



**PUBLIC WORKS DEPARTMENT
ENGINEERING DIVISION**

Stormwater Management Fee Credit Manual For Single Family Homes

**A Process for Owners of Developed Single Family Residential Properties to Receive Credits
for Mitigating Stormwater System Impacts**

= EFFECTIVE JULY 1, 2010 =
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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 13.20) regulating the City stormwater system.

On August 2, 2004, the City Council adopted **Ordinance 2004-2606**, amending City Municipal Code allowing for stormwater management fee credits upon applications by owners of developed non-single family residential properties. On June 7, 2010, the City Council amended Municipal Code Section 13.20 by adopting **Ordinance 2010-2727** that allows owners of single family residential properties to apply for stormwater management fee credits. The City is responsible for planning, administration, design, construction, maintenance, and operation of stormwater system citywide. The City promotes stormwater education, provides design standards and manages Stormwater Capital Improvement Program.

This manual is created to provide a process for owners of developed single-family residential properties to receive credits for mitigating their stormwater system impacts. The monthly fees are established on the basis of the amount of impervious surface areas^{†1} such as roof tops 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. Rates for the monthly stormwater fees are subject to change, as approved by the City Council, based on review and recommendation by the Citizens’ Rate Review Committee every two years. Please read the entire manual and use the standard application form on page 6 of this manual.

Footnote:

^{†1} 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 improvement on-site that exceeds the City of Newberg design standards and permitted conditions for single family residential development 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 conditions for fee adjustment as noted in the application are properly maintained;
- (b) The property owner maintains financial responsibility for the maintenance of on-site improvements;
- (c) The City shall have full access to the on-site improvements 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 or designee, and provide a brief explanation of the disagreement. The appeal should list the date of the original decision and location of the facility and property. The appeal should also list any actions leading up to the City's decision (such as any discussion between the City and the applicant prior to the appeal) and the specific grounds on which the appeal is being filed. 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.

If still unresolved, the applicant may further appeal the decision of the Public Works Director or designee 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 single-family residential property, who has provided an acceptable on-site improvement that exceeds the City of Newberg design standards and permitted conditions for single family residential development, 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
414 E. First Street
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 of the five conditions or any combination of the five conditions. The applicant is encouraged to read and understand the **City of Newberg Municipal Code Chapter 13.20**, 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) and (2), submit the following:

- (a) Measured dimension or area of pervious portion of patio/walkway and/or driveway.
- (b) Square footage of building footprint.
- (c) A completed application form with applicant’s signature that certifies the accuracy of the credit application material.

For condition #(3), submit the following:

- (a) Identify number of trees, not including trees planted in the public right-of-way (minimum two for existing or at least one for new planting).
- (b) Caliper (or diameter) of existing tree(s), if applicable, measured 6 inches above the ground for up to a 4 inch caliper size, and measured 12 inches above the ground for larger sizes, and a photograph in lieu of measuring the height of existing tree(s).
- (c) Caliper and height of new tree(s), if applicable.
- (d) A completed application form with applicant’s signature that certifies the accuracy of the credit application material.
- (e) Note that measuring the circumference of a tree is acceptable in lieu of its caliper.

For conditions #(4) and (5), submit the following:

- (a) A photograph of the vegetated swale or infiltration planter, if applicable.
- (b) Two photographs of the rain garden, if applicable, with one showing the overflow.
- (c) A completed application form with applicant's signature that certifies the accuracy of the credit application material.
- (d) Note that movable planters will not be considered.
- (e) Note that any alteration of drainage must follow the [Oregon Drainage Law](#).

For any questions regarding the Stormwater Management Credit Application, please contact:

City of Newberg – Public Works Department/Engineering Division

Phone: 503.554.1751

Fax: 503.537.1277

Email: engineering@newbergoregon.gov

SECTION G – CONDITIONS FOR FEE ADJUSTMENT	MAXIMUM REDUCTION IN FEE UPON APPROVAL	LICENSED ENGINEER CERTIFICATION
PERVIOUS IMPROVEMENTS PROVIDED ON-SITE (NOT IN PUBLIC RIGHT-OF-WAY) FOR:		
(1) PATIO/WALKWAY (PERVIOUS PORTION MUST BE AT MINIMUM 10% OF DWELLING FOOTPRINT AREA OR 200 SQ FT, WHICHEVER IS LARGER)	10%	Not Required
(2) DRIVEWAY (MUST BE ALL PERVIOUS)	25%	Desirable
QUALIFIED TREES PROVIDED ON-SITE (NOT IN PUBLIC RIGHT-OF-WAY) FOR:		
(3) SHADING (SHADE TREES, NEW OR EXISTING, MUST BE AT MINIMUM 1” CALIPER OR 6” CIRCUMFERENCE AND AT LEAST 8’ TALL. SHRUBS AND BUSHES ARE NOT ELIGIBLE.)	10%	Not Required
STORMWATER MANAGEMENT PROVIDED ON-SITE (NOT IN PUBLIC RIGHT-OF-WAY) BY:		
(4) VEGETATED SWALE OR INFILTRATION PLANTER	10%	Not Required
(5) RAIN GARDEN (RAIN GARDEN MUST BE “ON THE GROUND” TYPE WITH AN OVERFLOW FEATURE. RAIN BARRELS ARE NOT ACCEPTABLE. SEE RAIN GARDEN GUIDE . BE AWARE OF OREGON DRAINAGE LAW WHEN WORKING ON BACKYARD GARDENS OR SITES WITHOUT STREET CURBS)	25%	Not Required
OR ANY COMBINATION OF THE ABOVE FIVE (5) CONDITIONS SUCH THAT THE MAXIMUM DOES NOT EXCEED 35%		

**APPENDIX A –
CITY MUNICIPAL CODE CHAPTER 13.20 (AS AMENDED)**

Log onto City of Newberg website at:

<http://codepublishing.com/OR/Newberg/>