

AN ORDINANCE ESTABLISHING A SYSTEM FOR ALLOCATING UNCOMMITTED SEWAGE PLANT CAPACITY, AND REPEALING ORDINANCE No. 318-0.

WHEREAS, The Common Council makes the following findings:

- (1) The total capacity of the City of Troutdale Sewage Treatment Phase I plant is 1.6 Million Gallons per Day (MGD);
- (2) All of the capacity of the plant has not yet been committed under previous City allocation programs which required the pre-payment of a portion of the sewer System Development Charge (SDC);
- (3) There is approximately 1,158 Equivalent Residential Units (ERU's) of capacity left to allocate before the full capacity of the Phase I plant is committed;
- (4) The Council wishes to make the reserve sewer capacity available to those property owners desiring sewerage services in a fair and equitable manner;
- (5) The City wishes to create a pattern of balanced growth in accordance with the Comprehensive Plan, including a mixture of residential, commercial, industrial and community service land uses;
- (6) The development of commercial and industrial property in particular is needed in the City of Troutdale for the purpose of providing employment, reducing transportation needs and improving the economic base of the City;
- (7) There is a need to establish certain general classes of users and general ranges of allocation to each class;
- (8) The Council wishes to complete the residential allocation system established under Ordinance No. 318-0 and implementing Resolutions;  
NOW

THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF TROUTDALE THAT:

A reserve capacity allocation system and program be adopted as follows:

SECTION 1: Definitions

Unless the context specifically indicates otherwise, the meaning of terms used in this Ordinance shall be those defined in the Wastewater Regulations Ordinance No. 280.

SECTION 2: Classification and Allocation Among General Classes.

The estimated remaining capacity of the Troutdale Sewage Treatment facility may be reserved according to the terms of this Ordinance provided that the total number of ERU's reserved for properties within each of the following classes shall not exceed the amount set opposite the corresponding class below:

(a) Industrial and Commercial	600
(b) Community Service	130
(c) Residential	391
(d) Emergency Uses & Lots of Record	37

SECTION 3: Allocation of ERU's Reserved for Emergency Uses and Lots of Record.

- (a) Emergency uses shall include any connection of a house or other facility to the system which has been mandated by the City Council pursuant to law, or connections which eliminate the use of a private sewage disposal system (e.g. septic or cess pool systems).
- (b) The City Administrator may authorize the connection of a property if he finds that the connection is an emergency use.
- (c) Lots of Record shall be defined as those parcels of real property which have been designated by the Multnomah County Assessor by Tax Lot number as of April 30, 1977.
- (d) The City Administrator, upon the recommendation of the Community Development Director, may authorize up to six (6) connections to a property if he finds that it is a Lot of Record.

SECTION 4: Allocation of ERU's for Industrial and Commercial, Community Service or Residential Uses.

- (a) General. Reservations shall be granted to land owners who apply on a "first come-first served" basis until the capacity allocated to each class as set forth in Section 2 has been reserved.
- (b) Procedure. (1) The Common Council shall set a date and time after which applications for reservations will be received.
  - (2) The City Recorder shall post a notice of the date and time in two public places within the City of Troutdale and publish a notice in the Gresham Outlook at least five (5) days prior to the date.
  - (3) Each land owner desiring reservations shall make an application on a form provided by the City Recorder.
  - (4) Applications received by the City Recorder shall be given a priority number corresponding to the chronological order that each application is made.
  - (5) Each applicant shall state the number of ERU's desired to be reserved.

- (6) The Community Development Director shall review each application and determine the maximum number of ERU's which can reasonably be utilized by each parcel of land for which a reservation application has been made. No reservations will be granted for any parcel in excess of the maximum number of ERU's determined by the Community Development Director.
- (7) Each applicant will be granted reservations according to their priority number subject to their payment of the base pre-payment part of the SDC within thirty (30) days after notification by the City Recorder. Notification may be made by ordinary mail to the address stated in the application.
- (8) Any applicant who fails to pay the base pre-payment fee within the time required shall be removed from the priority list and any right of reservation shall be forfeited.
- (9) The City Recorder shall maintain a list of applicants including their priority\* number. As sewer capacity becomes available the applicant having the highest priority shall be notified and shall have thirty (30) days to perfect his application by making the full amount of the base pre-payment part of the System Development Charge then in effect.

#### SECTION 5: Cancellation of Reservations.

Any person who has paid a pre-payment system development fee and reserved the right to connect a parcel of land to the City sewer system pursuant to the City's sewer reservation and allocation program may cancel his reservation for any parcel of land which has not been connected. Cancellations shall be made by the owner of the land on forms provided by the City. Upon cancellation the name of the land owner will be placed on a list in chronological order with all other owners who have cancelled reservations. At such time as new sewer reservations are made and payments are received the owner will be reimbursed the amount of the base pre-payment he previously made for cancelled reservations.

#### SECTION 6: Reallocation of Cancelled Reservations.

In the event a reservation is cancelled or forfeited the sewer capacity (measured in ERU's) will be reallocated to the same class as the property for which the cancelled reservation had been made. The reallocated capacity will then become available for reservations in accordance with this Ordinance.

#### SECTION 7: Transfers of Reservations.

All reservations shall be related to a specific parcel of land as identified in the application for reservation. No reservation may be transferred from its assigned parcel to any other parcel without the authority of the Common Council.

#### SECTION 8: System Development Charge.

The System Development Charge and the base pre-payment portion thereof may be amended from time to time by the Common Council. Until changed the System Development Charges set forth in Ordinance 317-0 shall be in effect. The balance payment on an equivalent residential unit basis shall be due and payable at the time a building permit is issued.

SECTION 9: Rights of Certain Property Owners.

Any reservation granted pursuant to a previous City reservation system shall not be adversely affected by this Ordinance. Any land owner having a "tentative reserve" created pursuant to Ordinance 318-0 and implementing Resolutions shall have until 5:00 P.M. April 14, 1981 within which to perfect their application by paying the full amount of the base pre-payment.

Those property owners who applied under Ordinance No. 318-0 including those who did not receive a "tentative reserve" under the implementing Resolutions, shall be given first opportunity under this Ordinance to purchase sewer reservations. These property owners will have between 8:00 A.M. April 15, 1981 and 5:00 P.M. April 21, 1981 to purchase sewer reservations on a "first-come-first served" basis.

SECTION 10: Administration.

The City Administrator shall establish such administrative rules and procedures as necessary for the administration of this program. Such administrative rules and procedures may include methods of payment and record keeping.

SECTION 11: Severability Clause.

If any clause, sentence, paragraph, section, or portion of this Ordinance for any reason shall be adjudged invalid by a court of competent jurisdiction, such judgement shall not affect, impair, or invalidate the remainder of this Ordinance, but shall be confined in its operation to the clause, sentence, paragraph, section, or portion of this Ordinance directly involved in the controversy in which the judgement is rendered.


SECTION 12: Repealing A Previous Ordinance.

Ordinance No. 318-0 is hereby repealed.

PASSED BY THE COMMON COUNCIL OF THE CITY OF TROUTDALE THIS 10th DAY OF March, 1981.

YEAS: 6

NAYS: 0

  
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Robert M. Sturges, Mayor

ATTEST:

  
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Jerri L. Widner  
Finance Director/City Recorder