



STAFF REPORT

DATE: May 13, 2022
TO: Honorable Mayor and City Council
FROM: Bradley D. Stapley, P.E. Director of Public Works
SUBJECT: STORM WATER ORDINANCE - IMPERVIOUS SURFACE SERVICE CREDIT

RECOMMENDED MOTION

Motion to approve Ordinance 2022- ## updating Title 4, Chapter 12, Paragraph 109 of the Springville City Code granting the City Administrator authority to award, as appropriate, an “impervious surface” storm water fee service credit.

EXECUTIVE SUMMARY

The Springville City Code currently allows the Public Works Director to reduce the Storm Water “impervious surface” fee up to 35% of the original billing under specific criteria. This Ordinance grants the City Administrator authority to award supplementary service credits (up to 65% of the original billing) when additional on-site circumstances arise.

SUMMARY OF ISSUES/FOCUS OF ACTION

This action will allow an additional Storm Water “impervious surface” service credit reduction through the City Administrator when additional on-site circumstances arise, resulting in increased equity and fairness.

This action does not affect undeveloped land, single family or duplex residential parcels. It applies to industrial, commercial and multi-family developments within the City.

BACKGROUND

The *Springville City General Plan*, Chapter 7 - Community Facilities & Services goal is:

“To provide functionally effective community facilities and services to support a safe, healthy, and vibrant community life”:

Objective 6 within this chapter dictates:

“A storm drainage collection system that protects property and the health and safety of the citizens of our City, is economical, and will meet both the current and future needs of Springville City.”

DISCUSSION

In May 2021, the City Council approved changes to the City Code that allows proper classification of impervious surfaces within the City that directly affect the City's Storm Water Collection System.

These changes also provided a more concise and accurate billing calculation process with respect to those impervious surfaces.

Current City Code language limits the Public Works Director to allowing a maximum 35% reduction in the "impervious surface" storm water fees. This action would allow additional fee reductions through the City Administrator.

PROPOSED CITY CODE LANGUAGE CHANGES - 4-12-109

4-12-109 APPEAL OF CHARGES.

Any non-residential customer who disagrees with the storm sewer user fee for his or her parcel may apply to the Director for a user fee adjustment. The adjustment request must state the grounds for adjustment and must be filed in writing with the Director no later than thirty (30) days after receipt of billing. The Director shall review the request and basis for user charges to determine whether an error was made in the calculation or application of the fee. The Director may approve an adjustment to the fee.

An appeal of a Director's decision may be brought before the City Administrator within thirty (30) days after the date of the Director's decision.

The City Administrator may request additional information before making a decision. After reviewing the available information, the City Administrator may:

- (1) Uphold the Director's decision, or**
- (2) Apply an additional service charge credit not to exceed 65% of the original service charge amount.**

Decision of the City Administrator shall be final and conclusive.

If an appeal of charges is successful, credit will be applied to all charges from the time of the appealed billing, and will be reflected on a future billing after the appeal is granted.

ALTERNATIVES

No City Code change - this limits fairness and equity when special circumstances arise.

Increase/decrease proposed service charge credit - City staff recommends 65%

FISCAL IMPACT

The proposed City Code language changes will result in minimal Storm Water revenue losses.

ORDINANCE #XX-2022

AN ORDINANCE GRANTING THE CITY ADMINISTRATOR AUTHORITY TO AWARD A SERVICE CREDIT TO “IMPERVIOUS SURFACE” FEES WITH RESPECT TO STORM WATER RUNOFF WITHIN THE SPRINGVILLE CITY CODE.

WHEREAS, Title 4, Section 12, Paragraph 102-(7) of the Springville City Code defines “Impervious Surfaces,” with respect to Storm Water runoff; and

WHEREAS, the proper classification of impervious surfaces will provide a more concise and accurate billing calculation process; and

WHEREAS, the Springville City Code allows for a limited service charge credit through the Director for those non-single family residential customers that exceed the City’s storm water development standards and/or reduce the City’s downstream costs in providing storm water capacity, and

WHEREAS, additional on-site circumstances may arise wherein an additional service credit is appropriate resulting in equity and fairness with respect to the City’s Storm Water Utility.

NOW, THEREFORE, BE IT ORDAINED by the City Council of Springville, Utah:

SECTION 1: SECTION AMENDMENT. Title 4, Chapter 12, Section 102, “Definitions,” is hereby amended to read and provide as follows.

4-12-102 DEFINITIONS.

For the purpose of this Chapter, the following terms phrases and words shall mean:

(1) “City” - Springville City, a municipal corporation of the State of Utah.

(2) “City Administrator” the current or acting City Administrator, or his designee, employed by Springville City.

(~~23~~) “County” - Utah County

(~~34~~) “Council” - Springville City Council

(~~45~~) “Customer” or “Person” - Any individual; public or private corporation and its officers; partnership; association; firm; trustee; executor of an estate; the State or its departments, institutions, bureaus, agencies; county; city; political subdivision; or any other governmental or legal entity recognized by law.

(~~56~~) “Director” - The City’s Public Works Director or designee.

~~(67)~~ “Equivalent Residential Connection (ERC)” - An ERC is equal to 3,800 square feet of impervious surface area. This is based on an average single-family residential parcel, which has an impervious surface area of 3,800 square feet.

~~(78)~~ “Gravel Surfaces” - See Impervious Surface.

~~(89)~~ “Hard Surfaces” - See Impervious Surface.

~~(910)~~ “Impervious Surface” - A parcel’s hard surface area that causes water to run off its surface in quantities or speeds greater than under natural conditions. Some examples of impervious surfaces are:

(a) “Hard Surfaces” - Hard surfaces means rooftops, concrete or asphalt paving, walkways, patios, driveways, parking lots or storage areas, and

(b) “Gravel Surfaces” - Gravel surfaces means driveways, parking lots or storage areas that have been subject to surface traffic, including natural soil and/or compacted gravel surfaces.

~~(1011)~~ “Mitigation” - On-site facilities or practices which reduce storm water quantity and improve storm water quality.

~~(1112)~~ “Parcel” - The smallest, separately segregated unit of land having an owner. A parcel has boundaries and surface area, and is documented with a property number by the County.

~~(1213)~~ “Developed Parcel” - Any parcel whose surface has been altered by grading, filling, or construction of any improvement.

~~(1314)~~ “National Pollutant Discharge Elimination System (NPDES) Storm Water Regulations” - The provisions of the Federal Clean Water Act establishing specific permit requirements for the control of storm water discharge.

~~(1415)~~ “Single-Family Residential parcel” - Any parcel of land containing a single-family or duplex dwelling unit.

~~(1516)~~ “Storm Water” - Water produced by storms, surface drainage, snow and ice melt, and other water handled by the storm water system.

~~(1617)~~ “Storm Sewer Facilities” - Any facility, improvement, development or property made for controlling storm water quantity and quality.

~~(1718)~~ “Storm Sewer System” - All man-made storm sewer facilities and conveyances, and natural storm water systems including designated open spaces: owned or maintained by the City that store, control, treat, and/or convey storm water.

~~(1819)~~ “Storm Sewer Utility” or “Utility” - The utility created by this ordinance, which operates, maintains, regulates and improves storm sewer facilities, the storm sewer system and other related programs within Springville City.

~~(1920)~~ “Undeveloped Parcel” - Any parcel that has not been altered by grading, filling, or construction.

SECTION 2: SECTION AMENDMENT. Title 4, Chapter 12, Section 109, “Appeal of Charges,” is hereby amended to read and provide as follows.

4-12-109 APPEAL OF CHARGES.

Any non-residential customer who disagrees with the storm sewer user fee for his or her parcel may apply to the Director for a user fee adjustment. The adjustment request must state the grounds for adjustment and must be filed in writing with the Director no later than thirty (30) days after receipt of billing. The Director shall review the request and basis for user charges to determine whether an error was made in the calculation or application of the fee. The Director may approve an adjustment to the fee.

An appeal of a Director’s decision may be brought before the City Administrator within thirty (30) days after the date of the Director’s decision.

The City Administrator may request additional information before making a decision.

After reviewing the available information, the City Administrator may:

- (1) Uphold the Director’s decision, or
- (2) Apply an additional service charge credit not to exceed 65% of the original service charge amount.

Decision of the City Administrator shall be final and conclusive.

If an appeal of charges is successful, credit will be applied to all charges from the time of the appealed billing, and will be reflected on a future billing after the appeal is granted.

SECTION 3: This ordinance will become effective July 1, 2022 after publication hereof in the manner required by law.

ADOPTED by the City Council of Springville, Utah, this 07th day of June, 2022.

Matt Packard, Mayor

ATTEST:

Kim Crane, City Recorder