

P.O Box 3554 Youngstown, Ohio 44512 Phone: [330.729.2080](tel:330.729.2080) Fax: 330.729.2054

June 1, 2020

The Honorable Kyle Koehler
Chairman, House Agriculture and Rural Development Committee
77 S. Hight St., 13th Floor
Columbus, OH 43215

Dear Chairman Koehler,

I contact you today to express ABC Water & Stormwater District's ("ABC") profound concerns with the inclusion of new Section 6119.092 in HB 665. It appears, from last week's testimony, that this proposed new section of law is intended to specifically exempt the Canfield Fair from the monthly ABC stormwater utility fees. These fees are not assessments or taxes. The ABC stormwater fees are monthly utility service fees collected along with property taxes to address the significant and persistent flooding problems in Boardman and Canfield Townships and address federal Phase II stormwater mandates.

The fees are paid by owners of developed property with non-pervious surfaces in the Townships. These surfaces include parking lots, roadways and other hard surfaces that do not absorb water and contribute to the flooding and erosion impacting public health, economic vitality and water quality of our region. It is patently unfair to the other residents of Boardman and Canfield Townships to enact a law to exempt one of the single largest non-pervious properties in those Townships for no reason other than its owner is an agricultural society. Moreover, as written the Bill, which will have statewide impact, would prevent any regional district (but not municipal or county) assessments or "other fees" for water, sewer or stormwater that are collected along with property taxes. While it is well understood and accepted that undeveloped properties in agricultural districts are exempt from water and sewer assessments, it is illogical and unfair to exempt developed properties that benefit from such utility charges simply because they happen to be owned by an agricultural society.

Last week, Bev Fisher of the Ohio Fair Managers Association presented testimony about the ABC District and we appreciate the opportunity to respond. The ABC Water and Stormwater District was created to address flooding and water quality issues in the region. Since the District's creation we have spearheaded the development of numerous projects that have benefited the citizens and property owners throughout our service territory. While the Canfield Fair is charged a stormwater utility fee based on their non-pervious surface area this is not the same as an assessment. These service fees are like any other utility provider such as water and sewer. Revenue from the fees, like in many developed communities all around the country and in Ohio, is used for maintenance, improvement and development of the stormwater utility system following federal Phase II requirements for municipal separate storm sewer systems also referred to as MS4s. Like all parcels in the District, stormwater runoffs off the Canfield Fairgrounds from their non-pervious area drain to local waterways. Rather than sending a monthly bill to customers, which would be administratively costly for the typical \$3.12

monthly residential amount, the Mahoning County Auditor utilizes a separate fee line on the property tax bill as a collection mechanism. The ABC District was proactive in discussions with the Canfield Fair about the fee and provided multiple opportunities to reduce those charges based on the stormwater runoff characteristics of the fairgrounds. ABC stands willing to work with them moving forward. To ensure we can provide a better picture for the Committee, we have provided some additional attachments to this letter as well as additional insight below:

How the District determines charges:

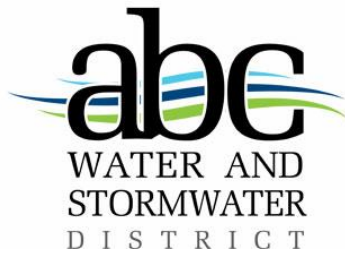
As with most communities that collect stormwater fees to manage stormwater flooding and other federal Phase II mandates, the fees are calculated according to the amount of non-pervious surface on the property, such as roofs, parking lots and driveways. Calculations of non-pervious surface area is done by using aerial photography. This method then includes a statistical analysis to determine the typical non-pervious area footprint for a single family residence. This value is set as equal to one Equivalent Residential Unit or E.R.U. We then look at non-pervious area of non-residential parcels and divide by this square footage to calculate an E.R.U. amount for the non-residential parcel such that the total revenues generated are equitably collected from fee payers based upon the non-pervious area present within the District as a whole. The District, using this methodology, has determined 1 E.R.U. to equal 4,764 square feet. Setting this figure as the standard, we developed a fee of \$3.12 per E.R.U. That number is applied to non-residential properties. Undeveloped properties are not charged because they have no non-pervious surface. The Fair Complex has a non-pervious surface area of approximately 2,160,900 square feet.

How the revenues are collected and used:

As mentioned above, the District has partnered with the Mahoning County Auditor's office to send out its Stormwater Utility Fees much like county 911 fees. These are collected twice a year and are included on the property tax bills. These fees are used to analyze, design, construct, and maintain stormwater and drainage infrastructure within the District. We currently have projects going out to bid that have engineering estimates combining to be over \$1.4 million dollars. The District has also authorized over \$100,000 dollars in planning for two watersheds within our service area. This includes Indian Run that starts in Canfield Township and encompasses the Fair Grounds, crosses and contributes to flooding of State Route 11, and discharges into Boardman Township. (See maps attached)

Options for the Fairground to reduce their fees:

The District has developed policies that establish ways for businesses and non-profits to reduce their Stormwater Utility Fee. These policies are documented in the District's Code of Regulations available on the District's website. These policies are standard and offered to all non-residential fee payers, including the Fairgrounds. They include non-residential non-pervious adjustments for non-pervious area reduction, non-residential fee credits for added detention, and in-kind services such as less tangible items like contact with fee payers, education, or outreach to support the District's mission, or as was offered to the Fairgrounds a reduction in fee traded for an educational booth during the annual fair. The ABC District is looking for partners in environmental and flood reduction stewardship. Flooding and erosion often affect the agricultural industry. The ABC District has expressed a desire to partner with the Fairgrounds by way of more tangible reduction methods and in-kind services to decrease the Fairgrounds fee and promote the missions of both entities.



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In closing, the proposed language HB 665 for ORC 6119.092 is unfair and overly broad, with far-reaching impacts beyond the intended goal of the Canfield Fair. The change would prevent collection of the Fairground's fair share of the costs of stormwater management and shift the responsibility onto other property owners within the District. We welcome the opportunity to work with the Bill's sponsors, the Ohio Fair Managers Association, and the Canfield Fair representatives to discuss possible solutions without having to enact overly broad language in the Ohio Revised Code. We are requesting the Committee remove the language that refers to 6119 Districts and allow this to be dealt with at the local level.

Sincerely,

Jason Loree
ABC Water and Stormwater District
Board Member

Keith Rogers
ABC Water and Stormwater District
Board Member

CC: Representative Don Jones
Representative Shane Wilkin
Ohio Fair Managers Association

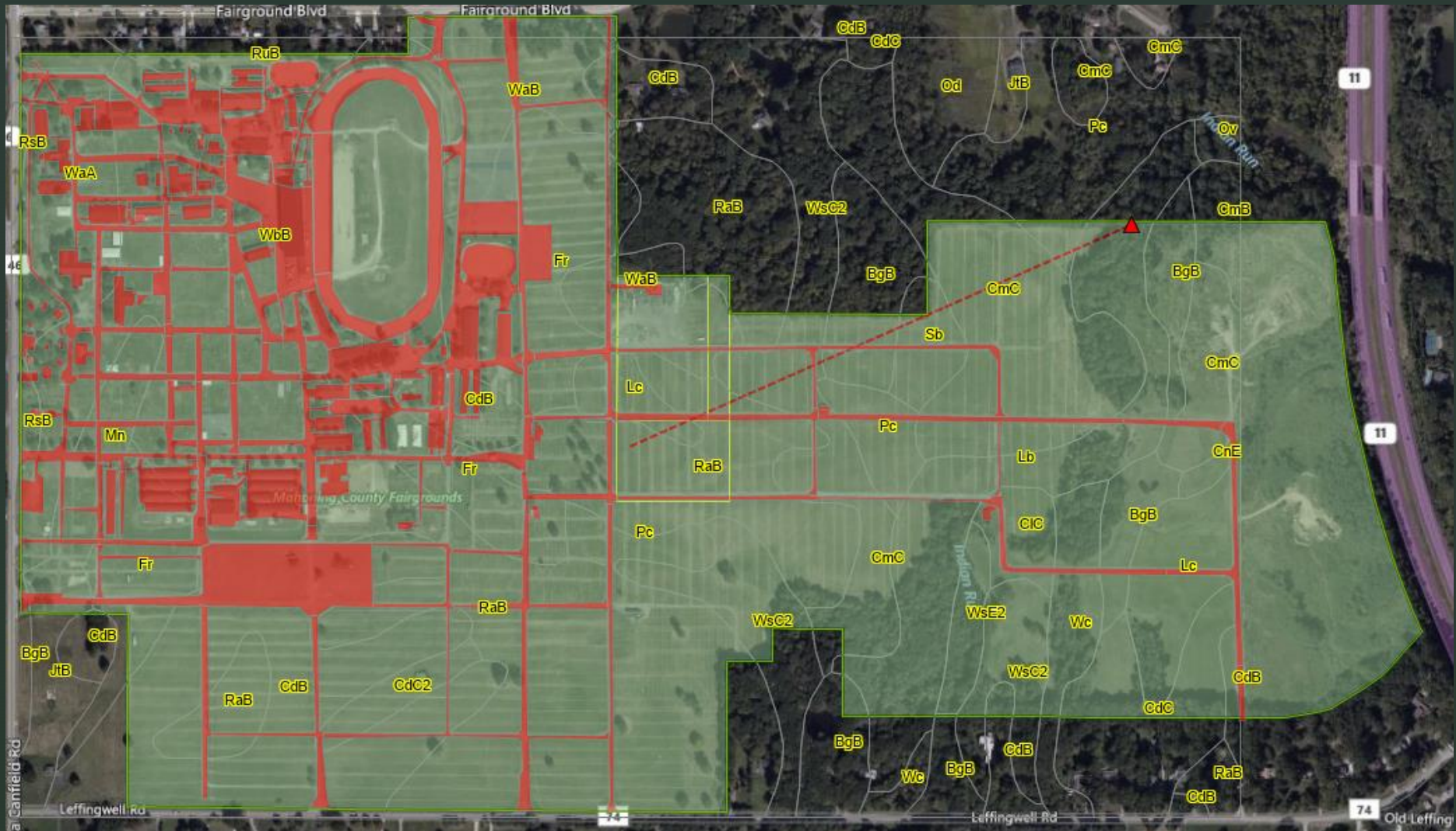
ABC WATER AND STORMWATER DISTRICT

Canfield
Fairgrounds
Hydrologic Analysis
2020.05.26

OVERVIEW

- IMPERVIOUS AREA WAS MEASURED USING AERIAL PHOTOGRAPHY
- A HYDROLOGIC MODEL WAS DEVELOPED USING THE MOST ACCURATE PLANNING LEVEL INFORMATION READILY AVAILABLE
- SOURCES INCLUDE
 - HYDROLOGIC SOIL VALUES | USGS WEB SOIL SURVEY (2020)
 - PERCENT IMPERVIOUS VALUE | ORTHOPHOTOGRAPHY (2017)
 - AVERAGE SLOPE VALUE | MAHONING COUNTY GIS 2FT CONTOURS (2019)
 - CURVE NUMBER AND DRYING TIME VALUES | USEPA (2016)
 - RAINFALL AMOUNTS | NOAA NWS (2020)
- SIMULATION INCLUDES ONLY HYDROLOGY AND NO SPECIFIC ON-SITE HYDRAULICS. HYDRAULICS (PIPING) MAY CHANGE PEAK FLOW RATES AND VELOCITIES DISCHARGING FROM THE SITE.

IMPERVIOUS REVIEW

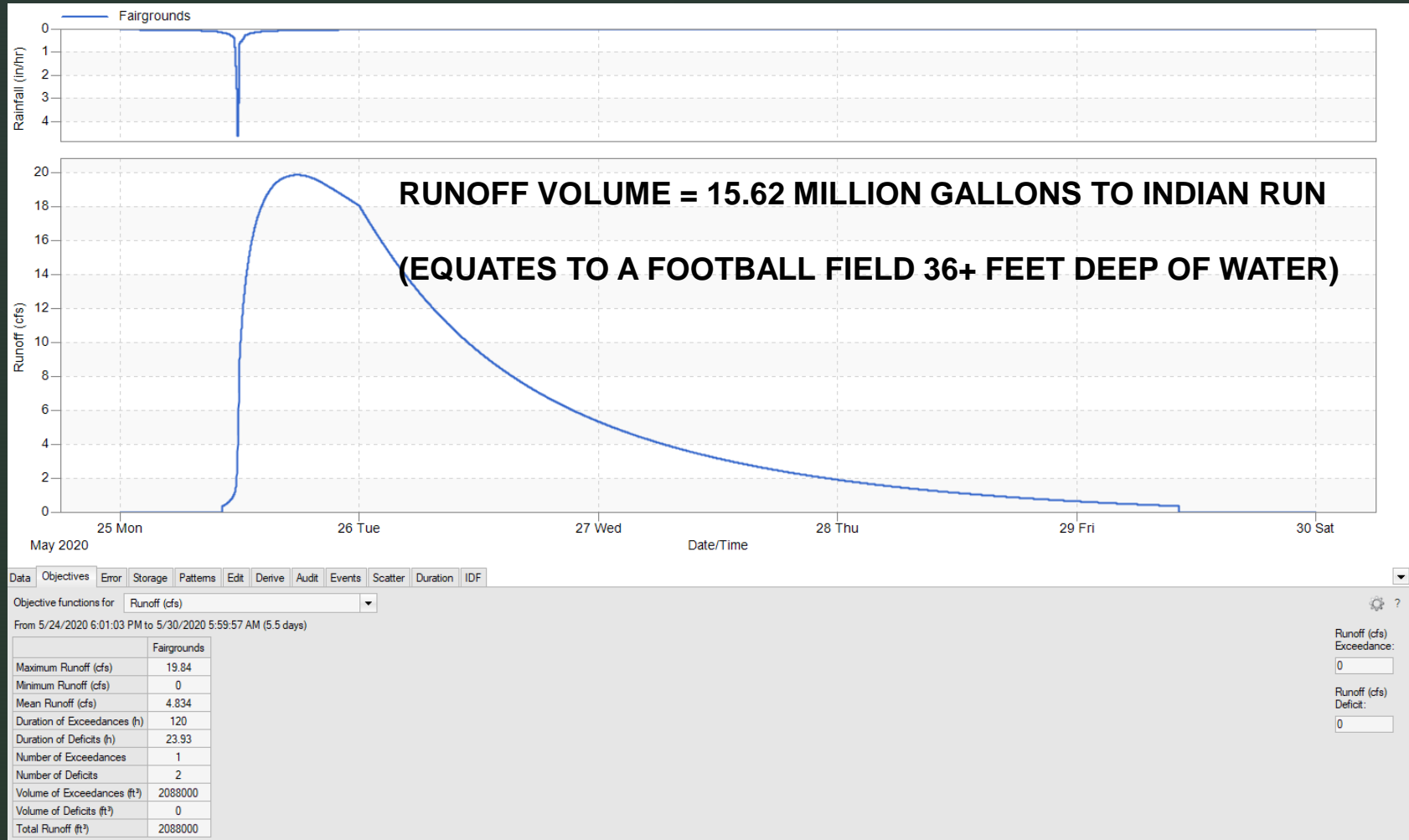


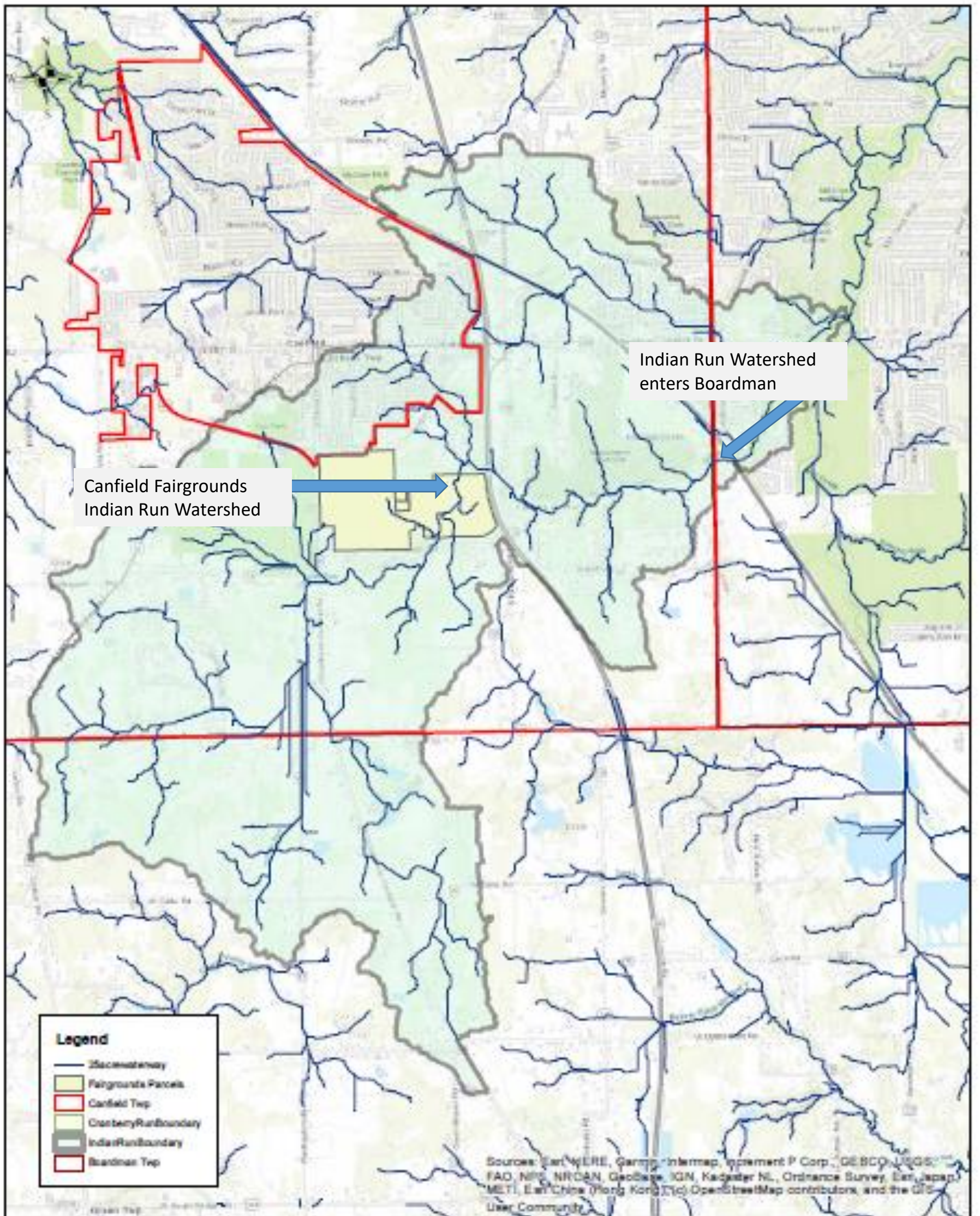
SCS TYPE II 10 YEAR 24 HOUR EVENT

Subcatchment: Fairgrounds

Attributes

Name	Fairgrounds
X-Coordinate	2451154.635
Y-Coordinate	494187.965
Description	
Tag	
Rain Gage	SCS_Type_II_3.37in_10
Outlet	OF1
Area (ac)	338
Width (ft)	181
Flow Length (ft)*	81344.088
Slope (%)	2.1
Imperv. (%)	18.18
N Imperv	0.01
N Perv	0.1
Dstore Imperv (in)	0.05
Dstore Perv (in)	0.05
Zero Imperv (%)	25
Subarea Routing	PERVIOUS
Percent Routed (%)	100
Curb Length	0
N-Perv Pattern	
Dstore Pattern	
Infil. Pattern	
Snow Pack	
LID Controls	0
LID Names	
Groundwater	NO
Erosion	NO
Infiltration: Curve Number	
Curve Number	82
Conductivity (in/hr)	0
Drying Time (days)	6.12





Canfield Fairgrounds Hydrologic Location
May 2020