

RESOLUTION NO. 1987

A RESOLUTION ESTABLISHING AND IMPOSING JUST AND EQUITABLE USER FEES, SYSTEMS DEVELOPMENT CHARGES AND CHARGES FOR CONNECTION TO THE SEWAGE DISPOSAL SYSTEM FOR SEWER SERVICE; PROVIDING FOR THE MANNER OF PAYMENT COLLECTION, ENFORCEMENT AND DISBURSEMENT OF SUCH FEES AND CHARGES; PROVIDING RULES AND REGULATIONS FOR CONTROL OF THE SEWER SYSTEM; AND REPLACING RESOLUTION 1279.

WHEREAS, Oregon Revised Statutes 223.297, Policy, states:

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

WHEREAS, the April 1995 City of Wilsonville Wastewater Facility Plan envisioned that capacity improvements in the mid-1900’s would provide capacity through 2015; and

WHEREAS, the addition of the Coffee Creek Correctional Facility and anticipated development of the Villebois Urban Village will require expansion four years earlier than anticipated; and

WHEREAS, the April 1995 City of Wilsonville Wastewater Facility Plan envisioned continued land application of liquid Class B sludge liquid wastes; and

WHEREAS, changing conditions now or soon will require an upgrade to Class A sludge and a dry product; and

WHEREAS, Oregon Revised Statutes 223.299 states:

“As used in ORS 223.297 to 223.314:

- (2) “Improvement fee” means a fee for costs associated with capital improvements to be constructed .
- (3) “Reimbursement fee” means a fee for costs associated with capital improvements already constructed or under construction when the fee is established for which the local government determines that capacity exists.

(4)(a) "System development charge" means a reimbursement fee, an improvement fee or a combination thereof assessed or collected at the time of increased usage of a capital improvement or issuance of a development permit, building permit or connection to the capital improvement. System development charge includes that portion of a sewer or water system connection charge that is greater than the amount necessary to reimburse the governmental unit for its average cost of inspecting and installing connections with water and sewer facilities."; and

WHEREAS, the City of Wilsonville pursuant to authority set for in ORS 223.297 et. seq. has enacted Ordinance No. 386, as modified by Ordinances No. 430 and 432 and codified in Chapter 11 of the Wilsonville Code, which provides the overall city implementing policy and procedures for system development charges (SDCs); and

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

WHEREAS, the July 2001, City of Wilsonville Waste Water Collection System Master Plan, and the November 2004, City of Wilsonville Waste Water Facility Plan as amended, provide lists of capital improvements needed to support continued growth in the City of Wilsonville; and

WHEREAS, the plans provide for the capital improvements infrastructure necessary to serve existing and future growth; and

WHEREAS, Galardi Consulting, is an expert consultant in this field, was hired by the City of Wilsonville, prepared the sewer rate and systems development model report, dated January 2006, which provides an overall analysis of the fund requirements and proposed rates and systems development charges and a copy of the report is entered into the record herewith; and

WHEREAS Galardi Consulting and CH2M Hill provided an updated technical memorandum dated February 2, 1006, that provides a listing of reimbursable costs, the methodology for determining the systems development reimbursement charge for sewer system capital improvements, the cost of, and schedule for, the sewer system capital improvements, and

the methodology for determining the cost of the system development improvement charges on new development, which supports continued customer growth in the City of Wilsonville, a copy of which is entered into the record herewith; and

WHEREAS, on March 9, 2006 pursuant to due written notice, which notice included a copy of the Galardi and CH2M Hill report, the City held a public meeting for interested and listed persons, and reviewed the proposed sewer rates and SDC charges and their methodologies; and

WHEREAS, during the March 9, 2006 meeting, several questions were raised and the City has provided written answers to those in attendance and has entered a copy of the questions and answers into the record herewith; and

WHEREAS, the City Council duly noticed and scheduled a separate public hearing for April 3, 2006 to consider the sewer rates and system development charges, heard testimony and received exhibits thereat; and

WHEREAS, on March 29, 2006, the Wilsonville Spokesman, a newspaper of general circulation in the City, ran a front page story and editorial on the sewer rates and system development charges encouraging interested citizens to provide their feed back about the proposals at the public hearing of April 3, 2006; and

WHEREAS, the size of the sewer bill is based on the volume of water used; and

WHEREAS, water leaks may go by undetected for up to thirty (30) days because water meters are only read on a monthly basis and such undetected leaks can affect sewer fees; and

WHEREAS, the sewer usage fee due to water leakage may create a hardship for users who also have to pay to have the leak repaired; and

WHEREAS, it is also in the community's interest to conserve water by encouraging the prompt repair of water leaks; and

WHEREAS, the City of Wilsonville sewer fund presently charges a 4% franchise fee by the City; and

WHEREAS, the treatment of sewage at the City's sewer treatment plant is impacted by volume and strength. At the time of adoption of Resolution No. 1279, there was insufficient data collected by the City to determine a reasonable classification system to impose a high-strength user fee for various categories of commercial and industrial users; and

WHEREAS, data is still not available to determine a reasonable classification strength for a high strength user fee for various categories;

WHEREAS, a review of the City of Wilsonville uses by commercial and industrial user categories also indicates that in addition to the variance by number of equivalent fixture units volume also varies by customer class; and

WHEREAS, the city needs to adjust sewer utility rates to reflect the current costs of service; and

WHEREAS, the city needs to adjust sewer SDCs to more accurately reflect the increased cost of providing sewer capacity for new customers.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY OF WILSONVILLE AS FOLLOWS:

PART I	DETERMINATIONS & FINDINGS
PART II	ESTABLISHES USER FEES FOR SEWER SERVICE
ARTICLE I	DEFINITIONS
ARTICLE II	PERMIT AND PERMIT FEES
ARTICLE III	INDUSTRIAL PRETREATMENT WASTE WATER DISCHARGE PERMIT APPLICATION AND PERMIT TO DISCHARGE
ARTICLE IV	USER FEES FOR SEWER SERVICE
ARTICLE V	SEWER SDCs METHODOLOGY
ARTICLE VI	SYSTEM DEVELOPMENT CHARGES
ARTICLE VII	APPEALS, PAYMENT, COLLECTION, ENFORCEMENT AND DISBURSEMENT VALIDITY

Part I: DETERMINATIONS AND FINDINGS

A. The City Council adopts above recitals as findings and incorporates them by reference in support of this resolution.

B. The City has reviewed the sewer systems development charge methodology report by Galardi Consulting and CH2M Hill and adopts the report and makes findings and conclusions therein a part of the record. More particularly, the City Council hereby finds that average flow, average biochemical oxygen demand (BOD) and average total suspended solids (TSS) are rational bases for allocating use of the City of Wilsonville sewer system, and provide valid proportional bases for allocating the reimbursable and improvement costs for needed sewer wastewater treatment plant and collection system capital improvements.

C. The City Council hereby determines that the sewer systems development charge per equivalent dwelling unit is as follows.

TABLE 3
City of Wilsonville
Combined SDC per Equivalent Dwelling Unit

Component	Amount
Reimbursement SDC per EDU	\$582
Improvement SDC per EDU	\$3,283
Combined SDC per EDU	\$3,865
Adjustment For Financing/Issuance Costs	\$858
Debt Credit	(\$679)
Admin Fee	\$25
Total SDC per EDU	\$4,068

E. The City Council hereby finds that the fees and charges herein are not taxes subject to the property tax limitations of Article XI, Section 11(b) of the Oregon Constitution.

Part II. ESTABLISHES USER FEES FOR SEWER SERVICE; DEFINITIONS, PERMITS AND PERMIT FEES, USER FEES, METHODOLOGY FOR SEWER SYSTEMS DEVELOPMENT CHARGES, SEWER SYSTEMS DEVELOPMENT CHARGES, APPEALS, PAYMENT, COLLECTION, ENFORCEMENT, DISBURSEMENT, STATEMENT OF VALIDITY, AND REPEAL OF EXISTING RESOLUTIONS.

ARTICLE I
DEFINITIONS

Section 1. Unless otherwise defined herein, applicable definitions are set forth in the Wilsonville Code, Chapter 3, Section 3.112 and Chapter 8, Section 8.104.

Section 3. "Apparel and other Finished Products Made from Fabrics and Similar Materials" shall mean those facilities known as the cutting-up and needle trades, including establishments producing clothing and fabricated products by cutting and sewing purchased woven or knit textiles, fabric and related materials such as leather, rubberized fabrics, plastics and furs. A more complete description with examples is include in SIC, Major Group 23.

Section 4. "Banks" shall mean those institutions that are engaged in deposit baking or closely related functions including fiduciary activities. A more complete description and examples are included in SIC, Major Group 60 – Depository Institutions.

Section 5. "Bimonthly" shall mean occurring every two months.

Section 6. "Business Services" shall mean those establishments primarily engaged in rendering services, not elsewhere classified, to business establishments on a contract or fee basis, such as advertising, credit reporting, collection of claims, mailing, reproduction, stenographic, news syndicates, computer programming, photocopying, duplicating, data processing, services to buildings, and help supply services. A more complete description with examples of firms engaged in business services is included in SIC, Major Group 73.

Section 7. "Car Wash" shall include establishments primarily engaged in washing, waxing and polishing of motor vehicles or in furnishing facilities for the self-service washing of motor vehicles, whereby the wash water is recycled. A more complete description is included in SIC, Industry No. 7542 Descriptions.

Section 8. "Construction Special Trade Contractors" shall mean those contractors who undertake activities of a type that are specialized either to building construction, including work on mobile homes, or to both building and non-building projects. These activities include painting (including bridge painting and traffic lane painting), electrical work (including work on bridges, power lines and power plants), carpenter work, plumbing, heating, air-conditioning, roofing and sheet metal work. A more complete description with a specific listing of industries is included in SIC, Major Group 17.

Section 11. "Director" for the purposes of Article IV, shall be defined as Community Development Director.

Section 12. "Drinking Places" (Alcoholic Beverages) shall mean establishment primarily engaged in the retail sale of alcoholic drinks such as beer, ale, wine and liquor for consumption on the premises. The sale of food frequently accounts for a substantial portion of the sewage from these establishments.

Section 13. "Dwelling Unit" shall mean a building, mobile or manufactured home, designed for residential occupancy.

Section 14. "Eating Places" shall mean establishments primarily engaged in the retail sale of prepared food and drinks for on premise or immediate consumption. Caterers and industrial and institutional food service establishments are also included in this category. Restaurants, lunch counters and drinking places operated as a subordinate service facility by other establishments are not included in this definition unless they are served by a separate

meter. A more complete description with a specific listing is included in SIC Industry Group 581.

Section 15. "Electric Gas and Sanitary Services" shall mean those establishments engaging in the generation, transmission, and/or distribution of electricity or gas or steam. A more complete description with examples is included in SIC, Major Group 49.

Section 16. "Electronic and Other Electrical Equipment and Components, Except Computer Equipment" shall mean those establishments engaged in manufacturing machinery, apparatus, and supplies for the generation, storage, transmission, transformation, and utilization of electric energy. Included are the manufacturing of electric city distribution equipment, electrical industrial apparatus, household appliances, electrical lighting and wiring equipment, radio and television receiving equipment, communications equipment, electronic components and accessories and other electrical equipment and supplies. A more complete description with examples is include in SIC, Major Group 36.

Section 17. "Fabricated Metal Products, Except Machinery and Transportation Equipment" shall mean those establishments engaged in fabricating ferrous and nonferrous metal products, such as metal cans, tin ware, hand tools, cutlery, general hardware, nonelectric heating apparatus, fabricated structural metal products, metal forgings, metal stampings, ordinance (except vehicles and guided missiles) and a variety of metal and wire products not elsewhere classified. A more complete description with examples is include in SIC, Major Group 34.

Section 18. "Grocery Stores" shall mean stores commonly known as supermarkets, food stores and grocery stores primarily engaged in the retail sale of all sorts of canned foods and dry goods such as: tea, coffee, spices, sugar and flour, fresh fruits and vegetables, and fresh and prepared meat, fish and poultry. A specific list of types of food stores is included in SIC, Industry No. 5411.

Section 21. "Indoor Theater" shall mean commercially operated theaters primarily engaged in the indoor exhibition of motion pictures. An example of types of motion picture theaters is included in SIC, Industry No. 7832.

Section 22. "Industrial and Commercial Machinery and Computer Equipment" shall mean those establishments engaged in manufacturing industrial and commercial machinery and equipment and computers. A more complete description with examples of specific industries is included in SIC, Major Group 35.

Section 23. "Manufactured Residential Unit" shall mean a structure which is intended for human occupancy by one or more persons, that has sleeping, eating, cooking and plumbing-sanitation facilities and which is constructed off-site in compliance with Uniform Building Code (Oregon State Structural Specialty Code) and designed to be transported to a site for installation and/or assembly of modular components to form a permanent structure.

Section 25. "Miscellaneous Manufacturing Industries" shall mean those establishments primarily engaged in manufacturing products not classified in any other manufacturing group. Industries in this group fall into the following categories: jewelry, silverware and plated ware; musical instruments; dolls, toys, games, and sporting and athletic goods; pens, pencils and artists' materials; buttons, costume novelties, miscellaneous notions; brooms and brushes; caskets; and other miscellaneous manufacturing industries. A list of specific establishments is included in SIC, Major Group 39.

Section 27. "Mobile Home Residential Unit" shall mean a structure which is intended for human occupancy by one or more persons, that has sleeping, eating, cooking and plumbing-sanitation facilities, and which is constructed off-site in compliance with the Oregon Department of Commerce standards for mobile homes, and designed to be transported to a site to be used as a permanent residence.

Section 28. "Multi-Family Residential Unit" shall mean a residential structure which is occupied by one or more persons of which there is more than one dwelling structure per lot, according to approved zoning requirements and which provides complete independent living facilities for each dwelling structure including, but not limited to, permanent provisions for living, sleeping, eating, cooking and sanitation.

Section 32. "Other Commercial" shall include other establishments used for retail operations which are not included in any of the above categories.

Section 33. "Other Industrial Facilities" shall include those industrial facilities which are not included in any of the listed industries or major groups.

Section 34. "Printing, Publishing and Allied Industries" shall mean those establishments engaged in printing one or more common processes such as letterpress, lithography (including off-set) gravure, or screen; and those establishments which perform services for the printing trade such as bookbinding and platemaking. A more complete description with examples is included in SIC, Major Group 27.

Section 37. "Restaurants" shall mean a structure which is constructed for the purpose of preparation and serving of food to one or more persons in return for payment by those persons. The structure must meet all applicable codes as required by the State of Oregon or the City of Wilsonville and other appurtenant ordinances or resolutions and as the structure is designed or occupied for the individual use thereof.

Section 38. "Rubber and Miscellaneous Plastics Products" shall mean those establishments manufacturing products not elsewhere classified, from plastic resins and from natural, synthetic, or reclaimed rubber, gutta percha, balata, or gutta siak. A more complete description with examples is included in SIC, Major Group 30.

Section 40. "Service Station" shall mean a gasoline service stations primarily engaged in selling gasoline and lubricating oils. A more complete description with examples in included in SIC, Industry No. 5541.

Section 41. "Shopping Center" shall mean a major retail facility which shall include establishments engaged in at least two distinct retailing operations and could include establishments from SIC, Major Group 52, Building Materials, Hardware, Garden Supply, and Mobile Home Dealers; SIC, Major Group 53 – General Merchandise Stores; SIC, Major Group 54 – Food Stores; SIC, Major Group 55 – Automotive Dealers and Gasoline Service Stations; SIC, Major Group 56 – Apparel and Accessory Stores; SIC, Major Group 57, Home Furniture Furnishings and Equipment Stores; SIC, Major Group 58 – Eating and Drinking Places; and SIC, Major Group 59 – Miscellaneous Retail.

Section 42. "Single Family Dwelling Unit" shall mean a residential structure which is occupied by one or more persons of which there shall be only one dwelling structure per lot and which provides complete, independent living facilities for one or more persons including, but not limited to, permanent provisions for living, sleeping, eating, cooking and sanitation.

Section 43. "Store" shall mean a retail establishment which only concludes one ongoing retail operation. This could include a store from Major Group 52 – Building Materials, Hardware, Garden Supply, and Mobile Home Dealers; and Major Group 53 – General Merchandise Stores.

Section 44. "Terminal and Joint Terminal Maintenance Facilities for Motor Freight Transportation" shall mean those establishments primarily engaged in the operation of terminal facilities used by highway-type property carrying vehicles. Also included are terminals which

provide maintenance and service for motor vehicles. A more complete description is included in SIC, Industry No. 4231.

Section 45. "Transportation Services" shall mean those establishments furnishing services incidental to transportation, such as forwarding and packing services, and the arrangement of passenger and freight transportation. Specific examples are included in SIC, Major Group 47.

Section 46. "Warehouse" shall mean those establishments engaged in the storage of farm products, furniture and other household goods or commercial goods of any nature. Specific examples are included in Major Group 42 and would include firms engaged in SIC, Industry Group No. 422 – Public Warehousing and Storage.

Section 47. "Wholesale Trade – Durable Goods" shall mean those establishments primarily engaged in the wholesale distribution of durable goods. Specific examples are included in SIC, Major Group 50.

Section 48. "Upset" shall mean an exceptional incident in which there is unintentional and temporary noncompliance with permit effluent limitations because of factors beyond the reasonable control of the industrial user excluding such factors as operational error, improperly designed or inadequate treatment facilities or improper operation and maintenance or lack thereof.

In Article IV Section 7 paragraph C, the period in which the City Manager or designee may adjust to winter volumes for multi-family customers is changed to the period from January 1, 1995 to December 31, 1997.

ARTICLE II PERMIT AND PERMIT FEES

Section 1. SEWER PERMIT AND INDUSTRIAL PRETREATMENT WASTEWATER DISCHARGE PERMIT FEES

To provide for the cost of processing a building sewer service connection permit, and a wastewater discharge permit, the following fees will be charged. The permit fees below shall be reviewed annually by the City Council. The Council may, from time to time, including, but not limited to, its annual review, increase fees giving due consideration to the increase in the consumers price index (CPI) for the Portland metropolitan tri-county area from the month of the

last increase to the month preceding the date of the review. The Council may take action not to make such increase in permit fees any year it is deemed appropriate to do so.

A. Building Sewer Service Connections

SERVICE CLASS	FEE
(1) Residential	
(a) Single Family	\$78
(b) Multi-Family	116
(2) Commercial	558
(3) Industrial	558

B. Industrial Pretreatment Water Discharge Permit

(1) The initial pretreatment water discharge permit fee shall be \$594.

(2) The annual inspection and report fees for significant industrial users as defined in WC Chapter 8, Paragraph 8.104(58) shall be \$1,662.

(3) Annual administrative costs for operating the industrial waste pretreatment program will be included in sewer rates with indirect costs prorated to all customers by meter size. Adjustments for the rates because of industrial waste pretreatment are listed in Table 1. The methodology for determining these adjustments is attached as Table 9.

(4) Costs of testing and inspecting specific categorical or significant user discharges will be directly billed to the user.

Section 2. OWNER(S) RESPONSIBILITY

A. The owner(s) of a property in which a building sewer is then connected to the public sewer shall be responsible for:

(1) Repair of all known sewer breaks, leaks, cracks and similar problems in all pipes, manholes, clean-outs and appurtenances to the building sewer which would cause ground or surface water to infiltrate or to flow into the building sewer either directly or indirectly. All costs involved in making repairs shall be borne by the owner(s).

B. The City shall have the specific right to inspect and test all building sewers to determine compliance with City, State and Federal requirements and the owner shall cooperate and not hinder the City's right to inspect and test.

ARTICLE III
INDUSTRIAL PRETREATMENT WASTEWATER DISCHARGE PERMIT APPLICATION
AND PERMIT TO DISCHARGE

Section 1. GENERAL

Each nonresidential user discharging, proposing to discharge or having the potential to discharge contributions of wastewater into the city sewerage system which meet any of the following criteria shall secure an Industrial Pretreatment Wastewater Discharge Permit from the city:

- A. Is subject to national categorical pretreatment standards promulgated by EPA under Section 307(b) or (c) of the Clean Water Act (CWA);
- B. Has in its waste toxic pollutants as defined pursuant to Section 307 and Section 502 of the CWA;
- C. Has a non-domestic flow of 25,000 gallons or more per average work day;
- D. Contributes more the 5 per cent of the actual daily average dry weather hydraulic, organic or solids handling load to the city's wastewater treatment plant;
- E. Is determined by the state or city in accordance with WC Chapter 8, Paragraph 8.104(58) to have a significant impact or potential for significant impact to adversely affect the city sewerage system by either upset, inhibition, pass through of pollutants, sludge contamination or other means.

Section 2. APPLICATION

- A. Existing nonresidential users shall apply for a Wastewater Discharge Permit within ninety (90) days prior to connecting to or discharging to the city sewerage system.
- B. Wastewater discharge permits are governed by the provisions of the Wilsonville Code, Sections 8.100 et seq.

Section 3. SEVERABILITY

If any provision of this resolution or its application to any person or circumstances is help, in whole or in part, to be invalid, the remainder of this resolution or provision or its application to other persons or circumstances shall not be affected.

ARTICLE IV
USER FEES FOR SEWER SERVICE

Section 1. IMPLEMENTATION OF FEES

A sewer user fee is hereby imposed upon the user(s) of the City's wastewater collection, pumping, disposing and treating system. A high strength user fee is hereby imposed upon the commercial and industrial user(s) of the city's wastewater collection, pumping, disposing, and treating system, that discharge wastes having an average strength in excess of 250 mg/l of BOD or TSS.

Section 2. PUMPING UNITS

Buildings that are served by pumping units shall be subject to the user fees provided by this resolution.

Section 3. INITIAL SERVICE

When sewer service is initially provided to any building(s), a sewer user fee shall be charged for each month a building sewer is connected to or discharged into the public sewer.

Section 4. CHARGE TO USERS

Sewer user fees are hereby charged to the user(s) of the property connected to the sanitary sewer. Users of the property shall include owners as well as occupants. Such charges are to begin at the time the connection has been accepted by the Community Development Department according to standards set forth in the Construction Standards for the City of Wilsonville.

Section 5. BILLING TO OCCUPANT

Sewer user fees shall be billed to an occupant unless otherwise notified in writing by owner of the serviced property. However, in the event of a delinquent account, the sewer service may be disconnected under the provisions of Article VII, Section 4, of this Resolution.

Section 6. ANNUAL REVIEW OF FEES

Sewer user fees shall be reviewed annually by the City Council. The City Council may, from time to time, including but not limited to its annual review, increase fees giving due consideration to the increase in the consumers price index (CPI) for the Portland metropolitan tri-county area from the month of the last increase to the month preceding the date of the review. The Council may take action not to increase fees in any year it is deemed appropriate to do so.

Section 7. USER FEES WITHIN CITY

A. The sewer fee effective May 1, 2006, is listed in Tables 1.

Table 1
CITY OF WILSONVILLE
SEWAGE DISPOSAL USER FEE SCHEDULE
Effective May 1, 2006

Minimum Bills:

Customer Class	Monthly Vol. Included in Min. Charge ccf	Minimum Charge	Increase in Minimum Bill for Pretreatment Program per Meter Size	Adjusted Min. Chg.
Single-Family Residential	2	\$10.12	\$0.00	\$10.12
Multi-Family Residential	2	10.12	0.00	10.12
All Public	2	10.12	0.00	10.12
Commercial & Industrial by Meter Size	—	—	—	—
5/8 X 3/4"	2	10.12	6.17	16.29
3/4"	2	10.12	9.25	19.37
1"	2	10.12	15.42	25.54
1-1/2"	2	10.12	30.84	40.96
2"	2	10.12	49.34	59.46
3"	2	10.12	92.50	102.62
4"	2	10.12	154.17	164.29
6"	2	10.12	308.33	318.45
8"	2	10.12	493.33	503.45
10"	2	10.12	887.99	898.11

Volume Charge:

Customer Class	Volume Charge - \$/ccf Before Pretreatment Adjustment
Single-Family Residential	\$4.51
Multi-Family Residential	4.51
Public	4.51
Eating Places	4.51
Commercial	4.51
Industrial	4.51

High Strength Surcharge

BOD \$0.64/pound
TSS \$0.64/pound

B. Volumes that are used with Table 1 for single family residential units are the average water volumes for the preceding winter five months. This will include November

through March unless otherwise adjusted by the Finance Director for unusual conditions. For new, single-family residential customers, the City Manager or designee may use the average winter volume for the previous customer at the same residence, average winter volumes for other customers from the same vicinity, or may multiply five hundred cubic feet per resident times the number of residents to determine the initial volumes to be used with Table 1. For customers whose winter water volume exceeds the yearly average volume, the City Manager or designee may adjust volumes based on a request from the customer and valid information showing that the winter volume does not accurately reflect impact on the sewer system.

C. For multi-family, commercial and industrial customers the sewer volume will be based on the water volume as metered monthly for all non-irrigation meters.

D. For sewer customers that are not served by City water, the City Manager or designee will determine the sewer volumes that are to be billed in accordance with Table 1.

E. For commercial or industrial sewer users whose domestic water consumption (excluding metered irrigation) is a minimum of three times greater than the measured sanitary sewer discharge rate, the sewer volume charge shall be based on this flow measured from the discharge point of the building sewer into the public sanitary sewer and shall be based on the average hundred cubic feet discharged. The measurement period shall be one week or seven consecutive days. After six billing periods or six months, a new measurement shall be taken. Each measurement shall set the surcharge fee for the next six month period.

F. For any non-domestic pollutant discharger who is required to obtain a wastewater discharge permit and is required to measure discharge volumes, the sewer volume and BOD and TSS strengths shall be as established through the monitoring requirements as set forth with each individual discharge permit.

G. In addition to the volume changes, commercial or industrial sewer users who are required to obtain an industrial pretreatment wastewater permit and whose sewage exceeds either a BOD strength of 250 milligrams/liter (mg/l) or a TSS strength of 250 mg/l shall pay an additional fee for treatment of high strength sewer wastes. This fee is listed in Table 1. Calculation of the monthly, high-strength, sewage fees shall be as follows:

$$\text{BOD Fee} = Q \frac{(\text{BOD 5 monitored} - 250)}{1,000,000} \times 62.4 \text{ lbs/cf} \times 100 \times \text{BOD rate}$$

$$\text{TSS Fee} = Q \frac{(\text{TSS monitored} - 250)}{1,000,000} \times 62.4 \text{ lbs/cf} \times 100 \times \text{TSS rate}$$

where,

Q = Monthly volume in hundred cubic feet (ccf)

BOD 5 Monitored = Average BOD 5 strength in milligrams per liter

TSS Monitored = Average TSS strength in milligrams per liter

BOD rate = Rate for treatment of high strength BOD from Table 1 in dollars per pound.

TSS rate = Rate for treatment of high strength TSS from Table 1 in dollars per pound.

For example: An industrial user that used 5,187 ccf of water per bimonthly period with a BOD 5 of 290 mg/l and a TSS of 500 mg/l would pay:

$$\text{For BOD} = 5,187 \frac{(290-250)}{1,000,000} \times 62.4 \times 100 \times 0.64 = \$828.59 \text{ monthly}$$

$$\text{For TSS} = 5,187 \frac{(500-250)}{1,000,000} \times 62.4 \times 100 \times 0.64 = \$828.59$$

$$= \$1657.18 \text{ monthly}$$

H. Other sewer user charges may be established through the issuance of an industrial pretreatment discharge permit in order to recover potential or actual costs incurred by the City due to wastes that adversely affect the sewer system or the environment.

Section 8. USER FEES OUTSIDE CITY

All sewer users whose sewer connection is outside the City shall be billed two (2) times the rates mentioned in Tables 1 to recover costs that City users pay on general obligation bonds.

Section 9. FRANCISE FEE

For the right to receive additional services from the general fund, a franchise fee is hereby imposed upon the sewer fund of the City in an amount equal to four percent (4%) of the gross annual revenue from sewer user charges. This fee shall be collected from the sewer users and remitted quarterly to the general fund.

Section 10. EXCEPTION FOR WATER LEAKS

A. Sewer users will not be required to pay that portion of their sewer bill attributable to water leakage provided that:

- (1) The leak is repaired at the water user's expense within 48 hours of notification by the City that a leak has occurred;

(2) The City, upon rechecking the water meter, concurs that the leak has been fully repaired;

(3) Exceptions from the 48 hour repair requirement may be granted in writing by the City Manager or designee when extenuating circumstances are recognized.

B. The sewer user's bill during the period of time when undetected leakage occurred shall be based on the prior year's bill, adjusted for any approval of subsequent rate increases for the same period of time. When prior year billing information is not available, the City Manager or designee will determine the approximate billing based on bills for comparable properties.

C. This policy shall not apply to leaks that are reoccurring problems or those that are apparent as opposed to undetected leaks.

Section 11. APPLICATIONS AND DEPOSITS

Applications for City sanitary sewer services shall be by such forms and in such manner as provided by the Department of Finance. The applicant shall designate the property to be served and the user thereof. An owner of the premises who permits another to make applicant and/or use the city's sewer services shall also be deemed a user of city services. If a deposit is deemed prudent and cost effective by the Finance Director, a deposit shall be required in a sum which shall not be greater than an amount equal to an estimated 3 months' bill as determined by the Finance Department. However, any resident of Wilsonville (a person who has established credit with the City of Wilsonville by having water and/or sewer service in his/her own name) will be allowed to move from one location within the city limits without having to pay a deposit if that resident has lived in Wilsonville for at least three (3) years, has City of Wilsonville water and/or sewer service in his/her name and has not been delinquent in paying for water and/or sewer service within the past three years.

Section 12. REFUND OF DEPOSITS

A. A refund of the user sewer service deposit will occur when a customer shows a satisfactory credit performance for three years. If it becomes necessary to make one or more visits to enforce collection and/or shut-off for non-payment during the three year period, the City shall retain the deposit. The deposit will be held for an additional three years from the date of the last visit to the customer's premise for collection for non-payment of a bill. (Definition of visit – hand delivery of shut-off notice to the customer's premise. Definition of satisfactory credit – no

water shut-off notices hand delivered and/or temporary shut-off of service for non-payment during a three year period.)

B. A refund of the deposit will occur upon the applicant's requesting discontinuance of service provided that all outstanding bills are paid in full. The deposit may be applied to the final bill.

C. If an account is shut-off for non-payment, the deposit shall be held as security until the outstanding balance is paid. The deposit will only be applied to the outstanding balance when the account is closed and no further sewer service is required by the customer. The remaining balance of the deposit not used to pay the outstanding bill will be refunded to the customer.

D. Upon refund of the cash deposit to the applicant for satisfactory credit performance or upon termination of service, the deposit shall be refunded together with interest thereon at the rate of one-half percent (1/2%) below the average annual interest rate received by the City. However, no interest shall be allowed or paid by the City of Wilsonville on deposits which have been deposited with the City for less than 30 days. All cash deposits so paid to the City of Wilsonville by sewer users shall be credited by the Finance Department into a special account to be known as "Sewer Deposit Trust Account".

Section 13. LIABILITY FOR CHARGES AND SERVICE DISCONNECTION

All charges for sanitary sewer service furnished or rendered by the City of Wilsonville shall be chargeable to the current user of the property where sanitary sewer service is supplied and, in addition, all persons signing an application for the use of sanitary sewer service shall be personally liable for all charges accrued against the property designated within the application. The City reserves the right to cut off and disconnect sanitary sewer service to the premises without further notice when changes for sanitary sewer service has not been paid within 30 days after the due date, and the expense thereof shall be borne by the user to which such service has been supplied. The City shall provide a minimum of 3 days notice by a door hanger or by mail prior to sewer service disconnection to the user and mail notice to the owner.

ARTICLE V
SEWER SYSTEMS DEVELOPMENT CHARGES
METHODOLOGY

Section 1. PURPOSE

The purpose of this Article is to impose the capital cost of sewage treatment facility improvements upon those developments that create the need for or increase the demands for such capital improvements and to prescribe the methodology for calculating the SDC.

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

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

Section 2. FINDINGS:

The recitals are hereby adopted as findings of the City Council and in particular the findings, methodology, calculations and tables recommended in the Galardi Report, Exhibit A incorporated by reference herein are hereby approved and adopted.

Section 3. DEDICATED FUNDS

The City shall maintain a dedicated fund entitled "Sewer Expansion and Capital Improvement Fund", herein "fund". All monies derived from the Improvement portion of Sewer SDC including financing adjustments and debt credit shall be placed in the fund. The Improvement portion of Sewer SDC revenue, including interest earned on balances in the fund, shall be used for no purpose other than those activities described as, or for the benefit of, extra capacity facilities as designated in Table 1.

The City shall also maintain a dedicated money fund entitled Sewer Reimbursement Systems Development Charge Fund. All moneys derived from the Reimbursement portion of Sewer SDC shall be placed in the fund. Funds from this fund shall be spent on capital improvements of the sewer system including expenditure related to repayment of indebtedness.

The City shall also maintain a dedicated money fund entitled sewer systems development charge administrative fund. All money derived from the administrative portion of the sewer SDC shall be placed in this fund. Money from this fund shall be spent on administering the sewer systems development charge funds.

In addition, the reasonable and customary costs of administering this fee and projects funded hereunder, including repayment of debt, may be paid from SDC revenues.

Section 3. DEFINITIONS

Oregon Revised Statutes (ORS 223.297 through 223.314) allow improvement fees, reimbursement fees and administration fees to be included in Systems Development Charges. "Improvement fee" means a fee for the cost associated with capital improvements to be constructed. "Reimbursement fee" means a fee for cost associated with capital improvements already constructed or under construction. Administration fee means a fee for costs associated with administering the sewer systems development charge improvement and reimbursement funds.

ARTICLE VI

SYSTEMS DEVELOPMENT CHARGES

Section 1. EQUIVALENT FIXTURE UNITS

An equivalent dwelling unit (EDU) is defined as a residential dwelling and is equivalent to a minimum of sixteen (16) fixture units.

For the purpose of determining equivalent fixture units, the following will be used:

<u>FIXTURE</u>	<u>EQUIVALENT FIXTURE UNIT</u>
1 toilet	6
1 urinal	5
1 lavatory, sink or laundry tray	2
1 floor drain 2" max outlet	4
3" max outlet	6
4" max outlet	8
1 dishwasher 2" max outlet	3
3" max outlet	9
4" max outlet	12
1 bathtub or shower	2
1 drinking fountain	1
1 garbage grinder	4
1 commercial washer	
0 to 5 pound capacity	2
Over 5 to 10 pound capacity	4
Over 10 to 15 pound capacity	6
Over 10 to 15 pound capacity	6
Over 15 to 20 pound capacity	7
Over 20 to 25 pound capacity	8
Over 25 to 35 pound capacity	9
Over 35 pound capacity	1-1/2 EFU per 5 pound capacity

All those equivalent fixture units not shown herein shall be as specified in the most recent issue of the Uniform Plumbing Code.

Section 2. EFFECTIVE DATE AND SDC SCHEDULE

A. The sewer SDCs effective May 1, 2006 are set forth below:

TABLE 2
SEWER SDC SCHEDULE

	Class of Service <u>Residential</u>	SDC Amount
1.	Single-family dwelling unit	\$4,068
2.	Multi-family residential unit	\$3,051
3.	Mobile Home residential unit	\$3,051
4.	Manufactured residential unit	\$4,068

Hotels and motels \$4,068 per 25 fixture units

Commercial

The basis for commercial systems development charge shall be based on 16 fixture units per dwelling unit multiplied by a volume factor and a strength factor to account for differences in sewage flow from various customer classes. SDCs are as follows:

Land Use	Volume Factor	SDC
Banks	1.1	1.1 X SF residential SDC
Amusement & Rec Fac	1.0	1.0
Car wash/recycle	2.3	2.3
Day Care	1.1	1.1
Eating Places	2.7	2.7
Grocery Stores	4.7	4.7
Indoor Theater	1.0	1.0
Office	0.7	0.7
Professional Bldg	1.2	1.2
Service Shop	1.0	1.0
Service Station	1.5	1.5
Shopping Center	2.9	2.9
Store	2.9	2.9
Warehouse	2.6	2.6
Other Commercial	1.0	1.0

Industrial

The Director shall make the determination as to the industrial status of a sanitary sewer user and the method of calculation which most accurately reflects the impact of the user on the sewer system based on use of the following formulas to determine equivalent dwelling units for high strength sewage:

Basic Formula $EDU = A(FL/168\text{gpd}) + B(\text{BOD}/.378\text{lbs/day}) + C(\text{TSS}/.367\text{lbs/day})$

A equals proportion of capital cost attributed to flow

B equals proportion of capital cost attributed to BOD

C equals proportion of capital costs attributed to TSS

In FY 05/06 costs A = 29.5%; B = 43.4%; and C = 27.1% Where 168 – is the average dry weather flow, without inflow and infiltration .378 pounds/day is the average dry weather BOD without I&I and .367 is the average dry weather TSS without I&I.

Calculation of SDC for industrial users shall be determined by the Director based on the following:

a. Customers requiring an industrial discharge pretreatment permit.

The SDC initially charged shall be calculated based on the volumes and strengths indicated on the application for industrial discharge permit. Upon receipt of the industrial discharge compliance report the SDC will be adjusted based on volumes and strengths listed in the compliance report whenever the compliance report varies by over ten percent or more from the application. For example a new user with average dry weather flow readings of 10,000 gallons per day, 150 pounds of BOD per day and 150 pounds of TSS per day would have its SDC calculated as follows:

$$EDUs = \frac{.295 \times (10,000)}{168} + \frac{.434 \times (150)}{.378} + \frac{.271 \times (150)}{.367} = 17.6 + 172.2 + 110.8 = 301 \text{ EDU}$$
$$301 \times 4068/\text{EDU} = \$1,224.468$$

b. Industrial users that are not required to submit for an industrial waste discharge permit. The SDC shall be charged based on 16 fixture units/dwelling unit multiplied by a volume factor account for differences in sewage flows for the various customer classes.

SDCs are as follows:

Land Use	Volume Factor	SDC X Single-family Residential SDC
Construction – Special Trade Contractors – Standard Industrial Classification (SIC), Major Group 17	0.6	0.6 X
Apparel & Other Finished Products Made from Fabrics & Similar Materials SIC, Major Group 23	0.6	0.6 X
Printing, Publishing & Allied Industries SIC, Major Group 27	2.0	2.0 X
Rubber and Miscellaneous Plastics Products SIC, Major Group 30	1.4	1.4 X
Fabricated Metal Products Except Machinery & Transportation Equipment SIC, Major Group 34	2.7	2.7 X
Industrial & Commercial Machinery & Computer Equipment SIC, Major Group 35	5.8	5.8 X
Electrical & Other Electrical Equipment & Components Except Computer Equipment SIC, Major Group 36	3.6	3.6 X
Miscellaneous Manufacturing Industries SIC, Major Group 39	4.3	4.3 X
Terminal Maintenance Facilities for Motor Freight Transportation SIC , Major Group 42	1.8	1.8 X
Transportation Services SIC, Major Group 47	0.7	0.7 X
Electric, Gas & Sanitary Services SIC, Major Group 49	3.2	3.2 X
Wholesale Trade – Durable Goods SIC, Major Group 50	4.4	4.4 X
Business Services SIC, Major Group 73	1.5	1.5 X
Other Industrial Facilities	1.0	1.0 X

c. For industrial facilities that do not require an industrial waste permit and when the classifications reflected in subparagraph b. above do not reflect the impact of the facility on the sewer system. SDC charges shall be based on water meter sizes as listed in Table 8, attached hereto and incorporated by reference as if fully set forth herein or by analysis of sewage flows and strength data as presented by the applicant. In those cases where the applicant data is used, the sewage will be reviewed and recalculated in accordance with Article VI, Section 6.

Section 3. ANNUAL REVIEW

As set forth in Ordinance No. 386, Article IV, the City shall annually review the sewer SDC to determine whether additional fee revenues should be generated to provide extra-capacity improvements needed to address new development or to ensure that revenues do not exceed identified demands. In so doing, the City shall consider:

- (1) Construction of facilities by federal, state or other revenue sources;
- (2) Receipt of unanticipated funds from other sources for construction of facilities;

(3) Additional needed sewer system improvements to meet mandates or requirements of other authorized governmental authorities;

(4) Other changes or conditions as may be deemed necessary or prudent.

Upon completion of this review the City shall consider such amendments, including adjustment to the fee imposed herein, as are necessary to address changing conditions.

Notwithstanding any other provision, the dollar amounts set forth in Section 4 of this Article shall on March 1st of each year be computed to increase automatically by the Engineering News Record Northwest (Seattle, WA.) construction cost index. Notwithstanding the foregoing, all calculations shall be carried out to the hundredths place. A final product ending in \$.49 or less shall be rounded down to the nearest dollar, \$.50 or more up to the next dollar.

Section 4. DATE OF PAYMENT

Sewer SDC required by this resolution shall either be due and payable with the building permit fee and before connection to the public sewer, or the applicant may submit a bond or other acceptable financial reservation due and payable at the time of building occupancy.

Section 5. PREPAYMENT

To better allow industry to plan future expansions and better allow the City to plan for wastewater treatment plant capacity requirements, the City may enter into development agreements which provide defined capacity in the future at specific time intervals. Any deferral of payment for future capacity will be subject to a bond or other guarantee of future payments.

Section 6. CHANGED USE OF PROPERTY

The sewer SDC is charged based upon existing or intended use of the property and its impact on the sewer system at the time of application for connection. If the property is improved, expanded, subdivided or otherwise modified or used and the impact on the sewer system is increased by more than 10%, then that will cause a further sewer SDC to be charged for the increase. The further sewer SDC shall be charged for the modified portion of the property or structure based on the sewer SDC schedule in effect at the time of re-application. For prior sewer customers this increased sewer SDC shall be paid on an increase above usage in calendar year 2005. The sewer SDC paid for a specific sewer service for a residential, commercial or industrial unit shall be valid for a one (1) year period from the date of issuance of the sewer connection permit. After the one (1) year period, the sewer connection permit will have expired if there has been no connection. The Director will then, in writing, notify the permittee that the permit has

expired. The written notification of sewer connection permit expiration shall state the permittee has ten (10) days from the receipt of the expiration notice to request an extension time of the sewer connection permit. If there has been no response within ten (10) days, the SDC shall be considered forfeited. The permittee shall then be required to re-apply for a sewer connection permit and pay the sewer SDC in effect at the time of re-application.

Section 7. PUMPING UNITS

Buildings that are serviced by pumping units shall be subject to the sewer SDC provided by this resolution.

Section 8. SEWERS OUTSIDE OF CITY

Sewer connections outside the city limits shall be charged at two (2) times the SDC provided herein.

Section 9. CHALLENGE OF EXPENDITURES

Any citizen or other interested person may challenge an expenditure of SDC revenues as being in violation of this resolution provided a written petition for review is filed with the Wilsonville City Council within two years of the expenditure as provided by Ordinance No. 386, Article X (also Wilsonville Code paragraph 11.040(10) Appeal Procedures).

ARTICLE VII
APPEALS, PAYMENT, COLLECTION, ENFORCEMENT
AND DISBURSEMENT VALIDITY

Section 1. APPEALS PROCEDURE

A. Any person aggrieved by a ruling under, interpretation of the provisions of this resolution, or calculation made under the provision of this resolution may, within 30 days of the date of occurrence, submit a written appeal to the City Council of Wilsonville. The appeal shall set forth the events and circumstances leading to the appeal, the nature of the ruling or interpretation from which relief is sought, and the nature of the impact of the ruling on appellant's property or business together with any other reasons for the appeal.

B. The City Council will set a date at the next regularly scheduled Council meeting to hear the appeal within thirty (30) days thereafter at a regularly scheduled council meeting and hear testimony, if deemed necessary. The decision of the Council will be final.

C. Appeal. A final decision of the City Council may be appealed by Writ of Review pursuant to ORS 34.010-34.100.

Section 2. PAYMENT

Every person subject to a charge hereunder shall pay the same, when due, to the Finance Director of the City of Wilsonville.

Section 3. COLLECTION

A. The Finance Director of the City is hereby directed to collect the sewer user fees and Systems Development Charge fees as provided for herein.

B. Sewer user fees and SDC, when collected, shall be paid into a fund designated as the "Sewer Fund".

C. Sewer system improvement SDC shall be deposited to the sewer systems development charge reimbursement account. Funds from this account shall only be spent on capital improvements associated with the water system including expenditures related to repayment of indebtedness as authorized by ORS 223.307.

D. Sewer administration fee SDC funds shall be deposited to the sewer systems development charge administration account. Funds from this account shall only be spent on administration of the sewer improvement SDC, reimbursement SDC and administrative SDC accounts.

E. Sewer reimbursement SDC funds shall be deposited to the sewer systems development charge reimbursement account. Funds from this account shall only be spent on capital improvements associated with the water system including expenditures related to repayment of indebtedness as authorized by ORS 223.307

F. Sewer user fees, as herein before provided, shall be collected monthly and if not paid within the (10) days from billing date, said charges shall then be deemed delinquent.

G. Delinquent sewer service and service connection accounts shall bear interest from the day of delinquency at a rate of fifteen per cent (15%) per annum.

Section 4. ENFORCEMENT

A. The Finance Director of the City may use such means of collection as may be provided by the laws of the state of Oregon or permitted by the Charter and Ordinances of the City of Wilsonville.

B. If a court suit or action is instituted to enjoin any unauthorized connections to or use of the sewage system, or for the collection of accounts, the City shall be entitled to collect, in

addition to costs and disbursements provided by statute, such sum as any court, including any appellate court; may adjudge reasonable as attorney's fees in such suit or action.

C. The City may, without notice to the user and property owner, discontinue sewer service and disconnect buildings from the City's sewerage system if sewer service charges and/or sewer impact fees, or other fees under this resolution, become delinquent; or if the safety, health or welfare of the citizens of Wilsonville may be jeopardized; or, without notice in the case of emergency affecting safety, health or welfare of its citizens; and the City may continue thereafter to refuse sewer service and sewer connections to such delinquent sewer user until all such delinquencies and interest are fully paid or until such safety, health or welfare problem is abated or cured.

Section 5. DISBURSEMENT

A. The City Council, by resolution or motion duly adopted, shall from time to time and not less than once each fiscal year, direct the transfer of funds from the Sewer fund to all or any of the following:

(1) The "Sewer Expansion and Capital Improvement Fund" from which funds have been collected in the form of sewer SDC.

(2) The account or accounts for the payment of principal and interest on maturing sewer bonds, from which funds have been collected in the form of sewer impact fees.

(3) The account or accounts established for the operation and maintenance of the sewerage system, which funds have been collected in the form of sewer user fees.

Section 6. STATEMENT OF VALIDITY

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

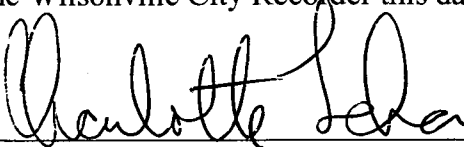
Section 7. REPEALING OF EXISTING RESOLUTIONS

By the adoption of this Resolution, Resolution Nos. 1155, and 1178 are hereby repealed.

Section 8. EFFECTIVE DATE.


This resolution is effective May 1, 2006.

ADOPTED by the City Council of the City of Wilsonville at a regular meeting thereof
this 3rd day of April, 2006 and filed with the Wilsonville City Recorder this date.



CHARLOTTE LEHAN, Mayor

ATTEST:



SANDRA C. KING, MMC, City Recorder

SUMMARY OF VOTES:

Mayor Lehan	Yes
Councilor Kirk	Yes
Councilor Holt	Excused
Councilor Knapp	Yes
Councilor Ripple	Yes