



**Storm Water Fee
Policy Manual**

December 2020



HOLLADAY STORM WATER FEE POLICY MANUAL

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1. INTRODUCTION

Holladay, formerly an agricultural area, was incorporated in 1999. Much of Holladay's storm water infrastructure utilizes historic canals and ditches. Storm water infrastructure and management practices predate Holladay's incorporation and, as a result, Holladay's storm water system was not master planned. The system is currently incomplete. Older parts of the system need replacement or repair, and some storm drain need to be upsized. Historically, in many communities, this has resulted in properties being susceptible to flooding and waterways vulnerable to pollution from storm water runoff.

Currently, the budget for storm water is shared with other city needs in the General Fund and competes with other critical services like fire and police, roads, and parks. Holladay has identified at least \$75 million worth of needed infrastructure funding, with storm water accounting for \$18 million. With rising costs for infrastructure improvements across the board, the flat rates collected through the General Fund are no longer a sufficient source of revenue for storm water. To address this deficit, Holladay proposed a separate Storm Water Enterprise Fund, which would collect and allocate funding specifically for storm water system maintenance and projects. This fund would be supported by a combination of bonding and the creation of a storm water fee assessed for all system users in the City boundary. Storm water fees have been successfully implemented by nearly all municipalities on the Wasatch Front.

The Storm Water Enterprise Fund will enable Holladay to conduct day-to-day maintenance and management activities like street sweeping and catch basin cleaning as well as repair, replacement, or installation of storm drains. This will reduce pollution in local waterways, protect public and private properties from damage, and help the City maintain compliance with Municipal Separate Storm Sewer System (MS4) requirements from the State and Federal government.

The purpose of this policy manual is to define how the storm water utility fees are set and administered. In the event of any conflict between this policy manual and the adoption ordinances, the ordinances shall govern.

2. HOW DOES THE FEE BENEFIT THE COMMUNITY?

A storm water utility fee is similar to a water or sewer utility fee. It is paid by customers to cover the cost of operating, maintaining, and improving a storm water system and running a storm water program. It is structured so customers pay an amount relative to their approximate demand or impact upon system capacity (i.e. use the system more, pay more; use the system less, pay less). The services paid for by the fee include:

- Ongoing inspection, maintenance, and cleaning of the storm water system infrastructure;
- Storm water construction projects (rehabilitation, replacement, and new construction);
- Municipal housekeeping including street sweeping of public roadways and catch basin cleaning;
- Construction of new curb and gutter;
- Inspection of private storm water management facilities for compliance with Storm Water Maintenance Agreements;
- Inspections of construction sites to confirm that actions are being taken to reduce the potential for storm water pollution and that the storm water system infrastructure is

protected; and

- Regulatory Compliance for Holladay’s MS4 Permit that is associated with the Federal Clean Water Act.

These services are important because they help enhance water quality and help protect people and property from flooding during large storm events. Proper storm water infrastructure is also key in extending the service life of roadways. In addition, many activities are required by law enacted through the Clean Water Act, which requires Holladay to implement measures that reduce the potential of polluting storm water runoff to the maximum extent practical and to utilize low impact development practices to reduce the amount of storm water runoff associated with new development.

Prior to the adoption of the storm water fee, Holladay was unable to fund a storm water program at an adequate level to keep up with all needs and regulatory requirements. Instead, Holladay consistently needed to use unrestricted funds to respond to emergencies associated with the failure of storm water infrastructure. This was an unsustainable funding model because it did not support the full needs of the storm water program, took funds that were budgeted for other needs, and exhausted resources on emergency repair projects. It is better to make needed storm water system improvements proactively rather than in response to an emergency.

By funding required storm water management activities through this utility fee, storm water management needs will no longer compete with other City services that are funded by the General Fund. The fee is a defensible, fair, and sustainable method to fund the storm water management program and is used by nearly all communities along the Wasatch Front. One other advantage of the fee is that it is charged to all system users, whereas funding storm water needs via taxes would not collect from tax exempt users, even when such users create relatively large demands on the storm water system.

3. STORM WATER UTILITY ORGANIZATION AND AUTHORITY

The storm water utility is owned and operated by the City under the ultimate authority of the City Council. Operations of the storm water utility and expenditures of the storm water fee are overseen by the City Engineer under the supervision of the City Manager and based on City Council approved budgets.

For storm water related questions, please contact:

- City Engineer at 801-272-9450 or engineer@cityofholladay.com

Information related to the storm water fee, the credit application, and the hardship application can be found at the following link or at City Hall:

- <http://cityofholladay.com/>

4. DEFINITIONS

Key terms referenced in this Policy Manual are defined as follows:

- **Customer** – Person or entity subject to a storm water fee.
- **Customer Class** – A class of customers that shares common characteristics of impervious area and are billed in the same way. The storm water fee includes several customer classes.
- **Detention Facility** – A system that provides temporary storage of storm water runoff with a designed release rate of the stored runoff over time to reduce the peak storm water discharge

rate from a site and mitigate the property's impacts on Holladay's storm water system.

- **Equivalent Residential Unit (ERU)** – A unit equal to the square footage of impervious surface area. One ERU is equal to the average amount of impervious area found on the average single-family residential parcel of 5,200square feet.
- **Fee** – The fee is the amount charged to each individual customer in accordance with the number of ERUs associated with each customer. This is different from the rate. The rate is the amount of billing per ERU. The fee is affected by customer class and for Class 3 customers, it is determined by the amount of impervious surface area on the property.
- **Impervious Service Area (ISA)** – Land area covered by low- or non-porous surfaces through which storm water cannot directly and readily soak into the ground. These surfaces cause a reduced quality of runoff water and/or cause water to run off in greater quantities or at greater rates than would run off a natural, undeveloped surface. Examples include roof tops, driveways, parking lots, storage areas, areas consisting of compacted soils, and patios.
- **Infiltration** – Passage or movement of water into the soil.
- **Long Term Storm Water Maintenance Agreement (SWMA)** – An agreement executed by a customer and the City which defines the responsibilities of the customer with respect to owning, operating, and maintaining private storm water infrastructure as well as reporting to Holladay regarding those activities.
- **Municipal Separate Storm Sewer System (MS4) Compliance** – MS4 stands for Municipal Separate Storm Sewer System. This refers to storm drainage systems that have discharges that are not treated by a sewage treatment plant. Nearly all storm water systems in the western US (including Holladay's) fall into this category. The EPA sets standards for storm water runoff to reduce the discharge of pollutants from MS4s into surface waters such as rivers and streams. Utah dispenses these regulations under primacy through the Department of Environmental Quality (DEQ), which administers Utah's MS4 Permits (including the permit governing the Holladay storm water system). To maintain MS4 permit compliance, Holladay must create and follow a plan to adhere to storm water quality standards. Compliance includes public education and involvement, illicit discharge detection and elimination, construction site run-off control, long-term storm water management, and other pollution monitoring and prevention activities. The MS4 permit expires and is renewed every several years. Upon renewal the requirements of compliance are often adjusted.
- **Parcel** – The smallest separately segregated unit of land having an owner. A parcel has boundaries and surface area and has been assigned a property identification number by the Salt Lake County Assessor's Office.
- **Rate** – The charge applied to each ERU, which is the base billing unit for the fee. The schedule showing the rate for the current year is published in Holladay's Consolidated Fee Schedule.
- **Retention System** – A system that stores storm water runoff and prevents the release of a certain volume of runoff to a surface water body. The water thus stored either infiltrates and becomes groundwater or evaporates, or both.
- **Runoff** – The part of storm water (precipitation) that runs off the land into public streets and storm systems, streams, or other surface water bodies.
- **Storm Water** – Water that is generally produced by rain and snowmelt events and, in the context of the Storm Water Utility, is handled by the storm water system.
- **Storm Water Program** – The collection of all City operations that are needed to successfully

provide, maintain, and operate, and comply with regulations for the storm water system.

- **Storm Water System** – All man-made storm sewer facilities and conveyances, and natural storm water systems owned or maintained by the City that store, control, treat, and/or convey storm water.
- **Storm Water Utility** – Utility created by the City of Holladay Storm Water Ordinance which operates, maintains, regulates, and improves storm sewer facilities and programs within Holladay.

5. ENFORCEMENT

It should be noted that the storm water utility inspectors are charged with enforcing regulations related to preserving storm water quality and preserving storm water infrastructure from damage. The storm water fee covers the day-to-day costs of this enforcement. However, the fines associated with violations issued by Holladay staff and some of the inspection costs for construction period monitoring are addressed separately from the storm water fee.

For information regarding fines for City storm water code violations, see current adopted Holladay code.

6. FEE STRUCTURE

The Storm Water Utility Fee is structured around the following three customer classes:

- Class 1: Residential customers located in Area A parcels;
- Class 2: Residential customers located in Area B parcels; and
- Class 3: Non-Residential area accounting for all remaining property types including but not limited to commercial, institutional, civic, mixed use.

The fee structures for each of these customer types are based on a common base billing unit called an Equivalent Residential Unit (ERU), which is described below in Section 6.1. Use of the ERU allows each bill to be based on the amount of storm water runoff generated.

For those in Classes 1 and 2, a fee waiver in case of hardship or active duty military (deployed) is available (See Section 10).

Undeveloped parcels are not subject to a storm water fee.

6.1 Equivalent Residential Units

Because runoff to the storm water system comes principally from impervious areas, impervious surface area (ISA) is considered an adequate analogous measurement to the volume of runoff a particular property contributes to the storm water system. Therefore, impervious area is the basis of the Storm Water Fee. However, billing a Storm Water Fee per square foot of impervious area is impractical. Therefore, to create a convenient unit around which the Storm Water Fee can be billed, an Equivalent Residential Unit (ERU) has been set at the amount of contribution to the storm water system (i.e. the amount of impervious area) of a typical single-family residence. The fee for each customer, therefore, is based on the number “ERUs-worth” of ISA. This is the typical approach used for billing for storm water services in the industry.

After reviewing 570 single family residences from all over Holladay, a detailed analysis performed by Holladay staff determined that the average, standard sized, single-family residency has an average Impervious Surface Area (ISA) of approximately 5,200 square feet (SF). Each ERU, therefore, will be equivalent to an ISA of 5,200 square feet.

Each customer is assigned the number of ERUs that approximately represents the impact their property has on the storm water system. Each ERU is charged at the same rate each month. The total monthly fee for each customer is based on this rate and the number of ERUs associated with the site.

6.1.1 Customer Class 1: Residential Area A (Typical Residential Property)

Customer Class 1 consists of residential structures in Residential Area A as illustrated in Figure 1. Of the parcels surveyed by Holladay, there were 347 parcels in Area A. These parcels have a mean impervious area of 5,186 square feet, which was rounded up to 5,200 feet to represent 1.0 ERUs. All Class 1 customers will be assessed 1.0 ERU.

6.1.2 Customer Class 2: Residential Area B (Estates)

Customer Class 2 includes all residential parcels located in Residential Area B as shown in Figure 1. These are larger parcels with an area of approximately 2.5 acres which are commonly described as estates. Based on analyses performed on 223 such parcels, parcels for Class 2 have a mean impervious area of 13,116 square feet. All Class 2 customers will be assessed 2.5 ERUs, which is the approximate ratio of mean impervious area to the designated area for one ERU.

6.1.3 Customer Class 3: Non-Residential

This class of customer includes all other types of parcels such as commercial and industrial businesses, mixed use, government buildings, churches, schools, factories, parks, etc. These parcels vary significantly in size and in the amount of associated ISA. Because of the variation of ISA within this customer class, the user fee for each Class 3 customer will be based on an individual analysis of ISA from which the number of ERUs to be billed will be determined.

ERUs will be calculated for each individual property and are based on ISA. Holladay staff will calculate ISA and the resulting ERUs for existing developments. ERUs for new development will be computed as described in Section 7. The formula for determining the number of ERUs for each property is as follows:

Class 3 Formula:

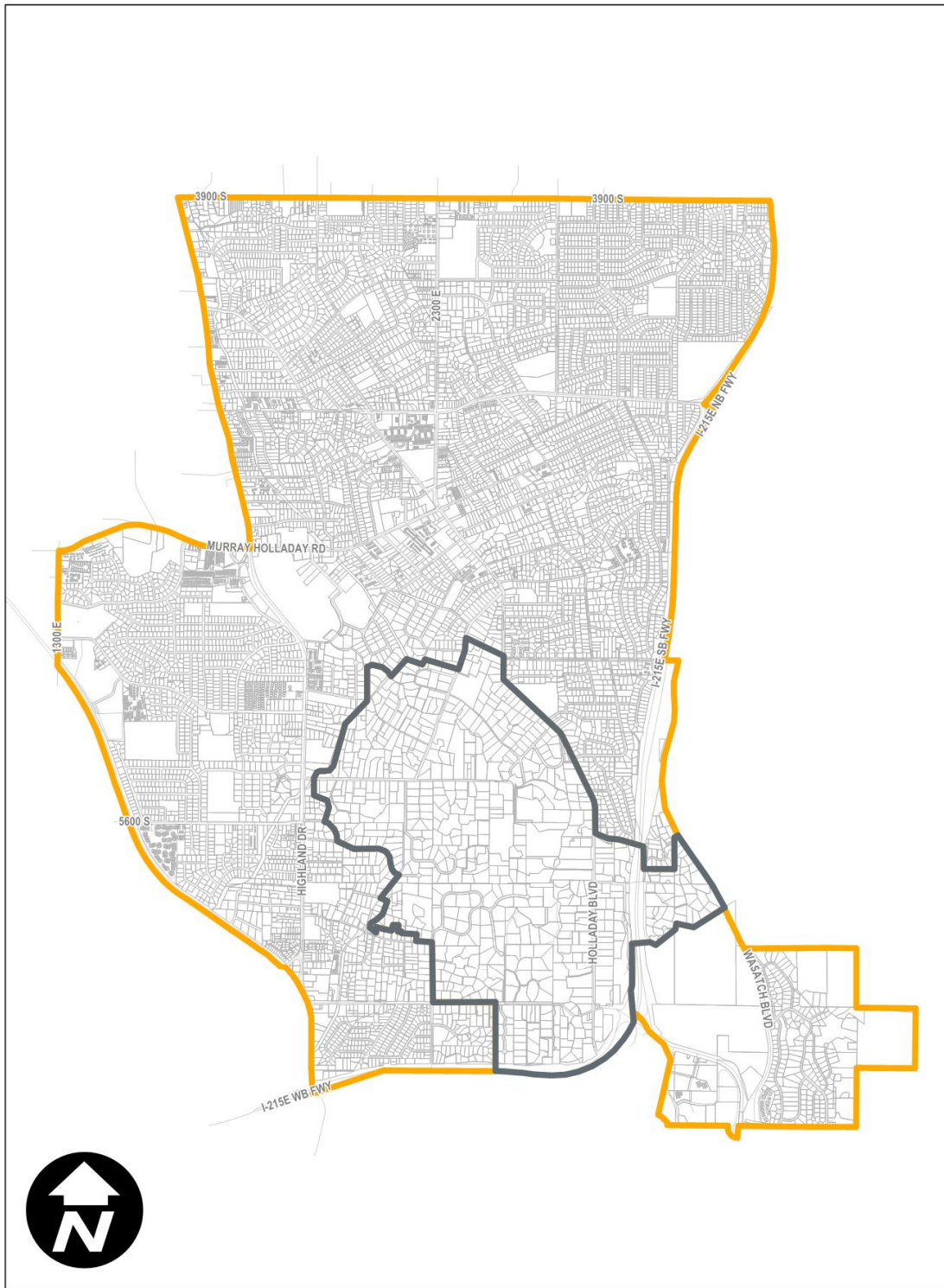
$$\frac{\text{Class 3 Parcel ISA}}{5,200 \frac{SF}{ERU}} = \text{ERUs Assessed for Class 3 Customer}$$

Class 3 Example Calculation:


Class 3 Parcel ISA: 104,000 SF

$$\frac{104,000 SF}{5,200 \frac{SF}{ERU}} = 20.0 ERUs$$

The formula results will be rounded up to the nearest half of an ERU to facilitate consistent administration and shall not be less than 1.0 ERU.



HOLLADAY RESIDENTIAL SERVICE AREAS

-  Residential Category B Boundary
-  Residential Category A Boundary

LEWIS YOUNG
ROBERTSON & BURNINGHAM, INC.

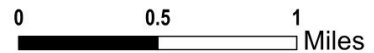
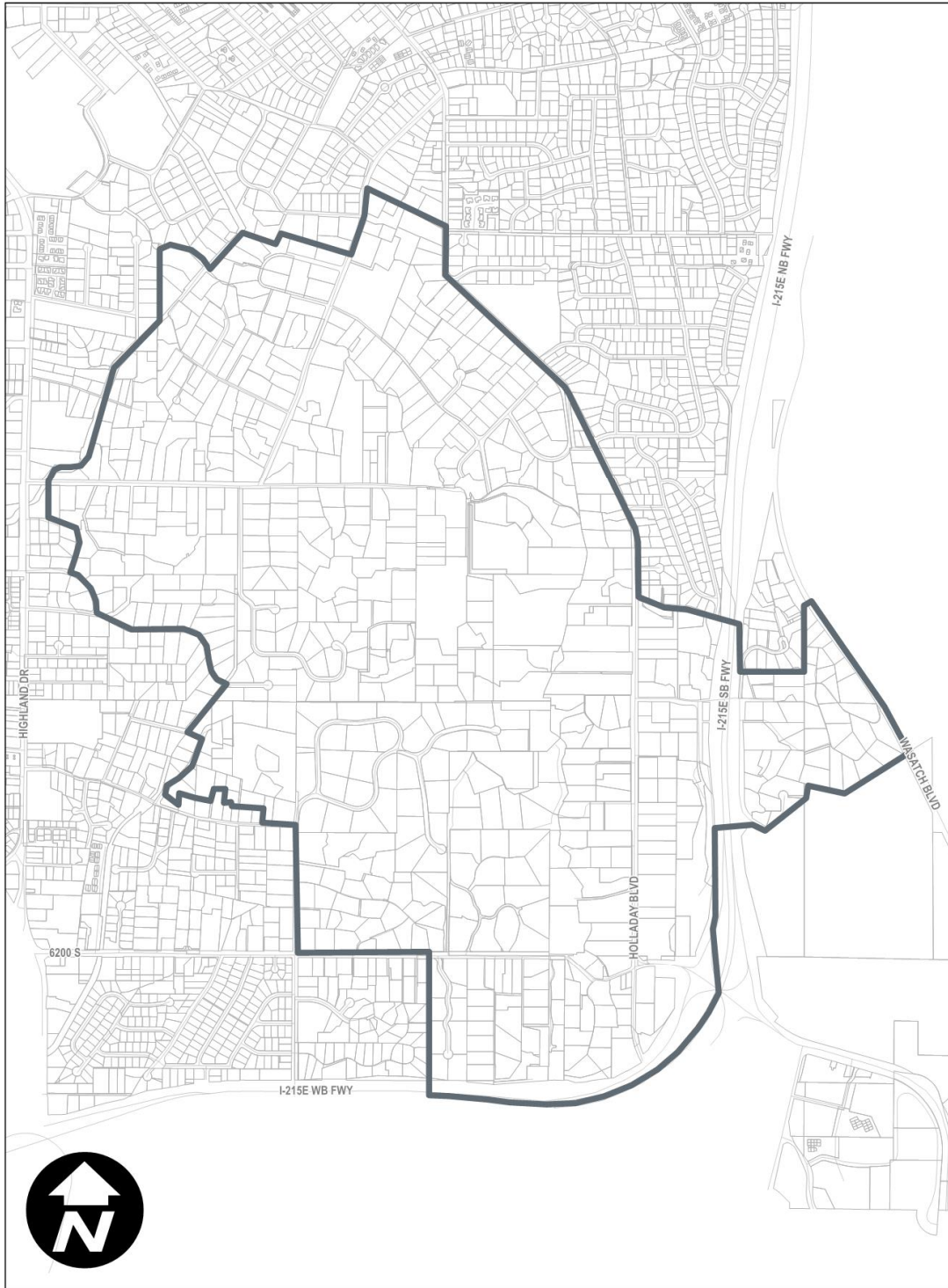


Figure 1. Fee Class Boundaries



HOLLADAY RESIDENTIAL SERVICE AREAS

 Residential Category B Boundary

LEWIS YOUNG
ROBERTSON & BURNINGHAM, INC.

0 0.25 0.5 Miles

Figure 2. A/B Boundary Close Up

6.2 Storm Water Fee Hardship or Active Duty Military Waiver: Classes 1 and 2

In some cases, Class 1 and 2 customers may qualify for a waiver to address financial hardship. Deployed active duty military personnel may also qualify for a waiver. Hardship or active duty military (deployed) application procedures, eligibility requirements, and other policies related to the waiver are described in detail in Section 10 of this manual.

6.3 Fee Calculation

Fees for each customer will be determined as follows:

Fee Calculation Formula:

$$\text{Number of ERUs} * \left(\frac{\$}{\text{ERU}} \right) = \text{Fee}$$

Fee Calculation Example:

Class: 3 – Non-Residential

Number of ERUs Assessed: 2.0 ERUs

Example Rate: \$10/ERU

$$2.0 \text{ ERUs} * \left(\frac{\$10}{\text{ERU}} \right) = \$20 \text{ Fee}$$

The ERU rate used in this example does not represent Holladay’s actual adopted rate. The rate for an ERU is subject to change according to the needs of the City and will be updated according to the most recent City Council approved rate schedule.

7. FEE DETERMINATION PROCEDURES FOR NEW CONSTRUCTION

Holladay staff will assign new construction a customer type and number of ERUs prior to approval of final engineering site plans for that development.

For Class 3 customers, Impervious Surface Area (ISA) calculations must be performed by the design engineer and submitted as part of the storm drain calculations for development plan review submittal. A map or plan showing proposed groundcover types and their respective areas must also be provided. After construction is complete, the “as-built” impervious area may be subject to verification/correction by Holladay staff.

8. FEE DETERMINATION PROCEDURES FOR EXISTING PROPERTIES

Existing properties will be assigned a customer type by Holladay staff with the associated number of ERUs per the definitions of each customer class and based on available Holladay information (including impervious area mapping).

Holladay will not apply any rate credits to any accounts. See Section 10.1, *Hardship or Active Duty Military Waiver Program General Policies*, for additional details regarding hardship waivers for Class 1 and 2 customers.

9. ADJUSTMENT/APPEALS PROCESS

9.1 Adjustments Due to Property Changes

Any Class 3 customer who has adjusted the amount of impervious area on their property may contact the City Engineer (see Section 3) to request an adjustment to their Storm Water Fee. The customer must provide the same information required of new construction (see Section 7) to determine the number of ERUs now associated with the property.

Any customer who believes an error has been made in determining the number of ERUs associated with the property may file a written appeal with the City Recorder as outlined in Section 9.4 below.

9.2 Class 3 Sites with On-Site Retention Systems

Class 3 sites with on-site retention systems equal to or greater than the 24-hr, 85th percentile storm event will be given a 50% reduction to the Fee. Any change to the amount to be billed will be made in the following billing cycle.

9.3 Class Change Requests for Class 2

Customers with property located within the Class 2 boundary who believe their property should be designated as a Class 1 property may make a Class Change Request. At least one of the following two criteria listed below must be met for the request to be considered:

1. The lot acreage must be equal to 0.49 acres or less (including roadway if part of the lot).
2. The impervious surface area must be equal to or less than 9,100 square feet, including roof, concrete, asphalt, brick, and tiled surfaces.

To apply, submit a completed Class Change Request form (available on the City's website) to the Community Planning Department at City Hall or email it to the City Engineer (see Section 3 for email address). The Class Change Request will be reviewed and a determination made within 20 days of the receipt of the application. An appeal to the to the determination may be made as per Section 9.4.

Properties that are approved for a class change are not eligible for on-site retention system reductions described in Section 9.2.

Any change to the amount to be billed will be made in the following billing cycle.

9.4 Appeals of Storm Water Fee Determinations

Any customer who believes an error has been made in calculating the Storm Water Fee for a specific site should contact the City Engineer (see Section 3) for an explanation of the fee. If that explanation is unsatisfactory, the customer may file a written appeal to the fee determination with the City Recorder. The written appeal shall state all facts supporting the appeal and shall be made within 30 days of the receipt of the bill or event giving rise to the appeal.

Appeals received will be evaluated by the City Engineer based on the information provided by the customer filing the appeal. The City Engineer might request additional information from the customer. The decision of the City Engineer will be sent in writing to the customer within 30 days of the receipt of the appeal.

A party who has been adversely affected by the City Engineer's decision may request an administrative hearing. The request for an administrative hearing shall be made in writing and delivered to the City Recorder's office. The written request for hearing must be received by the City Recorder's office within 20 calendar days of the date the City Engineer's decision. Failure to

request an administrative hearing within 20 calendar days from the date of the City Engineer's decision shall constitute a waiver of the right to an administrative hearing.

Hearings shall be conducted with appropriate formality and decorum so that due process rights are protected. Utah rules of evidence and rules of civil procedure are used as guidelines but need not be strictly followed or applied. Rules of evidence regarding authorization, foundation, hearsay, or relevance need not be strictly applied.

The appellant has the burden of proving that the City Engineer erred and the burden of proceeding. The standard of proof to be used by the hearing officer in deciding the issues at an administrative hearing is whether the preponderance of the evidence shows that the City Engineer erred. The administrative hearing shall be open to the public and shall be recorded. The appellant has a right to be represented by an attorney.

9.5 Appeals of Waiver Decisions

Any customer who believes an error has been made in the determination of hardship or active duty military (deployed) waiver eligibility should contact the City Engineer (see Section 3) for an explanation of the decision. It is the responsibility of the customer that is requesting a waiver to provide all information needed by City staff to review the request and compute the credit (i.e. documentation of current enrollment in an approved public assistance program, etc.). If the determination of credit is still unsatisfactory, the customer may file a formal written appeal with the City Recorder. The written appeal shall state all facts supporting the appeal and shall be made within 30 days of the original waiver decision.

The process from this point for appealing waiver approval decisions is the same as described above in Section 9.4 for appealing storm water fee determinations.

9.6 Refunds and Prorated Bills

Refunds for changes in property classifications or fee reductions are not retroactive and will not be prorated for a portion of a month. Changes will be made in the following billing cycle after a change is approved.

10. HARDSHIP OR ACTIVE DUTY MILITARY (DEPLOYED) WAIVER

As described in Section 6.1, class 1 and 2 customers may be eligible and can apply for a hardship or active duty military waiver.

The value of the waiver and minimum performance requirements, application procedures, etc. are described in the following sections.

10.1 Hardship or Active Duty Military Waiver Program General Policies

The following general policies are applicable to the waiver:

- One of the following two qualifying attributes must be met.
 - A residential customer must (i) be active duty military (deployed), or
 - A residential customer must (ii) qualify for the Salt Lake County (SLCO) Hardship Tax Relief Program.
- It is the responsibility of the customer (or their designee) to apply for the waiver and provide the necessary supporting information/documentation along with the application.
- Only one waiver is allowed per household.

- Applicants are eligible for credit from the billing cycle in which the applicant became eligible by enrolling in one of the qualifying credit programs up to 12 months prior to the waiver application date. This means that applicants may apply credits to past billings if not yet paid. Refunds of previously paid fees are not allowed.
- Waiver approvals will remain in effect as long as:
 - Waiver approval will last for 12 months but is renewable (in 12-month periods) by providing documentation showing that the applicant is still eligible for the waiver.

10.2 Waiver Value

The hardship or active duty military (deployed) waiver value is 100% of the residential customer's storm water fee.

10.3 Application Procedures

To apply for a waiver, the customer must complete a waiver application form and supply any supporting documentation. City staff will only review complete applications. Incomplete application packages will not be considered and will be returned to the customer for correction or revision.

The ways to submit an application for the waiver program are as follows:

- Online at the city website (see Section 3).
 - Supporting documentation will be uploaded to the application
- In person at City Hall (see Section 3)
 - City staff will assist the applicant in completing the electronic application using computers available at City Hall.
 - City staff can assist in scanning in and uploading supporting documentation.

Upon submittal of the application, Holladay will review the documentation provided, respond with questions as needed, and inspect relevant facilities as needed. Applications will typically be processed within 30 days of receipt.

The City Engineer will inform the applicant of the credit eligibility decision in writing by email unless specified otherwise by the applicant on the credit application (email or physical mail).

The City's decision regarding credit value and credit approval is final unless overturned by appeal in accordance with the appeal process described in Section 9.

10.4 Supporting Documentation

With the application, the applicant must provide documentation showing that the customer or household member is currently enrolled in a qualifying public assistance program. This documentation must be dated, have the applicants name, and include a contact phone number at which the status of enrollment may be verified.

10.5 Application Fee

There is no application fee associated with the hardship or active duty military (deployed) waiver.

11. BILLING AND PAYMENT

Billing services are provided by Rocky Mountain Power as an additional line item on the customer's power bill. Billing procedures are as outlined in the Rocky Mountain Power Bill.

For questions and help with how to make a payment, contact Rocky Mountain Power at the number provided on the bill. For all other questions regarding your storm water fee, please contact the City Engineer (see Section 3).

In the event of non-payment, the City will use available means to collect the fee, including any available legal means, up to and including the pursuit of judgments to be certified against delinquent properties.

12. UPDATING THE FEE

At fee startup, the storm water program revenues and expenditures should be continuously monitored to ensure revenues from the fee and expenses line up. It is recommended that the fee be evaluated annually to keep it in line with changing storm water program costs. It is anticipated that any fee change will take effect every year starting in the August billing cycle or as otherwise determined.

STORMWATER UTILITY FEE CLASS CHANGE REQUEST

Stormwater Utility Fee customers requesting their property to be reclassified from Class 2 to Class 1 may apply for a Class Change Request using this form. Applicants must complete both sections below and submit a paper copy of the completed form to the Community Planning Department at City Hall or email an electronic copy to the City Engineer at engineer@cityofholladay.com.

SECTION A

1. Is the lot acreage 0.49 acres or less (including roadway if part of the lot)?
2. Is the impervious surface area equal to or less than 9,100 square feet, including roof, concrete, brick, asphalt, and tiled surfaces?

If answers to one or both questions are YES, submit an exhibit with this form showing the locations of impervious surfaces on the property, the total impervious area, and the acreage of the lot.

If answers to BOTH questions are NO, the request will not be approved.

Impervious surface exhibits may be prepared using measuring tools on Google Earth, Salt Lake County's Assessor's map, measurements taken manually on the property, or another suitable measurement method accepted by the City Engineer.

SECTION B

Property Address: _____

Owner: _____

Contact Name (if different than Owner): _____

Phone: _____

Email Address: _____

By signing the application below, the property owner hereby authorizes the City Engineer or delegated staff to enter the property during regular business hours at the address provided above, upon reasonable advance notice, to verify measurements of impermeable surfaces as submitted in the exhibit.

Property Owner's Signature

Date