CITY OF SAN ANTONIO
TRANSPORTATION & CAPITAL IMPROVEMENTS
STORM WATER UTILITY FEE APPEAL/CREDIT APPLICATION

USE OF THIS APPLICATION

This application shall be used to appeal a user's storm water utility fee for residential and non-residential benefitted properties, as well as to request a credit for non-residential properties in accordance with City Code Chapter 34-7.09 and 34-7.10. This is not a building permit application.

ORDINANCE

Ordinance #2015-09-10-0761 amended and recodified in part Chapter 34 of the San Antonio City Code. The ordinance revised and adopted rules for the City drainage utility, adopted a new rate design and schedule for storm water utility fees, exempted certain properties from drainage charges, and implemented a process to appeal the storm water utility fee. Ordinance #2016-09-29-0737 further amended Chapter 34 with an updated fee schedule and reclassification of triplex and quadplex properties as residential properties.

Per Chapter 34, the service area for the Drainage Utility shall include all real property within the city limits of the City of San Antonio. The following property shall be **EXEMPT** from the storm water utility fee:

1. real property with proper construction and maintenance of a wholly sufficient and privately owned drainage system;
2. real property held and maintained in its natural state, until such time that the property is developed and all of the public infrastructure constructed has been accepted by the City;
3. a subdivided lot, until a structure or improvement has been built on the lot and a Certificate of Occupancy has been issued by the City;
4. real property owned by the State of Texas;
5. real property owned by public or private institutions of higher education; and
6. real property owned by the City of San Antonio constituting the Drainage System, including public streets, rights-of-way, facilities, and infrastructure that provide drainage service.

All other real property within the City shall be subject to the storm water utility fee, including but not limited to, religious organization properties, railroad yards, cemetery properties, county properties, federal properties, City properties other than those noted above, and school district properties.

STEPS TO SUBMIT AN APPEAL OR APPLY FOR CREDITS

A property owner may apply for Credits or Appeal the Impervious Area assigned to a benefitted property. The applicant/owner shall have the burden of proof. In accordance with City Code Chapter 34-7.09 and 34-7.10, the process for application is as follows:

1. Submit an Appeal or Credit Application to the Assistant Director or designee of Transportation & Capital Improvements (TCI). Appeals and Credit Applications must be in writing and include detailed supporting documentation.
2. Appeals and Credit Applications will be reviewed by the Assistant Director or designee within twenty (20) business days from the date of receipt.
3. Following the twenty (20) day review period, the Assistant Director or designee may request additional information necessary to make a determination. The owner/applicant may be required, at their own cost, to provide supplemental information such as survey data certified by a Texas Registered Professional Land Surveyor (R.P.L.S.), design data certified by a Registered Professional Engineer (P.E.) licensed to practice in Texas, or other documentation. Failure to provide requested information may result in denial of the Appeal or Credit Application.

4. The Assistant Director of TCI, or designee, shall provide a resolution/determination to the owner/ applicant, in writing, within ten (10) business days following review of the initial request.

5. If the Appeal or Credit Application is approved, the Assistant Director or designee shall order the reassignment of impervious area and the associated storm water utility fee, if any, to the benefitted property. Rate adjustments will be granted effective the next billing period. Any rate adjustments shall be prospective, but may be made retroactive for no more than three (3) billing periods prior to the receipt of the appeal.

6. If the Assistant Director or designee denies the Appeal or Credit Application, the owner/applicant

   may, within ten (10) days from the date of notification, further appeal the decision to the Director of TCI, or designee. The appeal shall be in writing and include a brief and clear statement of the applicant/owner's argument and suggested remedy. The Director or designee shall have fifteen (15) business days from the date the appeal is received to review the appeal, make a determination, and notify the user.

SUBMITTAL OF THE APPLICATION – COMPLETENESS REVIEW

The review period for completeness is two (2) working days from time of submittal. If the application and all required documentation are included, the city review period will start the day the application was received. If the submittal package is not complete, the applicant/owner will be provided with a list of items, in writing, that need to be submitted and the city review period will start when the application is complete. Incomplete applications will remain with the city for a period of thirty (30) days. If the application is still incomplete after this time, the application will be considered abandoned.

REQUIREMENTS FOR SUBMITTAL

The following items are required for all submittals:

Table 1: Completeness Checklist

Applicant Use				**Staff Use**
Submittal Items		Included	N/A	Included
1	Application for Appeal/Credit (filled out and signed)			
2	Location Map			
3	Aerial Photo			
4	Impervious Cover Map with impervious areas quantified and with other relevant base data shown (roads, parcels, etc.)			
5	Copy of latest SAWS Bill			
6	Other supporting documentation for Appeal or Credit (surveys, design plans, calculations, exhibits, etc.)			

EXPIRATION OF APPLICATION

This application shall become invalid if the applicant fails to respond to review comments within 180 days of receiving the review comments. The Assistant Director of TCI, or his designee may grant, in writing, one or more extensions of time, for periods not more than 90 days each. The extension shall be requested in writing and justifiable cause demonstrated.

STORM WATER UTILITY FEE CODES AND RATES

The storm water utility fee rates are based on Impervious Area for residential properties and on Impervious Area and Percent Impervious Area for non-residential properties in accordance with City Code Chapter 34-7.07.

Residential Properties shall mean all benefitted properties within the service area used for single-family home, duplex, triplex, quadplex properties, or mobile home land use.

Non-Residential Properties shall mean all benefitted properties within the service area, other than Residential Properties.

The utility fee rates adopted with Ordinance #2016-09-29-0737 are shown in the tables below:

Table 2: Residential Storm Water Utility Fee Rates, FY 2017

Residential Rate Category	Storm Water Code	Impervious Area (sq. ft.)	Monthly Fee ($)
Tier 1	R1	≤ 2,750	$3.45
Tier 2	R2	> 2,750 - 4,220	$4.55
Tier 3	R3	> 4,220	$9.61

Table 3: Non-Residential Storm Water Utility Fee Rates, FY 2017

Non-Residential Rate Category	Storm Water Code	Percent Impervious Area	Monthly Base Fee ($)	Monthly Impervious Fee ($ per 1,000 sq. ft.)
Tier 1	NR1	≤ 20%	$61.92	$0.28 per 1,000 sq. ft.
Tier 2	NR2	> 20% - 40%	$61.92	$0.41 per 1,000 sq. ft.
Tier 3	NR3	> 40% - 65%	$61.92	$0.54 per 1,000 sq. ft.
Tier 4	NR4	> 65%	$61.92	$0.68 per 1,000 sq. ft.

CITY OF SAN ANTONIO
STORM WATER UTILITY FEE
APPEAL/CREDIT APPLICATION

Submit application to:
Transportation & Capital Improvements
Floodplain Management/Storm Water Review Team
1901 South Alamo- 2nd Floor
San Antonio, Texas 78204

	Parcel/Lot Information			
0	**BCAD Parcel ID:**			
1	Street Number:	Street Name:		Zip Code:
	Legal Description	NCB:	Block:	Lot(s):
2	**Type of Development:**	☐ Single-Family/Duplex Residential	☐ Multi-Family	☐ Commercial
		☐ Industrial	☐ Public	☐ Other
	Applicant Information			
3	**Owner:**	Phone:		Fax:
	Mailing Address:	Email:		
	City:	State:		Zip Code:
4	**Authorized Agent (if not Owner):**	Phone:		Fax:
	Mailing Address:	Email:		
	City:	State:		Zip Code:
	Current Billing Information			
5	SAWS Account #:			
	Current Storm Water Code (per latest SAWS bill): *Example: R1, R2, R3, NR1, NR2, NR3, NR4*			
	Current Storm Water Fee Amount (per latest SAWS bill):			
	Date of Most Recent SAWS Bill:			

Appeal of Impervious Area Assignment ☐ (check if appealing)			
6	**Reasons for Appeal: (check all that apply)**		☐ The following Impervious Cover or Billing Data is Incorrect: ☐ Storm Water Code; ☐ Impervious Cover Area (Amount or Percent); ☐ Lot Size; ☐ Fee Distribution between multiple parcels or SAWS accounts; or ☐ Other
			☐ Property is Exempt from the Storm Water Utility Fee for one or more of the following reasons: ☐ It is real property with proper construction and maintenance of a Wholly Sufficient and Privately Owned Drainage System; ☐ It is real property held and maintained in its natural state, until such time that the property is developed and all of the public infrastructure constructed has been accepted by the city; ☐ It is a subdivided lot, and no structure or improvement has been built on the lot and a Certificate of Occupancy has not been issued by the City; ☐ It is real property owned by the State of Texas; ☐ It is real property owned by public or private institutions of higher education; or ☐ It is real property owned by the City of San Antonio constituting the Drainage System, including public streets, rights-of-way, facilities, and infrastructure that provide drainage service.
7	**Description of Appeal:**		
8	**Lot & Impervious Area Data: (per City records)**	**A**	Impervious Area (square feet):
		B	Lot Area (square feet):
		C	Percent Impervious Area (%): (A ÷ B = C)
9	**Appealed Lot & Impervious Area Data:**	**D**	Impervious Area (square feet):
		E	Lot Area (square feet):
		F	Percent Impervious Cover (%): (D ÷ E = F)
	Note: See Tables 1 and 2 in the instructions for determining the Storm Water Code and the associated fee.	**G**	Appealed Storm Water Code:
		H	Appealed Storm Water Fee ($/month):
10	**Attached Supporting Documents: (provide one (1) hard copy and (1) digital copy)**		☐ Aerial Photo ☐ Survey ☐ Site Plan(s)/Exhibit(s) ☐ BCAD Parcel Information ☐ Photographs ☐ Calculations ☐ Other:

Application for Impervious Area Credit ☐ (check if applying for credit)		
11	*Non-Residential properties may be eligible for a reduction in storm water utility fee if Low Impact Development (LID) water quality management practices are implemented, or for pervious pavements and other pervious surfaces in accordance with City Code Chapter 34-7.07 (g) and (h). Credits are not available for residential properties.*	
	Type of Credit:	☐ Reduction in Impervious Area by: • use of permeable pavement; • rail ballast within rail yards; or • other pervious surfaces. ☐ Reduction in Utility Fee based on LID implementation
12	**Description of proposed credit type and/or justification of credit:**	
13	**Attached Supporting Documents: (provide one (1) hard copy and (1) digital copy)**	☐ Aerial Photo ☐ Survey ☐ Site Plan(s)/Exhibit(s) ☐ BCAD Parcel Information ☐ Photographs ☐ Calculations ☐ Other:

14	☐ **Reduction in Impervious Cover**			
	A	Lot Area, sq. ft.:	**B**	Area of Development, sq. ft:
	C	Total Area of Hardscape, sq. ft.: (including impervious cover, pervious pavement, and rail ballast)		
	D	Area of Pervious Pavement, sq. ft.:	**E**	Area of Rail Ballast within rail yard, sq. ft.:
	F	30% Ballast Reduction, sq. ft: (30% × E = F)	**G**	Net Impervious Cover Area, sq. ft.: (C – D – F = G)
	H	Percent Impervious Area, %: (G ÷ A = H)	**I**	Revised Storm Water Code:
	J	Revised Utility Fee ($/month):		

15	☐ **Reduction in Fee due to LID Best Management Practices (BMPs)**				
	Types of Best Management Practices: (check all that apply)	☐ Bioretention	☐ Bioswale	☐ Constructed Wetland	
		☐ Green Roof	☐ Permeable Pavement	☐ Planters	
		☐ Rainwater Harvesting	☐ Sand Filter	☐ Vegetated Filter	
		☐ Natural Channel Design	☐ Other:		
16	**A**	Lot Area, sq. ft.:	**B**	Area of Development, sq. ft:	
	C	Impervious Area, sq. ft.:	**D**	Percent Impervious Area, %: (C ÷ A = D)	
	E	Storm Water Code:	**F**	Impervious Fee, $/month:	
	G	Area of Treated Watershed(s), sq. ft.:	**H**	Treatment Area Percentage, %: (G ÷ B = H)	
	I	Percent of Water Quality Volume Managed, %: (attach calculations)			
	J	Fee Reduction, %: (5-30%, see table below)	**K**	Impervious Fee Reduction, $/month: (F × J = K)	
	L	Net Impervious Fee, $/month: (F – K = L)	**M**	New Utility Fee, $/month: ($61.92 + L = M)	
17	**Description of proposed BMPs and justification of credit:**				

Table 4: Storm Water Fee Credit

Water Quality Volume* Treated	Fee Reduction
60%	5%
70%	10%
80%	20%
90%	25%
100%	30%

**Water Quality Volume is defined as the runoff volume resulting from the first 1.5 inches of rainfall falling in 24 hours on the developed portions of the site.*

CITY OF SAN ANTONIO
STORM WATER UTILITY FEE
APPEAL/CREDIT APPLICATION

18	**Notice & Owner Certification** *I hereby certify that I have read and examined this application, and that the information contained in this application is, to the best of my knowledge, correct and represents a complete and accurate statement. All provisions of laws and ordinances governing this type of work will be complied with whether specified or not. I further understand that this application for appeal/credit is not a building permit authorization, and that approval of any appeal or credit does not authorize any construction activity.*	
19	**Applicant Signature:**	Date:
20	**Owner Signature** (REQUIRED or sign statement below as an Authorized Agent) *:	Date:
21	**Owner Printed Name:**	

* Owner's Authorized Agent:

I CERTIFY THAT I AM AN AGENT OF:

Owner/Company/Partnership **Authorized Agent Signature**

CITY OF SAN ANTONIO
STORM WATER UTILITY FEE
APPEAL/CREDIT APPLICATION

EXAMPLE CREDIT CALCULATION:

First, determine lot area, developed area, and impervious area. For this example, assume the following:

A. *Lot Area = 500,000 sq. ft.*
B. *Area of development within lot = 350,000 sq. ft.*
C. *Impervious Area within lot = 300,000 sq. ft.*

Then, calculate percent impervious area:

D. $Percent\ Impervious\ Area = 300{,}000\ sq.\ ft. \div 500{,}000\ sq.\ ft. = 60\%$

Determine Storm Water Code from Table 2:

E. $60\% \rightarrow Tier\ 3 \rightarrow Storm\ Water\ Code\ NR3$

Determine standard monthly Impervious Fee

F. $Storm\ Water\ Code\ NR3 \rightarrow \$0.54\ per\ 1{,}000\ sq.\ ft.\ impervious\ cover$

$$\frac{300{,}000\ sq.\ ft\ x\ \$0.54}{1{,}000\ sq.\ ft.} = \$162.00$$

Determine area of watershed treated by LID components.

G. $Area\ of\ treated\ watershed = 285{,}000\ sq.\ ft.$

H. $Treatment\ Area\ Percentage$:

$$\frac{315{,}000\ sq.\ ft.}{350{,}000\ sq.\ ft.} = 90\%$$

Determine the water quality volume (WQV) captured:

I. $In\ this\ example, assume\ LID\ components\ are\ put\ in\ place\ to\ treat\ 85\%\ of\ the\ water\ quality\ volume\ captured\ from\ the\ treated\ area\ (G).\ Detailed\ LID\ design\ plans\ and\ calculations\ are\ required\ in\ an\ actual\ submittal.$

Net Water Quality Volume (WQV) = $85\%\ x\ 90\%$ treatment area = 76.5%

Determine the available Fee Reduction percentage based on Table 4:

J. $76.5\%\ is\ between\ 70\%\ and\ 80\%, so\ the\ available\ reduction\ is\ 10\%.$

The impervious fee reduction is found by multiplying the impervious fee (F) and the fee reduction percentage (J):

K. $Impervious\ Fee\ Reduction = \$162.00\ x\ 10\% = \$16.20$

Determine the net impervious monthly fee:

L. $Net\ Impervious\ Fee = \$162.00 - \$16.20 = \$145.80$

Finally, determine the new utility fee:

M. $New\ Utility\ Fee = Base\ Fee + Net\ Impervious\ Fee = \$61.92 + \$145.80 = \$207.72$