

Chapter 8

**STORMWATER MANAGEMENT
UTILITY FEE CREDIT AND
ADJUSTMENT**

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FOR REVIEW ONLY

8.1 INTRODUCTION

The purpose of this chapter is to describe policies set forth by the City of Raleigh (City) concerning stormwater management service charge credits and stormwater management service charge adjustments. The City established a stormwater management utility on Nov. 5, 2003, with the passage of Ordinance No. (2003) - 537 ([Stormwater Management Utility Ordinance](#)) and Resolution No. (2003) - 888, revised by Resolution Nos. (2008) - 540 and (2016) - 320. The utility provides the City with the authorization to establish rates and collect fees and charges for the services and facilities provided by the City. Opportunities for credits and adjustments were also created in the Utility Ordinance, and this chapter provides technical and administrative assistance in applying for them.

The remainder of this section provides a background on stormwater management and operation of the City's Stormwater Management Utility Program. The following sections detail the fee credit opportunities available to customers, fee credit application process, credit maintenance and enforcement and appeals for adjustment to stormwater management utility fee charges.

8.1.1 Definitions

Adjustment – A change made to a fee to correct an overcharge or an undercharge of a customer's stormwater management service charge.

City Standards – City standards for design, construction and maintenance of stormwater facilities. These standards include the City Stormwater Management Design Manual, [Raleigh City Code](#), City [Unified Development Ordinance](#) (UDO) and all City [standard details](#).

Credit – A fee reduction that a customer receives for implementing practices that mitigate the peak discharge or runoff pollution or decrease the City's cost of maintaining the system beyond [Raleigh City Code](#) or [UDO](#) requirements.

Credit Application – Application for a new or existing stormwater facility.

Customer – The person or entity to which a fee is sent. Customers may include the owner, occupant or tenant of property; a homeowner's association with responsibility for property or for common areas associated with property; or a person or entity who has requested in writing to be the recipient of the fee for a property.

Developed Land – Property that contains impervious surfaces, including improved land with or without structures and land on which improvements are under construction.

Existing Stormwater Facility – Stormwater facilities that were fully constructed and approved by the City before the inception of the stormwater utility fee (March 1, 2004).

Fee – The Stormwater Management Service Charge applied to developed property. The charge is based upon the single-family equivalent unit (SFEU), as calculated for the property.

Impervious Area – Any surface, which because of its material composition or compacted nature, impedes or prevents natural infiltration of stormwater into the soil. Impervious surfaces include, but are not limited to, roofs, roof extensions, patios, balconies, decks, streets, parking areas, driveways and sidewalks, as well as any concrete, stone, brick, asphalt or compacted

gravel surfaces. Refer to impervious surface in [UDO Section 12.2](#) for complete definition.

Maintain or Maintenance – Any action necessary to keep stormwater control measures (SCMs) and devices in proper working condition, so that such facilities will continue to comply with state law and City standards to prevent safety hazards, public nuisances and failure of the SCMs and devices to function as credited. Maintenance includes activities identified on approved stormwater control plans, any applicable stormwater operations and maintenance manual, any applicable agreements or certifications to the City and those activities outlined in the City's Stormwater Management Design Manual or City approved operations and maintenance manuals.

New Stormwater Facility – New stormwater facilities are stormwater facilities that were fully constructed and approved by the City after the inception of the stormwater utility fee (March 1, 2004).

Other Residential and Nonresidential Developed Land – Any individual lot or parcel of developed land that is not single-family developed land. It includes, but is not limited to: land upon which there are residential structures that contain more than one dwelling unit, such as multi-family dwellings (duplexes and greater), manufactured home parks, condominiums, apartments, boarding houses, rooming houses, fraternity houses, sorority houses, dormitories, churches; institutional buildings, whether public or private; hospitals; rest homes; public and private schools; colleges and universities; commercial, office, hotels and motels; industrial buildings and storage areas; parking lots and land containing improvements under construction or impervious surfaces.

Post-Developed Conditions – The condition of a property following any development activity on the parcel. For upstream areas, this refers to complete build-out conditions, as determined from current zoning and the City [Comprehensive Plan](#).

Pre-Developed Conditions – The condition of a property before development on the parcel occurs (e.g. forested or open space, etc.).

Property Owner (Owner) – The owner of a property, as shown on the Wake County or Durham County tax records.

Single-Family Equivalent Unit (SFEU) – The median amount of impervious area on a single-family (detached home) developed land in the City, as established by City Council resolution.

Stormwater Management Design Manual – A manual provided by the City that provides guidance for designing stormwater management facilities and infrastructure.

Stormwater Facility (Facility) – Any mechanism constructed to manage stormwater quantity and/or quality. Another term used for a facility is SCM.

Stormwater Management Service Charge (Fee) – The fee charged to provide stormwater services to developed land.

Stormwater Management System (System) – The system of natural and constructed devices for collecting, storing, transporting and/or treating stormwater. It includes, but is not limited to,

structural drainage systems, such as catch basins, pipes, inlets, storm sewers, drains, culverts, junction boxes, open swales and ditches, and other stormwater management facilities that affect the quality and quantity of stormwater located within dedicated open public street rights-of-way (ROW), as well as permanent or public easements accepted by the City.

Stormwater Management Utility Fund – The Enterprise fund within which revenues from the fee are accounted for and by which the City Stormwater Management Utility Program is funded.

Stormwater Management Utility Ordinance – The City [Ordinance No. \(2003\) - 537](#), which establishes the stormwater management utility.

Stormwater Ordinance – Part 10, Chapter 9, Articles 9.2 through 9.5 of the [Raleigh City Code](#), which details the City's stormwater management, special flood hazard area, erosion and sediment control (E&SC), and watershed protection area regulations.

Stormwater Services – City stormwater management programs designed to control hydrology and protect water quality by controlling the level of pollutants in, and the quantity and flow of, stormwater and City service of structural and natural stormwater and management systems of all types. Stormwater services include any cost necessary to assure that all aspects of stormwater quality and quantity are managed in accordance with federal and state laws, regulations and rules, and costs related to the construction, operation, maintenance, inspection, management and regulation of the stormwater management system.

8.1.2 Stormwater Management Overview

As the city grows, much of the natural landscape is covered with impervious surface, allowing less stormwater to infiltrate than under pre-development (natural) conditions. Increased impervious area leads to larger volumes and higher rates of stormwater runoff, which pose a threat to the public health, safety and welfare because, if unmanaged, the increased runoff may flood vehicle routes and properties, erode watercourses and channels, and pollute streams and rivers.

Stormwater management is the practice of managing stormwater runoff to reduce or avoid water quantity and quality problems. By mapping, planning, constructing, operating, cleaning, regulating and maintaining natural and constructed stormwater management facilities, the City reduces the adverse effects of stormwater and improves the quality of groundwater, streams, rivers and lakes in and around Raleigh.

8.1.3 Stormwater Management Utility

The City has established a stormwater management utility as a stable source of funding to provide stormwater services that benefit owners and occupants of developed land within the City. It is administered similar to a water or wastewater utility. Just as a water utility fee is proportional to the demand for water by a customer, the stormwater management service charge is proportional to the demand for stormwater services, as measured by the amount of impervious area on a property. Impervious area is the most important factor affecting the peak rate of runoff, the total volume discharged and pollutant loadings of stormwater that flows from a property. The [Stormwater Management Utility Ordinance](#) legally establishes the stormwater management utility as an Enterprise fund under the Laws of the State of North Carolina and the City.

8.1.4 Responsibility of City

The Stormwater Management Division is a division of the City's Engineering Services Department. The Stormwater Program Manager has responsibility for the operation and maintenance of the stormwater management utility. The Stormwater Program Manager is also responsible for the operations and maintenance staff; planning and assessment of the stormwater management system; enforcement of the soil E&SC regulations, special flood hazard area regulations and the [Stormwater Ordinance](#); and management of the drainage capital improvement programs. The Stormwater Management Division, with the assistance of Utility Billing, a division of the City's Public Utilities Department is responsible for billing of stormwater management service charges. The amount of the stormwater management [utility fee billed](#) is set by City Council.

8.1.5 Credits and Adjustments

The City has established opportunities for customers to receive credits and adjustments in the [Stormwater Management Utility Ordinance](#). Credits are associated with, but not limited to, the construction, operation and maintenance of privately owned stormwater facilities that benefit the City beyond the code-required standards. Customers may qualify for a credit when they can demonstrate that their existing or new stormwater facility provides cost savings that the City would otherwise incur as part of City stormwater management efforts.

Adjustments are fee changes meant to correct discrepancies between the fee paid by a customer and the amount of impervious area on the property. The City has established an appeals process that allows customers to appeal for adjustment if they determine their fee is applied in error, as discussed in Section 6-4008 of the [Stormwater Management Utility Ordinance](#).

8.1.6 Credit Applicability

A customer is the person or entity receiving a bill for stormwater services. Customers may include the owner, occupant or tenant of a property. To be eligible for a credit, customers must receive a bill for stormwater services provided by the City, meet the requirements detailed in Section 8.2 and apply the credit to developed lands containing the credited stormwater facility.

Some commercial or single-family residential properties that implement permanent, on-site structural stormwater controls, if in compliance with the City's ordinances, may be eligible for a credit, per Section 8.2. In instances where a facility was installed for use by multiple single-family lots on commonly owned property or common area of a homeowner's association, such as a townhouse, cluster unit or condominium development, each dwelling unit may be eligible for its equal pro-rata share of the credit, unless other arrangements for billing the stormwater management service charge to the homeowner's association were made pursuant to 6-4006(e) of the [Stormwater Management Utility Ordinance](#).

8.2 STORMWATER FEE CREDIT OPPORTUNITIES

The [Stormwater Management Utility Ordinance](#) establishes opportunities for customers to receive credits on their fee for installing stormwater facilities to specified standards above City requirements. Eligible credit will be determined by the City based on the schedules outlined in the following sections.

The reader should not view this document as a sole source of credit opportunities, but as a guide to assist in interpreting policies set forth in the [Stormwater Management Utility Ordinance](#), the [Stormwater Ordinance](#) and the Stormwater Management Design Manual.

8.2.1 Structural Controls

Customers operating stormwater facilities that provide peak discharge control, volume control or water quality/pollutant load control in excess of the minimum requirements, as outlined in [Chapter 5 – Stormwater Management Design](#), of the Stormwater Management Design Manual will be eligible for a credit in accordance with the [Crediting Framework Document and Tables](#).

8.2.2 Non-Structural Controls

Customers holding National Pollution Discharge System (NPDES) Municipal Separate Storm Sewer Systems (MS4) Permits will be eligible for a credit of an amount to be determined by the City on a case-by-case basis. The credit will be determined based on a comparison between the City's NPDES program and the customer's NPDES program. Credit will be given for elements of the programs that are similar to those offered by the City. Credit for other approved nonstructural controls will be determined by the City on a case-by-case basis. The crediting framework for nonstructural controls can be found in the [Crediting Framework Document and Tables](#).

8.2.3 Single-Family Residential Credits

Single-family residential customers are eligible for a credit(s) in accordance with the [Crediting Framework Document and Tables](#).

8.3 APPLYING FOR CREDITS

The following sections present the typical credit application process for new and existing stormwater facilities.

8.3.1 New Construction

The following section outlines the process of applying for credit for a newly constructed stormwater facility. Customers seeking credit for an existing SCM should refer to Section 8.3.2.

8.3.1.1 Perform Hydrologic Analysis and Design

If a customer decides to install a stormwater facility, a North Carolina licensed professional engineer must be hired to perform a hydrologic and hydraulic analysis and design a stormwater facility that will achieve the level of credit desired by the customer.

It is highly recommended that the applicant interact with City Stormwater Engineers first before

an applicant hires an engineer to perform these services. City Stormwater Engineers will evaluate how a new or existing property will fit into the drainage scheme of the City and identify available credits, as requested by the customer. The City determines the final amount of credit based on the policies of this chapter.

8.3.1.2 Credit Application

Once an engineering analysis has been completed, the customer should follow the instructions to fill out the stormwater fee [Initial Credit Application](#). This application, along with an engineering report, will be submitted to the City for final credit determination. A checklist for submitting a complete application to the City is included in the Initial Credit Application.

8.3.1.3 Construction

If an application is successful, the customer must construct the new stormwater facility before the credit takes effect. The customer must also provide an as-built certification to the City, and it must be sealed by a North Carolina licensed professional engineer for all new structures. The completed new facility or an existing facility may be subject to inspection by the City to ensure that it will perform as credited. Refer to [Chapter 5 – Stormwater Management Design](#), Section 5.7 of this manual for more information on as-built certifications.

8.3.1.4 Implementation of Credit

Successful applications will receive credits as detailed in Section 8.2. Customers submitting a credit application for a new stormwater facility will be eligible to receive the credit on the billing cycle following the day the stormwater facility was fully constructed and approved by the City. After receiving credit, customers must maintain the SCM as detailed in Section 8.4. Customers that fail to pay their stormwater fee for a period of three months or more will lose their credit. To be eligible for a credit again, the customer will need to catch up on delinquent payments and reapply for the credit.

8.3.2 Existing Facilities

The following section outlines the process of applying for credit for an existing stormwater facility.

8.3.2.1 Credit Application

Credit application procedures for existing stormwater facilities are similar to those detailed in Section 8.3.1 for new stormwater facilities. The recommendation described in Section 8.3.1.1 may still be useful for the owner of an existing stormwater facility that is determining what credit may be available to them.

An engineering analysis as detailed in Section 8.3.1.1 must be performed for an existing stormwater facility to prove that it exceeds current City runoff control standards as applicable to the site and qualifies for credit. The application must be submitted along with an engineering report as discussed in Section 8.3.1.2, and the facility may be subject to inspection as detailed in Section 8.4.3.

8.3.2.2 Implementation of Credit

Existing stormwater facilities may be eligible for a credit if they meet requirements detailed in Section 8.2 for a particular credit. Existing facilities that were built to meet development

requirements must exceed the development requirements at the time of construction to be eligible for a credit. Similar to new facilities, existing stormwater facilities must be maintained as described in Section 8.4 to be eligible for a credit.

Customers submitting a credit application for an existing stormwater facility may be eligible to receive credit up to three years prior to approval of the application. Credit will not be awarded for applications for an existing stormwater facility for any time period preceding fee inception or for any time period preceding the date on which the stormwater facility was fully constructed and approved by the City. However, customers must be able to prove the existing stormwater facility complies with [North Carolina Dam Safety](#) standards and all other federal, state and local laws and regulations, where applicable, and has satisfied relevant credit requirements detailed in Section 8.3, for the time period(s) in question and has been maintained throughout that time period in order to receive the retroactive credit.

After receiving credit, customers that fail to pay their stormwater fee for a period of three months or more will lose their credit. To be eligible for a credit again, the customer will need to catch up on delinquent payments and reapply for the credit.

8.3.3 Credit Renewals

Credits granted to a customer for an existing or new stormwater facility is in effect for one year. In order to continue receiving credit in future years, annual reporting is required per Section 8.4.2 below. A customer must also submit a [Credit Renewal Application](#) every three years. The application form contains detailed instructions for completing the renewal application and includes a checklist to assist the customer.

8.3.3.1 Renewal Inspections

An inspection of the stormwater facility by a licensed engineer must be performed in accordance with [UDO Section 9.2.4](#) of the Stormwater Ordinance prior to renewing a credit. If the annual documentation or inspection proves a stormwater facility is not in compliance with City requirements, credit will be subject to termination, and credit received during any period of noncompliance must be repaid to the City.

8.3.3.2 Upgrade to Current Standards

Recognizing that the City's stormwater requirements have evolved over the past three decades, the City will not require current recipients of a credit to upgrade their facilities immediately to conform to future changes in City stormwater requirements. However, once a City standard is changed, the City will only guarantee existing credits for a period of five years, provided the customer maintains the facility to City standards that existed at the time of construction and the facility otherwise complies with State law. If a facility has not been upgraded to the new standard at the end of the five-year period, the credit will be terminated.

8.4 CREDIT MAINTENANCE AND ENFORCEMENT

To receive a credit, a stormwater facility must be maintained in strict compliance with City standards, North Carolina Dam Safety standards and all other federal, state and local laws and

regulations, where applicable, to ensure that the facility functions as credited at all times. Required maintenance activities are described in the following sections. More information concerning individual operations and maintenance requirements based on the stormwater facility, may be found in [Chapter 5 – Stormwater Management Design](#).

8.4.1 Maintenance Program Requirements

8.4.1.1 Maintenance Agreement

An owner of stormwater facilities must agree in writing to maintain the credited stormwater facility to City standards and all other applicable standards (e.g. North Carolina Dam Safety standards, etc.) in order to be eligible for credit. Maintenance activities to be performed are detailed in Section 8.4.1.3. Failure to maintain a facility in strict compliance to City standards will result in the loss of the credit and possible surcharge (back billing) to recapture improper credits. The owner of a credited stormwater facility is responsible for notifying the City if the facility is compromised or damaged in any way or is no longer complying with State law or City standards. The owner of a credited stormwater facility must also notify the City if any repair work is performed that may alter the operation of the facility.

8.4.1.2 Right of Entry

In order to be eligible for a stormwater facility credit, an owner of a stormwater facility must first agree in writing that appropriate City staff have permission to inspect stormwater facilities on the owner's property at any time if given permission by the owner or with one weeks' notice. Inspection procedures are detailed in Section 8.4.3. Failure to permit City inspection shall terminate the credit.

8.4.1.3 Maintenance Activities

The following stormwater facility maintenance activities are required for a customer to be eligible for a stormwater facility credit. These activities are required to ensure that the facility performs as credited, complies with City standards and all other federal, state and local laws and regulations, where applicable, meets safety standards and is not a public nuisance. Maintenance activities are required on all drainage structures appurtenant to the facility, including but not limited to the dam, inlets, headwalls, velocity dissipaters, spillways, pipes, feeder channels, discharge channels, etc. The owner of a credited stormwater facility must comply with all applicable maintenance practices below that are relevant to the credited facility:

1. **Debris and Litter Removal** – This activity must be performed after storm events, or as needed in order to prevent the structure from clogging and failing and to prevent a public nuisance.
2. **Erosion and Structural Repair** – Side slopes, emergency spillways and embankments all may periodically suffer from slumping and erosion. Regrading, revegetating, compacting and/or installing or replenishing riprap may be required to correct erosion problems that develop.

3. **Mowing** – Side slopes, embankments, emergency spillways and other grassed areas of stormwater facilities should be periodically mowed to prohibit woody growth and to prevent overgrowth of vegetation (which is a public nuisance as set forth in the [Raleigh City Code](#)). More-frequent mowing may be required for aesthetic purposes or to meet North Carolina Dam Safety standards. Native grasses, which are water tolerant, pest tolerant and slow growing, are recommended.
4. **No Blockages** – Remove sediment or any blockage from pipes, channels, spillways, inlets and outlets as needed to keep the facility in proper working condition.
5. **Nuisance Control** – Standing water or soggy conditions within a dry stormwater facility can create nuisance conditions for nearby residents. A public nuisance is defined in the [Raleigh City Code](#). Common nuisance conditions may include odors, mosquitoes, litter and weeds. Regular maintenance to remove debris and ensure control structure functionality is required to control these potential problems. In addition, well-maintained and established wetland plants in wet detention ponds or bird-nesting boxes around the pond can provide a habitat for birds and predacious insects and fish that can actively serve as a natural check on nuisance insects such as mosquitoes. Cyclical alteration of the water level in the pond or installation of aeration/agitation features will also disrupt most unwanted larval growth.
6. **Outlet Control** – Maintain outlet control devices to ensure proper control of stormwater velocities at the outlet of the stormwater facility. Revegetating and/or replenishing or installing riprap may be required to correct erosion problems at the outlet of stormwater facility pipes.
7. **Removal of Log Jams and Debris** – All streams and ditches within the stormwater system should be inspected periodically for blockages. If identified, the blockages and debris should be removed as quickly as practicable.
8. **Sediment Removal** – This activity is to be performed as needed or as required by the City to ensure proper working order of the facility and its related stormwater facility features (e.g. channels, pipes, etc.). Sediment removal is also required to maintain the required storage volume per the North Carolina Department of Environmental Quality (NCDEQ) manual “[Minimum Design Criteria and Recommendation for Stormwater Control Measures](#)”.
9. **Structural Repairs and Replacement** – Eventually, stormwater control structures will deteriorate and must be repaired or replaced. Major structural damage to outlet structures (e.g. cracks, leaks, failure, etc.) must be repaired as soon as possible.

8.4.2 Documentation and Reporting

Annual reporting must be submitted to the City to continue receiving a credit. The annual reporting date is established from the date the credit application was approved by the City. For any property owner that has a regulatory SCM that is being used for a stormwater fee credit, and annual regulatory reporting is already required by the City, additional reporting is not required for credit renewal. The required documentation for annual or three-year reporting is outlined below.

8.4.2.1 Annual Documentation and Reporting

1. Annual certification report by the property owner or authorized corporate officer that the stormwater facility is in place and in proper working order
2. Records demonstrating that required maintenance activities have been completed

8.4.2.2 Three-Year Documentation and Reporting

1. A [Credit Renewal Application](#)
2. An inspection and certification report from an independent, North Carolina licensed professional engineer that conforms to the [Stormwater Management Utility Ordinance](#)
3. Recently dated photographs showing the condition (including any known damage or disrepair) of a stormwater facility
 - a. For stormwater ponds, these photos should include views of the outlet structure, all side slopes, vegetated littoral zones, a view from the downstream channel looking upstream at the dam and emergency spillway, a view from the dam showing the condition of the downstream channel, and a view of areas designed to catch sediment
4. Records demonstrating that required maintenance activities have been completed

8.4.3 Inspections

Each customer that has applied for and received a credit for a stormwater facility has the responsibility to inspect and repair their facility to ensure that it is functioning as credited. In addition, the City reserves the right to inspect stormwater facilities receiving a credit at any time. If the field inspection proves that any of the annual documentation submitted for continuation of the credit is not accurate, or the facility is not maintained, or if the facility is not operating as credited, the credit will be terminated. In addition, the customer must pay the City in the form of a surcharge (back-billing) the amount of credit received during the period for which the City determines the stormwater facility was out of compliance.

Inspections will be performed at the discretion of the City to assure that a facility is operating as credited. Annual inspection is possible with additional inspections of problematic areas following large storm events (two inches of rainfall or more over a 24-hour period). Further information concerning City inspections may be found in the [Stormwater Management Utility Ordinance](#).

8.5 APPEALS AND ADJUSTMENT

Adjustments may be available to a customer through the appeals process specified in the [Stormwater Management Utility Ordinance](#). An adjustment is a change made to a fee to correct an overcharge or an undercharge of a customer's stormwater utility fee. Adjustments are not to be confused with credits, which are intended to reduce a fee by a percentage reflecting the system

benefit from customer-implemented stormwater management practices. Adjustment opportunities are detailed in Section 8.5.1, below.

The reader should not view this document as a sole source, but as a guide to assist in interpreting policies set forth in the [Stormwater Management Utility Ordinance](#) and [Stormwater Ordinance](#). Customers must receive a fee for stormwater services provided by the City to be eligible for an adjustment.

8.5.1 Types of Adjustments

The following sections outline typical grounds to file an appeal for adjustment to a customer's stormwater utility fee.

8.5.1.1 Impervious Area Measurement Adjustment

The City has utilized permits, development plans, geographic information system (GIS) technology and manual measurements to determine the impervious area for all properties within the City limits. If a customer has reason to believe that the impervious area for a property as reported by the City is incorrect, the customer may request an adjustment through the appeals process.

8.5.1.2 Less than 400 Square Feet of Impervious Area Adjustment

A fee will not be charged to customers with less than 400 square feet of impervious area. A customer assessed a fee for property with less than 400 square feet of impervious area will be eligible for an adjustment through the appeals process.

8.5.1.3 Partial Discharge Adjustment

Properties that partially or completely drain outside of the City limits will be eligible for an adjustment through the appeals process. To qualify for this adjustment, runoff draining from the property outside the City limits must remain completely outside the City limits and not return at any point downstream. If the impervious area on the entire property drains outside the City limits, a fee will not be assessed. If a portion of the impervious area on the property drains outside the City limits, a fee will be assessed in proportion to the amount of impervious area draining within the City limits. This adjustment is subject to future annexations and future City limit boundary changes.

8.5.2 Process of Appealing for an Adjustment

Adjustments are obtained by participating in the appeals process described in this Section and in the [Stormwater Management Utility Ordinance](#). Any customer determining that their fee is not in proportion to the amount of impervious surface on their property may apply for adjustment by submitting an [Appeal for Adjustment Application](#) to the Stormwater Program Manager, or their designee. As part of the submission, the customer must provide the City with evidence or justification for the correction of the fee in question, as outlined on the Appeal for Adjustment Form. In some cases, the customer may also be required to submit, at his or her expense, a survey prepared by a registered land surveyor or other information as discussed in the [Stormwater Management Utility Ordinance](#).

The Stormwater Program Manager, or their designee, will issue a written determination in response to all appeals. Once the Stormwater Program Manager, or their designee, has made a determination on the matter, the customer is allowed 30 days (after service of the written decision) to file an appeal with the Engineering Services Director. Once the Engineering Services Director, or their designee, has made a determination on the matter, the customer is allowed 30 days (after service of the written decision) to file an appeal with the City Manager. Once the City Manager or their designee, has made a determination on the matter, the customer is allowed to appeal the ruling of the City Manager to the City Council.

8.5.2.1 Eligibility of Adjustment

Customers awarded an adjustment by the City may be eligible to receive the adjustment retroactive to the start date of billing but in no case longer than three years prior to the date of appeal. Adjustments will not be awarded for any period preceding the fee inception for the property or preceding the date at which the City determines the stormwater runoff generated from the property to be inconsistent with the fee paid. The three-year retroactive payment policy also applies to cases where the City determines that the fee for a property is less than it should be based on the amount of impervious surface on the property.

8.6 LINKS AND ATTACHMENTS

- Stormwater Management Design Manual
- [Stormwater Management Utility Ordinance](#)
- [Stormwater Ordinance](#)
- [Utility Rate Resolution & Revisions](#)
- [Initial Credit Application](#)
- [Credit Renewal Application](#)
- [Appeal for Adjustment Application](#)