

ROSEBURG URBAN SANITARY AUTHORITY  
DOUGLAS COUNTY, OREGON

**RESOLUTION NO. 97-5**

**A RESOLUTION ESTABLISHING AND IMPOSING JUST AND EQUITABLE SYSTEM DEVELOPMENT CHARGES (SDCs) FOR CONNECTION TO THE WASTEWATER SYSTEM OF THE ROSEBURG URBAN SANITARY AUTHORITY; AND PROVIDING FOR THE MANNER OF PAYMENT, COLLECTION, ENFORCEMENT AND DISBURSEMENT OF SUCH CHARGES.**

WHEREAS, Oregon Revised Statutes 223.297, Policy, states:

“The purpose of ORS 223.297 to 223.314 is to provide a uniform framework for the imposition of system development charges by governmental units for specified purposes and to establish that the charges may be used only for capital improvements.”; and

WHEREAS, Oregon Revised Statutes 223.299 states:

“As used in ORS 223.297 to 223.314:

(2) “Improvement fee” means a fee for costs associated with capital improvements to be constructed.

(3) “Reimbursement fee” means a fee for costs associated with capital improvements already constructed or under construction.

(4)(a) “System development charge” means a reimbursement fee, an improvement fee or a combination thereof assessed or collected at the time of increased usage of a capital improvement or issuance of a development

permit, building permit or connection to the capital improvement. System development charge includes that portion of a system connection charge that is greater than the amount necessary to reimburse the governmental unit for its average cost of inspecting and installing connections to utility facilities.”; and

WHEREAS, the Roseburg Urban Sanitary Authority pursuant to authority set forth in ORS 223.297 et. seq. has enacted Ordinance No. 97-4, which provides the overall RUSA implementing policy and procedures for system development charges (SDCs); and

WHEREAS, it is the purpose of this Resolution to provide a uniform and equitable methodology for imposition of system development charges for specific Wastewater system capital improvements upon those developments that create the need for or increase the demands for further capital improvements; and

WHEREAS, CH2M HILL, an expert consultant in this field, was hired by the Roseburg Urban Sanitary Authority, and prepared the Wastewater system development charge which provides a methodology for determining the reimbursement system development charge for Wastewater system capital which supports continued customer growth in the Roseburg Urban Sanitary Authority; and

WHEREAS, the RUSA needs to implement Wastewater SDCs to more accurately reflect the cost of providing Wastewater capacity for new customers.

NOW, THEREFORE, BE IT RESOLVED BY THE ROSEBURG URBAN SANITARY AUTHORITY AS FOLLOWS:

PART I	DETERMINATIONS & FINDINGS
ARTICLE I	DEFINITIONS
ARTICLE II	WASTEWATER SDCs METHODOLOGY
ARTICLE III	SYSTEM DEVELOPMENT CHARGES
ARTICLE IV	APPEALS, PAYMENT, COLLECTION, ENFORCEMENT AND DISBURSEMENT VALIDITY

**Part I: DETERMINATIONS AND FINDINGS**

- A. The RUSA adopts above recitals as findings and incorporates them by reference in support of this resolution.
- B. The RUSA has reviewed the Wastewater system development charge calculations by CH2M HILL and adopts the calculations and makes findings and conclusions therein a part of the record. More particularly, the RUSA hereby finds that average flow or average-day flow are rational basis to allocate use of the Roseburg Urban Sanitary Authority's Wastewater system, and provide valid proportional bases for allocating the reimbursement value for Wastewater system capital.
- C. The RUSA hereby finds and determines that the reimbursement SDC per equivalent dwelling unit is \$1,400 which is within the limit established by the calculation shown in Table 1 attached as Exhibit A and incorporated herein in full by this reference.
- D. The RUSA hereby finds that the fees and charges herein are not taxes subject to the limitations of Article XI, Section 11 or 11(b) of the Oregon Constitution.

**ARTICLE I  
DEFINITIONS**

Section 1. Unless otherwise defined herein, applicable definitions are set forth in Roseburg Urban Sanitary Authority Ordinance No. 97-4.

Section 2. "RUSA" shall mean the Roseburg Urban Sanitary Authority.

Section 3. "Rules and Regulations" shall mean duly promulgated code, ordinances, rules and regulations of the RUSA and its duly constructed departments, agents, agencies and employees.

Section 4. "Commercial" shall mean all buildings or structures which are not classified residential or industrial.

Section 5. "Customer" shall mean any individual, firm, company, corporation, association, society, group or owner who receives Wastewater service from the RUSA.

Section 6. "Dwelling Unit" shall mean a building, mobile or manufactured home, designed for residential occupancy.

Section 7. "Industrial" shall mean all buildings or structures in which a product is manufactured, stored or distributed, or any combination of the above.

Section 8. "Manufactured Residential Unit" shall mean a structure which is intended for human occupancy by one or more persons, that has sleeping, eating, cooking and plumbing-sanitation facilities and which is constructed off-site in compliance with the Uniform Building Code (Oregon State Structural Specialty Code) and designed to be transported to a site for installation and/or assembly of modular components to form a permanent structure.

Section 9. "Mobile Home Residential Unit" shall mean a structure which is intended for human occupancy by one or more persons, that has sleeping, eating, cooking and plumbing-sanitation facilities, and which is constructed off-site in compliance with the Oregon Department of Commerce standards for mobile homes, and designed to be transported to a site to be used as a permanent residence.

Section 10. "Multi-Family Residential Unit" shall mean a residential structure which is occupied by one or more persons of which there is more than one dwelling structure per lot, according to approved zoning requirements, and which provides complete independent living facilities for each dwelling structure including, but not limited to, permanent provisions for living, sleeping, eating, cooking and sanitation.

Section 11. "Residential" shall mean buildings or structures which are built to be occupied for living purposes.

Section 12. "Residential Units" – In cases where apartment complexes are involved, a residential unit is designed as one residential unit of a dwelling.

Section 13. "Service Connection" shall mean the installation which connects the Wastewater service line with the building Wastewater service, which includes, but shall not be limited to the following: pipeline, meter, meter box, meter vault, check valves, fittings, seals or other materials to make such connection as deemed necessary by the RUSA.

Section 14. "Shall" is mandatory.

Section 15. "Single Family Dwelling Unit" shall mean a residential structure which is occupied by one or more persons of which there shall be only one dwelling structure per

lot and which provides complete, independent living facilities for one or more persons including, but not limited to, permanent provisions for living, sleeping, eating, cooking and sanitation.

Section 16. "Wastewater Service Line" shall mean the Wastewater connection line from the Wastewater main line to the property line.

## ARTICLE II

### WASTEWATER SYSTEM DEVELOPMENT CHARGES METHODOLOGY

#### Section 1. PURPOSE

The purpose of this Article is to impose the value of Wastewater system facilities upon those developments that create the need for or increase the demands for such facilities and to prescribe the methodology for calculating the SDC.

The SDC imposed by this Article is separate from and in addition to any applicable taxes, assessments, charges, or fees otherwise provided by or imposed as a condition of development.

The total fees required for connection to the Wastewater system shall be a revenue source to the RUSA and shall entitle the owner(s) of the structure or property or persons paying the fee to a service connection to the Wastewater system.

#### Section 2. DEDICATED FUNDS

The RUSA shall also maintain a dedicated fund entitled "Wastewater Reimbursement System Development Charge Fund", herein the "fund". All moneys derived from the Wastewater SDC shall be placed in the fund. Funds from this fund shall be spent on capital improvements of the Wastewater system including expenditures related to repayment of indebtedness.

#### Section 3. DEFINITIONS

Oregon Revised Statutes (ORS 223.297 through 223.314) allow improvement fees and reimbursement fees to be included in System Development Charges. "Improvement fee" means a fee for costs associated with capital improvements to be constructed. "Reimbursement fee" means a fee for costs associated with capital improvements already constructed or under construction.

**Section 4. REIMBURSEMENT FEES**

- A. The replacement cost new methodology, as estimated by CH2M HILL, is the basis of the reimbursement fee component of the System Development Charge. The replacement cost new value is shown in attached Table 1.
- B. CH2M HILL determined the current system design capacity of average daily flow in million gallons per day (mgd). This existing user capacity was divided into the replacement cost new value to determine the net investment per million gallons per day and the net investment per gallons per day (gpd). The average day Wastewater demand for an equivalent dwelling unit is 400 gallons per day. The reimbursement SDC per equivalent dwelling unit was obtained by multiplying the net investment per gallon per day by the average day Wastewater demand to give the reimbursement SDC per equivalent dwelling unit. A summary of the calculation of the reimbursement fee is shown in attached Table 1.

**ARTICLE III**

**SYSTEM DEVELOPMENT CHARGES**

**Section 1. EQUIVALENT DWELLING UNITS**

An equivalent dwelling unit (EDU) is defined as a residential dwelling.

**Section 2. EFFECTIVE DATE AND SDC SCHEDULE**

- A. The Wastewater SDC becomes effective on December 10, 1997.
- B. The Wastewater SDC calculation is shown in attached Table 1.
- C. Where specific Wastewater demands vary significantly from those of an EDU presented in attached Table 1, the RUSA General Manager may calculate an SDC based on number of EDU's which will more accurately reflect the impact on the Wastewater system.

**Section 3. PREPAYMENT**

To better allow industry to plan future expansions and better allow the RUSA to plan for Wastewater capacity requirements, the RUSA may enter into development agreements

which provide defined capacity in the future at specific time intervals. Any deferral of payment for future capacity will be subject to a bond or other guarantee of future payments.

Section 4.      **CHANGED USE OF PROPERTY**

The Wastewater SDC is based upon existing or intended use of the property at the time of application for connection. If the property is improved, expanded, subdivided or otherwise modified or use is increased by more than 10%, so as to increase the Wastewater SDC due for that property or structure, a Wastewater SDC shall be charged for the modified portion of the property or structure based on the Wastewater SDC schedule in effect at the time of the modification. For prior Wastewater customers, this increased Wastewater SDC shall be based on an increase above usage in the previous calendar year. The Wastewater SDC paid for a specific Wastewater service for a residential, commercial or industrial unit shall be valid for a one (1) year period from the date of issuance of the Wastewater connection permit. After the one (1) year period, the Wastewater connection permit will have expired if there has been no connection. The RUSA General Manager will then, in writing, notify the permittee that the permit has expired. The written notification of Wastewater connection permit expiration shall state the permittee has ten (10) days from the receipt of the expiration notice to request an extension time of the Wastewater connection permit. If there has been no response within ten (10) days, the SDC shall be considered forfeited. The permittee shall then be required to re-apply for a Wastewater connection permit and pay the Wastewater SDC in effect at the time of re-application.

Section 5.      **CHALLENGE OF EXPENDITURES**

Any citizen or other interested person may challenge an expenditure of SDC revenues as being in violation of this resolution provided a written petition for review is filed with the RUSA within two years of the expenditure.

**ARTICLE IV**

**APPEALS, PAYMENT, COLLECTION, ENFORCEMENT AND DISBURSEMENT**

**VALIDITY**

Section 1.      **APPEALS PROCEDURE**

- A. Any person aggrieved by a ruling under, or interpretation of the provisions of this resolution, may, within 10 days of the date of occurrence, submit a written appeal to the RUSA. The appeal shall set forth the events and circumstances leading to the appeal, the nature of the ruling or interpretation from which relief is sought, and the nature of the impact of the ruling on appellant's property or business together with any other reasons for the appeal.
- B. The RUSA board will set a date at the next regularly scheduled board meeting to hear the appeal within thirty (30) days thereafter at a regularly scheduled meeting and hear testimony, if deemed necessary. The decision of the board shall be reviewed only as provided in ORS 34.010 to 34.100, and not otherwise.

Section 2. PAYMENT

Every person subject to a charge hereunder shall pay the same, when due, to the RUSA General Manager or his/her designee.

Section 3. COLLECTION

- A. The RUSA General Manager or his/her designee is hereby directed to collect the Wastewater System Development Charge fees as provided for herein.
- B. Wastewater SDC fees, when collected, shall be paid into a fund designated as the "Wastewater Fund".
- C. Wastewater system reimbursement SDC revenues shall be deposited to the Wastewater system development charge reimbursement account. Funds from this account shall only be spent on capital improvements associated with the Wastewater system including expenditures related to repayment of indebtedness as authorized by ORS 223.307.
- D. Delinquent Wastewater service connection accounts shall bear interest from the day of delinquency at a rate of fifteen percent (15%) per annum.

Section 4. ENFORCEMENT

- A. The RUSA General Manager may use such means of collection as may be provided by the laws of the State of Oregon or permitted by the Rules and Regulations of the Roseburg Urban Sanitary Authority.



- B. If a court suit or action is instituted to enjoin any unauthorized connection to or use of the Wastewater system, or for the collection of accounts, the RUSA shall be entitled to collect, in addition to costs and disbursements provided by statute, such sum as any court, including any appellate court; may adjudge reasonable as attorney's fees in such suit or action.
- C. The RUSA may, if possible without jeopardizing public health or safety, without notice to the user and property owner, discontinue Wastewater service and disconnect buildings from the RUSA's Wastewater system if Wastewater service charges and/or Wastewater SDC fees, or other fees under this resolution, become delinquent; or if the safety, health or welfare of the public may be jeopardized; or, without notice in the case of emergency affecting safety, health or welfare of the public; and the RUSA may continue thereafter to refuse Wastewater service and Wastewater connections to such delinquent Wastewater user until all such delinquencies and interest are fully paid or until such safety, health or welfare problem is abated or cured.

Section 5.     **DISBURSEMENT**

- A. The RUSA, by resolution or motion duly adopted, shall from time to time and not less than once each fiscal year, direct the transfer of funds from the general Wastewater Fund to all or any of the following:
- (1) The "Wastewater Expansion and Capital Improvement Fund" from which funds have been collected in the form of Wastewater SDC fees.
  - (2) The account or accounts for the payment of principal and interest on maturing Wastewater bonds, from which funds have been collected in the form of Wastewater SDC fees.
  - (3) The account or accounts established for the operation and maintenance of the Wastewater system, which funds have been collected in the form of Wastewater user fees.

Section 6.     **STATEMENT OF VALIDITY**

The invalidity of any section, clause, sentence or provision of this resolution shall not affect the validity of any part of this resolution which can be given effect without such invalid part or parts.

Section 7. CONFLICTS

In the event of any conflict between provision(s) of this Resolution and any provision(s) of the Authority's Rules and Regulations, the Authority's Rules and Regulations as existing at such time shall govern.

ADOPTED by the Roseburg Urban Sanitary Authority at a regular meeting thereof this December 10, 1997 and filed with the RUSA Recorder this date.

*J. William Neun*

\_\_\_\_\_  
Chairman of the Board

COUNTERSIGNED:

*R. [Signature]*  
\_\_\_\_\_  
Manager

Attest:

*[Signature]*  
\_\_\_\_\_  
Recording Secretary

EXHIBIT A

Table 1  
Roseburg Urban Sanitary Authority  
SDC - Reimbursement Fee Calculation

Item	Total Plant
Replacement Costs New (a)	\$32,000,000
Current System Design Capacity (mgd)	7.9
Net Investment per mgd	\$4,050,633
Net Investment per gpd	\$4.05
Average Day Sewer Demand per EDU (gpd)	400
Reimbursement SDC per EDU	\$1,620

(a) Assumes 7.9 mgd capacity at \$4.05 million per mgd.