



## City of Harrisonburg Stormwater Advisory Committee

***Agenda: Meeting No. 07***

**August 6, 2014 5:00 – 7:00 p.m.**

5:00 – 5:05	1. Review and Adopt Minutes
5:05 – 5:10	2. Public Comment (limited to 3 minutes per speaker)
5:10 – 5:30	3. Updated Stormwater Utility Fee Revenue Projections
5:30 – 6:40	4. Stormwater Utility Ordinance
6:40 – 6:50	5. FAQ Review
6:50 – 6:55	6. General Questions / Discussion
6:55 – 7:00	7. Next Steps / Assignments



## City of Harrisonburg Stormwater Advisory Committee

**Minutes: Meeting No. 06**

**July 9, 2014 5:00 – 7:00 p.m.**

**Members in attendance:** Dale Chestnut, Kathy Holm, Daniel Michael, William Jones, Ted Byrd, J.M. Snell, Eldon Kurtz.

**Staff/Other in attendance:** Thanh Dang, Carolyn Howard, Harsit Patel, Tom Hartman, Dan Ruble and Jennifer Nunez.

### **Review and Adopt Minutes**

Bill Jones moved to adopt the June 2014 SWAC minutes. Eldon Kurtz seconded and the motion unanimously passed.

### **Public Comment**

Thanh reported that Jeff Kelbe received a promotion within the River Keepers organization, in Washington D.C. offices. He will no longer be able to serve on the SWAC. Staff will discuss with the City Manager and City whether to appoint someone to fill the vacancy.

### **Review SWAC Schedule and Goals**

Thanh started by reviewing the SWAC Schedule and Goals outlined in the agenda:

- a. July 2014 SWAC meeting – Provide recommendations regarding policy issues
- b. August 2014 SWAC meeting – Review draft Stormwater Utility Ordinance and Fee Structure
- c. September 2014 SWAC meeting – Recommend proposed Stormwater Utility Ordinance and Fee Structure to be sent to City Council for consideration and Public Hearing
- d. 2nd Council Meeting in September 2014 – Present to City Council
- e. October – Facilitate open house-style public meetings / public hearings
- f. January 2015 – City Council to vote on Stormwater Utility Ordinance and Fee Structure
- g. July 1, 2015 – Proposed effective date of Stormwater Utility Ordinance and Fee

Before the August meeting, staff will provide a draft Stormwater Utility Ordinance for comment and review.

At the August 2014 SWAC meeting, the committee will review the draft Stormwater Utility Ordinance and Fee Structure. Upon comment and review, staff would like the ordinance to be ready for formal recommendation to Council at the second September meeting.

Thanh and Chairman William Jones will present the SWAC's proposal at the 2<sup>nd</sup> Council Meeting in September.

In October 2014, staff will facilitate open house-style public meetings/public hearings in which SWAC members will be asked to assist.

January or February 2015 is the target date for the City Council to adopt a Stormwater Utility Ordinance and Fee Structure, with a proposed effective date of July 1, 2015.

### **Stormwater Utility Fee Discussion and Recommendations (See Attachment B for powerpoint slides)**

Carolyn reviewed the policy decisions made during the June SWAC meeting. The Stormwater Utility fee was determined to be the funding mechanism for the additional stormwater compliance. The SWAC also voted to move forward with billing on the real-estate bill as opposed the utility bill. Lastly, the SWAC decided to provide no exemptions to the Stormwater Utility fee other than what is required by law.

Thanh and Tom presented a breakdown of the Stormwater Utility Worksheet, and a summary of specific funding needs for permit compliance. Staff members had previously discussed using an Equivalent Residential Unit (ERU), but have now considered a billing unit method similar to of the methodology used in Charlottesville and Roanoke. This method of billing calculation would be based on actual impervious surface areas and an established billing unit of 500 sf. (See Attachment A, Memorandum titled "Policy Issues" for explanation of Method of Billing Calculation (item #3c)).

Draper Aden completed the GIS mapping of impervious surfaces on non-residential parcels, and are currently working on residential mapping. The use of billing units based on impervious surfaces addresses the issues of vacant lots and homes on multiple lots. Property owners would only be billed for actual impervious surface area rounded up to the nearest billing unit. The site plan and building permit process can be used to track changes to impervious areas, and the billing software can be updated accordingly.

Some concern expressed about the process of rounding up to the nearest billing unit. Staff will contact other communities to inquire about their policies regarding rounding of billing units and report findings at the August SWAC meeting.

There was discussion as to how the projected stormwater utility figures will be presented to the public, with a possibility of presenting two permit cycles (projections through 2023) rather than three permit cycles (projections through 2028), due to the uncertainty of changing regulations for future MS4 permit cycles.

J.M. moved to adopt the billing unit as opposed to the ERU strategy or real-estate tax increases. Daniel seconded and the motion unanimously passed.

Other localities have created separate credit guides/ manuals for residential and commercial properties. The SWAC noted that they would revisit and vote on the credit policy at a later time.

Staff recommended the Stormwater Utility fee pay for the capital improvement projects and any additional MS4 compliance and administration that is not included in the current budget. J.M. moved to support the recommendation and Daniel seconded. The motion unanimously passed.

Staff recommended the initial bill rate be based on the projected revenue needs for the permit cycle through June 30, 2018. J.M. motioned to accept the recommendation and Eldon seconded. The motion unanimously passed.

Carolyn presented an overview of system credit options (See Attachment B). Staff will continue researching credit system options from other communities to formulate a presentation to the SWAC in the future.

The draft frequently asked questions document was handed out, and staff requested that the SWAC make changes and suggestions in “track changes” format. The staff will take suggestions and edit a final draft to be presented at the next meeting.

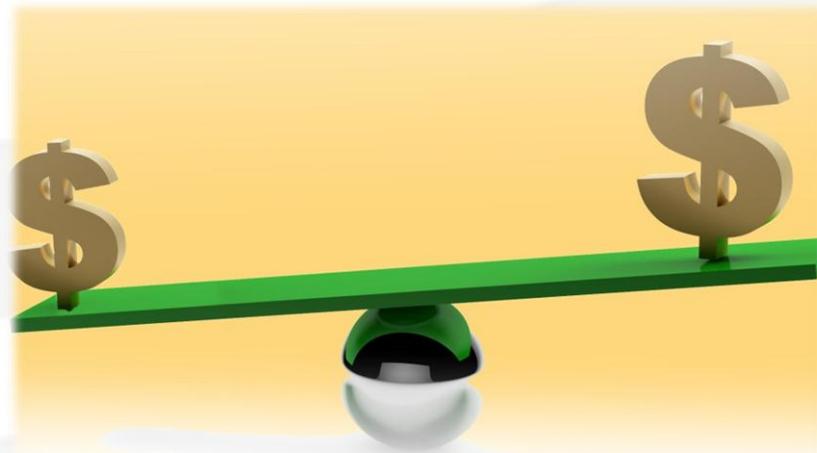
The next SWAC meeting will be held on Wednesday, August 6<sup>th</sup>.

DRAFT

# City of Harrisonburg's Stormwater Program

## Stormwater Utility

A Balancing Act: Paying for Compliance



July 9, 2014

# Policy Issues – Previous Recommendations

- Funding Mechanism – Utility Fee
- Method of Billing – Real Estate Bill
- Exemptions – none



# Policy Issues

- Method of Billing Calculation – based on actual impervious areas
  - ERU rate with tiered rate system for non-single-family residential land uses
  - ERU rate with rate for non-single-family residential land uses based on actual no. of ERUs
  - Cost per billing unit (e.g. \$0.90 / 500 sf of impervious area)



# Townhouse Unit

	<b>Billing Unit Rate:</b>	<b>\$10.00</b>
	<b>No. of Billing Units:</b>	<b>3</b>
<b>Total Parcel Area (sf)</b>	<b>Estimated Impervious Area (sf)</b>	<b>Annual Charge</b>
3,644	1,100	\$30



# Single-Family Residence

	<b>Billing Unit Rate:</b>	<b>\$10.00</b>
	<b>No. of Billing Units:</b>	<b>4</b>
<b>Total Parcel Area (sf)</b>	<b>Estimated Impervious Area (sf)</b>	<b>Annual Charge</b>
9,910	1,913	\$40



# Applebee's

	<b>Billing Unit Rate:</b>	<b>\$10.00</b>
	<b>No. of Billing Units:</b>	<b>19</b>
<b>Total Parcel Area (sf)</b>	<b>Estimated Impervious Area (sf)</b>	<b>Annual Charge</b>
17,220	9,173	\$190



# Graham Packaging

(Single Ownership)

	<b>Billing Unit Rate:</b>	<b>\$10.00</b>
	<b>No. of Billing Units:</b>	<b>441</b>
<b>Total Parcel Area (sf)</b>	<b>Estimated Impervious Area (sf)</b>	<b>Annual Charge</b>
234,034	220,130	\$4,410



# Policy Issues

- Stormwater Programs To Be Funded By Utility
  - Administrative?
  - Operations and Maintenance?
  - Capital Improvement Projects?
  - VSMP Compliance?
  - MS4 Compliance?



# Policy Issues

- Basis of Initial Bill Rate
  - Which Fiscal Year's Estimated Expenditures?
- Bill Rate Increases
  - Start 'High' and Hold for X Years
  - Build in Automatic Increase
  - Increase Annually Based on Need



# Credit System Options

➤ **XX% reduction in fee or tier** for each of the following:

- ✓ Onsite water quality and quantity controls
- ✓ SWM design more stringent than requirement
- ✓ Landscape nutrient management

➤ **City of Lynchburg / City of Charlottesville**

- ✓ For pollutant reducing BMPs

Credit Earned = 20% x (Original Fee) x (% of impervious area treated)

- ✓ For volume reducing BMPs

Credit Earned = 50% x (Original Fee) x (% of impervious area treated)



# Credit System Options

## ➤ City of Richmond

- ✓ Up to 50% for quality & quantity credit

Credit \$ = 50% x (Original Fee) x (% of impervious area treated)

- ✓ 10 % for landscape nutrient management



# Questions & Answers





## Memorandum

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**To:** City of Harrisonburg Stormwater Advisory Committee, Tom Hartman, Thanh Dang, Harsit Patel, Chris Mueller

**From:** Carolyn Howard

**Date:** July 3, 2014

**Project Name:** City of Harrisonburg Stormwater Utility Fee Development

**Project Number:** C13126B-03

**Subject:** Policy Issues

**cc:** Julia Skare, Mike Futrell - Draper Aden Associates

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Development of a stormwater utility fee and ordinance requires review of and recommendations regarding several policy issues. The following is a summary of policy issues noting current decisions and/or recommendation for each. This summary references the Virginia Stormwater Utility Law §15.2-2114 of the Code of Virginia, which is attached for reference.

### 1. Exemptions

- a. “Full waivers of charges” are required for, as per the Stormwater Utility Law,
  - i. Public roads and street rights-of-way and
  - ii. A federal, state, or local government, or public entity, that holds a permit to discharge stormwater from a municipal separate storm sewer system (MS4).
  
- b. “Full or partial waivers of charges” **may** be considered for, as per the Stormwater Utility Law,
  - i. Cemeteries;
  - ii. City of Harrisonburg owned properties; and
  - iii. Public or private entities “that implement or participate in strategies, techniques, or programs that reduce stormwater flow or pollutant loadings, or decrease the cost of maintaining or operating the public stormwater management system.”

**Recommendation:** At the June SWAC meeting, the committee decided to recommend no exemptions, except for those explicitly exempted by law – JMU, VDOT, and public roads. Partial waivers, in the form of utility fee credits, must be provided for parcels that provide a reduction in stormwater flow or pollutant loadings.

## 2. Billing Mechanism

As per the Stormwater Utility Law, a locality may "...combine the billings for stormwater charges with billings for water or sewer charges, real property tax assessments, or other billings; in such cases, the locality may establish the order in which payments will be applied to the different charges."

**Recommendation:** At the June SWAC meeting, the committee decided to recommend billing the fee to the owner of the parcel with the real property tax bill. Additionally, the ordinance should be written such that the stormwater utility fee is paid first then the tax bill to insure a high rate of collections for the utility and provide an enforceable mechanism for payment.

## 3. Method of Billing Calculation

The following billing methodologies are all based on the amount of impervious area per parcel.

- a. **ERU Based Tiered Rate Structure:** A tiered structure is based on the ERU and amount of impervious area within a range of total impervious area. Typically this system has one (1) to three (3) flat rates for residential uses, except for apartment complexes, and for non-residential uses, the fee calculation is as follows:

$$\text{Fee} = (\text{AVG Area of Range} / \text{ERU Area}) \times (\text{ERU Rate})$$

The advantage to this methodology is its simplicity, resulting in lower administrative costs, and it is defensible against legal challenges, because it is based on impervious area.

A possible disadvantage to this method is that, since it is based on existing and a range of impervious area, large parcels with expansive paved surfaces may not be charged proportional to the contribution of stormwater runoff.

- b. **ERU Based Impervious Area Structure:** This methodology is based on the actual amount of impervious area on a parcel and the ERU. Typically this system has one (1) to three (3) flat rates for residential uses, except for apartment complexes.

$$\text{Fee} = (\text{Actual Impervious Area} / \text{ERU Area}) \times (\text{ERU Rate})$$

For apartment complexes and non-residential properties (e.g. commercial and institutional) actual impervious areas are mapped. This methodology will require

significant staff time in the development, maintenance, and updating of the system.

An advantage to this system is its basis on a single, credible parameter non-residential properties (including apartment complexes) which can be accurately measured and, therefore, reduces the risk against legal challenges.

A possible disadvantage to this method is that, residential properties are based on an existing range of impervious area which may be challenged.

- c. Cost Per Billing Unit Structure: This methodology is based on the actual amount of impervious area on a parcel and a cost per billing unit (e.g. \$0.90 per billing unit; billing unit = 500 sf of impervious area). Typically this system does not utilize a flat or tiered rate system for residential parcels, but charges each parcel for the number of billing units (rounded) regardless of land use and zoning.

$$\text{Fee} = (\text{Actual Impervious Area} / \text{Billing Unit}) \times (\text{Billing Rate})$$

This methodology requires detailed mapping of impervious areas, including residential uses, and will require significant staff time in the development, maintenance, and updating of the system.

An advantage to this system is its basis on a single, credible parameter which can be accurately measured and, therefore, reduces the risk against legal challenges.

**Recommendation:** City staff recommends the ‘cost per billing unit’ methodology. (Note: This recommendation has been changed from what was discussed at the June SWAC meeting.) Given increased effort required for detailed mapping of impervious areas, staff recommends that mapping would be updated following the completion of construction of said property (e.g. following receipt of a certificate of occupancy) and that a city wide update occurs at set intervals (e.g. once every 5 years).

#### 4. Residential Flat Rate Applicability

If an ERU-based methodology with a flat or 3-tier single-family dwelling rate system is chosen, the applicability of the flat ‘residential’ rate to single-family, duplexes, townhomes, and/or condominium units must be determined. Since the ERU is typically based on single-family residential dwelling parcels only (3300 square feet for the City of Harrisonburg), the actual impervious area from a duplex, townhome, and condominium units, including common areas, is approximately the following percentage of the ERU of 3300 square feet.

Condominium	40-50%
Townhomes	60-70%
Duplex	70-80%

A modified ERU calculation was completed incorporating condominium, townhome, duplex, and single-family impervious areas for the City; the modified ERU is approximately 2,750 square feet.

**Recommendation:** With the staff recommendation of the ‘cost per billing unit’ methodology, this issue is not applicable. However, if an ERU based rate system is recommended by the committee, this issue will need to be discussed and a recommendation made for the development of the ordinance.

## 5. Minimum Fee Per Parcel

- a. Vacant lots without impervious surface (or with an impervious area less than the billing unit – e.g. 500 sf) may be charge either the minimum billing rate or \$0.

**Recommendation:** Staff recommends rounding calculated billing units to the next whole number. For example:

- Total impervious area = 385 sf
- Divide by 500 sf (one billing unit):  $385 / 500 = 0.77$
- Round to next whole number: 0.77 rounds to 1 billing unit
  
- Total impervious area = 4,585 sf
- Divide by 500 sf (one billing unit):  $4,585 / 500 = 9.17$
- Round to next whole number: 9.17 rounds to 10 billing units

The only properties that would not be charged a fee are lots that are truly undeveloped and have no impervious surfaces.

- b. Credit reductions *may* cause the fee for a particular parcel to be reduced to less than the cost per one (1) billing unit or one (1) ERU rate.

**Recommendation:** City staff recommendation forthcoming. Staff will develop a proposed method for calculating utility fee credits. (For examples, see Lynchburg and Charlottesville: <http://www.lynchburgva.gov/stormwater-credit-program> and <http://www.charlottesville.org/Index.aspx?page=2308>.)

## 6. Stormwater Programs To Be Funded By Utility Fee

The Law allows the utility fee to provide revenue for the following ‘stormwater only’ uses:

- a. Acquisition of property;
- b. Cost of administration;
- c. Engineering and design, debt retirement, construction costs for new facilities and enlargement or improvement of existing facilities, including dams, whether publicly or privately owned;
- d. Facility operation and maintenance, whether publicly or privately owned;
- e. Monitoring of stormwater control devices and ambient water quality monitoring; and
- f. Other permit compliance activities, such as, public education, watershed planning, and inspection and enforcement activities.

City staff presented to the committee budget estimates for the stormwater program through FY 2027/2028 with the following categories:

1. General administration
2. Utility fee administration
3. Operations and Maintenance
4. Capital Improvement Projects
5. VSMP and MS4 permit compliance

**Recommendation:** City staff recommendation forthcoming following discussion with SWAC at July meeting.

## 7. Basis of Initial Bill Rate / Future Bill Rate Increases

City staff presented to the committee budget estimates for the stormwater program through FY 2027/2028. Based on the stormwater programs recommended to be funded by the fee (see section 5 of this memorandum), the committee needs recommend the fiscal year budget that the initial stormwater utility fee will be based and how and when future increases will be assessed to meet the increasing revenue requirements.

- Will the increase be annually based on updated fiscal year program cost projections?
- Will the increase be biannually based on 2-year outlook of program cost projections? 3-year? 5-year?

**Recommendation:** City staff recommendation forthcoming following discussion with SWAC at July meeting.

§ 15.2-2114. Regulation of stormwater.

A. Any locality, by ordinance, may establish a utility or enact a system of service charges to support a local stormwater management program consistent with Article 2.3 (§ [62.1-44.15:24](#) et seq.) of Chapter 3.1 of Title 62.1 or any other state or federal regulation governing stormwater management. Income derived from a utility or system of charges shall be dedicated special revenue, may not exceed the actual costs incurred by a locality operating under the provisions of this section, and may be used only to pay or recover costs for the following:

1. The acquisition, as permitted by § [15.2-1800](#), of real and personal property, and interest therein, necessary to construct, operate and maintain stormwater control facilities;
2. The cost of administration of such programs;
3. Planning, design, engineering, construction, and debt retirement for new facilities and enlargement or improvement of existing facilities, including the enlargement or improvement of dams, levees, floodwalls, and pump stations, whether publicly or privately owned, that serve to control stormwater;
4. Facility operation and maintenance, including the maintenance of dams, levees, floodwalls, and pump stations, whether publicly or privately owned, that serve to control the stormwater;
5. Monitoring of stormwater control devices and ambient water quality monitoring; and
6. Other activities consistent with the state or federal regulations or permits governing stormwater management, including, but not limited to, public education, watershed planning, inspection and enforcement activities, and pollution prevention planning and implementation.

B. The charges may be assessed to property owners or occupants, including condominium unit owners or tenants (when the tenant is the party to whom the water and sewer service is billed), and shall be based upon an analysis that demonstrates the rational relationship between the amount charged and the services provided. Prior to adopting such a system, a public hearing shall be held after giving notice as required by charter or by publishing a descriptive notice once a week for two successive weeks prior to adoption in a newspaper with a general circulation in the locality. The second publication shall not be sooner than one calendar week after the first publication. However, prior to adoption of any ordinance pursuant to this section related to the enlargement, improvement, or maintenance of privately owned dams, a locality shall comply with the notice provisions of § [15.2-1427](#) and hold a public hearing.

C. A locality adopting such a system shall provide for full waivers of charges to the following:

1. A federal, state, or local government, or public entity, that holds a permit to discharge stormwater from a municipal separate storm sewer system; except that the waiver of charges shall apply only to property covered by any such permit; and
2. Public roads and street rights-of-way that are owned and maintained by state or local agencies including property rights-of-way acquired through the acquisitions process.

D. A locality adopting such a system shall provide for full or partial waivers of charges to any person who installs, operates, and maintains a stormwater management facility that achieves a permanent reduction in stormwater flow or pollutant loadings. The locality shall base the amount of the waiver in part on the percentage reduction in stormwater flow or pollutant loadings, or both, from pre-installation to post-installation of the facility. No locality shall provide a waiver to any person who does not obtain a stormwater permit from the Department of Environmental Quality when such permit is required by statute or regulation.

E. A locality adopting such a system may provide for full or partial waivers of charges to cemeteries, property owned or operated by the locality administering the program, and public or private entities that implement or participate in strategies, techniques, or programs that reduce stormwater flow or pollutant loadings, or decrease the cost of maintaining or operating the public stormwater management system.

F. Any locality may issue general obligation bonds or revenue bonds in order to finance the cost of infrastructure and equipment for a stormwater control program. Infrastructure and equipment shall include structural and natural stormwater control systems of all types, including, without limitation, retention basins, sewers, conduits, pipelines, pumping and ventilating stations, and other plants, structures, and real and personal property used for support of the system. The procedure for the issuance of any such general obligation bonds or revenue bonds pursuant to this section shall be in conformity with the procedure for issuance of such bonds as set forth in the Public Finance Act (§ [15.2-2600](#) et seq.).

G. In the event charges are not paid when due, interest thereon shall at that time accrue at the rate, not to exceed the maximum amount allowed by law, determined by the locality until such time as the overdue payment and interest are paid. Charges and interest may be recovered by the locality by action at law or suit in equity and shall constitute a lien against the property, ranking on a parity with liens for unpaid taxes. The locality may combine the billings for stormwater charges with billings for water or sewer charges, real property tax assessments, or other billings; in such cases, the locality may establish the order in which payments will be applied to the different charges. No locality shall combine its billings with those of another locality or political subdivision, including an authority operating pursuant to Chapter 51 (§ [15.2-5100](#) et seq.) of Title 15.2, unless such locality or political subdivision has given its consent by duly adopted resolution or ordinance.

H. Any two or more localities may enter into cooperative agreements concerning the management of stormwater.

(1991, c. 703, § 15.1-292.4; 1994, cc. [284](#), [805](#); 1997, cc. [331](#), [587](#); 1998, c. [182](#); 2003, c. [390](#); 2004, c. [507](#); 2005, c. [313](#); 2006, c. [11](#); 2009, c. [703](#); 2011, c. [452](#); 2013, cc. [756](#), [793](#).)

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END OF JULY MEETING MINUTES