

## ORDINANCE No. 189175

\*Temporarily exclude overwater structures from stormwater management charges and provide for refunds (Ordinance)

The City of Portland ordains:

Section 1. The Council finds:

1. The Bureau of Environmental Services (BES) manages Portland's wastewater and stormwater infrastructure to protect public health and the environment.
2. The Portland City Code (PCC) authorizes BES to collect charges from ratepayers who receive a benefit from City stormwater management services.
3. Existing PCC 17.36.020 J defines impervious area for the purpose of stormwater billing.
4. Existing PCC 17.36.050 F authorizes BES to collect charges from ratepayers who receive a benefit from City stormwater management services. It lists the on-site and off-site portion of the total stormwater charge under billing components. It also explains that the amount of impervious area on the user's property is the user's proportionate share of the cost of City stormwater management services and includes a non-exhaustive, exemplary list of impervious area and an exhaustive list of impervious area exclusions under the basis of charge.
5. A number of ratepayers' properties include structures with surfaces located over water, such as, but not limited to, floating homes, moorages, docks, and piers ("Overwater Structures").
6. Prior and pending requests for BES administrative review, and public discussion at City Council on January 10, 2018 have encouraged BES to undertake stakeholder engagement to better understand the impacts of current and prior stormwater billing practices for customers with Overwater Structures.
7. Between February 2018 and May 2018, BES held several stakeholder meetings and conversations regarding stormwater billing as applied to Overwater Structures.
8. In July 2018, BES began the process of pursuing a comprehensive rate study that will, among other outcomes, independently review existing practices and identify recommendations regarding stormwater billing methodology, including applicability to Overwater Structures.
9. Pending completion of the comprehensive rate study and future Council action, BES seeks to implement a temporary exclusion of Overwater Structures from the City's assessment of stormwater management charges. BES recognizes that even ratepayers whose properties may include Overwater Structures nevertheless benefit from the City's management of stormwater. However, since impervious area is the basis for both the on-site and off-site

components of the stormwater management charge, an exemption from both components is justified until the comprehensive rate study recommends otherwise.

10. In the interest of fairness, BES also proposes to reimburse ratepayers for stormwater management charges allocable to Overwater Structures actually paid during the past five years.

11. This Ordinance will not require additional funds for implementation.

NOW, THEREFORE, the Council directs:

- a. That, notwithstanding anything in City Code, Overwater Structures are exempt from any portion of stormwater management charges until the Council directs otherwise.
- b. That customers who have been previously billed for stormwater management charges allocable to Overwater Structures will receive credits against future bills for applicable charges actually paid to BES for a period of up to five years prior to the passage of this Ordinance.

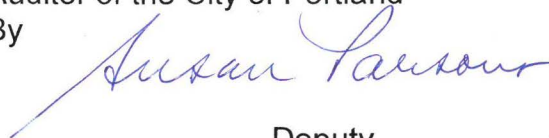
Section 2. The Council declares that an emergency exists because the pending appeals by owners of Overwater Structures should be resolved as quickly as possible. Therefore, this ordinance shall be in full force and effect from and after its passage by the Council.

Passed by the Council, **SEP 19 2018**  
Commissioner Nick Fish

B. Jonas Biery (jb)  
8/23/2018

Cost object – ESBS000007

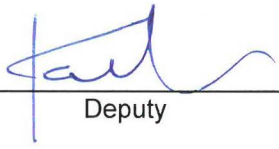
**Mary Hull Caballero**  
Auditor of the City of Portland  
By

  
Deputy

Agenda No.  
**ORDINANCE NO.**  
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<b>INTRODUCED BY</b> Commissioner/Auditor: <b>Commissioner Nick Fish</b>	CLERK USE: DATE FILED <u>SEP 11 2018</u>
<b>COMMISSIONER APPROVAL</b> Mayor—Finance and Administration - Wheeler Position 1/Utilities - Fritz Position 2/Works - Fish <i>SMS for Nick Fish</i> Position 3/Affairs - Saltzman Position 4/Safety - Eudaly	Mary Hull Caballero Auditor of the City of Portland  Deputy
<b>BUREAU APPROVAL</b> Bureau: Environmental Services Bureau Head: Michael Jordan <i>Michael Jordan</i> Prepared by: B. Jonas Biery Date Prepared: 8/23/2018 Financial Impact & Public Involvement Statement Completed <input checked="" type="checkbox"/> Amends Budget <input type="checkbox"/> Portland Policy Document If "Yes" requires City Policy paragraph stated in document. Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> <b>City Auditor Office Approval:</b> required for Code Ordinances <b>City Attorney Approval:</b> required for contract, code, easement, franchise, comp plan, charter <i>WBS</i> Council Meeting Date <b>9/19/2018</b>	<b>ACTION TAKEN:</b>

<b>AGENDA</b> <b>TIME CERTAIN</b> <input type="checkbox"/> Start time: _____ Total amount of time needed: _____ (for presentation, testimony and discussion) <b>CONSENT</b> <input type="checkbox"/> <b>REGULAR</b> <input checked="" type="checkbox"/> Total amount of time needed: <b>5 minutes</b> (for presentation, testimony and discussion)	<table border="1"> <tr> <th>FOUR-FIFTHS AGENDA</th> <th colspan="2">COMMISSIONERS VOTED AS FOLLOWS:</th> </tr> <tr> <th></th> <th>YEAS</th> <th>NAYS</th> </tr> <tr> <td>1. Fritz</td> <td>✓</td> <td></td> </tr> <tr> <td>2. Fish</td> <td>✓</td> <td></td> </tr> <tr> <td>3. Saltzman</td> <td></td> <td></td> </tr> <tr> <td>4. Eudaly</td> <td>✓</td> <td></td> </tr> <tr> <td>Wheeler</td> <td>✓</td> <td></td> </tr> </table>	FOUR-FIFTHS AGENDA	COMMISSIONERS VOTED AS FOLLOWS:			YEAS	NAYS	1. Fritz	✓		2. Fish	✓		3. Saltzman			4. Eudaly	✓		Wheeler	✓	
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