

# **STORM WATER UTILITY FEE SCHEDULE AND CREDIT POLICY**

## **1.0 FEE SCHEDULE**

In accordance with the Code of Ordinances, Article IV, Chapter 74, Section 74-304 and 74-308, the City has conducted an analysis of the cost of Stormwater Management Programs, Services, Systems, and Facilities of the City for the purpose of setting an annual rate schedule for properties served by the utility. In accordance with said cost analysis and an analysis of the impact on the stormwater systems and facilities generated by properties within the City, the following stormwater service fees are hereby established, effective July 1, 2017:

### **1.1 Base Rate:**

Based on the average square footage, the ratio of impervious surface area contained within properties within the City and the impact on the stormwater system, and in order to minimize administrative burdens and expenses, the City has determined that a flat fee for the first 2,900 square feet of impervious surface is appropriate for all parcels. Each parcel in the City will be charged a base rate of \$60.00 for the first 2,900 square feet of impervious surface (as defined in Section 74-302 of the City Ordinances). Parcels with no impervious surface (as defined in Section 74-302 of the City Ordinances) as determined by the City will not be subject to a fee.

### **1.2 Single Family Homes, Mobile Homes and Duplex Residential Units**

The City has determined the average amount of impervious surface area of a single family home in the City is 2,900 square feet. The average amount of impervious surface area per mobile home lot in a mobile home park is approximately 2,800 square feet. The average amount of impervious surface area for duplex residential properties average 4,350 square feet. Single family, mobile homes and duplex residential parcels generally are uniform throughout the service area. To minimize administrative burdens and expenses: Single family home properties and mobile homes will be charged a flat rate of \$60.00 per annum. Duplex residential properties will be charged at a flat rate of \$90.00 per annum.

### **1.3 Mixed Use Residential Properties**

Mixed use residential properties, where the owner of the property has established a homestead exemption for the property and is also running a business on the property will be assessed a blended stormwater utility rate. The impervious surface on the parcel will be counted as follows in determining the stormwater utility fee:

- 40% of the total impervious surface on the parcel will be considered part of the primary residence and will be assessed the fees as described in paragraph 1.2 above. This will be considered first in identifying the 2,900 square feet of impervious surface making up the Base Rate.
- 60% of the total impervious surface on the parcel will be considered part of the business and will be assessed as described in paragraph 1.4 below. If the residential portion of the impervious surface did not use the entire 2,900 square feet of the Base Rate, the remaining amount may be applied to this part of the impervious surfaces.

Any mixed use property owner that has a homestead exemption on the property may request an individual review of their property's stormwater utility fee. However, if such a review is requested and performed, the blended 40% / 60% rate will no longer apply and the actual rate

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calculated during the review will be used to determine the final stormwater utility fee.

## **1.4 Unit Fee for Other Properties**

Properties other than single family homes and duplex and mixed use residential properties (as described in paragraphs 1.2 and 1.3 above) will also be charged a flat fee of \$60.00 per annum if the impervious surface area is less than 2,900 square feet. In addition to the \$60.00 base rate, parcels having more than 2,900 square feet of impervious surface will be charged \$0.0616 for every square foot of impervious surface exceeding the 2,900 square feet base amount.

## **1.5 Stormwater System Connection or Disconnection Fee**

A permit must be obtained prior to the connection of any parcel to the City's stormwater system. A permit application, in the form attached as Appendix 1.A must be filed with the Director of Public Works; along with a permit fee of \$53.00 per application to cover administrative costs. The applicant(s) is responsible for all costs (including materials, labor and equipment) to effect the connection or disconnection.

**Fee:** A Fee of \$53.00 will be charged for each connection or disconnection. This fee will be charged for a connection or disconnection from any of the City's underground stormwater system pipes or catch-basins and/or for installation/removal of driveway culverts where ditches rather than an underground system serves the area. Payment of the fee shall be made at the time of application or notice of disconnection.

If, in the discretion of the Director of Public Works, the connection or disconnection requires the services of the City inspector, the applicant will be responsible for an additional \$25.00 for each visit by the inspector. Said charges will be billed to the applicant(s) upon completion of each inspection.

## **1.6 Delinquent Fees**

Any person that fails to pay the service fee when due shall be responsible for the amount of the unpaid service fee, interest on the unpaid amount at a rate identified and determined by the Public Utility Commission for Lewiston's Water Utility and approved by the city council as part of the stormwater utility use fee schedule, a minimum penalty of \$200.00, and attorneys' fees and other costs of collection. Delinquent amounts may be collected by a civil action against the person.

## **2.0 CREDIT POLICY**

### **2.1 General Policies**

Based on the cost analysis conducted pursuant to Article IV, Chapter 74, Sections 74-308 and 74-309, the City has determined that two types of credits are appropriate at this time for property owners that have implemented certain systems and measures to mitigate the impact of stormwater on the City's stormwater systems and facilities.

A City Stormwater System Impact Credit (as described in Section 2.2) will be provided for properties that demonstrate substantial portions (more than 50 percent) of the subject property do not impact the City's stormwater system as defined herein.

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A Permit Improvements Credit (as described in Section 2.3) will be provided to parcels that develop on-site retention/detention facilities that enable the City to avoid additional capital and operating costs associated with stormwater runoff.

General policies for stormwater utility credits are listed below with policies, details and special circumstances that may be specific to individual credits are described in sections 2.2 and 2.3 below.

- Credit is given to eligible properties only as described in this policy.
- It is the responsibility of the property owner (or his/her designee) to initiate and apply for stormwater utility credits, and to provide all necessary substantiating information with a letter requesting the credit.
- Although the Department of Public Services staff is available to answer questions and provide technical assistance, the Department of Public Services is not responsible for initiating a credit application, performing engineering calculations, or otherwise assisting in the preparation of a request for a stormwater utility credit.
- The Department of Public Services will only review complete credit requests. The reviews are anticipated to be complete within four (4) weeks after a complete application is received. If approved, the credit will be applied to the first full quarterly bill issued after the approval.
- Any approved request for a stormwater credit will be effective from the beginning of the fiscal year the application was submitted or the date the owner purchased the property (whichever is later).
- Multiple credits may be given to eligible properties up to a maximum of 100% of the property's stormwater utility fee.
- An approved credit will be applied to the property without further application for the period of time the mitigation measures required for the credit are maintained in accordance with City requirements as described herein.

## **2.2 City Stormwater System Impact Credit**

The City Stormwater System Impact Credit is available only to those properties having a stormwater collection and discharge system that does not result in impact to the City's stormwater management and system facilities as defined in Section 74-302 of the Code of Ordinances. To be eligible for a credit, it must be demonstrated that no stormwater collected on and/or discharged from at least 50 percent of the impervious surface on a property reaches any part of the City's stormwater control system. An analysis of the City's watershed drainage paths identified areas of the City where properties are more likely to qualify for this credit. Those areas are shown on the "Direct Drainage Areas Study" map included at the end of this policy. Properties not located in these areas very likely impact the City's stormwater control system.

### **CREDIT CRITERIA:**

- a. The discharge from the property's stormwater collection system must not impact the City's stormwater infrastructure (including the street system), nor negatively impact water quality or quantity issues downstream from the discharge point.

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- b. The amount of the credit will be based upon how much of the property's impervious surface is drained through a system that does not impact the City's system. The maximum credit of 100% can be obtained if 100% of the impervious surface is drained without impacting the City system, 80% if at least 80% of the parcel does not impact the City system, and 50% if at least 50% is drained without impacting the City system.

### **OWNERSHIP AND MAINTENANCE:**

- c. The equipment, systems and facilities comprising a property's stormwater collection and discharge system must be owned, operated and maintained, either on-site or by record of agreement, by the applicant. The applicant must provide documentation of the activities that will occur in order to inspect and maintain the system to the standards presented therein.
- d. In the event that the stormwater system (or a portion thereof) is not located on the property owned and/or operated by the applicant, the applicant must provide a copy of a record agreement between the applicant and the owner of the off-site facility and that the owner understands the applicant will receive the stormwater fee credit for the facility. In addition, the owner of the off-site parcel should provide a letter to the Department of Public Services indicating he/she is in agreement with the information contained in the request for a stormwater utility credit.
- e. If the applicant does not operate and maintain the facility as required, the credit will be discontinued.
- f. Maintenance requirements for the system must meet the most recent version of the Best Management Practices (BMPs) established by the Maine DEP.

### **APPLICATION FOR CITY STORMWATER SYSTEM IMPACT CREDIT:**

To apply for a City Stormwater System Impact Credit, the applicant must submit the following information:

- g. Cover letter to the Department of Public Services identifying all attachments and explaining why the credit is being requested and how much of a credit is being requested.
- h. A description of the onsite stormwater collection and discharge system and an analysis of the downstream flow paths of stormwater from the property.
  - (1) Properties that would not trigger the need for development review as described in Appendix A, Article XIII, Section 2 shall identify:
    - i. How stormwater is collected and where it flows on the property
    - ii. The flowpath of stormwater after it leaves the property, including identification of any and all stormwater structures the drainage would flow through such as catchbasins, piping, culverts, ditches and etc. This flow path will be followed until the brook or stream carrying the stormwater leaves the City limits and does not re-enter. (Note: There are some brooks or streams that leave the City for a short distance and then re-enter the City)
  - (2) Properties that would trigger the need for development review as described in Appendix A, Article XIII, Section 2 shall identify:
    - i. On-site roof drains, catchbasins, piping, culverts, retention ponds and other on-site collection system structures and any and all discharge points.
    - ii. A stormwater management plan/report identifying the on-site collection system is capable of capturing the stormwater from a 2, 10 and 25 year

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storm and the Pre- and Post-Development stormwater discharge from the property. (For properties that were developed before these analyses were required, a statement that the property has historically not had any issues with flooding or stormwater quality may be accepted.)

- iii. A copy of any Maine Department of Environmental Protection and/or City permits approving the stormwater system. (NPDES permit if discharging to a state regulated receiving water)
- iv. A copy of the maintenance plan for the on-site collection system.
- v. The flowpath of stormwater after it leaves the property, including identification of any and all stormwater structures the drainage would flow through such as catchbasins, piping, culverts, ditches and etc. This flow path will be followed until the brook or stream carrying the stormwater leaves the City limits and does not re-enter. (Note: There are some brooks or streams that leave the City for a short distance and then re-enter the City).

### **2.3 Permit Improvements Credit**

The Permit Improvements Credit is available only to those properties having a stormwater collection and discharge system that exceeds the requirements of a permit issued by the Maine Department of Environmental Protection and/or a permit issued by the City of Lewiston approving the applicant's stormwater management system.

In order to exceed the requirements of a Maine DEP and/or City permit a property owner/applicant must have installed a stormwater management system which exceeds the minimum capacity required or allowed by the DEP or City permit. For example; this might include construction of larger retention/detention pond than was required by the regulatory permit enabling upstream flows from other properties to be captured and/or a system providing control for storms exceeding the applicable design storm.

#### **CREDIT CRITERIA:**

- a. A stormwater collection and discharge system for the property (or applicable portion of the property) must be designed by a licensed professional engineer. The system design must have been reviewed and approved by the Maine Department of Environmental Protection or the Department of Public Services as part of the property's development / stormwater permit.
- b. The installed system must exceed the capacity of the system approved by the Maine Department of Environmental Protection and/or the City permit for the property's development/stormwater permit. The amount of the credit will be based upon how much the property's installed stormwater system exceeds the regulatory requirements at the time of application. Under current regulations, detention/retention facilities must meet the requirements of the 25 year storm. The City will provide a credit of 25 percent for facilities that are sized to handle the 50 year storm; a credit of 30 percent for facilities to meet the 100 year storm; and facilities providing capacity for storms exceeding the 100 year storm will be eligible for a 35 percent credit.

#### **OWNERSHIP AND MAINTENANCE:**

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- c. The facilities of a property's stormwater collection and discharge system must be owned, operated and maintained, either on-site or by record of agreement, by the applicant. The applicant must provide documentation of the activities that will occur in order to inspect and maintain the system to the standards presented therein.
- d. In the event that the stormwater system (or a portion thereof) is not located on the property owned and/or operated by the applicant, the applicant must provide a copy of a record agreement between the applicant and the owner of the off-site facility and that the owner understands the applicant will receive the stormwater fee credit for the facility. In addition, the owner of the off-site parcel should provide a letter to the Department of Public Services indicating he/she is in agreement with the information contained in the request for a stormwater utility credit.
- e. If the applicant does not operate and maintain the facility as required, the credit will be discontinued.
- f. Maintenance requirements for the system must meet the most recent version of the Best Management Practices (BMPs) established by the Maine DEP.

### **APPLICATION FOR PERMIT IMPROVEMENTS CREDIT:**

To apply for a Permit Improvement Credit, the applicant must submit the following information:

- g. Cover letter to the Department of Public Services identifying all attachments and explaining why the credit is being requested and how much of a credit is being requested.
- h. Engineering drawings and calculations identifying:
  - (1) The stormwater collection and discharge system (including the location of the discharge) as designed and submitted as part of the permitting process
  - (2) The stormwater collection and discharge system (including the location of the discharge) as constructed in the field (as-built drawings) and identifying those portions of the system which exceeded those approved as part of the original permit.
  - (3) Run-off curve number computations and time of concentration calculations for each subcatchment. Provide pond descriptions and storage routing calculation for any stormwater management structure, detention pond and culvert backwater areas. Calculations must follow Maine DEP requirements regarding methodologies and models.
- i. Copy of the Maine Department of Environmental Protection and/or City permits approving the stormwater system. This would include submitting a copy of the NPDES permit if the discharge is going directly to a state regulated receiving water.
- j. Copy of the maintenance plan for the system (if available).
- k. If some or all of the stormwater collection system for the parcel is off-site, a letter from the owner of the off-site facility stating he/she understands the applicant will receive the stormwater fee credit for the facility and indicating he/she is in agreement with the information contained in the request for a stormwater utility credit. (see paragraph d. above)

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## **2.4 Private Road Credit**

Notwithstanding paragraph 2.1, when the Stormwater Utility was established City owned roads were considered a part of the stormwater collection system, while private roads providing access to residential properties were not. Private roads providing access to residential properties may apply for this credit and may receive up to a 100 percent credit for impervious surface of access roads after the first 100 feet in length. (Private roads 100 feet and less in length are considered driveways to which the Private Road Credit will not apply.)

### **CREDIT CRITERIA**

- a. The property owner must be being billed for the impervious surface of the private road.
- b. The private road must be more than 100 feet in length. The end of the private road will be considered to be the beginning of the first parking area.
- c. This credit applies to only private roads providing access to residential units.

### **OWNERSHIP AND MAINTENANCE**

- d. The access road must be owned and maintained by the owner or his/her representatives.

### **APPLICATION FOR CITY PRIVATE ROAD CREDIT**

To apply for a City Private Road Credit, the applicant must submit the following information:

- e. Cover letter to the Department of Public Services identifying all attachments and explaining why the credit is being requested and how much of a credit is being requested. The letter shall identify how many living units are served by the private road.
- f. Drawings showing the length, width and area of the private road starting at the property line (or where-ever the road begins on the property) and extending to the beginning of the first parking area, the end of the private road or another property line (whichever is shortest). Note: The approved credit will not include the first 100 feet of length for the road.
- g. Description of the maintenance performed for the private road, ditches, and associated stormwater collection system.