

City of Sherwood, Oregon
Resolution No. 93-554

A RESOLUTION ADOPTING WASHINGTON COUNTY ORDINANCE NO. 26 AND RESOLUTION NO. 93-33 REGARDING SURFACE WATER MANAGEMENT CHARGES AND SERVICES, AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the City is a party to an Intergovernmental Agreement (IGA) with Washington County and the Unified Sewerage Agency (USA) for the provision of uniform surface water management through USA's service boundaries, including any cities located therein; and

WHEREAS, the County and USA, with member cities' full participation, have recently reviewed surface water management charges and other particulars, and the County adopted certain changes pursuant to Ordinance No. 26 and Resolution No. 93-33; and


WHEREAS, in accordance with the IGA, the City needs to adopt these changes.

NOW, THEREFORE, THE CITY RESOLVES AS FOLLOWS:

Section 1. Charges Adopted: County Ordinance No. 26 and Resolution No. 93-33, attached hereto as Exhibit "A", are hereby APPROVED and ADOPTED, and the equivalent County ordinances and resolutions previously adopted by the City are hereby REPEALED.

Section 2. Effective Date: This Resolution shall become effective upon approval and adoption.

Duly passed by the City Council July 28, 1993.



Walter Hitchcock, Mayor

Attest:



Polly Blankenbaker
City Recorder

1
2 THE BOARD OF DIRECTORS
3 FOR THE UNIFIED SEWERAGE AGENCY
4 OF THE COUNTY OF WASHINGTON

5 (An Ordinance Prescribing Charges
6 ORDINANCE NO. 26 (for Use of the Unified Sewerage Agency
7 (Surface Water Management System and for
8 (Services Provided by the Unified
(Sewerage Agency; Prescribing Procedures
(for Payment of Charges; Repealing
(Ordinance No. 25; and Declaring an
(Emergency.

9 The Board of Directors of the Unified Sewerage Agency of
10 Washington County, Oregon ordains:

11 SECTION 1. PURPOSE AND FINDINGS

12 A. The purpose of this Ordinance is to authorize charges,
13 rates and fees for use of, and discharge to, the public surface
14 water management system; to provide a process for appeals from
15 certain decisions of the Agency relating to such charges; and to
16 provide for collection of delinquent charges.

17 B. The Unified Sewerage Agency was duly established pursuant
18 to ORS Chapter 451, and has authority for sanitary sewerage, and
19 storm and surface water, including drainage. The Board finds that
20 the operation and maintenance of the Agency surface water
21 management system should be funded through user charges imposed
22 for the discharge of storm and surface water to the public storm
23 and surface water system, thereby charging those persons and
24 activities using or receiving service from that system, rather
25 than by imposing a tax upon property.

26 C. The Board finds that the decision of the Oregon Supreme

1 Court in Roseburg School District et al v. City of Roseburg, Case
2 No. SC-539874, slip opinion May 21, 1993, has provided greater
3 certainty as to the application of Article XI, Section 11b of the
4 Oregon Constitution (Measure 5) to storm water utility service
5 charges. It is appropriate, in light of that decision, to modify
6 the storm and surface water management charges of the Agency, now
7 imposed under Ordinance 25, so that the charge is imposed upon the
8 user of the service, who may or may not be the property owner. It
9 is also appropriate, based upon the Agency's experience in
10 administering storm and surface water management charges to make
11 further changes to maximize equity and efficiency in the
12 collection of charges. It is the intent of this Board that this
13 Ordinance be construed to impose charges for use of the Agency
14 public surface water management system, and for discharge to the
15 system, rather than to impose taxes upon property.

16 D. The Board finds that the Tualatin River Basin has been
17 determined to be a water quality limited basin by the Oregon
18 Department of Environmental Quality. There are substantial
19 quantity and quality concerns relating to the storm and surface
20 water management system within the Agency. Impervious surfaces
21 generate discharge of stormwater carrying pollutants to the
22 Tualatin River and its tributaries, unless that stormwater is
23 treated by on-site facilities or otherwise by public facilities.
24 Impervious surfaces discharging directly to streams or rivers may
25 have an equivalent quantity and quality impact on those waters.
26 The Agency may be required to provide increased quantity or

1 quality controls in another area, to mitigate those impacts.
2 Therefore, it is appropriate to impose a storm and surface water
3 user charge upon all users of property which may discharge,
4 directly or indirectly, to surface waters of the Tualatin Basin
5 within the Agency.

6 SECTION 2. DEFINITIONS

7 The definitions set forth in ORS 310.140 (1991 Edition) are
8 hereby incorporated by reference. In addition, the following
9 words shall have the following definitions when used in this
10 Ordinance, and any Resolution and Order adopted pursuant hereto,
11 unless the context requires otherwise or unless such word is
12 expressly defined otherwise:

13 A. Agency. Shall mean the Unified Sewerage Agency of
14 Washington County, Oregon, and shall include any representative or
15 employee of the Agency authorized to act in its behalf. "USA"
16 shall have the same meaning as "Agency".

17 B. Board. Shall mean the Board of Commissioners of
18 Washington County, Oregon, in its capacity as the Board of
19 Directors of the Unified Sewerage Agency.

20 C. Connection. The physical act or process of tapping a
21 public storm sewer or drainage line, or joining onto an existing
22 side sewer, for the purpose of connecting private impervious
23 surface or other storm and surface water sources or systems to the
24 public storm and surface water system. It shall also include
25 creation or maintenance of impervious surface that causes or is
26 likely to cause an increase in the quantity or decrease in quality

1 or both, from the natural state of storm water runoff, and which
2 drains, directly or indirectly, to the storm and surface water
3 management system.

4 D. Date of Imposition or Imposition Date. Shall mean July 1
5 of each fiscal year or such other date designated by the Board at
6 which time a charge is imposed and becomes the legal obligation of
7 the user. The obligation may include the cost of services to be
8 provided during the billing period or for services previously
9 provided to the same person under this Ordinance or Ordinance Nos.
10 25 and 19.

11 E. Days. Shall mean calendar days unless otherwise
12 specified.

13 F. Equivalent Service Unit or ESU. Means a measurement unit
14 based on the impervious surface area of an average improved single
15 family dwelling lot or parcel within the Agency (as determined by
16 a statistical sampling performed by the Agency). Except as
17 provided in Section 5, one equivalent service unit shall be deemed
18 to be 2,640 square feet of impervious surface.

19 G. General Manager. Means the General Manager of the Agency
20 duly appointed by the Board or the designee of the General
21 Manager.

22 H. Impervious Surface Area. Means all land area that has
23 been altered from its natural state such that it does not allow
24 the infiltration and retention of water equivalent to that of
25 undisturbed soil. This shall include, but is not limited to:
26 pavement, buildings, decks, parking areas, and compacted gravel

1 areas. Impervious surface shall not include improved public
2 streets, roads, sidewalks and bike paths; railroad beds; or quarry
3 excavation areas and temporary service roads in the excavation
4 areas. Rather such facilities are deemed to be a part of the
5 public surface water management conveyance system or to constitute
6 nonimpervious surfaces.

7 I. Improved Single Dwelling Parcel. Means a lot or parcel
8 on which a single family dwelling or duplex exists at any time
9 during the same year as the imposition of the charge.

10 J. Occupant. Shall mean the person residing or doing
11 business on the property. In a family or household situation, the
12 occupant responsible for the obligations herein imposed shall be
13 the adult heads of the household, jointly and severally. In a
14 dwelling or office sharing situation, the adult occupant legally
15 responsible for the management or condition of the property shall
16 be responsible.

17 K. Owner. Shall mean the legal owner(s) of record as shown
18 on the tax rolls of the appropriate county, or where there is a
19 recorded land sale contract, the purchaser thereunder.

20 L. Person. Shall mean any individual, public or private
21 corporation, political subdivision, governmental agency,
22 municipality, partnership, association, firm, trust, or any other
23 legal entity whatsoever.

24 M. Rule. Shall mean any written standard, directive,
25 interpretation, policy, regulation, procedure or other provision,
26 adopted by the Board of Directors as a Resolution and Order to

1 carry out the provisions of this Ordinance.

2 N. Storm and Surface Water System. Means any combination of
3 publicly owned storm and surface water quantity and quality
4 facilities, pumping, or lift facilities, storm drain pipes and
5 culverts, open channels, creeks and rivers, force mains, laterals
6 manholes, catch basins and inlets, including the grates and covers
7 thereof, detention and retention facilities, laboratory facilities
8 and equipment, and any other publicly owned facilities for the
9 collection, conveyance, treatment and disposal of storm and
10 surface water comprising the total publicly owned storm and
11 surface water system within the Agency, to which sanitary sewage
12 flows are not intentionally admitted.

13 O. This Ordinance. Shall include Ordinance No. 26, any rule
14 or Resolution and Order adopted pursuant thereto.

15 P. User. Shall mean any person who uses property which
16 maintains connection to, discharges to, or otherwise receives
17 services from the Agency for surface water management. The
18 occupant of occupied property is deemed the user. If the property
19 is not occupied, the person who has the right to occupy it shall
20 be deemed the user.

21 Q. Wastewater. Shall include storm and surface waters
22 entering the storm and surface water system.

23 SECTION 3. CHARGES AND FEES IN GENERAL

24 Upon the recommendation of the General Manager, USAAC, or
25 upon its own motion, the Board may adopt by rule charges, rates,
26 and fees for the use of the Agency storm and surface water system,

1 and for services provided by the Agency relating to that system.
2 Such rules may include delinquency and interest charges and
3 penalties. Such charges and fees shall be just and equitable
4 based upon the actual costs of operation, maintenance,
5 acquisition, extension and replacement of the Agency system, the
6 costs of bond repayment, regulation, administration, and services
7 of the Agency storm and surface water system and program, and for
8 services of the Agency. Except as specifically provided in this
9 Ordinance or by Resolution and Order, all charges and service fees
10 shall be due and payable in advance of provision of service.

11 SECTION 4. SURFACE WATER MANAGEMENT SYSTEM USER CHARGE

12 A. There hereby is established a surface water management
13 system user charge. This charge hereby is imposed on every user
14 within the Agency of the storm and surface water system on the
15 imposition date. The charge may be required to be paid in advance
16 of the provision of service for the billing period. The charge
17 due for the billing period shall be the obligation of the user of
18 the public storm system on the imposition date, notwithstanding
19 whether the user is the addressee of the bill.

20 B. The charge shall be the personal obligation of the user
21 on the imposition date, regardless of whether that person has any
22 ownership interest in the property. This charge shall constitute
23 a debt due the Agency as of the date of imposition.

24 C. Any person who has paid the full amount due in advance of
25 receiving service shall be entitled to a refund if the person
26 ceases to be the user. The refund shall be effective on the date

1 the property is vacated or sold and based on the number of days
2 remaining in the billing period. The refund is waived unless a
3 written request for refund is filed within 30 days of vacating or
4 selling the property. The request shall include documentation
5 reasonably deemed adequate by the General Manager.

6 Notwithstanding any other provision, the new user shall be
7 responsible for the remaining balance of the service charge, which
8 may be billed immediately or added to the bill for the next
9 period.

10 D. There shall be a rebuttable presumption that the owner of
11 the real property, as shown in the records of the appropriate
12 county assessor, is the occupant.

13 E. The surface water management user charge shall be imposed
14 upon any person who uses or discharges to the public storm and
15 surface water system by: 1) maintaining impervious surface
16 connected to (directly or indirectly) and capable of discharge to
17 the public surface water management systems; or 2) actually
18 discharging storm or surface water into the system; or 3) for
19 which a specific request for surface water management service has
20 been made. Said charge shall be charged for all users of
21 properties covered in whole or in part by impervious surface area
22 within the boundaries of Agency, including incorporated cities. A
23 property containing impervious surface is presumed to discharge
24 wastewater to the storm and surface water system, and to generate
25 a demand for storm and surface water management services, unless
26 that property has an on-site disposal system which meets the

1 standards of Section 8 and any rules adopted thereunder.

2 SECTION 5. CALCULATION OF IMPERVIOUS SURFACE AND AMOUNT OF CHARGE

3 A. The determination of the existence for all parcels and of
4 quantity for nonsingle dwelling unit parcels of impervious surface
5 for a lot or parcel shall be estimated using one or more of the
6 following: aerial photographs, assessment records, building
7 permits, construction plans, site visits, ad valorem property tax
8 records, storm and surface water system connection permits, field
9 surveys or other sources deemed reliable by Agency.

10 B. All improved single dwelling units shall be charged a
11 uniform charge based on one ESU. Each unit of a duplex shall be
12 charged uniformly based on one ESU.

13 C. Impervious surface for each improved multi-family,
14 condominium, commercial, industrial or institutional parcel shall
15 be estimated individually. The amount of impervious surface for
16 each such parcel shall be divided by 2640 square feet. The
17 quotient shall be the number of ESUs for each parcel. Impervious
18 surface shall include a proportionate share of any common areas,
19 private streets, parking lot or other facilities serving the use.
20 Fractional values shall be rounded.

21 D. The rate for the service charge shall be established in
22 accordance with Section 3 and in accordance with the procedure set
23 forth in Section 9A, so as not to exceed, on a fiscal year basis,
24 the estimated surface water management program actual costs, less
25 other projected revenue, divided by the estimated total number of

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1 ESUs connected to the Agency storm and surface water management
2 system.

3 E. The Board may prescribe by rule further detail regarding
4 determination, calculations, and classification of impervious
5 surfaces; and for payment of a deposit not to exceed one year's
6 estimated surface water management service charge as a condition
7 of connection of property to the Agency system, or for continued
8 maintenance of connection to the system.

9 SECTION 6. BILLING

10 A. At least 20 days prior to the due date, the Agency shall
11 send a bill for the amount due by regular mail to every user in
12 the Agency. Mailing to the owner of record as shown in the
13 assessor records shall satisfy this requirement.

14 B. The bill shall state that the recipient has 30 days from
15 the billing date to file a notice of nonoccupancy. The notice
16 shall indicate the relationship of the recipient to the property
17 (e.g., owner, lessor, mortgagee), whether on the imposition date
18 the property was occupied, and if so, by whom.

19 C. Upon receipt of the notice, the Agency shall determine
20 who is obligated for payment. Based on this determination, the
21 Agency shall:

22 1. Issue a new bill to the occupant if the property was
23 occupied by someone other than the original recipient;

24 2. Reissue the bill to the recipient if it is found that
25 that person was the occupant;

26 3. Issue a bill to the owner as the user if the property

1 was not occupied.

2 The Agency may take into account any reasonably reliable
3 information available to it, including utility or water district
4 records.

5 D. Failure to file the notice such that it is actually
6 received by the Agency within the 30 days of the mailing date of
7 the bill shall conclusively establish that the original addressee
8 was the user on the imposition date.

9 E. Notwithstanding any other provision of this Ordinance,
10 any person may agree in writing to be responsible for payment of
11 the charge. Upon filing of such a writing with the Agency,
12 subsequent bills shall be sent to that person, and that person
13 shall be deemed to be the user.

14 F. It shall be a violation of this Ordinance to knowingly
15 provide false information to the Agency regarding any fact related
16 to billing of a surface water management service charge or other
17 charge of the Agency.

18 SECTION 7. DELINQUENCY, COLLECTION, INTEREST AND PENALTIES

19 A. Charges imposed under this Ordinance are deemed
20 delinquent when not paid in full by the due date provided in a
21 billing for the charge.

22 B. It shall be unlawful and a violation of this Ordinance
23 for any person to use, discharge wastewater to, or maintain
24 connection to, the Agency surface water management system without
25 paying the appropriate charges and fees established in this
26 section or any rule adopted pursuant hereto. If no billing is

1 sent, such charges are deemed delinquent 30 days from the date
2 services were provided to a user.

3 C. Delinquent charges may be collected pursuant to this
4 section by the General Manager or his designee, with the
5 assistance of Agency legal counsel, without further action or
6 authorization by the Board.

7 D. Delinquent charges may be recovered by the Agency in any
8 manner provided by law, including an action in the small claims or
9 district court of Washington County or other appropriate county.

10 E. In addition to remedies provided for collection of a
11 debt, the Agency may seek a temporary or permanent injunction
12 prohibiting continued occupancy of premises, requiring
13 disconnection of the premises from the public surface water
14 management system, and termination of sanitary sewer service to
15 the user's premises.

16 F. The Board may prescribe by Resolution and Order a
17 schedule of interest and penalty charges to be imposed upon
18 delinquent charges.

19 G. In a collection action under this Ordinance the
20 prevailing party shall be entitled to its costs and reasonable
21 attorney fees, including at trial and on appeal.

22 H. In addition to the right of the Agency to bring a civil
23 action to collect any delinquent charges or enforce any provision
24 of this Ordinance, the Agency may take any of the following
25 actions to secure payment:

26 1. the Agency may refuse to issue any permit to any

1 person who is delinquent in any payment due under this Ordinance;

2 2. the Agency may terminate provision of storm and
3 surface water service to premises used by the user;

4 3. the Agency may terminate sanitary sewer service to
5 premises used by the user;

6 4. the Agency may terminate water service to the
7 premises used by the user, pursuant to agreement with any public
8 water service provider.

9 Termination of service pursuant to this subsection shall
10 be according to procedures adopted under Section 9A. If the
11 Agency terminates service as provided in this subsection, the cost
12 of such disconnection shall be added to the amount of any other
13 delinquent charges and shall be recoverable in the same manner as
14 are such charges.

15 I. Nothing in this Ordinance shall be deemed to make the
16 owner of property responsible for the storm and surface water
17 management user charge of a tenant; to require any person to pay
18 the charges incurred by prior occupant or user of property; or to
19 require any person to pay to reconnect service where that service
20 was terminated due to the delinquency of the account of a prior
21 occupant or user.

22 J. Nothing in this Ordinance shall be deemed to create a
23 lien against property, except where such lien arises by operation
24 of law following a court judgment. This Ordinance does not
25 authorize collection of delinquent user charges pursuant to ORS
26 451.510(2) and ORS 454.225.

1 SECTION 8. REQUEST FOR SERVICE; DISCONNECTION FROM SERVICE;
2 TERMINATION OF USER CHARGES

3 A. The issuance of a storm and surface water management
4 system connection permit relating to impervious surface on a
5 property or parcel shall be deemed to be a specific request for
6 provision of storm and surface water service to that property.

7 B. Any user of the public surface water management system
8 may disconnect property served by the system from service and
9 terminate further user charges by utilizing the procedure in this
10 Section.

11 C. A person desiring to disconnect property from the system
12 shall make application on a form provided by the Agency and pay
13 the fee established therefor. The application shall be signed by
14 the owner of the property; shall provide evidence of demolition or
15 removal of any impervious surface on the property, or of
16 installation of an approved on-site storm and surface water
17 retention or infiltration system serving the property. Such
18 on-site system shall be designed and operated to retain or dispose
19 of on-site all storm and surface waters generated by impervious
20 surfaces on the property, through the full range of storm events
21 prescribed by Agency rule. The Board may by rule adopt additional
22 criteria and administrative procedures to provide for
23 disconnection from surface water management service, and
24 suspension or termination of user charges.

25 D. Upon receipt of a complete application for disconnection,
26 and verification of information thereon, and installation of the

1 on-site system or demolition of impervious area as provided in
2 subsection C of this Section, the Agency shall issue a permit for
3 disconnection. Whether performed by the Agency or other person,
4 the Agency shall inspect the disconnection.

5 E. The Agency may inspect the on-site system at any time.
6 If at any time the system fails to perform to the standard
7 specified in subsection C above, the Agency shall notify the owner
8 to correct the system. If the system is not corrected to meet
9 on-site retention or infiltration standards within 30 days of such
10 notice, the Agency may treat such deficiency as a reconnection to
11 the surface water management system and as a specific request for
12 surface water management service. Service fees shall then relate
13 back to the earliest date on which the system failed to meet
14 applicable performance standards for on-site retention or
15 disposal.

16 SECTION 9. ADOPTION OF RULES; INTERPRETATIONS AND APPEALS

17 A. Adoption of Rules.

18 1. Upon the recommendation of the General Manager, the
19 Unified Sewerage Agency Advisory Commission (USAAC), or upon its
20 own motion, the Board may, by Resolution and Order, promulgate
21 rules pertaining to matters within the scope of this Ordinance.

22 2. Any rule adopted pursuant to this Section shall
23 require a public hearing. Not less than five nor more than thirty
24 days before such hearing, public notice of such hearing shall be
25 given by publication in a newspaper of general circulation within
26 the Agency. Such notice shall include the place, time, and

1 purpose of the hearing and the location at which copies of the
2 full text of the proposed rules may be obtained.

3 3. At the public hearing, the Board shall hear testimony
4 concerning the proposed rules. At the conclusion of the public
5 hearing, the Board shall either adopt the proposal, modify or
6 reject it. If a modification is made, an additional public
7 hearing shall be held but no additional notice shall be required
8 if such additional hearing is announced at the meeting at which
9 the modification is made. All rules shall be effective upon
10 adoption by the Board and shall be filed in the Office of the
11 Unified Sewerage Agency.

12 4. Notwithstanding subsections 2 and 3 of this section,
13 a rule may be adopted without prior notice upon a finding that
14 failure of the Board to act promptly will result in serious
15 prejudice to the public interest or the interest of the affected
16 parties, including the specific reasons for such prejudice. Any
17 rule adopted pursuant to this subsection shall be effective for a
18 period of not longer than 180 days.

19 B. Appeals.

20 1. The following may be appealed to the General Manager:

21 a. A determination that the person is obligated to
22 pay the service charge imposed herein;

23 b. A dispute as to the proper calculation of the
24 amount due from the person. This shall not include, however, an
25 objection to the overall establishment of the surface water
26 management charge or the amount per ESU established by the Board

1 pursuant to Section 9A or the establishment of classes of
2 impervious surface area pursuant to Section 9A.

3 c. A discretionary decision implementing a rule
4 adopted by the Board if an appeal is provided in the Order
5 adopting the rule.

6 C. The appeal shall be filed in writing and must be actually
7 received by the Agency no later than the thirtieth day after the
8 action appealed. The 30 days shall be calculated from the due
9 date of the original or reissued bill in response to a notice of
10 nonoccupancy, whichever is later.

11 D. The appeal shall be heard by the General Manager in an
12 informal proceeding. The appellant shall be provided a reasonable
13 opportunity to submit written and oral support for the appellant's
14 position. The General Manager shall issue a written decision
15 within 30 days of the proceeding. The written decision of the
16 General Manager may be appealed to the Circuit Court of Washington
17 County by writ of review. Failure to properly exhaust the
18 administrative remedy provided for herein shall constitute a bar
19 to judicial relief.

20 SECTION 10. SEVERABILITY

21 If any section, subsection, provision, clause, or paragraph
22 of this Ordinance, or rules adopted pursuant hereto, shall be
23 adjudged or declared to be unconstitutional or invalid by any
24 court of competent jurisdiction, such judgment shall not affect
25 the validity of the remaining portions of this Ordinance or such
26 rules; and every other portion thereof shall remain in full force

1 and effect.

2 SECTION 11. JUDICIAL REVIEW

3 Final decisions of the Board, the General Manager, the
4 Agency, or its designated review authority under this Ordinance
5 shall be reviewable solely and exclusively under the provisions of
6 ORS 34.010 through 34.100.

7 SECTION 12. REPEAL OF ORDINANCE 25; SAVINGS CLAUSE

8 Ordinance No. 25 is hereby repealed, provided however, that
9 all fees and charges imposed and actions of the Agency thereunder
10 on or before June 30, 1993, shall remain in force. All charges,
11 rates and fees imposed pursuant to Ordinance 25 and other Agency
12 ordinances, on or before June 30, 1993, shall be subject to
13 collection under this Ordinance.

14 SECTION 13. DECLARATION OF EMERGENCY

15 This Ordinance being necessary for the immediate preservation
16 of public health, safety, and welfare of the citizens of the
17 Unified Sewerage Agency, an emergency is hereby declared to exist,
18 and this Ordinance shall take effect upon its passage.

19 ENACTED this ____ day of _____, 1993, being the
20 date of the _____ reading and _____ public hearing before
21 the governing body of the Unified Sewerage Agency of Washington
22 County, Oregon.

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UNIFIED SEWERAGE AGENCY OF
WASHINGTON COUNTY, OREGON
By the Board of County Commissioners
of Washington County, Oregon,
As Its Governing Body.

Chairman

Recording Secretary

READING

PUBLIC HEARING

1
2
3

VOTE: AYE _____
NAY _____

RECORDING SECRETARY

DATE _____

1 IN THE UNIFIED SEWERAGE AGENCY
2 OF WASHINGTON COUNTY, OREGON

3 In the Matter of Adopting a Revised)
4 Schedule of Charges, Rates and Fees)
5 Relating to the Sanitary and Storm)
6 and Surface Water Management Systems)
7 and Related Services of the Agency;)
8 Adopting Revised Administrative)
9 Provisions; Providing for Interest)
10 and Delinquency Charges; Superseding)
11 Resolution and Order No. 92-34;)
12 Pursuant to Ordinance Nos. 20,)
13 22, 23 and 26; Directing)
14 Publication of Notice Pursuant to)
15 ORS 305.583(8); and Declaring an)
16 Effective Date)

RESOLUTION AND ORDER

No. USA 93-33

11 The above-entitled matter came on regularly before the
12 Board at its meeting of June 22, 1993; and

13 It appearing to the Board that it did adopt Ordinance
14 Nos. 20, 22, 23 and 26, which authorize adoption of certain
15 charges, rates, fees and penalties relating to the Agency
16 systems, and for services provided by the Agency; and that
17 certain of the existing USA charges contained in Resolution
18 and Order No. 92-34 are now in need of amendment; and

19 It appearing to the Board that the proposed charges,
20 rates, fees, interest, penalties and administrative
21 provisions, including amendments, contained in Exhibit "A"
22 attached hereto and by this reference incorporated herein,
23 carry out the standards and objectives contained in the above-
24 referenced Ordinances; and

25 It appearing to the Board that Exhibit "A" also contains
26 a schedule of system development charges relating to the

1 sanitary sewerage system and storm and surface water
2 management systems, based upon the methodology for each charge
3 previously established in Resolution and Order Nos. 91-45 and
4 91-46, respectively; and

5 It appearing to the Board that it has conducted a public
6 hearing regarding the adoption of these rules and regulations
7 this date and that any person affected by them has had an
8 opportunity to testify, and that public notice of such hearing
9 was given in accordance with the aforesaid Ordinances; and

10 It appearing to the Board that it is appropriate to adopt
11 the rules contained in Exhibit "A," which provide for the
12 charges, rates and fees relating to the sanitary sewerage and
13 storm and surface water management systems, and for services
14 provided by the Agency, and the Board being fully advised in
15 the premises; it is, therefore

16 RESOLVED AND ORDERED that:

17 Section 1. The amended rules contained in Exhibit "A"
18 attached hereto and by this reference incorporated herein be,
19 and hereby are, adopted and promulgated by this Board as the
20 schedule of charges, rates and fees pertaining to the Agency
21 systems, services provided by the Agency, and related
22 administrative provisions.

23 Section 2. The Sanitary Sewer System Development Charge
24 established in Resolution and Order No. 91-45 is hereby
25 amended, to consist of the Reimbursement Component of
26 \$1,100.00, and the Improvement Component of \$1,100.00, for a

1 total charge of \$2,200.00 per Dwelling Unit (DU) or Equivalent
2 Dwelling Unit (EDU), as further provided by Agency ordinance
3 or regulation. The Plan of Improvements for the Sanitary
4 Sewerage System described in Ordinance No. 20, Section 8, is
5 hereby amended to add those projects set forth in the Unified
6 Sewerage Agency Adopted Budget for Fiscal Year 1993-94,
7 adopted June 8, 1993, and to add the USA Capital Improvement
8 Plan for Sanitary Sewer, Fiscal Years 1994-1998, dated April,
9 1993. All other provisions of Resolution and Order No. 91-45
10 shall remain in full force and effect.

11 Section 3. The Sanitary Sewer System User Charge
12 established in Resolution and Order No. 92-34 shall be
13 continued at the same rate until further amendment or
14 modification by this Board. Based upon the Adopted Budget for
15 1993-94, the amended service charge rate meets the
16 requirements of Ordinance No. 22, Section 3, in that it is
17 just and equitable and reasonably reflects the actual cost of
18 providing sewer service to users within the Agency, including
19 provision of certain local aspects of the service through
20 intergovernmental agreements with Cities within the Agency.

21 Section 4. The Storm and Surface Water Management System
22 User Charge as established in Ordinance No. 26 shall be
23 continued at the existing rate of \$3.00 per Equivalent Service
24 Unit (ESU) per month, or \$36.00 per ESU per year meets the
25 requirements of Ordinance No. 26, Sections 3 and 4, in that it
26 is based upon actual costs and does not exceed the estimated

1 surface water management system program costs, less other
2 projected revenue, divided by the estimated total number of
3 ESUs connected to the Agency storm and surface water
4 management system. Exhibit "B" details the calculation of the
5 service charge rate.

6 Section 5. This Resolution and Order supersedes the
7 provisions of Resolution and Order No. 92-34, provided,
8 however, that any charges incurred pursuant to any resolution
9 and order amended or superseded in this document shall remain
10 valid and subject to collection or other enforcement action
11 after the effective date of this Resolution and Order.

12 Section 6. The General Manager is hereby authorized and
13 directed to make available this Resolution and Order in the
14 Office of the Unified Sewerage Agency, and to provide copies
15 to cities within or served by the Agency. The General Manager
16 is further authorized to compile and publish one or more
17 schedules of USA rates, charges and fees for the convenience
18 of the public.

19 Section 7. The charges and fees set forth in this
20 Resolution and Order are classified as not subject to the
21 limitations of Section 11.b, Article XI of the Oregon
22 Constitution. The General Manager is hereby directed to
23 publish notice of adoption of this Resolution and Order as
24 provided in ORS 305.583(8).

25 Section 8. If any section, subsection, provision, clause
26 or paragraph of this Resolution and Order shall be adjudged or

1 declared to be invalid or unconstitutional by any court of
2 competent jurisdiction, such judgment shall not affect the
3 validity of the remaining portions of this Resolution and
4 Order, which shall remain in effect.

5 Section 9. This Resolution and Order shall take effect
6 July 1, 1993.

7 DATED this 22nd day of June, 1993.

9 UNIFIED SEWERAGE AGENCY
10 OF WASHINGTON COUNTY, OREGON
11 By its Board of Directors

	AYE	NAY	ABSENT
12 HAYS			✓
13 CHRISTY	✓		
14 KATSON	✓		
15 PETERS	✓		
16 ROGERS	✓		

12 Linda B. Peters
13 Chairman

14 Barbara Hejmanek
15 Recording Secretary

UNIFIED SEWERAGE AGENCY

RATES AND CHARGES
Fiscal Year 1993-1994

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SECTION 1 DEFINITIONS

The following words shall have the following definitions in this Resolution and Order, unless the context states otherwise:

1.1 Applicant

The person making application for a permit relating to the sewer or storm and surface water system, who may or may not be the owner of the premises to be served.

1.2 BOD (Biochemical Oxygen Demand)

The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at 20°C, expressed in milligrams per liter.

1.3 Building

Any structure used for human habitation, employment or place of business, recreation or other purpose, and containing sanitary facilities.

1.4 COD (Chemical Oxygen Demand)

A measure of the organic matter content in wastewater and is the oxygen equivalent of the organic matter that can be oxidized under standard laboratory procedure using a strong chemical oxidizing agent in an acidic medium.

1.5 Commercial Establishment

Any structure used other than as a dwelling unit, for manufacturing, or for industrial uses.

1.6 Dwelling Unit (DU)

A separate living unit with kitchen facilities including those in multiple dwellings, apartments, motels, hotels, mobile homes or trailers.

1.7 Dwelling Unit Equivalent; Equivalent Dwelling Unit (DUE or EDU)

A nonresidential unit which is deemed equivalent to a dwelling unit as provided herein or as provided in the State Plumbing Code. The abbreviations DU, DUE, and EDU are used interchangeably in this Resolution and Order.

1.8 Easement Vacation (Release) and Consent to Release

A process whereby the Agency gives up its legal interest in occupancy of all or a portion of an easement granted to the Agency and grants or releases the property right to a property owner, or gives consent to an easement vacation by others.

1.9 Encroachment Agreement

An agreement between the Agency and landowner allowing for the encroachment of a permanent structure within a sanitary sewer or storm and surface water easement.

1.10 Equivalent Service Unit (ESU)

The unit of impervious surface area which generates the storm and surface water runoff equal to a single family residential property, as determined by Agency Ordinance, and Agency resolutions adopted thereunder.

1.11 Financial Management System

The Financial Management Information System (FMIS) is an integrated financial system which tracks expenditures and revenues on a fund, program, object code and project basis. The Agency's annual adopted budget meets the requirements of Oregon Local Budget Law and the annual audit, performed by an independent auditor, meets legal and statutory requirements. The FMIS provides the data for completion of the audit and monitoring of the adopted budget.

1.12 Fixture Unit (FU)

Fixture unit load values for sanitary sewer drainage piping are as specified in Section 5, or if not included herein as specified in the Oregon State Plumbing laws and Administrative Rules.

1.13 Impervious Surface Area

All land area that has been altered from its natural state such that it does not allow the infiltration and retention of water equivalent to that of undisturbed soil. This shall include, but is not limited to pavement, buildings, decks, parking areas, and roadways (gravel or paved).

1.14 Liquid Waste

Domestic septage waste or chemical toilet waste delivered by a liquid waste hauler to an Agency facility for treatment.

1.15 Main Sewer

A public sewer designed to accommodate more than one building sewer.

1.16 Operation and Maintenance (O&M)

Those activities required to assure the dependable and economical function of the sanitary sewerage and storm and surface water systems, including treatment works.

Maintenance is the preservation of functional integrity and efficiency of equipment and structures, including that of natural features which perform a function in the surface water management system. This includes preventive maintenance, corrective maintenance and replacement of equipment.

Operation is the control of the unit processes and equipment which make up the treatment works. This includes, but is not limited to, financial and personnel management; records, laboratory control, process control, safety and emergency operation planning.

1.17 Regular Business Hours

Regular business hours means those hours that the Agency's main office is open for business.

1.18 Replacement

The act of obtaining and installing equipment, accessories, or appurtenances which are necessary during the design or useful life, whichever is longer, of the sanitary, storm and surface water systems, including treatment works to maintain the capacity and performance for which such works were designed and constructed.

1.19 Septic Waste

The sanitary and domestic solids and wastewater removed from a septic treatment facility.

1.20 Sludges Waste

The solids from primary, activated trickling filter or a mixture of sludges that is removed from a wastewater treatment facility.

1.21 Special Wastes

Wastes which require some special method of handling such as the use of indirect waste piping and receptors, corrosion resistant piping, sand, soil or grease interceptors, condensers or other pretreatment facilities.

1.22 Storm and Surface Water System

Any combination of publicly owned storm and surface water quality treatment facilities, pumping, or lift facilities, storm drain pipes and culverts, open channels, creeks and rivers, force mains, laterals, manholes, catch basins and inlets, grates and covers, detention and retention facilities, laboratory facilities and equipment, and any other publicly owned facilities for the collection, conveyance, treatment and disposal of storm and surface water comprising the total

publicly owned storm and surface water system within Agency jurisdiction, to which sanitary sewage flows are not intentionally admitted.

1.23 Suspended Solids

Solids that either float to the surface or are in suspension in water, sewage, or other liquids and which are removable by filtering.

1.23 Temporary Discharge

The discharge of wastewater from a temporary nonresidential use, including ground water or other environmental remediation site.

1.24 User Charge

The charge levied on users of a sanitary sewer system and storm and surface water system for the user's proportionate share of the cost of operation and maintenance (including replacement), debt financing and construction of such systems, in accordance with Ordinance 22, Section 4, and Ordinance 26, Section 4.

SECTION 2 RULES, REGULATIONS AND DEFINITION OF RATES AND CHARGES

A. FEEES FOR PHYSICAL CONNECTION TO PUBLIC FACILITIES

Line tap fees shall be charged for installation of a connection of a private lateral or side sewer to the public facilities of the Agency. The amount of these fees reflects the actual cost of installing and inspecting connections from private facilities to public facilities, based upon the average cost to the Agency of performing such work. Line tap fees are not charged when the connection is made as a part of a project for construction of public sewer line under Agency Construction Permit Agreement, in which the taps are shown on approved plans, and are subject to a Construction Permit Agreement for the work. (See Construction Standards Resolution and Order.) These fees are not system development charges.

B. SERVICE REQUEST FEES

The following are fees charged for services requested or required to be performed by the Agency. In each case, the fee is established based upon the estimated actual cost, as defined in Ordinances 22 and 26, of performing the service or making the service available.

1. Apportionment Processing Fees

Apportionment processing fees shall be charged to cover the cost to the Agency for processing apportionments. The fee is charged as part of the application unless the apportionment is initiated by the Agency where it is added to the apportioned amount.

2. Customer Assistance Charges

Copies of Agency maps, publications and other documents provided by the Agency shall be charged at actual cost. Maps, publications and copy fees shall be waived for all governmental entities providing there is a reciprocal waiver of such fees. No charge shall be made for sewer availabilities and lateral location information.

3. Easement Vacation (Release) and Consent to Release Fees

Easement vacation and consent to release fees shall be charged for the investigation, review and preparation of the necessary documents; and approval and recording of the documents for the legal termination of an easement. Owners of properties that have been paid for an easement who request vacation of the same easement or a portion thereof shall pay to the Agency a like amount for the easement in addition to this fee.

4. Encroachment Agreement Fees

Encroachment agreement fees shall be charged for the investigation and preparation of the necessary documents; and review, approval and recording of the necessary documents allowing an encroachment on an easement.

5. Floodplain Elevation Determination Fee

Floodplain elevation determination fees shall be charged for Agency staff to review, investigate, and determine floodplain elevations for properties from Federal Emergency Management Agency (FEMA) flood hazard maps, Army Corps of Engineers maps, and Washington County 1974 Series maps.

6. Floodplain, Floodway, and Wetland Modification Fee

Floodplain, floodway, and wetland modification fees shall be charged for plan review and investigation of construction drawings required for any proposed modifications to floodplains, floodways, and wetlands. It shall be paid in addition to regular construction plan review fees.

7. General Processing Fee

A fee shall be charged for the submittal to appeal, or other service that requires Agency staff time and/or action by the Board of Directors or Advisory Commission is requested. It excludes items covered by other fees and contracts.

8. Line Cleaning Fees

Line cleaning fees shall be charged for cleaning of a portion of the sanitary or storm sewer line by Agency personnel when necessary to allow video inspection of the line.

9. Local Improvement District (LID) Financial Review Fee

Local improvement district financial review fee shall be collected from each property owner required to submit financial information according to Section 10 of Ordinance 12. The fee shall help defray the cost of the Agency's review of this information.

10. Local Improvement District (LID) Initiation Fee

Local improvement district initiation fee shall be charged to help defray the cost of the engineering feasibility study for all proposed LIDs which contain more than 50 percent undeveloped properties by area.

11. Miscellaneous Fees

Except when provided for by contract, any other services

performed by Agency personnel for which a fee is not specified in the Resolution and Order shall be charged at the employee's salary rate plus the cost of other personnel expenses for actual time spent on the service (minimum 0.25 hours), plus the cost for materials and Agency equipment used. There will also be a charge per page for copying the pertinent documents. Other personnel expenses include the average cost of personnel benefits including social security taxes, retirement, and medical benefits.

12. Permit Duration, Extension; Refund and Processing Fees

Sewer and storm and surface water connection permits expire 180 days following the date of issuance. Failure to complete the sewer connection (as defined in Section 2.E.4.b.), and obtain inspection and approval of such connection by the Agency, or designated approval authority, within this 180-day period, or within any extension of time as provided below, shall result in the expiration and cancellation of the permit.

- a. Extensions of Time - Upon submittal of a written request and fee to the Agency prior to the expiration of the 180-day period described above, the Agency shall grant an extension of time of 180 days. Such request shall state the sanitary sewer or storm and surface water permit and building permit numbers. The request shall be signed by the property owner or permit applicant. Only two extensions of time shall be allowed, unless substantial construction has started and is continuing. If substantial construction has started, then the property owner or applicant may request additional permit extensions, and the Agency shall grant the extensions providing the extension fee has been paid and the construction is continuing.
- b. Refund of Permit - An applicant may request a refund of a connection permit prior to its expiration, whether it has been extended, or not. The Agency shall charge a refund fee, and shall make such refund provided the use for which the permit was issued has not been constructed. If the use has been constructed, then the use shall be eligible for a credit upon disconnection, but not a refund, even if the use has been removed.
- c. Expiration of Permit - A permit that has expired shall be canceled, and a refund shall be given to the owner or applicant, less a refund fee.
- d. Reinstatement of Permit - After a connection permit has expired and/or been refunded, the permit may be reinstated by following application procedures for a new permit, and paying the current connection fees. If there are no connection fees due, a Permit Fee shall be charged.
- e. Permit Processing Fee - A processing fee shall be charged

for issuance of all permits which do not result in any other charges, such as permits that are issued on lots which carry connection credits, to refund or extend a permit. The fee shall be the General Processing Fee.

13. Refunds

A refund fee shall apply to requests for refunds, except for overpayment of service charges. Refunds for just cause as determined by the Agency shall be granted provided that a written request for refund is received not later than one year after the charge was paid, and is accompanied by a refund fee.

The refund fee shall be the General Processing Fee. In addition to the refund fee, the Agency shall deduct the costs of actual work performed from the amount of the refund, as defined under "Miscellaneous Fees." Refunds due to a bona fide and verifiable error or omission on the part of the Agency or another public agency shall not be subject to a Refund Fee or Miscellaneous Fee, or the one year refund limitation.

14. River Ranger Program Materials Fees

The River Ranger Program Material Fees shall be charged for provision of River Ranger instructional materials for use in teaching grade school students about wastewater treatment, water conservation and surface water pollution. Such fees are based on the cost of making the materials available. The fees shall not apply for provision of materials to educational programs within the Tualatin River Basin, to the extent sufficient supplies of materials are available. The fees consist of:

a. River Rangers Basic Program Materials Charge

The charge made for the River Rangers Program Packet, which consists of an illustrated booklet, stickers, button and informational pamphlet entitled "Gift to the Teacher."

b. River Rangers Instructional Video and Script Charge

The charge made for the River Rangers Instructional Video and Script, which consists of a 40 minute video guide to teaching the River Rangers Program, and a script upon which teachers may base their presentations.

c. River Rangers Poster Set Charge

The charge made for the River Rangers Poster Set, which consists of sixteen (16) instructional posters that may be used as visual aids in teaching the River Rangers Program.

15. Special Publications and Materials Fees

The Special Publications and Materials Fees shall be charged for

documents, audio and video tapes, and other materials produced for a special purpose, in limited quantity, or by any special printing or production method. Fees for these materials shall be based on the unit cost of producing an entire production run.

The General Manager may provide special publications without charge at Agency-sponsored meetings and programs, and to persons or groups having a special interest in the subject, or to promote public information.

C. CONNECTION CHARGES (SYSTEM DEVELOPMENT CHARGES)

Connection charges are established by Ordinance 20 and 23, and further described in Resolution and Orders pertaining to system development charges. See also sections below regarding Equivalent Dwelling Units, Fixture Units, and Equivalent Service Units.

1. Connection Charges -- Sanitary

a. Sewer connection charges shall be charged in accordance with Ordinance 20 for any and all of the following:

- 1) Direct connections to the Agency sewer system;
- 2) Indirect connections to the Agency sewer system including, but not limited to, building additions, or expansions which include sanitary facilities;
- 3) Change in the use of an existing connection; and
- 4) Substantial increase(s) in the flow or alteration of the character of sewage to an existing connection.

Temporary discharges less than two years are exempt from connection charge.

b. The Agency may from time to time make a physical count of the number of fixture units, beds, bedrooms, DUs or DUEs, or metered flow present in a property, and the Agency shall recompute the connection charges based on the current information. If the number of DUs or DUEs is reduced, no refund shall be made by the Agency, but the property will be eligible for a credit. If the number of DUs or DUEs increases, the owner shall pay to the Agency based on the differential between the new and old information, calculated at the Agency's current connection charge rate, as provided in Ordinance 20. The owner may request deferral of the charge or installment payment pursuant to ORS Chapter 223.

c. Whenever a connection charge is computed on property for which sewer connection charges have been previously paid, a credit may, in the discretion of the Agency, be allowed. The amount of the credit shall be determined by Agency staff by taking into consideration the connection charge

calculation method existing at the time of the payment of the earlier connection charge(s) along with the number of existing and proposed fixture units and then computing the extent and amount of the credit, if any. If records of such previous charges are not available, the burden of proof shall be on the property owner to establish the amount of those earlier charges. The exact manner of calculation of any credit allowed shall be in the discretion of the Agency.

- d. Where commercial work is performed in a residential unit, but the majority of use is primarily residential, no additional connection fees will be due (e.g., dog grooming, beauty parlors, etc.) However, if more than 50 percent of the fixture units in the house are used for the commercial use, then the connection charged shall be based on a commercial calculation rather than residential.

2. Connection Charges -- Large Industrial

This subsection applies to sanitary sewer system connection charges for large industrial users, defined as new industrial users with projected flows greater than 500,000 gallons per day.

Upon approval by the Agency, a user may pay connection charges based upon a minimum of 50,000 gallons per day of industrial wastewater to operate under for a maximum period of two years. During this two year period, violations and fines for exceeding the permitted flow amount do not apply. Payment of monthly sewer use fees is required based upon actual discharge regardless of the volume of the permit.

At the end of the two year period, the user must purchase a permit for industrial discharge capacity based on the previous six months daily average operating conditions of the facility. The connection charge is computed at the current connection charge rate prevailing at the time of purchase. The industrial user may, at its option, pay connection charges based upon additional flow volume during the initial two year period. Any additional connection charges shall be due 30 days following the end of the two year period.

3. Connection Charges - Sanitary -- Pre-existing Structures and Former Aloha Sanitary District

- a. Structures in existence on July 1, 1970, shall be charged a connection fee of \$300 if connection is made within three years of the date that sewer was available for use. This provision only applies to participants in Sanitary Sewer Local Improvement Districts that were formed, or for which the Agency has received a petition to form an LID prior to July 1, 1993; and to properties that otherwise have a public sewer line available within 300 feet prior to July 1, 1993. This provision shall expire on June 30, 1996.

- b. Structures which are located within the former Aloha Sanitary Sewer District and were assessed a \$100 stub charge will not be charged an additional connection charge, provided that a complete application for connection permit for the structure is received by June 30, 1994. The Agency will send written notice to the owner of record of such properties where Agency records indicate the property is eligible for this provision. This shall not be deemed to require the Agency to search any other source of information or to create a right to notice on the part of affected persons. This provision shall expire on June 30, 1994.

4. Connection Charges -- Storm and Surface Water System

- a. Storm and surface water system development charges shall be charged in accordance with Ordinance 23 for construction or other activity that causes or is likely to cause, an increase of impervious surface area of the property for one year or more. Such fee is for public capital improvements associated with such construction or other activity, and may be a reimbursement fee or a fee for improvements to be constructed.
- b. The Agency may from time to time measure or estimate the amount of impervious surface area on a property, count the number of flat rate ESUs, and the Agency shall recompute or redetermine the number of ESUs based on the current measurement of impervious surface or number of units. If the number of ESUs are reduced, no refund shall be made by the Agency, but the property will be eligible for a credit. If the number of ESUs increase, the property owner shall pay to the Agency based on the differential between the new and old measurement, calculated at the Agency's current connection charge rate, and this shall be collected at the time the next connection permit for the property is obtained.
- c. Storm and Surface Water SDC Credits: The procedure for allowing and determining the amount of credits is established in separate rule pursuant to Ordinance 23, Section 13. Credits of predetermined value shall be granted for the following:
 - 1) Construction of on-site water quality facilities meeting the requirements of the Agency and
 - 2) Construction of on-site water quantity facilities meeting the requirements of the Agency. See also Section 6 of this Resolution and Order.

5. Transfer of Connection Permits

A sanitary or storm and surface water connection permit must be

purchased for a specific tax lot or numbered lot within a subdivision or development, and cannot be transferred to another lot, even if it was a part of the original tax lot.

D. REVIEW AND INSPECTION FEES

Review and inspection fees shall be charged for review and inspection of plans, construction, facilities, and other activities regulated by the Agency.

1. Disconnection Fee

a. Properties disconnecting from the sewer system in accordance with Ordinance 22, Section 6, shall obtain a sewer disconnection permit and pay the applicable fee. Properties disconnecting from the storm and surface water system in accordance with Ordinance 26, shall purchase a storm and surface water disconnection permit.

b. Such properties may reconnect to the sewer system after purchasing the necessary permits without paying further connection charges provided that the new connection does not increase the flow or alter the character of the sewage or change the use of the sewer. In the event that the use of the sewer is increased, credit for the original number of units of connection on the prior demolition permit shall be applied to the new connection charge.

c. Such properties may reconnect to the storm and surface water system after purchasing the necessary permits without paying further connection charges provided that the new use does not increase the ESUs. In the event that the ESUs increase, credit for the number of units of connection on the prior demolition permit shall be applied to the new connection charge.

2. Erosion Control Inspection Fee

Erosion control inspection fees shall be charged for Agency inspection of measures installed to control erosion, and adherence to erosion control rules.

3. Erosion Control Plan Check Fee

Erosion control plan check fees shall be charged for Agency review of erosion control plans.

4. Erosion Control Reinspection Fee

Reinspection fees shall be required if inspectors are requested to visit a site to perform an inspection before the erosion control measures are in place, or before corrections from a previous inspection are made, and another inspection is required.

5. Erosion Control Special Investigation Fee

Special investigation fees shall be applied to activities which require an erosion control permit, but which are started without having a valid erosion control permit. This fee is in addition to the regular permit fee and is to cover the investigation costs the Agency incurs in its investigation of the work and evaluation of remedial proposals necessitated by the work. The payment of this fee does not relieve the applicant from any extra costs of the installation of erosion control measures or verification that measures installed are effective.

6. Industrial Plans/Process Review Fees

Industrial plans/process review fees shall be charged when the complexity of the plan/process of an industrial user applicant requires, in the Agency's discretion, review before a permit may be issued. This fee shall be based on the cost of personnel (including OPE as set forth in section 3.F.) times the number of hours spent in reviewing the plans.

7. Industrial Wastewater Discharge Permit Fees

Industrial Wastewater Discharge Permit fees shall be charged to industrial users required to obtain wastewater discharge permits pursuant to the Agency's industrial user pretreatment rules. There are two types of Industrial Wastewater Discharge Permits:

- a. Nonreporting permits are issued to industrial users which are not required to report wastewater discharge information more frequently than once every six months.
- b. Reporting permits are issued to industrial users which are required to submit wastewater discharge reports more frequently than once every six months.

An industrial user is also required to purchase a connection permit for any nonindustrial portion of the establishment such as toilets, sinks, floor drains, and other fixtures.

8. Line Tap Inspection Fee

Line tap inspection fees shall be charges for inspection of any line tap not performed by the Agency. Such fees are in addition to the plan check fee.

9. Plan Check Fees

Plan check fees shall be charged for Agency review of subdivision construction drawings, proposed public sanitary sewer facilities, and storm and surface water facilities, and for inspection of the construction of such facilities.

10. Special Waste Monitoring Fees

Special waste monitoring fees shall be charged for customers who discharge special wastes into the Agency system. This monitoring fee shall be charged at the rate of time (at the Agency employee's salary rate) and materials plus the current Agency personnel support and other personnel expense rate.

11. SWM Charges Investigation Fee

Persons requesting a reduction or waiver of SWM monthly service shall pay an investigation and review fee. The fee shall be paid at the time of application. If the request is made as a part of the submittal of engineering plans where plan review and inspection fees are collected by the Agency, the fee shall not apply.

12. Video Inspection Fees

Video inspection fees shall be charged for video inspection by the Agency of a sanitary or storm sewer line during, or upon completion of, construction of the line.

E. SERVICE CHARGES - SANITARY SEWER AND STORM AND SURFACE WATER SYSTEMS

1. General

Service charges are imposed based upon Ordinances 22 and 26, for the costs of providing the service.

- a. Any person who obtains a connection permit, or otherwise connects or maintains connection of private plumbing facilities to the facilities of the Agency, shall be deemed to have made a specific request for service of the Agency. Such specific request shall continue until the property is disconnected from the Agency system and the owner or applicant has complied with all applicable Agency rules for termination of service. This subsection shall apply to sanitary sewer service charges and storm and surface water service charges.

2. Service Charge Billing

- a. The sanitary sewer and storm and surface water monthly service charges may be billed separately or combined into a single billing, and billed on a monthly, bimonthly, quarterly, semiannual or annual system. The Agency may prepare and send bills using its own staff or contracted services of a private firm or governmental entity.
- b. Bills may be prorated whenever there is a new service request or when the user or person responsible changes.
- c. When a combined billing is not paid in full, any amount paid

shall be applied to the sanitary sewer and storm and surface water programs in proportion to the outstanding amount of each bill.

3. Sanitary Sewer Service Charges

- a. Sewer service charges shall be made in accordance with Ordinance 22, Section 4. Such charges may be levied monthly, bimonthly, quarterly, semiannually or annually at the discretion of the Agency.
- b. This charge shall commence the month following the earliest of one of the following occurring:
 - 1) Sewer lateral installation to the property and "rough-in" plumbing inspection approval.
 - 2) Sewer lateral installation to the property and any inspection that occurs after the "rough-in" plumbing inspection.
 - 3) Occupancy permit issuance
 - 4) Evidence of plumbing fixtures connected to the public sanitary sewer system.
 - 5) Acquisition of a connection permit and a mobile home siting permit.
- c. The Agency may from time to time make a physical count of the number of fixture units, bedrooms, beds, DUs or EDUs, metered flow, or any other information necessary to determine or verify appropriate service charges. The Agency shall re-compute the sewer service charges based on the most current available information.

4. Septic Waste Charges

Septic waste charges shall be charged for the treatment of waste from septic tanks, delivered to an Agency treatment facility.

5. Sludges Waste Charges

Sludges waste charges shall be charged for the treatment of sludges from other than Agency wastewater facilities.

6. Storm and Surface Water Service Charge

- a. Storm and surface water service charges shall be made in accordance with Ordinance 26.
- b. Such charges may be imposed and billed monthly, bimonthly, quarterly, semiannually, or annually at the discretion of the Agency. For properties where there is a new or expanded

sanitary sewer service charge, this charge shall commence at the same time the sanitary sewer service charge commences or changes. For new connections to the surface water management system where there is no sanitary sewer service charge, or no change to an existing sanitary sewer service charge, the storm and surface water service charge shall commence six months after the issuance of the Agency storm and surface water permit, or the date when the permit would have been issued in cases where no application was made.

If no construction has commenced on the property, the owner or applicant may request a delay in the start of SWM service charges. In such cases, the monthly service charge shall commence the month following the start of construction of new impervious surface on the property.

- c. The Agency may from time to time measure or estimate the amount of impervious surface area on a property or count the number of units, and the Agency shall recompute the monthly service charge based on the current measurement of impervious surfaces or count. If the ESUs are reduced, no refund shall be made by the Agency. If the ESUs increase, the user shall pay to the Agency based on the new measurement or count.

7. Temporary Discharge and Connection Fee

Such fee shall be imposed for temporary discharge of wastewater as defined in Section 1.23.

F. INTEREST; DELINQUENCY, PENALTIES; GENERAL RULES AND POLICIES

1. Payment Due

Payment for all permit fees and plan check fees are due and payable at the time of permit issuance, or receipt of plans. All other fees and charges are due and payable on the due date of the bill. Accounts are deemed delinquent which are not paid by the due date. Any fee associated with a permit shall be deemed to be due upon commencement of the activity requiring the permit, even though a permit has not been obtained. Subject to Section 2.F.9., regarding extensions of time and payment agreements, in the event no service charge bill is sent, a service charge or user charge shall be due at the time service is commenced or connection to the Agency system is made.

2. Finance Charge

Any invoiced fee shall be subject to payment of interest at the rate set herein on the amount of the delinquent fee. Such interest shall accrue from the date of delinquency until the date fees are paid.

3. Delinquency Charge

Any account not granted an extension of time for payment and remaining unpaid at 120 days following the date on which the remittance first became delinquent, shall incur a delinquency penalty of 10 percent of the fee due in addition to the amount of the fee and interest. A second delinquency penalty of 15 percent of the amount of the fee due will be imposed if the fee remains unpaid at 180 days following the date on which the remittance first became delinquent.

4. Connection and Service Charges for Properties Outside the Agency

Except as otherwise provided by contract, connection and service charges for properties outside the Agency's boundaries shall be consistent with the rates charged for connection and service charges within the Agency. Additionally, however, an amount equivalent to applicable taxes and fees that property owners within the Agency's boundaries must pay shall be paid by such property owners outside the Agency's boundaries.

5. Inconsistent Agreements

The user charge system shall take precedence over any terms or conditions of agreements or contracts which are inconsistent with the requirements of Section 204(b)(1)(A) of the Clean Water Act (33 U.S.C. 1251 et seq., as amended).

6. Unauthorized Activities Requiring a Permit

Except as provided otherwise by ordinance, if a person is found to intentionally have commenced an activity requiring a permit but has not purchased the necessary permit, a penalty in the amount of two (2) times the normal permit fees shall be due. This penalty shall be in addition to any fines, penalties, damages, or other legal remedies available to the Agency.

7. Reciprocal Exemption

The Agency may, by intergovernmental agreement approved by the Board, waive imposition of plan review fees, inspection fees, system development charges, and periodic utility charges otherwise charged, for public projects when the other government has permit review authority over Agency projects, and adopts a reciprocal waiver of comparable fees otherwise applicable to Agency public projects. This shall not include sanitary sewage connection or service fees or other fees collected by cities within the Agency unless the city consents.

8. Administration by Cities

A city within the Agency which is party to an intergovernmental agreement with the Agency providing for collection of Agency fees within the city, may administer the provisions of this

Resolution and Order. Reference to the Agency and the General Manager may be construed to include a city and its officers, acting pursuant to the intergovernmental agreement and this Resolution and Order.

9. Billing Adjustments; Payment Agreements

- a. The General Manager or his designee may make adjustments to service charge accounts for good cause pursuant to written policies. Good cause shall include but is not limited to, correction of user or account information, failure of the Agency to send a bill, demonstrated failure of an owner or user to receive a bill, or failure of a prior owner or user to pay a bill relating to the same property. Billing adjustments may include waiver of delinquency charges and interest.
- b. The General Manager may approve a payment agreement relating to delinquent user charges, interest, and penalties; which may include waiver of all or a portion of the penalties and interest otherwise provided for such an account, where the user or person responsible for the charges agrees to sign a legally binding document providing for payment in full of all delinquent charges.

Such document providing for payment shall provide: minimum periodic payments of delinquent amounts; a term not to exceed two years; shall state any terms relating to interest and penalties; appropriate security provisions; and shall be in a form acceptable to the Agency. Payment agreements for amounts greater than \$500 shall be in writing, signed by the user, and retained by the Agency. The General Manager may approve payment agreements under this subsection for accounts having up to \$10,000 in user charge principal. He may delegate such approval authority in writing to an Agency department or division director for up to \$500 per account, and to any Agency employee for up to \$200 per account.

c. Extension of Time for Payment

The General Manager or designee may grant an extension of time for payment of any user charge pursuant to this subsection. An extension of time may be granted upon request of a customer or user for good cause shown, which shall include but not be limited to demonstrated failure to receive a billing, or demonstrated error in any billing. An extension shall be made in writing, delivered or mailed to the requester, and retained in the records of the Agency. An extension shall be terminated automatically in the event the user becomes delinquent more than 60 days in his or her current user charges. During the term of an extension, interest, delinquency, and penalty charges or any portion thereof may be

suspended. Extensions may be granted for a period of up to 24 months. No extension shall be granted for more than 30 days for a bill of less than \$50.00.

- d. The General Manager or his designee may make extensions, adjustments and approve payments under this subsection 2.F.9 upon a determination that such action is consistent with any policies adopted relating to collection of delinquent accounts and is in the best interests of Agency ratepayers in obtaining the maximum net return considering the costs and probable returns of further collection actions regarding the account.
- e. For delinquent accounts having a principal amount of user charges greater than \$10,000, any payment agreement shall be subject to approval by the Board.

SECTION 3 TABLE OF FEES AND AMOUNTS

A. FEES FOR PHYSICAL CONNECTION TO PUBLIC FACILITIES

<u>Type of Fee</u>	<u>Amount</u>
Line Tap Fee/Sanitary	\$950.00 per tap
Line Tap Fee/Storm	\$350.00 per tap

B. SERVICE REQUEST FEES

<u>Type of Fee</u>	<u>Amount</u>
Apportionment Processing Fee	\$10.00 per lot with a minimum of \$100.00. The total number of lots is determined after subdivision or partition.
Customer Assistance Charges	
As-builts/Miscellaneous Information	
24" x 36"	\$5.00 per sheet
11" x 17"	\$2.50 per sheet
Blueline Reproductions	
a. Contour Maps 1" = 100'	\$20.00 per sheet
b. Contour Maps 1" = 400'	\$5.00 per sheet
c. Quarter Section Maps 1"=100'	\$5.00 per sheet
d. Overlay (a&c 1" = 100')	\$25.00 per sheet
e. Basin Map 1" = 2000'	\$5.00 per sheet
f. 11x17 or smaller 1" = 100'	\$5.00 per sheet
File/Record Search	\$5.00 per 0.25 hour (minimum 0.25 hours)
Microfilm copies	\$0.25 per copy
Mylar Reproducible Contour Maps	\$275.00 per sheet
Photocopies	\$0.25 per copy
Computer Plotter Services	
Standard Plots (sanitary sewer, stormwater, land base, city limits, USA boundary, UGB)	
a. Black and white penplot up to 24"x36"	\$10 per plot

b. Color (5 or less colors) pen plot up to 24"x36"	\$15 per plot
c. Electrostatic plot up to 24"x36"	\$15 per plot
d. Extra Footage	\$4 per lineal foot
Easement Vacation (Release) and Consent to Release Fee	\$100.00 for each document that has to be recorded for each property requesting the easement vacation.
Encroachment Agreement Fee	\$125.00
Floodplain Elevation Determination Fee	\$20.00
Floodplain, Floodway and Wetland Modification Fee	\$200.00
General Processing Fee	\$25.00
Line Cleaning Fee	\$0.25 per foot of line
Local Improvement District (LID) Financial Review Fee	\$450.00
Local Improvement District (LID) Initiation Fee	\$500.00
Miscellaneous Fees	Actual Cost, as defined in Section 2
Refund Fee	\$25.00 plus costs defined in Section 2
River Rangers Materials Charge	\$0.75 per packet (0-250 sets) \$0.65 per packet (over 250 sets)
River Rangers Instructional Video and Script Charge	\$10.00 per copy
River Rangers Poster Set Charge	\$420.00 per set
Seasonal Debris	No Charge

Special Publications

Surface Water Quality Facilities
Technical Guidance Handbook

\$20.00

Other Special Publications

Unit cost, as provided
in Section 2.B.

Digital Files

- a. Standard Details
- b. Standard Detail Updates
- c. Mapping and database
information

\$10 full set
\$5 per disk
\$20 per hour plus
\$5 per disk

C. SYSTEMS DEVELOPMENT CHARGES

<u>Type of Fee</u>	<u>Amount</u>
Large Industrial User Connection Fee	See Section 2
Pre-existing Structure Connection Fee (Grandfather Provision)	\$300.00 per DU or DUE
Sewer Connection Charge (See Section 4 for further explanation)	\$2,200.00 per DU or DUE (including \$1,100 reimbursement and \$1,100 improvement)
Storm and Surface Water System Development Charge (SDC)	
Water Quality Portion	\$180.00/ESU
Water Quantity Portion	\$100.00/ESU
Total SDC	\$280.00/ESU
Maximum Storm and Surface Water SDC Credits	
Construction of On-Site Water Quality Facilities	\$180/ESU
Construction of On-Site Water Quantity Facilities	\$100/ESU
Temporary Sewer Connection Fee Greater than Two Years' Use	$\frac{\# \text{ of years discharging} \times \$2,200}{20 \text{ year life}} \text{ EDU}$
Temporary Sewer Discharges (Less than Two Years' Use)	5.6 cents per gallon

D. REVIEW AND INSPECTION FEES

<u>Type of Fee</u>	<u>Amount</u>
Disconnection Fee	\$25.00

Erosion Control Inspection Fee

Activities requiring an erosion control permit, and which are covered by a permit where the valuation of the work is shown. Generally, this applies to all work where a structure is being constructed.

<u>Value of Project</u>	<u>Fee</u>
0 to 50,000	\$26.00
50,000.01 to 100,000	\$40.00
100,000.01 and up	\$40.00 plus \$24.00/100,000 or fraction thereof over \$100,000.

Activities requiring an erosion control permit, and which are not covered by a permit showing the valuation of the work. This generally is limited to grading work.

<u>Area</u>	<u>Fee</u>
0 to 1 acre	\$80.00
1 acre and up	\$80.00 plus \$20.00 per acre or fraction thereof over 1 acre.

Erosion Control Plan Check Fee	65% of the inspection fee.
Erosion Control Reinspection Fee	\$32.00
Erosion Control Special Investigation Fee	The cost of Agency staff time for the investigation
Industrial Plan/Process Review Fee	\$35.00 per hour
Industrial Wastewater Discharge Permit Fees	
Nonreporting Permit Fee	\$100.00 upon issuance and upon each renewal of permit as determined by agency pretreatment rules
Reporting Permit Fee	\$300.00 upon issuance and upon each anniversary of permit issuance date.
Line Tap Inspection Fee	\$50.00 per line tap

Plan Check Fee	5% of the cost of construction of developer-provided storm and surface water and sanitary sewer improvements or \$250, whichever is greater.
Special Waste Monitoring Fee	See Section 2
SWM Charges Investigation Fee	\$18.00/ESU + \$2.00 for each additional ESU
Video Inspection Fee	\$0.50 per foot of line

E. SERVICE CHARGES

<u>Type of Fee</u>	<u>Amount</u>
Liquid Waste (Including Domestic Septage and Chemical Toilet Waste)	Residential: 5.6 cents per gallon Nonresidential: Will receive only with prior written approval from Industrial Waste Section of USA.
Sewer Service Charge	\$20.50 per DU or DUE per month, except as follows:
Industrial Category II - Minor:	\$1.51/100 cu. ft., plus standard commercial service charge for sanitary and domestic use.
Industrial Category III and IV - Major and Large:	\$1.51/100 cu. ft. of metered discharge; plus \$0.078 per pound COD over 800 mg/L; plus \$0.12/pound SS over 400 mg/l; plus standard commercial service charge for sanitary and domestic use.
Sludge Waste Charges	Primary: 5.3 cents per gallon Activated: 12.0 cents per gallon Trickling Filter: 5.9 cents per gallon Mixed: 10.0 cents per gallon
Storm and Surface Water Service Charge	\$3.00/ESU/month

Temporary Sewer Discharges

\$0.056 per gallon

F. DELINQUENCY AND INTEREST

Type of Fee

Amount

Delinquency Fee

See Section 2

Finance Charge

18% per annum

Other Personnel Expense

35.7% of Employee Salary

SECTION 4 - DWELLING UNIT EQUIVALENTS (SEWER SYSTEM)

A. There are four methods of determining sanitary sewer system Dwelling Units (DUs) and Dwelling Unit Equivalents (DUEs). DUs and DUEs are used to calculate sanitary sewer service charges and connection fees. The four methods are:

- Flat Rate
- Per Living Unit or Bedroom
- Fixture Count
- Metered or Industrial

The methods shall apply, and the DUs and DUEs shall be calculated, as defined in the following sections.

1. Flat Rate Method

This category shall include all residential dwellings designed for habitation which include one or more sleeping areas (bedrooms), a cooking area (kitchen) and sanitation facilities (bathrooms). The Flat Rate Method shall apply to separate residential dwellings which are served (or calculated to be served) by a single 3/4" or smaller water meter and service; and each unit of a duplex, apartment, condominium, hotel or motel which includes an individual kitchen.

For the purpose of this Section, the determination of water meter size shall be made using Tables 4-A and 4-B. In using Table 4-A, only fixtures draining to the sanitary sewer system shall be included in the calculation. Water requirements for uses not connected to the sanitary sewer, such as irrigation, fire suppression, and air conditioning, shall not be included. The calculation shall be used only for the purpose of determining if the sanitary sewage charges are to be determined using the Flat Rate Method, or another method, and the actual meter size installed will have no bearing on this determination.

If the dwelling is served by a domestic well, or if the calculation requires larger than a 3/4" water meter and service due to pressure or line length restrictions, but the number of fixture units in the dwelling could otherwise be served by a service with a pressure range of 46-60 psi and a line length of 100' (33 fixture units), the dwelling shall be charged using the Flat Rate Method. If the total water supply demand for all fixtures draining to the sanitary sewer exceeds a 3/4" meter and the structure contains more than five bedrooms and four bathrooms, the calculation shall be done using the Per Living Unit or Bedroom method.

The flat rate charge shall include all facilities such as a laundry, kitchen and recreation area, providing they are intended for the sole use of the residents and guests. If the structure contains commercial operations available for use by the general public, those facilities used for the commercial

operation shall be measured by the appropriate applicable method and charged in addition to the flat rate charge.

Legally established home occupation businesses shall be included in the Flat Rate Charge, and additional sewer service charges for offices in the residential dwelling will not be levied using the Fixture Count or Metered Method if the primary use of the structure is maintained as residential. If more than 50 percent of the fixture units in the structure are associated with the commercial use, a change of use will be deemed to have occurred and the monthly service charge shall be calculated using the Fixture Count or Metered Method rather than the Flat Rate Method.

The following definitions shall apply:

- a. Duplex, Apartment, and Condominium -- A grouping of more than one flat rate use living unit (bedroom(s), bathroom(s) and kitchen) together in one structure, whether or not owned separately, leased or rented.
- b. Bathroom -- A room in a residential structure containing a toilet or urinal and a sink. It may or may not include a tub or shower.
- c. Flat Rate Use Bedrooms -- The first five bedrooms in a Flat Rate Use Living Unit.
- d. Flat Rate Use Kitchen -- A facility intended for the preparation of meals for residents in a Flat Rate Use Living Unit which includes a sink and stove/cooktop. An area intended for the preparation of snacks, or to prepare infrequent small meals shall not be classified as a kitchen. A kitchen designed for commercial use (sale of food to the general public) shall not be classified as a Flat Rate Use Kitchen.
- e. Flat Rate Use Living Unit -- A combination of one or more Flat Rate Use Bedrooms, bathroom(s), and a Flat Rate Use Kitchen served (or calculated to be served) by a 3/4" or smaller water meter and service.

RATE CALCULATION -- 1 DU = Each Flat Rate Use Living Unit, each unit of a duplex, each unit of an apartment or condominium, and each unit of a hotel or motel which includes a Flat Rate Use kitchen.

2. Per Living Unit or Bedroom Method

This method shall apply to five major categories:

- a. residential dwelling arrangements served (or calculated to be served) by larger than a 3/4" water meter and service

- which contain more than five bedrooms and four bathrooms and which have a central kitchen (or no kitchen);
- b. motel and hotel units without individual kitchens;
- c. dormitories;
- d. bed and breakfast facilities and other commercial lodging facilities;
- e. recreational vehicle parks.

This rate shall apply whether the unit, dwelling, or space is occupied or not. This Per Unit rate shall include all facilities such as a central laundry, kitchen, and recreation area, providing they are intended for the sole use of the residents and guests. If the structure contains commercial operations available for use by the general public, facilities used for the commercial operations shall be measured using the Fixture Count or Metered method and charged in addition.

The following definitions shall apply:

- a. "Per Unit" Bedrooms -- All bedrooms over the first five (5) in a residential dwelling with five or more bathrooms served by a water meter and service larger than 3/4" served by one kitchen (or no kitchen). The first five bedrooms in a residential dwelling shall be considered Flat Rate Bedrooms.

For a bedroom containing more than four beds (a dormitory), the number of "bedrooms" shall be determined by dividing the number of beds by four. For example, a dormitory with 40 beds shall equal 10 bedrooms (40/4).

In a hotel, motel, bed and breakfast, or other commercial lodging facility, each unit that can be individually rented shall be a bedroom. A "suite" with more than one bedroom in an indivisible rental unit shall be counted as one bedroom, provided it does not exceed four beds.

- b. Recreational Vehicle Park -- A facility intended for the short term transitory use of a recreational vehicle trailer or motor home. The use is primarily for vacation or travel. The length of stay is generally 1 week or less, but occasionally could be up to one month. This use does not include a trailer or motor home being used as a permanent residence.

RATE CALCULATION -- Residential Dwelling: 1 DUE for the first five bedrooms plus 1 DUE for every two bedrooms over five.

-- Dormitories, Hotels, Motels, Commercial Lodging Facilities: 1 DUE = 2 bedrooms

-- Recreational Vehicle Parks: 1 DUE = 2 Recreational Vehicle Spaces with Sewer Hookups

3. Fixture Count Method

This method shall apply to all nonresidential uses, when the

Metered Method is not required to be used. The Fixture Count Method shall apply to all commercial, nonmetered industrial uses, restaurants, schools, hospitals, public facilities, swimming pool filters, and all other similar nonresidential uses.

RATE CALCULATION -- 1 DUE per 16 fixture units
(See Section 5 for Fixture Units)

4. Industrial or Metered Method

This category shall include all industrial uses and such other uses where the Agency determines that the charge shall be based on metered flow of incoming water, or metered effluent. The Agency may require any user to install metering facilities, and base the sewer charges on metered flows.

The Metered Method shall include any use identified by the Agency with a high volume or strength of effluent discharging to the sanitary sewer system, such as industries, car washes, and laundries.

The following definitions shall apply:

- a. Category I (Dry) -- Defined as a source which does not generate or discharge any industrial waste or wastewater. This shall be calculated under the Fixture Count Method (or other applicable method), unless the Agency determines that the Metered Method will be required. If so, the use will be evaluated under Category II below.
- b. Category II (Minor) -- Defined as a source of industrial waste or wastewater discharging less than 25,000 gallons per day. This shall also include any other use required by the Agency to be metered.
- c. Category III (Major) -- Defined as a source of industrial waste or wastewater discharging more than 25,000 gallons per day, or with a strength of waste discharge of more than 800 mg/l chemical oxygen demand (COD), or 400 mg/l suspended solids (SS).
- d. Category IV (Large) -- Defined as a source with a projected discharge greater than 500,000 gallons per day. (See Section 2.D.2 for specific requirements and qualifications).

RATE CALCULATION -- Connection Charges

Category II

1 DUE = 625 gallons per day average value

Category III and IV

1 DUE = 625 gallons per day average value

- OR 1 DUE = 0.7 pounds BOD or 1.4 pounds COD per day average value
- OR 1 DUE = 0.7 pounds SS per day average value
- Plus Connection charges for sanitary and domestic facilities calculated using the Fixture Count Method.

RATE CALCULATION -- Monthly Service Charge

See Section 3.E

B. ADDITIONAL RULES

1. Car Washes -- The initial connection fee for a car wash shall be based on Fixture Count Method, with one stall equaling 6 fixture units, and a drive through equaling 16 fixture units. Adjustments to the connection fee based on actual water use will be made after six months of operation, based on a Category II Industrial Rate. Additional connection fees may be required at that time.
2. The initial connection fee for unfinished or undeveloped ("shell") commercial establishments shall be 1 DU (DUE) for each quarter acre of site area being used for building area and parking. Additional connection fees may be required at the time that interior improvements are made to the building. Owners, developers or tenants making interior improvements which include plumbing facilities shall be required to pay additional connection fees at the time such improvements are made.
3. Mixed Uses -- The DUs (DUEs) for a single establishment may be calculated using more than one method when the uses on the site vary. For example, in an industrial site, the office portion may be based on the Fixture Count Method, and the industrial portion may be based on the Metered Method. In such cases, the total DUs (DUEs) shall be based on the total calculated from all applicable methods.
4. Meters and Monitors, when required by the Agency, shall be installed, operated, and maintained at the sole expense of the user. All metering equipment shall be approved by the Agency. A meter measuring all incoming water may be used, or an effluent meter may be used to measure actual sewerage flow. If a water meter is used, no credits will be given for any water which may not enter the sewer system, such as water used for landscaping, unless separately metered.
5. In a mixed use where a portion of the DUs (DUEs) are based on the Metered Method, and the metering captures all incoming or effluent flows, with the Agency's approval the entire DUs (DUEs) for the site can be based on the Metered Method. For example, in an industrial site, if all of the effluent is metered (office

plus industrial), then no charge shall be made for the fixture units of the office portion.

6. Whenever a method in this Section results in the calculation of a partial DU or DUE for a nonflat-rate use, it shall be rounded by any of the following methods, based upon the information available. If the form of the billing and calculation system reasonably permit calculation by more than one method, the more accurate method shall be used.
 - a. Mathematical rounding where numbers of .49 and lower are rounded down, and .50 and above are rounded up to the nearest whole DU or DUE.
 - b. 1/10th rounding where a partial DU or DUE is rounded to the nearest 1/10 of a DU or DUE.
 - c. A partial DU or DUE is calculated to the number of significant figures reasonably accommodated by data processing.
7. The selection of the method to be used in determining the DUEs for industrial users shall be made on the basis of the impact the particular user's discharge is anticipated to have upon the particular sewerage system in question and shall be aimed at ensuring that the user in question pays its fair share in light of the impact of the discharge, as determined by the Agency.
8. Nothing in this Resolution and Order limits the Agency's authority to require the user to separate its industrial waste/wastewater discharge from its sanitary or domestic waste discharge.

TABLE 4-A
Equivalent Fixture Units
 (Includes Combined Hot and Cold Water Demand)

Fixture	Number of Fixture Units	
	Private Use	Public Use
Bar sink.....	1	2
Bathtub (with or without shower over).....	2	4
Bidet.....	2	4
Dental unit or cuspidor.....	-	1
Drinking fountain (each head).....	1	2
Hose bibb or sill cock (standard type).....	3	5
Laundry tub or clotheswasher (each pair of faucets)...	2	4
Lavatory.....	1	2
Lavatory (dental).....	1	1
Lawn sprinklers (standard type, each head).....	1	1
Mobile home (each).....	6	6
Shower (each head).....	2	4
Sink (bar).....	1	2
Sink (flushing rim, clinic).....	-	10
Sink or dishwasher.....	2	4
Sink (washup, circular spray).....	-	4
Sink (washup, each set of faucets).....	-	2
Urinal (flush tank).....	-	3
Urinal (pedestal or similar type).....	-	10
Urinal (stall).....	-	5
Urinal (wall).....	-	5
Water closet (flush tank).....	3	5
Water closet (flushometer-tank).....	3	5
Water closet* (flushometer valve).....	*	*

Water supply outlets for items not listed above shall be computed at their maximum demand, but in no case less than:

3/8 inch (9.5 mm).....	1	2
1/2 inch (12.7 mm).....	2	4
3/4 inch (19.1 mm).....	3	6
1 inch (25.4 mm).....	6	10

*See subsection (j) of Section 1009 for method of sizing flushometer valve installations using Table 10-2.

TABLE 4-B
FIXTURE UNIT TABLE FOR DETERMINING
WATER PIPE AND METER SIZES

PRESSURE RANGE - 30 to 45 psi

Meter and street service (Inches)	Building supply and branches (Inches)	Maximum Allowable Length In Feet (meters)															
		40 (12)	60 (18)	80 (24)	100 (30)	150 (46)	200 (61)	250 (76)	300 (91)	400 (122)	500 (152)	600 (183)	700 (213)	800 (244)	900 (274)	1000 (305)	
3/4	1/2**	6	5	4	3	2	1	1	0	0	0	0	0	0	0	0	
3/4	3/4	16	16	14*	12*	9*	6*	5*	4*	4*	3*	2*	2*	2*	2*	1*	
3/4	1	29	25	23	21	17	15	13	12	10	8	6	6	6	6	6	
1	1	36	31	27	25	20	17	15	13	12	10	8	6	6	6	6	
1	1-1/4	54	47	42	38	32	28	25	23	19	17	14	12	12	11	11	
1-1/2	1-1/4	78	68	57	48	38	32	28	25	21	18	15	12	12	11	11	
1-1/2	1-1/2	150	124	105	91	70	57	49	45	36	31	26	23	21	20	20	
2	1-1/2	151	129	129	110	80	64	53	46	38	32	27	23	21	20	20	
1-1/2	2	220	205	190	176	155	138	127	120	104	85	70	61	57	54	51	
2	2	370	327	292	265	217	185	164	147	124	96	70	61	57	54	51	
2	2-1/2	445	418	390	370	330	300	280	265	240	220	198	175	158	143	133	

PRESSURE RANGE - 46 to 60 psi

Meter and street service (Inches)	Building supply and branches (Inches)	Maximum Allowable Length In Feet (meters)															
		40 (12)	60 (18)	80 (24)	100 (30)	150 (46)	200 (61)	250 (76)	300 (91)	400 (122)	500 (152)	600 (183)	700 (213)	800 (244)	900 (274)	1000 (305)	
3/4	1/2**	7	7	6	5	4	3	2	2	1	1	1	0	0	0	0	
3/4	3/4	20	20	19	17	14*	11*	9*	8*	6*	5*	4*	4*	3*	3*	3*	
3/4	1	39	39	36	33	28	23	21	19	17	14	12	10	9	8	8	
1	1	39	39	36	33	28	23	20	18	15	12	10	9	8	8	8	
1	1-1/4	78	78	76	67	52	44	39	36	30	27	24	20	19	17	16	
1-1/2	1-1/4	78	78	78	78	66	52	44	39	33	29	24	20	19	17	16	
1-1/2	1-1/2	151	151	151	151	128	105	90	78	62	52	42	38	35	32	30	
2	1-1/2	151	151	151	151	150	117	98	84	67	55	42	38	35	32	30	
1-1/2	2	370	370	340	318	272	240	220	198	170	150	135	123	110	102	94	
2	2	370	370	370	370	368	318	280	250	205	165	142	123	110	102	94	
2	2-1/2	654	640	610	580	535	500	470	440	400	365	335	315	285	267	250	

PRESSURE RANGE - Over 60 psi

Meter and street service (Inches)	Building supply and branches (Inches)	Maximum Allowable Length In Feet (meters)															
		40 (12)	60 (18)	80 (24)	100 (30)	150 (46)	200 (61)	250 (76)	300 (91)	400 (122)	500 (152)	600 (183)	700 (213)	800 (244)	900 (274)	1000 (305)	
3/4	1/2**	7	7	7	6	5	4	3	3	2	1	1	1	1	0	0	
3/4	3/4	20	20	20	17	13*	11*	10*	8*	7*	6*	6*	5*	4*	4*	4*	
3/4	1	39	39	39	39	35	30	27	24	21	17	14	13	12	12	11	
1	1	39	39	39	39	38	32	29	26	22	18	14	13	12	12	11	
1	1-1/4	78	78	78	78	74	62	53	47	39	31	26	25	23	22	21	
1-1/2	1-1/4	78	78	78	78	78	74	65	54	43	34	26	25	23	22	21	
1-1/2	1-1/2	151	151	151	151	151	151	130	113	88	73	51	51	46	43	40	
2	1-1/2	151	151	151	151	151	151	142	122	98	82	64	51	46	43	40	
1-1/2	2	370	370	370	370	360	335	305	282	244	212	187	172	153	141	129	
2	2	370	370	370	370	370	370	370	340	288	245	204	172	153	141	129	
2	2-1/2	654	654	654	654	654	650	610	570	510	460	430	404	380	356	329	

*Branch pipes up to twenty (20) feet (6 m) developed length (from main to outlet or fixture) may supply maximum of four (4) fixture units for one-half (1/2) inch size and maximum sixteen (16) fixture units for three-quarter (3/4) inch nominal size.

**Building supply, three-quarter (3/4) inch nominal size minimum.

SECTION 5 - FIXTURE UNIT RATINGS (SEWER SYSTEM)

<u>FIXTURE</u>	<u>FIXTURE UNIT VALUE</u>
Baptistry/Font	4
Bath	
Jacuzzi/Whirlpool	4
Tub/Shower Combination	4
Cuspidor/Water Aspirator	1
Dishwasher -- Commercial	4
-- Domestic	2
Drinking Fountain	1
Eye Wash	1
Floor Drain/Floor Sink* -- 2-inch	2
-- 3-inch	5
-- 4-inch	6
-- Car Wash Drain	6
Garbage Disposal	
Domestic 3/4 horsepower	16
Commercial 3/4-5 horsepower	32
Industrial more than 5	48
Ice Machine/Refrigerator Drains	1
Oil Separator (Gas Stations)	6
Recreational Vehicle Dump Station	16
Shower -- Gang	1 per head
-- Stall	2
Sink -- Bar	2
-- Bradley	5
-- Commercial	3
-- Service	3
Swimming Pool Filter	1
Washer, Clothes	6
Water Extractor	6
Water Closet, Toilet	6
Urinal	6

Any fixture unit rating not addressed in this table shall be calculated pursuant to the current State Plumbing Code.

*The Agency will count the greater of either the number of floor sinks or the units that drain into them, but not both.

SECTION 6 CALCULATION OF STORM AND SURFACE WATER EQUIVALENT SERVICE UNITS; EXEMPTIONS FROM SWM USER CHARGES

A. This subsection shall be used to determine the number of ESUs for a property for purposes of determining the amount of SWM service charges and the water quantity component of the SWM SDC. There are two types of uses: flat rate uses, and measured uses. These are defined as follows, and illustrated in Table 6A.

1. "Flat Rate" Uses

Properties that qualify under this section as flat rate uses shall be charged at the rate of one ESU per dwelling unit. The following uses shall be defined as "flat rate" uses:

- a. Flat Rate Use Residence: A residential structure not attached to another residential structure on one or more parcels of land, providing there are not more than two residential structures on one parcel. Flat Rate Use Residences shall have a building "footprint" no larger than 5280 square feet in area. This definition also includes trailers, mobile homes, and manufactured homes, if on separate parcels. Two separate dwelling units on a single parcel shall be charged one ESU per dwelling unit.

Three or more residential dwelling units on one parcel, whether attached or unattached, shall be considered a multiple family residential use, and shall be a measured use, as defined below.
- b. Duplex: Two dwelling units joined to each other with a common wall, or one above the other, on one or two parcels. The units may be under one ownership, or owned separately.
- c. Trailer Parks, Mobile Home Parks: Includes trailers and mobile homes on a single tax lot (even if there are more than 2 per tax lot) under one ownership, where spaces are leased or rented for a mobile home or trailer to be placed. Mobile homes on separate parcels are treated as Flat Rate residential uses, provided that additional structures such as a recreation center, community storage building, or an RV parking lot, shall be considered additional uses, and charged based upon measured impervious area.
- d. Uses Associated with Residence: A flat rate residence or duplex use may have other structures, and other impervious areas, associated with it. An out-building or other impervious area that is typically associated with a residential use is considered part of the flat rate residence or duplex use, and is included within the flat rate charge. Associated uses include: an automobile garage, a deck, or a small garden shed. Impervious areas not typically associated with a residential or duplex use

are not included as a part of the flat rate residence or duplex use, and shall be measured (See "Mixed Use.") Such uses include: barns, equipment storage areas and buildings, recreation centers, livestock sheds, horse sheds, access roads to commercial operations, day-care facilities (exceeding home use standards), retail and commercial uses (exceeding home use standards), church facilities, school facilities, and other similar uses.

2. Measured Uses

Properties that are not Flat Rate Uses shall be Measured Uses. For such uses, the impervious surfaces of the property, as defined by Agency rule, shall be measured. This area shall then be divided by 2640 square feet, the area of one Equivalent Service Unit within the Agency. The ESUs for all of the uses in this subsection shall be determined by measuring the impervious area.

a. Multi-Family Residential Use

- 1) A group of residential dwellings on one parcel including three or more units, whether or not the units are attached, or
- 2) three or more attached units on one or more parcels. This definition includes triplexes, townhouses, apartments, condominiums, hotels, motels, recreational vehicle parks, measured use residences, and similar uses.

b. Commercial, Industrial, Institutional: These categories include the entire range of office, manufacturing, service, sales, restaurant, day care, nursery, warehouse, churches, schools, utilities, public service buildings, parks, hospital, nursing home, rest home, retirement home, and other similar uses.

c. Measured Use Residence: A residential structure with a building footprint larger than 5280 square feet.

3. General Policies

a. Condominiums: The total charge for a condominium shall be calculated for the entire complex by measurement of the total impervious surface area, including the garages and common areas. The total ESUs shall be divided equally among all units. "Units" are defined as living units and do not include supporting uses, such as garages, even though they may be on separate parcels.

b. No Limit on Charge for a Measured Use: Flat Rate Use Residences and duplexes are not individually measured. All other uses are individually measured. For some uses, such

as Condominiums, this will result in a charge of less than 1 ESU per unit, and for some uses, more than 1 ESU. If a use is a measured use its charge shall not be limited to 1 ESU, even if it is residential.

- c. Community Facilities: The flat rate category includes typical residential uses within a parcel or single ownership, as defined above. If a community or neighborhood recreation center, or similar facility exists within a subdivision, even if associated with the single family or duplex properties, that property shall be measured and charged separately to the user of that property as provided in Ordinance 26.
- d. Mixed Uses on One Property: A mixed use shall be defined as a parcel containing both a flat rate use and a measured use. This includes but is not limited to a single residence associated with a farm. In such cases the house (or duplex), the road or driveway leading to the house, and any out-buildings normally associated with a single residence, as defined in Section 6.A.1.d above, shall be separated out and charged 1 ESU. The remainder of the impervious surface will be measured, and divided by 2640 to determine the ESUs associated with the nonresidential use. The 1 ESU for the house is then added to the nonresidential ESUs to determine the total number for the parcel.
- e. Seasonal Impervious Area: Properties which have areas that are impervious for only a portion of the year shall constitute seasonal impervious area. For example, a greenhouse that is covered 6 months, and open with a pervious floor for 6 months. If an impervious area is in place for more than 1 month per year, it shall be included in the impervious area measurement, unless exempted under the policy for "Spreading of Runoff to Pervious Surfaces".
- f. Miscellaneous
 - 1) No credits, exemptions, or reductions shall be given for impervious surfaces that are submerged for a portion of the year.
 - 2) If impervious areas are so small that they cannot be detected on aerial maps, then they shall not be included in the total impervious area.
 - 3) A Flat Rate Use residence (or a duplex unit) and garage, under one ownership, shall be charged 1 ESU (2 for a duplex), even if on two adjacent parcels.
 - 4) Swimming pools (not including the impervious deck around the swimming pool) are exempted from SWM fees providing the filter drains are connected to the sanitary sewer system.

- 5) No waiver shall be given for small impervious areas on a large pervious property.

4. Exclusion from Impervious Surface Measurement

a. Roads

- 1) Public roads shall not be included in the measurement of impervious surface area.
- 2) All private roads are to be included in the measurement of impervious surface areas, except private roads that serve flat rate uses (single family, duplex and trailer park properties). Private roads are defined as all roads and driveways which have not been dedicated to the public and accepted for public use, and which are defined as an impervious surface under other Agency rules.

b. Determination of Impervious Surfaces - Roadways: All roadways, whether dirt, gravel, or paved, shall be considered impervious, and unless a part of an exempted category of road, or a part of a flat rate use, shall be included in the impervious area measurement. A "roadway" is defined as an area intended for the purpose of providing access for motor vehicles. Motor vehicles shall include automobiles, trucks, and tractors if similar or larger in size and weight to a passenger automobile. Roadways shall include such things as roads, streets, alleys, driveways, and aisleways in parking lots and storage areas.

c. Determination of Impervious Surfaces - Aisleways and Storage Areas

- 1) A dirt or gravel parking lot shall be deemed to include 40 percent of its area in "aisleways", and therefore 40 percent of dirt and gravel parking areas will be deemed impervious. A parking area is defined as an area where motor vehicles are parked temporarily. This shall include such areas as public and private parking lots (regardless of frequency of use), and equipment storage areas. The 40 percent figure is based on typical requirements for the dimensions of parking lots (24 foot aisle, 18 foot parking stalls on each side).
- 2) A dirt or gravel storage area shall be deemed to have 20 percent of its area in "aisleways," and therefore 20 percent of measured dirt and gravel storage areas will be deemed impervious. A storage area is defined as an area where materials are stored and accessed by motor vehicles. This shall include such uses as container nursery areas, and auto salvage yards. The 20 percent

is based on the assumption that a storage area will have 1/2 the roadway ratio as a parking lot.

- 3) A dirt or gravel area that is not accessed by motor vehicles, or is not otherwise highly compacted, shall be considered not impervious. This shall include such uses as landscaping, and gravel or dirt areas accessed only by foot traffic, or small vehicles, as defined above.
 - 4) A user may submit information for Agency review showing that the road and aisleway area of a parking lot or storage lot is less than the standard 40 percent or 20 percent. The Agency shall review such information and may perform a site inspection. If, based upon objective, verifiable information presented, or upon the site inspection performed, the Agency may modify the ESUs for the property to conform to the actual impervious surface. Failure to permit the Agency to perform a site inspection of the property shall be grounds to deny an application for review under this subsection.
- d. Spreading of Runoff to Pervious Surfaces: Impervious areas shall be excluded from measurement and charge if the runoff is spread to a pervious area that does not otherwise receive rainfall. For properties which meet the criteria of this subsection, all or part of the impervious area may be excluded from measurement and charge, as appropriate. For such property, the following criteria shall apply:
- 1) It shall be the responsibility of the property owner to provide documentation as required by the Agency to demonstrate that the criteria are met.
 - 2) The area of impervious area that can be exempted is limited to the area of the pervious area where the runoff is effectively spread.
 - 3) To qualify, the runoff from an impervious area must not be concentrated but must remain as "sheet flow", or be spread so it is in sheet flow; the runoff must pass through the pervious area before it is collected in a drain or channel system and carried away; and there can not be any barriers such as a concrete foundation preventing the sheet flow runoff from passing through the impervious area.
- e. Quarry Property: Permanent roadways, parking areas, and structures shall be included in the impervious area measurement. The actual excavated area from which material is being taken, and the temporary service roads in the excavation area shall be excluded as not being impervious.
- f. Railroad Facilities: Railroad facilities shall be included

in the measurement of impervious area, but the rail grade itself shall be excluded as being pervious.

5. Exemption from SWM Service Charges

- a. Users of properties for which all storm water is disposed of on-site, as defined by Agency standards, may request an exemption from SWM service charges. No partial exemptions or reductions for detention, or for disposal of only a portion of the storm and surface waters on site, shall be allowed. In order to qualify for a service charge exemption, the user must design, construct and maintain an on-site facility that keeps all storm and surface water separated from the public system, and disposes of it on-site for the full range of storms during the winter. The applicant for exemption must pay an initial inspection/review fee.

For the purpose of this Section, the term "property" means a parcel of land, or a group of adjacent parcels working in cooperation. The term "on-site disposal" means on the parcel, or on another parcel in the near vicinity of the parcel requesting the exemption.

In order to qualify for the exemption, the on-site system must encompass the entire property (except for incidental impervious areas as defined below), must be completely separated from the public system, and must provide adequate on-site disposal. Incidental areas are areas such as sidewalks, decks, and driveway aprons, and shall not exceed 10 percent of the total impervious area.

On-site disposal facilities that may qualify are dry wells, injection wells, retention basins with percolation/evaporation capacity, and retention basins with capacity large enough to accommodate the total of all storms through the year. Many of these may have a possible adverse effect on ground water, and some techniques may require approval of State, Federal and local agencies.

- b. To qualify, an applicant must submit a request to the Agency for a waiver of monthly service charges relating to the property. This request shall include a certification from an engineer, or other evidence acceptable to the Agency, that shows the system is separate and will dispose of the full range and volume of storm water through the year on site. The applicant shall also submit a maintenance plan for assuring the system will function as designed. The application must be signed by the property owner.

An inspection/review fee shall be paid at the time of application. If the application is denied, the inspection/review fee will be credited to the service charges due. If the request for the waiver is made as a

part of the construction plans, this fee shall be waived. A decision denying an exemption may be appealed following the procedures in Ordinance 26. If approved, the waiver will be effective for the next billing cycle.

- c. The Agency retains the right to inspect the on-site measures to assure they are functioning as designed. If at any time the measures are found to not be effective, the exemption shall cease.
- d. If the property has a dry well and is a flat rate residential use, the applicant must submit a request for a waiver of monthly service charges demonstrating that property meets the following dry well criteria. Any newly installed dry well must meet Washington County Building Department or applicable City requirements, and evidence of such approval must be submitted to the Agency. If the application is for an existing dry well, evidence of compliance with one of the following must be submitted:
 - 1) The dry well meets current Washington County Building Department Standards; or
 - 2) The dry well installation was approved by Washington County Building Department at the time of installation; or
 - 3) The dry well design was certified by a licensed civil engineer at the time of installation, or can now be certified as meeting Agency standards.
- e. This provision does not approve the use of dry wells, but only recognizes the reduction in impact to the SWM system. Installation of dry wells must still meet the approvals of all jurisdictions with authority.

6. Credits for Water Quantity Portion of the SWM SDC

New developments that provide on-site retention, disposal, or detention, or provide off-site conveyance system enlargements are entitled to a credit in SDC fees. To be eligible, new development, or portions of new development, must include design and construction of a facility that meets one of the following standards:

- a. Retention facility sized to accommodate the full volume of storm water through the year with no overflow or release into the SWM system.
- b. A disposal facility which keeps all storm and surface water separated from the public system, and disposes of it on-site for the full range of storms during the year, including the winter, through on-site disposal (dry wells, injection wells, percolation/evaporation basins).

- c. A detention facility which meets or exceeds the standards defined in Agency rules for on-site water quantity detention facilities.
- d. Upsizing of the downstream conveyance system.

The term "on-site" means on the parcel, or on another parcel in the near vicinity of that for which the credit or reduction is requested.

To be eligible for a credit (reduction) of SDC fees, the request must be submitted prior to, or as a part of, the development process, but in all cases the request must be made prior to the payment of the SDC fees. To be eligible for a credit, the request can be made at any time, in accordance with Agency Ordinance 23. The request shall demonstrate the property meets one of the above conditions.

The amount of the SDC credit shall be limited to the actual cost of installation of the facility, or the limits as defined in Section 3, whichever is less.

For on-site facilities, the Agency reserves the right to inspect the facilities installed at any time. If it is found that the system no longer functions, then the SDC fees that were waived will become due and payable.

B. WATER QUALITY COMPONENT OF SWM SDC

The water quality component of the SWM SDC shall be determined by using the methods for calculating ESUs as defined in Section 6.A., except that all roads, both public and private, and even if serving flat rate uses, shall be included in determining the ESUs.

1. Credits for Water Quality Portion of the SWM SDC

Properties that provide on-site retention, disposal, or treatment may apply for and receive a credit in the water quality portion of SDC fees. No SDC refunds will be given, but instead a credit may be given for future phases of development.

To be eligible, new development, or portions of new development, must include design, construction and maintenance of an on-site facility that meets one of the following standards:

- a. Retention facility sized to accommodate the full volume of storm water through the rainy season with no overflow or release into the public SWM system.
- b. A disposal facility which keeps all storm and surface water separated from the public system, and disposes of it on-site for the full range of storms during the year, including the

winter, through on-site disposal (dry wells, injection wells, percolation/evaporation basins).

- c. A treatment facility or techniques which meets or exceeds the standards defined in Agency rules for on-site water quality facilities.

The term "on-site" means on the parcel, or on another parcel in the near vicinity of the parcel requesting the credit or reduction.

To be eligible for a reduction of SDC, the property owner must submit a request prior to, or as a part of, the development process, but in all cases the request must be made prior to the payment of the SDC fees. To be eligible for a credit, the request can be made at any time, in accordance with Agency Ordinance 23. The request shall demonstrate the property meets one of the above conditions.

The amount of the SDC credit or reduction shall be limited to the actual cost of installation of the on-site facility, or the limits as defined in Section 3, whichever is less.

The Agency reserves the right to inspect the facilities installed at any time. If it is found that the system no longer functions, then the SDC fees that were waived will become due and payable.

C. ROUNDING

Whenever a method in this Section results in the calculation of a partial ESU for a nonflat-rate use, it shall be rounded by one of the following methods based upon readily available information. If the form of the billing and calculation system reasonably permits calculation by more than one method, the most accurate method shall be used:

1. Mathematical rounding where numbers of .49 and lower are rounded down, and .50 and above are rounded up to the nearest whole ESU.
2. 1/10th rounding where a partial ESU is rounded to the nearest 1/10 of a ESU.
3. A partial ESU is calculated to the number of significant figures reasonably accommodated by data processing.

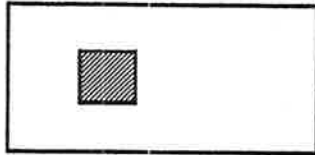
D. TIME OF IMPOSITION OF SWM SDC

The SDC charge, both quantity and quality, will be charged at the time connection permits are issued, and shall be based on the procedures defined in Section 6.A. In addition, any roads or other improvements included in Section 6.B that are not in Section 6.A shall be assessed the water quality portion of the SDC at the time of construction permit issuance.

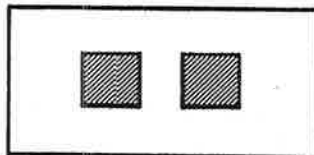
TABLE 6A
Surface Water Management

FLAT RATE USES
1 ESU PER DWELLING

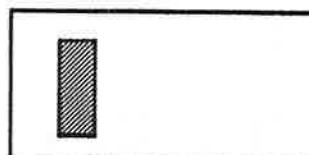
SINGLE FAMILY HOMES



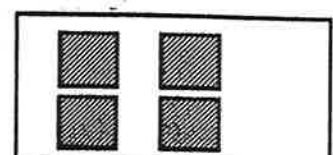
SINGLE FAMILY HOUSE ON A PARCEL



2 SINGLE FAMILY HOUSES ON A PARCEL

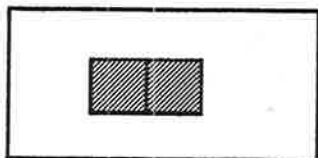


1 (OR 2) TRAILERS OR MOBILE HOMES ON A PARCEL

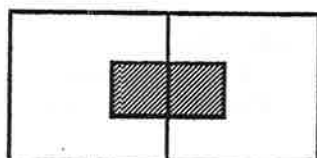


INDIVIDUAL UNATTACHED UNITS, EACH ON A PARCEL, SURROUNDED BY A COMMON AREA PARCEL

DUPLEXES

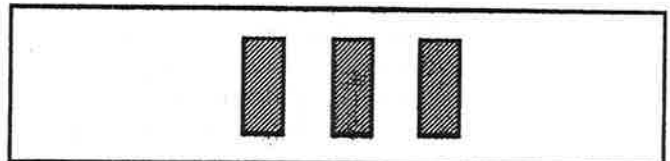


A DUPLEX ON A PARCEL



2 ATTACHED UNITS, EACH ON A PARCEL

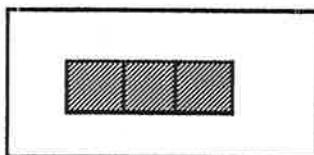
TRAILERS/MOBILE HOMES



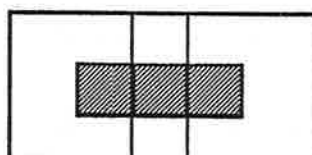
ANY NUMBER OF TRAILERS OR MOBILE HOMES ON A PARCEL (NOTE: 1 ESU PER SPACE)

MEASURED USES
1 ESU / 2,640 SQ FT OF IMPERVIOUS AREA

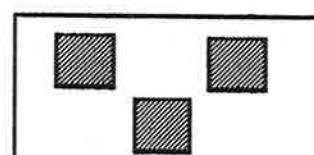
CONDOMINIUMS



3 OR MORE ATTACHED UNITS ON A PARCEL



3 OR MORE ATTACHED UNITS, EACH ON A PARCEL



3 OR MORE UNATTACHED UNITS ON ONE PARCEL

OTHERS



ANY COMMERCIAL, INDUSTRIAL, MULTIFAMILY, HOTEL, CHURCH, SCHOOL, PUBLIC BUILDING, HOSPITAL, OR PRIVATE ROAD

CERTIFICATION OF AGENCY RATES AND CHARGES TO CITIES

As contemplated in the agreements between the Agency and Cities within the Agency, the following are hereby certified to be the amounts or portions of certain rates and charges of the Agency required for the identified purpose or to be paid or retained by the Agency or City, as appropriate:

Beaverton, Cornelius, Forest Grove, Hillsboro, Sherwood, Tigard, and Tualatin:

SANITARY SEWER FEES

<u>Service Charge</u>	\$20.50 per month per EDU
City Portion	\$4.46
Revenue Bond Requirement	5.64
Agency Portion	10.40
<u>Connection Charge</u>	
City Portion	20.0% to City

STORM AND SURFACE WATER FEES

<u>Erosion Control Fees</u>	100% to City
<u>FEMA Floodplain Elevation Fee</u>	100% to City
<u>Floodplain, Floodway, and Wetland Modification Fee</u>	100% to City
<u>Plan Check Fee</u>	
City Facility	100% to City
Agency Facility	100% to Agency
<u>Storm and Surface Water Service Charge</u>	\$2.24 to City, \$.76 to Agency
<u>Storm and Surface Water System Development Fee (SDC)</u>	100% to City

Division of Revenue for Banks, Durham, Gaston, and King City

SANITARY REVENUE

Monthly Service Charges 5.0% of (\$20.50 - \$5.64)
= \$0.74/DU or DUE to City

STORM AND SURFACE WATER REVENUE

Monthly Service Charges 5.0% (\$0.15)/ESU to City

Division of Revenue for North Plains

SANITARY REVENUE

Monthly Service Charges 5.0% of (\$20.50 - \$5.64)
= \$0.74/DU or DUE to City

STORM AND SURFACE WATER REVENUE

Monthly Service Charges \$0.50 to City, \$2.50 to
Agency .



for 7/28
consent

UNIFIED SEWERAGE AGENCY OF WASHINGTON COUNTY

June 29, 1993

James Rapp
City of Sherwood
90 NW Park Street
Sherwood, OR 97140

Dear Jim:

I wanted to bring you up to date on last week's Board actions:

1. The new Rates and Charges Resolution and Order was adopted. Enclosed is one advanced copy of the new R&O. Within a couple weeks, we will have a full supply printed, and deliver additional copies to you. Please forward this copy to the appropriate person at the City so that the changes can be implemented.

There were some significant changes adopted, all effective July 1, 1993:

- a. Sanitary sewer connection charges were increased \$100 from \$2,100 to \$2,200 per dwelling unit. SWM connection charges remain at \$280 per ESU. Sanitary sewer and SWM monthly service charges were not changed.
- b. The division of revenue for SWM was revised to increase the City share from \$2.00 to \$2.24. The division for sanitary sewer fees was not changed.
- c. The Agency has had a "Grandfather Provision" allowing homes built prior to 1970 to connect to the sanitary sewer system for \$300. This provision will end within 3 years, as defined in Section 2.C.a on Page 10.
- d. The definition of single family homes has been clarified relative to when a "group home" qualifies as a single family home (flat rate method), and when it must be rated by the fixture count method. The single family home definition for calculating sanitary sewer fees is in Section 4.A.1 on Page 27. The definition for SWM is in Section 6.A.1.a on Page 36.
- e. A definition for Recreational Vehicle Parks is added to Section 4.A.2 on Page 29. A fixture count rating for a Recreational Vehicle Dump Station has been added to the Table in Section 5 on Page 34.

James Rapp, City of Sherwood
June 29, 1993
Page Two

- f. There are additional minor language changes.
- 2. The revised Exhibit "A" to the Agency-City Agreement was approved by the seven large cities, and by the Agency Board. The effect of this revision is that the City, beginning July 1, 1993, will maintain all SWM facilities within the City, including facilities within County Road Rights of Way, except for the following:
 - a. "Bridges" under County Roads
 - b. Roadside ditch maintenance
 - c. Facilities in State Highways
 - d. Regional detention or retention facilities

Regarding the Regional Facilities, I requested in a letter of June 3, 1993 that each city identify the facilities that qualify for Agency maintenance responsibility. To date, I have only received a response from the City of Hillsboro. If there are facilities within the City larger than 1 acre, please identify them as soon as possible.

There has been a question raised as to how the new responsibilities should be interpreted. The situation is a new development inside a city, wishing to connect to a storm line located in a County Road, where the County Road is also within the City. The question is who should issue the SWM connection permit. Effective July 1, the answer will be the City shall issue the connection permit, as both the development and the storm line are under the jurisdiction of the City. The City (or developer) would, however, need to obtain a standard road cut permit from the County.

- 3. The final item is the adoption of Ordinance 26. This Ordinance replaces Ordinance 25, and contains the changes to the SWM program necessary to conform to the Supreme Court ruling in the Roseburg case. One advanced copy is enclosed, and we will deliver additional copies as they are printed. The significant changes are that the SWM fee is collected from the user, rather than the owner, and delinquent charges can not be collected through a lien on the property.

I hope this information is helpful to you. Please let me know if there are any questions.

Yours truly,



Christopher Bowles, P.E.
Division Engineer

/eb
Enclosures

c: Robert Cruz, Nora Curtis, Terry Chamberlin