



**CITY OF NEWBERG  
PUBLIC WORKS DEPARTMENT  
ENGINEERING DIVISION**

## *Stormwater Management Fee Credit Manual*

*A Process for Owners of Developed Properties  
(except Single-family Residential) to Receive Credits  
for Mitigating Stormwater System Impacts*

= As Revised and Effective June 20, 2005 =

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# CHAPTER 1 – INTRODUCTION

On May 5, 2003, the City Council of the City of Newberg passed **Ordinance 2003-2571**, amending the Newberg Municipal Code to add a new chapter (Chapter 53) regulating the City stormwater system.

On August 2, 2004, the City Council adopted **Ordinance 2004-2606**, amending City Municipal Code Section 53.13 allowing for stormwater management fee credits (See Appendix A). The City Council also passed **Resolution 2004-2525**, adopting the stormwater system design standards, a stormwater education program, and the stormwater capital improvement program, and continuing the monthly fee. The amount of credit was further amended by the adoption of **Ordinance 2004-2609** on October 18, 2004.

This manual is created to provide a process for owners of developed properties (except single-family residential properties<sup>†1</sup>) to receive credits for mitigating their stormwater system impacts. The monthly fees are established on the basis of the amount of impervious surface areas<sup>†2</sup> such as roof tops, parking lots, and driveways on properties within the City. Any credits on the stormwater fees shall be administered in accordance with the guidelines adopted by the City Council. Please read the entire manual and use the standard application form on page 8 of this manual.

On October 18, 2004, the City Council adopted **Resolution 2004-2542**, accepting the recommendation made by the Citizens' Rate Review Committee to increase the monthly stormwater rates. The stormwater system requirements and the rates are subject to review and/or change.

## Footnotes:

<sup>†1</sup> Credit consideration for single-family residential properties is under review as of December 2004.

<sup>†2</sup> One Equivalent Dwelling Unit (EDU) is defined as 2,877 square feet of impervious area, the typical amount for an average duplex unit or single-family dwelling. For multi-family and non-residential properties, the impervious areas are translated into whole numbers of EDU's.

# **CHAPTER 2 – APPLICATION & APPEAL PROCESS**

## **APPLICATION PROCESS**

A property owner who has provided an acceptable stormwater management (SWM) improvement on-site that exceeds the City of Newberg design standards may apply for a credit on the stormwater service charge applied to the same property. The resulting credit shall be commensurate with the mitigating effects of the improvement on stormwater runoff. The City shall consider an adjustment or reduction of the monthly fee upon application by the property owner or his/her legal representative to the City (See Appendix A).

The applicant must use the standard form and follow the instructions in **Chapter 3** of this manual. Once a completed application is received by the City, it will be reviewed in two to four weeks. If approved, the applicant will be notified by mail and a rate adjustment will be made retroactive to the date that the application was received. The applicant will also be informed by mail if the application is incomplete, or requires correction or clarification by the applicant.

The rate adjustment shall remain in effect provided that:

- (a) The responsible person has secured a City permit and the on-site stormwater facility has been constructed and properly maintained in accordance with all approved plans and design criteria; and
- (b) The person responsible for the developed property remains accountable for all costs of operation and maintenance of the on-site stormwater facility; and
- (c) The City shall have full access to the on-site stormwater facility for the purpose of inspecting its compliance with the design, maintenance and operating standards; and
- (d) The renewal of the adjustment is granted upon re-application for the upcoming year on or before December 31 of each year.

## **APPEAL PROCESS**

The applicant who disagrees with the City staff decision on the stormwater rate adjustment may appeal said decision within thirty (30) days of receipt of notification of the decision. The appeal shall be in writing, addressed to the Public Works Director, and provide a brief explanation of the disagreement. The appeal will not waive the monthly stormwater fee or extend its payment deadline. The Public Works Director or designee shall review the appeal and provide a response in writing within sixty (60) days of the receipt of the appeal.

While the appeal is pending before the Public Works Director, no lien for the disputed amount shall be attached.

If still unresolved, the applicant may further appeal the decision of the Public Works Director within fourteen (14) days of the date of receipt of the decision. The appeal shall be in writing, addressed to the City Manager, and provide a brief explanation of the disagreement. The City Manager shall review the appeal and respond with a decision in writing within fourteen (14) days of the receipt of that appeal. The City Manager's decision shall be final and appealable only by way of writ of review in Circuit Court (See Appendix A).

## **CHAPTER 3 – APPLICATION**

The owner of a developed property, except single-family residential property, who has provided an acceptable on-site stormwater management improvement that exceeds the City of Newberg design standards, may apply for the stormwater management fee credit toward the same property. The applicant shall complete an application form and send it with all the necessary supporting documents to the following mailing address:

City of Newberg  
Public Works Department – Engineering Division  
Attention: SWM Credit  
P.O. Box 970  
Newberg, OR 97132

The applicant shall review the conditions for the fee adjustment (see back of application form) and satisfy any single of the seven conditions, or any combination of the seven conditions. The applicant is encouraged to read and understand the **City of Newberg Municipal Code Chapter 53**, which regulates the City stormwater system.

Payment of an application fee is not required at this time. Filing this application is an acknowledgement of the right-of-entry of the City of Newberg to inspect and verify the information contained in said application.

### **Supporting documents are required to evaluate each credit application.**

For conditions #(1) through #(4), submit the following:

- (a) A storm drainage plan at pre-development and post-development levels;
- (b) Engineering calculations indicating that the constructed on-site stormwater facility shall mitigate the relevant storm events;  
For example, the site has a storm detention facility designed to meet the 10-year storm such that the post-development runoff from the site shall not exceed the pre-development runoff for the same 10-year storm event.
- (c) A completed application form with applicant's signature and engineer's certification of the accuracy of the credit application material.

For condition #(5), submit the following:

- (a) A storm drainage plan at post-development level;
- (b) Describe what kind of best management practices have been implemented for the paved surfaces on site to protect water quality of the storm runoff;  
For example, the site has water quality manhole(s) or oil/grit separator(s) to collect storm runoff from all paved surfaces. In this case, show the location of water quality manhole(s) on the storm drainage plan.
- (c) A verifiable maintenance schedule to clean and maintain the water quality facility;
- (d) A completed application form with applicant's signature certifying the accuracy of the credit application material.

For condition #(6), submit the following:

- (a) A storm drainage plan at post-development level (show water quality facility);
- (b) Engineering calculations indicating that the constructed on-site stormwater quality facility shall improve the water quality of the storm runoff;  
For example, the site has one or more vegetated swales to slow the flow, and allow pollutant removal prior to discharge into the creek.
- (c) A verifiable maintenance schedule to clean and maintain the water quality facility;
- (d) A completed application form with applicant's signature and engineer's certification of the accuracy of the credit application material.

For condition #(7), submit the following:

- (a) An implementation plan (to increase employee and/or public awareness of the impact of stormwater discharge on water bodies and the small steps they can do to minimize erosion, control sediments, reduce storm runoff and the pollutants in storm runoff);  
For example, the owner can sponsor an awareness program and distribute brochures or fact sheets targeted at employees, residents, and/or students; and/or conduct community-based projects such as storm drain stenciling and watershed cleanups; and/or provide information to restaurants and garages on the impact of fat, oil and grease (FOG) clogging storm drains.

(b) A completed application form with applicant's signature certifying the accuracy of the credit application material.

For any questions regarding the stormwater management credit application, please contact:

Paul Chiu, P.E., Senior Engineer  
City of Newberg – Public Works Department/Engineering Division  
Phone: (503) 554-1751  
Fax: (503) 537-1277  
Email: [paul.chiu@ci.newberg.or.us](mailto:paul.chiu@ci.newberg.or.us)

**CITY OF NEWBERG – PUBLIC WORKS DEPARTMENT  
STORMWATER MANAGEMENT FEE CREDIT APPLICATION FORM**

**SECTION A – APPLICANT**

NAME (OWNER OR LEGAL REP): \_\_\_\_\_  
 MAILING ADDRESS: \_\_\_\_\_  
 CITY: \_\_\_\_\_ STATE: \_\_\_\_\_ ZIP: \_\_\_\_\_  
 PHONE: (\_\_\_\_) \_\_\_\_\_ FAX: (\_\_\_\_) \_\_\_\_\_  
 EMAIL: \_\_\_\_\_

**SECTION B – SITE INFORMATION**

NAME (BUSINESS/INSTITUTION/MULTI-FAMILY): \_\_\_\_\_  
 SITE ADDRESS OR TAX LOT: \_\_\_\_\_  
 IMPERVIOUS AREA: \_\_\_\_\_ SQUARE FEET EDU'S: \_\_\_\_\_

**SECTION C – ENGINEER OF RECORD (IF REQUIRED, SEE SECTION H)**

NAME: \_\_\_\_\_ REGISTRATION NO: \_\_\_\_\_  
 COMPANY: \_\_\_\_\_  
 MAILING ADDRESS: \_\_\_\_\_  
 CITY: \_\_\_\_\_ STATE: \_\_\_\_\_ ZIP: \_\_\_\_\_  
 PHONE: (\_\_\_\_) \_\_\_\_\_ FAX: (\_\_\_\_) \_\_\_\_\_  
 EMAIL: \_\_\_\_\_

**SECTION D – ADJUSTMENTS**

CIRCLE APPLICABLE CONDITION(S):  
 1    2    3    4    5    6    7

**SECTION E – OWNER CERTIFICATION**

\_\_\_\_\_  
 NAME (OWNER OR LEGAL REP)  
 \_\_\_\_\_  
 SIGNATURE  
 \_\_\_\_\_  
 DATE

**SECTION F – ENGINEER CERTIFICATION**

\_\_\_\_\_  
 SIGNATURE  
 \_\_\_\_\_  
 \_\_\_\_\_  
 ENGINEER SEAL                      DATE

**SECTION G – CITY REVIEW (office use only)**

RECEIVED: _____	REVIEWED (1 <sup>ST</sup> ): _____	APPROVED: _____	DENIED: _____
RESUBMITTED: _____	REVIEWED (2 <sup>ND</sup> ): _____	APPROVED: _____	DENIED: _____
APPEALED: _____	REVIEWED (3 <sup>RD</sup> ): _____	APPROVED: _____	DENIED: _____
APPEALED: _____	REVIEWED (4 <sup>TH</sup> ): _____	APPROVED: _____	DENIED: _____

SECTION H – CONDITIONS FOR FEE ADJUSTMENT	MAXIMUM REDUCTION IN FEE UPON APPROVAL	LICENSED ENGINEER CERTIFICATION REQUIRED
<b>ON-SITE STORMWATER MANAGEMENT PROVIDED FOR:</b>		
(1) 2-YEAR 24-HOUR FLOOD	10%	YES
(2) 10-YEAR 24-HOUR FLOOD	10%	YES
(3) 25-YEAR 24-HOUR FLOOD	10%	YES
(4) 100-YEAR 24-HOUR FLOOD	10%	YES
<b>BEST MANAGEMENT PRACTICES PROVIDED FOR:</b>		
(5) PAVED SURFACES FOR WATER QUALITY PROTECTION	10%	NO
(6) STORMWATER RUNOFF FOR WATER QUALITY IMPROVEMENT	20%	YES
<b>ONGOING EDUCATIONAL PROGRAM PROVIDED FOR:</b>		
(7) WATER QUALITY & QUANTITY PROTECTION	10%	NO
OR ANY COMBINATION OF THE ABOVE SEVEN (7) CONDITIONS SUCH THAT THE MAXIMUM DOES NOT EXCEED 50%		

**APPENDIX A –  
CITY MUNICIPAL CODE CHAPTER 53 (AS AMENDED)**

**CHAPTER 53: STORM WATER SYSTEM**

Section

***General Provisions***

- 53.01 Findings and necessity
- 53.02 Definitions
- 53.03 Drainage master plan
- 53.04 Storm water system management

***Storm Water Management Fee***

- 53.10 Storm water management fee imposed
- 53.11 Administrative process for setting and amending storm water management fee
- 53.12 Fee adjustments and appeals
- 53.13 Credits

***Property Transfers and Design Standards***

- 53.20 Property transferred to system
- 53.21 Design standards
  
- 53.99 Penalty

***Cross-reference:***

*Sewers, see Chapter 51*

***GENERAL PROVISIONS***

**§ 53.01 FINDINGS AND NECESSITY.**

(A) The city finds and declares that, absent effective maintenance, operation, regulation and control, existing storm water drainage conditions in all areas within the city constitute a potential hazard to the health, safety and general welfare of the public.

(B) The City Council further finds that natural and manmade storm water facilities and conveyances constitute a storm water system, and that effective improvement, regulation and control of storm water through formation, by the city, of a storm water system ("system") requires the transfer to the system of all storm water facilities and conveyances and related rights belonging to the city.  
(Ord. 2003-2571, passed 5-5-03)

**§ 53.02 DEFINITIONS.**

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

***EQUIVALENT DWELLING UNIT (EDU).*** A configuration of development, or impervious surfaces on a parcel, deemed to contribute an amount of runoff to the city's storm water system equal to that runoff created and contributed to the system by the average single-family residential parcel.

***IMPERVIOUS SURFACE.*** The hard surface area that either prevents or retards entry of water into the soil mantle and/or causes water to run off the surface in greater quantities or at an increased rate of flow from that present under natural conditions. ***IMPERVIOUS SURFACES*** include, but are not limited to, rooftops, concrete or asphalt paving, walkways, patios, driveways, parking lots or storage areas, and trafficked gravel or other surfaces that impede the natural infiltration or runoff of surface water.

***PARCEL, DEVELOPED.*** Any parcel that has been altered by grading or filling of the ground surface, or by construction of an improvement or impervious surface area, which affects the natural hydraulic properties of the parcel.

**PARCEL, UNDEVELOPED.** Any parcel that has not been altered by grading or filling of the ground surface, or by construction of an improvement or impervious surface area, which affects the natural hydraulic properties of the parcel.

**STORM WATER.** Storm water, ground water, surface drainage, subsurface drainage, spring water, well overflow, roof drainage and other like drainage other than sewage or industrial wastewater, as those latter terms are defined in § 51.04 of this code.

**STORM WATER SYSTEM OR SYSTEM.** The combination of both artificial and natural systems of publicly owned and/or operated sewers, drains, ditches, canals, culverts, detention/retention ponds, dams and other water control facilities used for collecting and transporting storm water.  
(Ord. 2003-2571, passed 5-5-03)

### § 53.03 DRAINAGE MASTER PLAN.

The City Council shall adopt a drainage master plan ("the plan"), which shall be periodically updated on a not less than a five-year cycle. In addition, fees, including systems development charges, shall be adopted to permit implementation of the plan. Systems development charges shall be adopted consistent with §§ 50.01 to 50.16 of this code.  
(Ord. 2003-2571, passed 5-5-03)

### § 53.04 STORM WATER SYSTEM MANAGEMENT.

(A) The city, through its Community Development Department, shall have all necessary authority and responsibility for the planning, design, construction, maintenance, administration and operation of the storm water system.

(B) The City Council shall, as part of the annual budget process, adopt a budget for the storm water system (including costs for maintenance, operation,

debt service and construction of the system) and may include other information, such as field activities, accomplishments and the upcoming fiscal year's priorities for the system.

(Ord. 2003-2571, passed 5-5-03)

### **STORM WATER MANAGEMENT FEE**

#### **§ 53.10 STORM WATER MANAGEMENT FEE IMPOSED.**

(A) All in-city customers of the city's water and sewer systems and those persons otherwise responsible for impervious surfaces within the city, which contribute storm water runoff to the system or who otherwise use or benefit from the system, are responsible for paying a storm water management fee ("SWMF").

(B) (1) Bills for the SWMF shall be mailed or otherwise delivered to the address specified in the application for water service for the affected parcel, the owner and/or occupant of which shall be deemed to be the responsible party for purposes of payment.

(2) In the event another person or party is responsible, then that person or party shall give notice thereof in writing to the city's Finance Department.

(C) (1) Any amount of the SWMF remaining unpaid for a period of 30 days or more from the date of the billing shall become an assessment lien on the affected property.

(2) In addition to any other method provided for by city code or state law for the foreclosure or collection of liens, the lien resulting from nonpayment of the utility fee may be collected and enforced consistent with the terms of O.R.S. 223.505 to 223.595 and O.R.S. 223.605 to 223.650.

(Ord. 2003-2571, passed 5-5-03)

**§ 53.11 ADMINISTRATIVE PROCESS FOR SETTING AND AMENDING STORM WATER MANAGEMENT FEE.**

(A) The just and equitable SWMF shall be fixed at such amounts to ensure the financial self-sufficiency of the storm water system.

(B) The setting of the amount of the SWMF and amendments thereto shall be in accordance with the administrative process as set forth in §§ 50.40 et seq. (Citizens Rate Review Committee process).

(1) Pursuant to § 50.41, the City Council assigns the Citizens Rate Review Committee the powers and duties necessary to conduct the process for setting the SMWF in accordance with the process used to establish the city's water and sewer rates.

(2) The City Council shall by resolution set the fee amount and any amendment thereto. (Ord. 2003-2571, passed 5-5-03)

**§ 53.12 FEE ADJUSTMENTS AND APPEALS.**

(A) Any non-residential customer, who believes the storm water management fee as applied and billed to his or her parcel is non-compliant with the rate structure created by the rate resolution described in § 53.10(A), may appeal such billing within 30 days of the date thereof.

(1) The appeal:

(a) Shall be in writing,

(b) Shall be addressed to the Community Development Director,

(c) Shall set out a brief explanation as to why the customer believes the amount of the billing is in error, and

(d) Cannot extend the period of payment for the charge.

(2) The Public Works Director or designee shall review the appeal, to which he or she shall respond in writing within 60 days of its receipt.

(3) While the appeal is pending before the Public Works Director, no lien shall attach for the disputed amount.

(B) If an adjustment is granted reducing the billing charge, the customer shall be refunded the amount overpaid for the current calendar year.

(C) If the customer has been undercharged, the new re-computed charges will apply in full to the next month's bill.

(D) No more than one appeal may be made per calendar year unless there is a change in the lawful use of the property.

(E) Within 14 days of the date thereof, the customer may appeal the decision of the Public Works Director to the City Manager.

(1) The appeal shall:

(a) Be in writing,

(b) Be addressed to the City Manger, and

(c) Set out why the decision of the Public Works Director is in error.

(2) The City Manager shall review the appeal, to which he or she shall respond with a decision in writing within 14 days of its receipt.

(3) While an appeal to the City Manager is pending, no lien shall attach to the affected property for the disputed amount.

(4) The City Manager's decision shall be final and appealable only by way of writ of review (O.R.S. 34.010 to 34.100). (Ord. 2003-2571, passed 5-5-03)

### § 53.13 CREDITS.

(A) Adjustments or reductions of the fee can be made upon application of the owner of developed non-single family residential property to the City Engineer and upon certification by the City Engineer that the owner or the property meets the criteria of one of the following subsections and an adjustment in the amount certified by the City Engineer is therefore appropriate.

(B) For the first year in which a storm water management fee credit is adopted, adjustments certified by the City Engineer during that year shall be applied retroactively to the date of adoption of this code provision, if the City Engineer is satisfied that the circumstances under which the adjustment is certified existed on the date the fee is first applied to the property. In subsequent years, the date on which an adjustment is certified as appropriate by the City Engineer shall be the date on which the adjustment takes effect; the adjustment shall be prorated from that date for the balance of that year.

(C) Once certified, adjustments shall be effective for as long as the conditions and circumstances under which the adjustment was granted continue, and shall not be effective for the upcoming year without renewal on or before December 31 of each year. Renewals of adjustments may be granted upon re-application by the owner of the property to the City Engineer and upon the City Engineer's determination that the property owner is in full compliance with the terms of any existing storm water maintenance agreement. If an adjustment lapses for any reason, the property owner must reapply to the City Engineer in order to re-institute the adjustment.

(D) Whenever the City Engineer becomes aware, through investigation upon complaint, through random inspection, or through any other means, that the owner has failed to maintain the conditions and circumstances under which an adjustment has been given, or has failed to perform under a required storm water maintenance agreement or has failed to comply

with the requirements of an approved program listed in this section, the City Engineer may immediately revoke an adjustment by sending written notice of the revocation by certified mail, return receipt requested, to the owner of the property. The City Engineer's revocation may be appealed by the owner under § 53.12. The City Engineer shall notify the Finance Director of the revocation of an adjustment, and the revocation shall be effective ten working days after the date of the written notification, if the owner has not filed an appeal. If the owner files an appeal and the revocation is upheld, then the revocation becomes effective on the date of the City Engineer's revocation.

(E) Developed non-single family property where storm water management is provided by the owner on-site; where said storm water management exceed minimum storm water design standards and permitted conditions for development; and where the owner has entered into an appropriate storm water maintenance agreement with the City Engineer may be eligible for the following adjustments under the circumstances listed below. The adjustments applicable in the divisions dealing with the reduction is a maximum amount indicated in the division, and a lesser amount may be certified by the Engineer.

(1) Where on-site storm water management is provided for the property to standards which protect against the two-year 24-hour flood, the owner may receive an adjustment of the fee to reduce the fee by 10%.

(2) Where on-site storm water management is provided for the property to standards which protect against the ten-year 24-hour flood, the owner may receive an adjustment of the fee to reduce the fee by 10%.

(3) Where on-site storm water management is provided for the property to standards which protect against the 25-year 24-hour flood, the owner may receive an adjustment of the fee to reduce the fee by 10%.

(4) Where on-site storm water management is provided for the property to standards which protect against the 100-year 24-hour flood, the owner may receive an adjustment of the fee to reduce the fee by 10%.

(5) Where best management practices for paved surfaces are provided for water quality protection, the owner may receive an adjustment of the fee to reduce the fee by 10%.

(6) Where best management practices for storm water runoff are provided for water quality improvement, the owner may receive an adjustment of the fee to reduce the fee by 20%.

(7) Where an ongoing educational program is provided for water quality and quantity protection, the owner may receive an adjustment of the fee to reduce the fee by 10%.

(8) Adjustments granted for supplying on-site storm water management as described in divisions (E)(1) through (E)(7) above may be combined, so long as the maximum adjustment granted under this division does not exceed 50%.  
(Ord. 2003-2571, passed 5-5-03; Am. Ord. 2004-2606, passed 8-2-04; Am. Ord. 2004-2609, passed 10-18-04)

***PROPERTY TRANSFERS AND  
DESIGN STANDARDS***

**§ 53.20 PROPERTY TRANSFERRED TO SYSTEM.**

Title and all other incidents of ownership of the following assets are hereby transferred to and vested in the system: all properties, interests and physical and intangible rights of every nature owned or held by the city, however acquired, as they relate to storm water, including (without limitation), all properties,

interests, and rights acquired by adverse possession or prescription, directly or through another, through, under, into or over lands, watercourses, groundwater, drywells, pipes, channels, detention/retention facilities, canals, streams, and ponds, beginning in each instance at a point where storm water first enters the system and ending at a point where the storm water exits from the system to the full extent of inundation caused by storm or flood conditions.  
(Ord. 2003-2571, passed 5-5-03)

**§ 53.21 DESIGN STANDARDS.**

The City Engineer shall maintain appropriate design standards for the system that may be periodically approved by the City Council.  
(Ord. 2003-2571, passed 5-5-03)

**§ 53.99 PENALTY.**

(A) No person shall break, damage, destroy, or uncover any structure, appurtenance or equipment that is part of the storm water system.

(B) Any person violating this provision shall have committed a Class 1 civil infraction, and shall be processed in accordance with the procedure set forth in the Chapter 37 of this code.

(C) Each day constitutes a separate offense.  
(Ord. 2003-2571, passed 5-5-03)