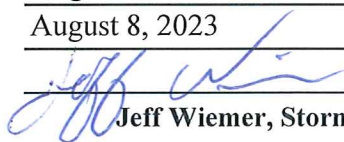


ADMINISTRATIVE POLICY: 2023-02
SUBJECT: Stormwater Drainage System Utility Fee Structure & Credit Policy
DATE EFFECTIVE: August 8, 2023
REVIEWED/UPDATED: August 8, 2023
APPROVED: 
Jeff Wiemer, Stormwater Coordinator

SECTION ONE: Purpose

This policy addresses Ordinance No. 4882, Section 36-257 *Policies and Procedures* and Section 36-258 *Stormwater User Fee*. Pursuant to the currently adopted rate resolution, the purpose of this policy is to better individualize user fees based on property type, credit eligibility, and waiver eligibility.

SECTION TWO: Definitions

The following terms and acronyms shall have the meaning as set forth:

Coordinator or Stormwater Coordinator - The person serving under the direction of the Public Works Director who is charged with supervising and overseeing the City's Stormwater Division, the Stormwater Drainage System, and the City's system of stormwater user fees.

Equivalent Residential Unit (ERU) - The billing units derived from a property's ISA which determines the stormwater user fee. One (1) ERU is equivalent to 4,500 square feet of ISA.

Impervious Surface Area (ISA) - The total square footage of material on a property that resists or blocks the passage of water into soils as would occur under natural conditions. Examples of impervious surfaces include, but are not limited to, rooftops, roads, alleys, parking lots, sidewalks, patios, decks, graveled areas, and swimming pools.

Municipal Separate Storm Sewer System (MS4) Permit - (1) The national pollutant discharge elimination system (NPDES) permit issued to the City by the Environmental Protection Agency in compliance with the provisions of the Clean Water Act, 33 U.S.C. §§ 1251 et seq., as amended by the Water Quality Act of 1987, PL 100-4, for stormwater discharges from small municipal separate storm sewer systems (MS4); or, (2) upon assumption of primacy from EPA by the Idaho Department of Environmental Quality (IDEQ) for the Clean Water Act stormwater permitting program in Idaho, an Idaho pollutant discharge elimination system (IPDES) permit.

Service Areas - The two stormwater service areas that reflect the primary characteristics of the Stormwater Drainage System and the nature and cost of services provided to customers within

each service area. Service Area One is predominantly piped areas and Service Area Two is predominantly surface drainage/infiltration areas.

Stormwater Drainage System - The City-maintained system of ditches, channels, swales, culverts, basins, treatment systems, gutters, inlets, storm pipes, outfalls, ponds, creeks, rivers, wetlands, and any other appurtenances necessary, useful, or convenient for the orderly collection, conveyance, treatment, and disposal of stormwater runoff.

Stormwater User Fee - A reasonably individualized fee charged to property owners or tenants for stormwater services provided by the City’s Stormwater Drainage System.

SECTION TWO: Fee Structure

All properties within the Service Areas are classified as either “Residential Property” or “Commercial Property”.

Residential Property

Single Family Residence, Multi-Residential (Duplexes, Triplexes, and Fourplexes), Mobile Home Parks, Condominiums, and Condominium Associations shall be defined as “Residential Property”. Home Occupations, as defined by City Code Chapter 37, Article VI, shall be treated as residential property for the purposes of this policy. The number of ERUs billed per month, credit eligibility, and waiver eligibility are shown in *Table 1 - Residential Property Fee Structure*.

<i>Table 1 - Residential Property Fee Structure</i>			
Type of Residential Property	Number of ERU billed, per month	Eligible for Credit?	Eligible for Waiver? ¹
Single Family Residence	1 ERU	No	Yes
Multi-Residential	0.5 ERU per dwelling ²	No	Yes
Mobile Home Parks	Total ISA determines ERUs ³	No	Yes
Condominiums	0.5 ERU per dwelling	No	Yes
Condominium Association	Total ISA determines ERUs ⁴	No	Yes

¹ These requirements are outlined in Section Four: Waiver Eligibility Criteria

² A duplex is billed 1 ERU per month, a triplex is billed 1.5 ERU per month, and a fourplex is billed 2 ERU per month.

³ The Mobile Home Park owner shall be billed.

⁴ The responsible party of the Condo Association shall be billed.

Commercial Property

All mercantile establishments, stores, offices, public buildings, governmental agencies, public and private hospitals, schools, churches, other commercial enterprises, mercantile establishments combined with residences, and dwellings larger than a fourplex shall be defined as “Commercial Property”. The number of ERUs billed each month, credit eligibility, and waiver eligibility are shown in *Table 2 - Commercial Property Fee Structure*.

<i>Table 2 - Commercial Property Fee Structure</i>			
Type of Commercial Property	Number of ERUs billed per month	Eligible for Credit?	Eligible for Waiver?
Mercantile Establishments	Total ISA determines ERUs	Yes ⁵	Yes ⁶
Stores			
Offices			
Public Buildings			
Governmental Agencies			
Public and Private Hospitals			
Schools			
Churches			
Other Commercial Enterprises			
Mercantile Establishments combined with Residences			
Dwellings larger than a fourplex			

The Buildings and Facilities, Public Parks, Open Spaces, Trails, and Paths owned by the City of Lewiston are not eligible for credits or waivers. The total ISA of these properties determines the number of ERUs billed to the City per month.

SECTION THREE: Credit Eligibility Criteria

A Residential Property, regardless of type, is not eligible for a credit. A Commercial Property is eligible for a credit upon meeting the criteria as shown in *Table 3 - Credit Structure*.

⁵ These requirements are outlined in Section Three: Credit Eligibility Criteria
⁶ These requirements are outlined in Section Four: Waiver Eligibility Criteria

The City may, at its discretion, use readily available information to make a good faith effort to identify customer parcels, or portions of parcels, believed eligible for credits. Any City assignment of credits should not be construed to be comprehensive, complete, or entirely accurate. Customers are ultimately responsible for providing the necessary information to the City to prove and maintain eligibility.

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Table 3 - Credit Structure

Type of Credit	Reason for Credit	Amount of Credit	Eligibility Criteria
<p>Commercial On-Site Gravel Areas</p>	<p>The City considers all compacted gravel areas (drives, storage areas, etc.) as impervious areas.</p> <p>However, on-site gravel that is not compacted (e.g. large storage areas with no vehicular traffic) is considered less impervious.</p> <p>Customers with uncompacted gravel areas reduce the amount of runoff leaving their property, reducing their burden on the City’s Stormwater Drainage System, and therefore receive a lower level of stormwater drainage services.</p>	<p>15% credit applied to qualifying graveled area(s), if criteria is met and maintained</p> <p>100% waiver will be applied to qualifying gravel landscaped area(s)</p>	<p>Customers who submit site specific information that demonstrates that on-site gravel is not compacted and not subjected to vehicular traffic are eligible for a 15% credit for the applicable portion of the property upon inspection by the City.</p> <p>The conditions leading to a reduction in off-site discharges must remain in place to remain eligible for the credit. The customer must notify the City if site condition changes occur that affect credit eligibility or amount, including an increase/decrease in qualifying graveled areas, change to compacted use, exposure to vehicular traffic, etc.</p>
<p>Commercial On-Site Retention/ Treatment Equivalent</p>	<p>A customer who:</p> <ul style="list-style-type: none"> ● retains and infiltrates, or otherwise prevents a significant amount of runoff from leaving their property; or ● implements treatment requirements which attain an equal or greater level of water quality benefits as onsite retention of stormwater discharges <p>reduces their burden on the City’s Stormwater Drainage System and therefore receives a lower level of stormwater drainage services.</p>	<p>If criteria is met and maintained, credit for the portion of ISA draining to the retention system is as follows:</p> <p>40% credit for 25 year, 24-hour storm event⁷</p>	<p>Customers who submit:</p> <ol style="list-style-type: none"> 1. site specific topographic and drainage information; 2. a hydrologic analysis; 3. an engineered design; 4. an operation and maintenance plan; 5. as-built information showing the retention system was properly constructed; and 6. Underground Injection Control compliance documentation (when applicable)

⁷ A 25 year, 24-hour storm event equates to 2.2” of precipitation.

		<p>30% credit for 25 year, 2-hour storm event⁸</p> <p>20% credit for 95 percentile, 24-hour storm event⁹</p> <p>15% credit for retention of 0.4" of runoff from contributing ISA</p>	<p>shall be eligible for the credit upon inspection and approval of the facility by the City. All work must be permitted by the City and meet City standards. Hydrologic analyses and engineering designs shall be completed by a qualified professional.¹⁰</p> <p>The customer must annually provide proof of proper ongoing O&M and functionality to the City in order to remain eligible. The customer must notify the City if site drainage changes occur that affect credit eligibility or amount.</p> <p>For accounts that fail to provide the proof of proper Operations & Maintenance of their stormwater facilities annually, the following steps will be taken:</p> <ol style="list-style-type: none"> 1) At 30 days past the annual due date the customer will be sent a certified letter of past due. 2) If the account reaches 60 days past the annual due date all credits will be suspended and the customer will need to reapply for credits.
K-12 Educational Activities	Elementary, middle, and high schools that provide educational activities centered on watershed pollution and protection increase awareness about surface and groundwater resources, the effects of urbanization on these resources, and encourage students to be lifelong stewards of our area's water	20% credit applied to ISA, if criteria is met and maintained	<p>While an approved curriculum is available, schools may develop their own curriculum for review and approval by the Stormwater Coordinator.</p> <p>Participation in the program, and eligibility for the credit, is subject to the following conditions:</p>

⁸ A 25-year, 2-hour storm event equates to 0.8" of precipitation.

⁹ A 95 percentile, 24 hour storm event equates to 0.6" of precipitation.

¹⁰ A professional Civil Engineer, Environmental Engineer, Agricultural Engineer license in the State or Idaho or a competent professional, who is well versed in the field of hydrology, hydraulics, and stormwater system design.

	resources and stormwater drainage. Collectively, these efforts help offset the City's cost of providing similar targeted education and outreach to this sector of the general public.		<ol style="list-style-type: none"> 1. The school is an accredited K-12 educational institution on property that discharges stormwater to the City's Stormwater Drainage System and is subject to stormwater user fees; 2. The educational outreach is designed to reach every student in the school at least once during their time at that school location; 3. The educational activities consist of a minimum of one (1) approved lesson of instructional content specific to stormwater education; and 4. The institution provides documentation of curriculum taught and verification of the number of students that received instruction on an annual basis. <p>The school must notify the City if changes in the conditions of participation occur that affect credit eligibility.</p>
MS4 Permit Co-Permittee - LCSC	Lewis-Clark State College (LCSC) is a co-permittee of the MS4 permit and is required to implement activities to reduce their stormwater pollution below the normal range.	20% credit applied to ISA, if criteria is met and maintained	Must meet compliance with the MS4 permit

SECTION FOUR: Waiver Eligibility Criteria

Residential Property and Commercial Property are eligible for a waiver upon meeting the criteria as shown in *Table 4 - Waiver Structure*.

The City may, at its discretion, use readily available information to make a good faith effort to identify customer parcels, or portions of parcels, believed eligible for waivers. Any City assignment of waivers should not be construed to be comprehensive, complete, or entirely accurate. Customers are ultimately responsible for providing the necessary information to the City to prove and maintain eligibility.

Table 4 - Waiver Structure

Type of Credit	Reason for Credit	Amount of Credit	Eligibility Criteria
Commercial Non-Use	Developed real property that naturally does not discharge to the City's Stormwater Drainage System is assumed to receive no stormwater drainage services and is therefore not subject to stormwater user fees.	100% waiver ¹¹ applied to that portion of ISA that: <ol style="list-style-type: none"> 1. is served by its own stormwater system such that the real property's stormwater runoff does not discharge to the City's Stormwater Drainage System; or 2. is not directly or indirectly hydraulically connected to the City's Stormwater Drainage System 	<p>Customers who submit site specific topographic and drainage information and a hydrologic analysis to the City that shows runoff will not leave the property, or portions thereof, for up to and including a 100-year, 24-hour storm event¹² are eligible for a waiver for the applicable portion of the property.</p> <p>The hydrologic analysis shall be completed by a qualified professional.¹³</p> <p>The conditions preventing off-site discharges must remain in place to remain eligible for the waiver. This credit is primarily for natural conditions. If constructed retention facilities are involved, then the On-Site Retention application process must be used.</p>
Vacant Undeveloped Property	Undeveloped real property that contains no impervious groundcover and remains in a natural (historically undisturbed) state is assumed to receive no City stormwater drainage services beyond that used by such property under natural conditions and is	100% waiver applied to the entire property.	<p>Properties that remain in an undeveloped state are eligible for a waiver. The conditions preventing off-site discharges beyond that expected for such property in a natural (historically undisturbed) state must remain in place to remain eligible for the waiver.</p> <p>Property owners must notify the City if site condition changes occur that affect eligibility for the waiver, including land disturbing activities (clearing, grading,</p>

¹¹ Ordinance No. 4882, Sec.36-258(g)

¹² A 100 year, 24 hour storm event equates to 2.8" of precipitation.

¹³ A professional Civil Engineer, Environmental Engineer, Agricultural Engineer license in the State or Idaho or a competent professional, who is well versed in the field of hydrology, hydraulics, and stormwater system design.

	therefore not subject to stormwater user fees.		and/or excavation), and/or construction of impervious surfaces.
Public Roads	<p>The public road system serves as an integral component of the storm drainage system.</p> <p>Road drainage systems accommodate a significant portion of off-road runoff, as well as runoff from the road which is ultimately there to serve property owners who use the road system.</p>	50% waiver applied to ISA within public road right-of-ways.	Where the City is responsible for the operation and maintenance of streets, roads, highways, and/or parking lots, the City must ensure those procedures are in compliance with the MS4 permit and conducted in a manner to protect water quality and reduce the discharge of pollutants through the MS4.

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