance occurs, the Public Works Director may, through the City's attorney, invoke any and all civil remedies including, but not limited to, damage and injunction claims of relief, reasonable attorney fees and costs. All penalties and remedies of this ordinance are cumulative and not exclusive of any other.

ARTICLE V.

Surcharges for Storm Drainage Service

Section 1. Except as the fees may be reduced under Section 6 of this Article, the obligation to pay storm drainage fees arises whenever there is an improved premises. Unless another person responsible has agreed in writing to pay and a copy of that writing is filed with the City, the person(s) paying the City's water utility charge shall pay the storm drainage fees set by City Council resolution. If there is no water service to the property or if water service is discontinued, the storm drainage fees shall be paid by the person(s) having the right to possess the property.

Section 2. When establishing the fees for storm drainage service, the Council shall:

A. For ease of administration, establish a monthly rate for a single family unit which rate shall also be applied to residentially used property based upon the number of dwelling units, and which rate shall be the rate for an equivalent dwelling unit (EDU).

B. Establish a monthly rate for all property not included in Section 2A based on the amount of the property's impervious surface:

1. For each 2,000 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.

2. Establish the storm drainage fees for a mobile home park at the rate of one single family unit per space.
3. Limit the maximum charge for a multiple-family building or facility to the number of multiple-family units on the property multiplied by the charge for a single family unit.

Section 3. The methodologies used to establish the storm drainage surcharge shall be adopted by resolution of the City Council. The specific storm drainage surcharge may be adopted and amended concurrent with the establishment or revision of the surcharge methodology. The City Manager shall review the methodologies established under this Article periodically and shall recommend amendments, if and as needed, to the Council for its action.

Section 4. The formulas and calculations used to compute specific surcharges are based upon averages and typical conditions which establish proportionality. Whenever the impact of individual developments present special or unique situations such that the calculated fee is grossly disproportionate to the actual impact of the development, alternative fee calculations may be approved or required by the City Manager under prescribed administrative procedures. All data submitted to support alternate calculations under this provision shall be specific to the site and development under consideration. Major or unique developments may require special analyses to determine alternatives to the standard methodology.

Section 5. When required, area measurements may be determined from records of the City Building Official or be determined by the Public Works Director.

Section 6. A person responsible may apply for a reduction of the monthly surcharge for storm drainage service. Upon filing of an application, payment of an application fee set by Council resolution and submission of appropriate evidence, the Public Works Director shall consider the application. The applicant must show to the Public Works Director's satisfaction:

- A. The amount of permanent reduction to the run-off coefficient for the property; or
- B. The amount of storm water being discharged directly from the property into the Willamette River; and
- C. Any particular circumstances establishing justification for a reduction. Any reduction given shall continue until the property is further developed or until the Public Works Director determines the property no longer qualifies for the reduction given. Upon further development of the property another application may be made by a person responsible. Any applicant aggrieved by the Public Works Director's decision may appeal to the City Manager by filing with the Manager a written request for review no later than ten (10) days after receiving the Public Works Director's decision. The City Manager's decision shall be final.

Section 7. The Council hereby classifies the fees imposed by this ordinance a fee not subject to the limits of Section 11b, Article XI of the Oregon Constitution. The City Manager is

directed to publish notice of this classification as required by ORS 305.583(3).

ARTICLE VI

Storm Drainage Surcharge Revenue

Section 1. There is hereby created a drainage surcharge revenue account within the City's Road Operations Fund and all surcharges imposed under this ordinance and the revenue collected therefrom shall be deposited therein.

Section 2. Money in the drainage surcharge account shall be used for planning, design, construction, maintenance and administration of storm drainage facilities and storm water quality programs, including repayment of indebtedness, and for all costs and expenses for the operation and management of the storm drainage system and for providing storm drainage services. Expenditures from this fund need not be identified to any particular revenue source.

Section 3. The revenues received from the storm drainage surcharge shall be budgeted and expended as provided by State law. Such revenues and expenditures shall be accounted for as required by State law. Their reporting shall be included in the City's Comprehensive Annual Financial Report required by ORS Chapter 294.

ARTICLE VII

Enforcement

Section 1. In addition to other lawful enforcement procedures, the City Manager may enforce the collection of charges required by this ordinance by withholding delivery of water to any premises where the storm drainage surcharges are delinquent or unpaid.

ARTICLE VIII

Initiation of Billing

Section 1. Request for water service will automatically initiate appropriate billing for storm drainage services as established in this ordinance. If development of a parcel does not require initiating water service, the creation of an impervious surface from which storm water may be discharged into public drainage facilities shall initiate the obligation to pay the fees and charges established in this chapter.

ARTICLE IX

Administrative Regulations

Section 1. The City Manager may adopt such rules and regulations as are necessary for the administration of the duties required by this ordinance and for the public health, safety and welfare.

ARTICLE X

Emergency Declared

The City is mandated to conform its regulations of storm drainage and storm water quality management to Federal and State laws in the interest of public health, welfare and safety, and in

order to allow the City Manager to timely prepare and recommend methodologies upon which to base the storm drainage surcharge, an emergency is hereby declared to exist and this ordinance shall take full force and effect immediately following its enactment by the City Council.

SUBMITTED to the City Council of the City of Wilsonville at a regular meeting thereof on the 1st day of August, 1994, at which time the ordinance was continued to August 15, 1994 for first reading. It was scheduled for a second reading at a regularly scheduled meeting of the Wilsonville City Council, September 19, 1994, commencing at the hour of 7:00 p.m. at the Wilsonville Community Development Hearings Room.


VERA A. ROJAS, CMC/A&E, City Recorder

ENACTED by the Wilsonville City Council on the 19th day of September, 1994, by the following Votes: YEAS: 3 NAYS: 0


VERA A. ROJAS, CMC/A&E, City Recorder

DATED and signed by the Mayor this 20th day of September, 1994.


GERALD A. KRUMMEL, Mayor

SUMMARY of Votes:

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



City of
WILSONVILLE
in OREGON

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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