



CLACKAMAS

**WATER  
ENVIRONMENT  
SERVICES**

**2023 WES Rules and Standards  
Update Project**

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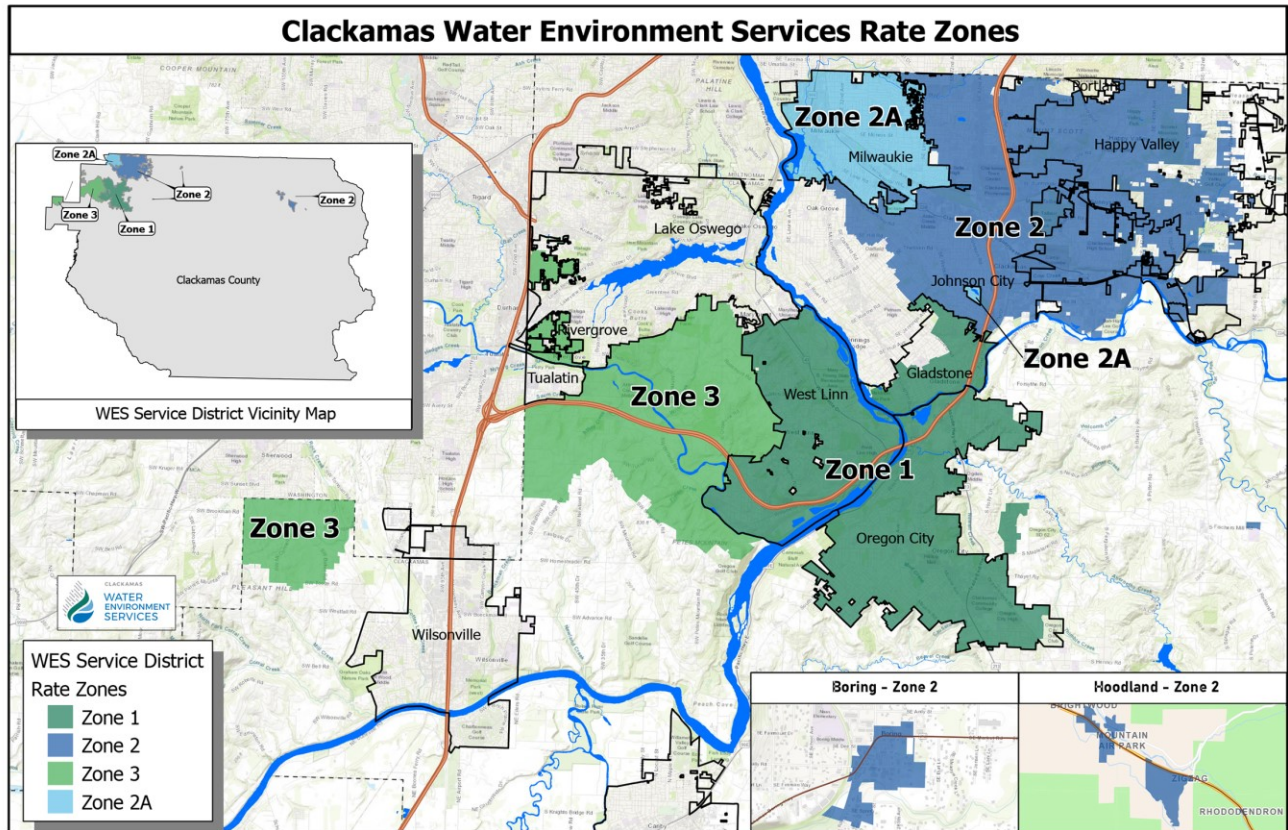
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## Clackamas Water Environment Services Rate Zone Map

Rate Zone 1 – Equivalent to the former Tri-City Service District (“TCSD”) boundary

Rate Zone 2 – Equivalent to the former Clackamas County Service District No.1 (“CCSD#1”) boundary

Rate Zone 3 – Equivalent to the former Surface Water Management Agency of Clackamas County (“SWMACC”) boundary



# INTRODUCTION

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Clackamas Water Environment Services (WES) is in the process of updating its Rules and Regulations (Rules) and the Sanitary and Stormwater Standards (Standards). WES has prepared this packet to support the updated draft Rules and Standards.

This packet includes the following sections:

1. Executive Summary
2. Presentation Overview
3. Summary of Policy Changes
4. Policy Change Worksheets

Why Update the Rules and Standards:

- Develop consistent & comprehensive Rules and Standards for WES (District)
- Consolidate & streamline development review and approval
- Improve regional alignment with county/cities
- Address new regulatory requirements
- Update policies to reflect new technologies

# 1. EXECUTIVE SUMMARY

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**Clackamas WES** is an intergovernmental partnership formed by the merger of Clackamas County Service District No. 1 (CCSD#1), the Surface Water Management Agency of Clackamas County (SWMACC) and Tri-City Service District (TCSD). The formation of WES as an intergovernmental entity and independent service district offers several benefits that include clarification of WES's authority, modernizing standards, creating administrative efficiencies, and the opportunity to consider several key fiscal and technical policy changes.

Currently each rate zone within WES is governed by a separate and distinct section of the WES Rules. The goal of this project is to combine, update, and revise the WES Rules and to form one set of Rule and Standards with consistent administrative authority, definitions, and regulation, therefore unifying governance throughout WES' service boundary areas.

The initial phase of the Rules and Standards Project included listening sessions with stakeholders, task force of practitioners, and partner cities, followed by internal workshops to discuss key technical and financial policies. These sessions identified about a dozen key policies for WES to review and present to the Board for consideration.

WES staff wishes to update the Board on the project status and flag key policy issues in preparation of future adoption of these administrative documents at a public hearing.

This packet includes a worksheet that summarize each of the policy changes included in the proposed final draft of the WES Rules and Regulations, Sanitary Standards, and Stormwater Standards. The Buffer Standards, which address water quality resource area requirements, have been reformatted to be consistent with the other standards but no policy changes have been proposed. Each policy change worksheet includes the following:

- **Current Policy:** Statement noting the current policy.
- **Issue:** The reason(s) the policy change is recommended.
- **Policy Change:** Proposed language.
- **Significance:** How will the proposed changes make improvements.
- **Alternatives:** Alternatives to consider.

## 2. PRESENTATION

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At a forthcoming Board Policy Session WES will present the proposed Rules and Standards. A presentation will be given with an overview of the project status and will identify key policy issues. The presentation will last approximately 30 minutes followed by time for questions from and discussion with the Board. Sections 3 and 4 of this packet provide a summary and worksheet for each proposed policy change.

### **Presentation Agenda**

- Background
  - Why Update?
  - Approach, Process, and Status
- Key Policy Discussions
  - Administrative
  - Financial
  - Technical Standards for Sanitary/Stormwater Service

### 3. POLICY SUMMARIES

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This section contains a brief summary of each of the proposed policy changes and a reference to relevant language in the Rules or Standards.

**Rules and Regulations:** The District Rules and Regulations (Rules) are established to serve a public use and promote the health, safety, prosperity, security, orderly and uniform administration of the District affairs, and general welfare of the inhabitants using the District's sanitary and stormwater systems.

***Worksheet #1: Annexation (Rules, Section 2.4)*** - This section establishes procedures relating to the annexation of territory into the District. It is the intent of the District to promote orderly annexation of municipal and unincorporated land where it is determined in best interests of the District and adjoining cities to plan and provide for orderly development. (Policy type: Administrative)

***Worksheet #2: Sanitary EDU Assignments (Rules, Section 5.4.1)*** - Modify the Equivalent Dwelling Unit (EDU) classification assignments methodologies to align with current understanding of sanitary discharge volumes and impacts by category. (Policy type: Financial)

***Worksheet #3: System Development Charges Installment Payments (Rules, Section 5.4.10)*** - Where the District assigns more than two EDUs to a development the District may approve an application to pay the charge in installments and may lien the property for the amount financed. (Policy type: Financial)

***Worksheet #4: Reimbursement Districts (Rules, Section 5.6)*** - A Developer who is not otherwise eligible for SDC credits and who chooses or is required as a condition of development to finance or construct public improvements of the sanitary and/or stormwater system, such that other properties will benefit from those public improvements may request that the District establish a Reimbursement District. (Policy type: Financial)

***Worksheet #5: Use of Public Property (Rules, Section 9)*** - This section establishes Rules to protect the public use of WES owned and managed property and facilities and to establish violations of those rules. (Policy type: Administrative)

***Worksheet #6: Enforcement (Rules, Section 10)*** - This section presents the enforcement policies, methods, and processes used by the District. (Policy type: Administrative)

**Worksheet #7: Low Income Monthly User Charges (Rules, Section 5.8.3)** - The monthly user charge for service provided to the principal residence of a household having a maximum income under the qualifying limits shall be 50 percent (50%) of the monthly sewer user charge. (Policy type: Financial)

**Sanitary Standards:** The Sanitary Standards present the technical standards, and specification requirements necessary to meet all policies of the WES Rules related to providing sanitary service. Implementing these standards help protect public health and the environment and meet required Oregon Department of Environmental Quality (DEQ) requirements.

**Worksheet #8: Sanitary Sewer Design (Sanitary Standards, Section 5.2.3)**- Newly constructed Public Sanitary Sewer Systems shall be designed with sufficient slope to obtain a flow and velocity that will flush the system. (Policy type: Technical)

**Worksheet #9: Service Connections Responsibilities (Sanitary Standards, Section 5.4.1)** – Owners that benefit from a service connection to the public sanitary sewer are responsible for the operations, maintenance, and repair of the connection from the building sewer to the public sanitary sewer mainline. (Policy type: Technical)

**Worksheet #10: Service Provider Letter (Sanitary Standards, Appendix A and Stormwater Standards, Appendix A)** - Applicants proposing to develop or redevelop property shall obtain a Service Provider Letter from the District prior to submitting the land-use or design review application to the local planning authority. (Policy Type: Administrative)

**Stormwater Standards:** The Stormwater Standards present the technical standards and specification requirements necessary to meet all policies of the WES Rules related to providing stormwater and surface water services. Implementing these Standards meets DEQ requirements to minimize the impacts of development to protect water resources which, in turn, will benefit human health, fish and wildlife habitat, recreational resources, and drinking water.

**Worksheet #11: Water Quality Performance (Stormwater Standards, Section 6.1.1)** – Requires vegetative or filtration treatment of stormwater runoff in accordance with DEQ permit to the “maximum extent practicable”. (Policy type: Technical)

**Worksheet #12: Flow Control Performance (Stormwater Standards, Section 6.1.2)** – Flow control facilities shall be designed so that the duration of peak flow rates from Post-Development Conditions shall be less than or equal to the duration of peak flow rates from pre-development conditions for all peak flows between 42 percent of the 2-year peak flow rate up to the 10-year peak flow rate. (Policy type: Technical)

**Worksheet #13: Onsite Infiltration (Stormwater Standards, Section 6.2.1)** – Infiltration is the preferred strategy to achieve stormwater requirements and infiltration testing will be required earlier in the review process to determine technical feasibility. (Policy type: Technical)

**Worksheet #14: Fee In Lieu (Stormwater Standards, Section 6.1.4)** When a proposed development is unable to meet the flow control or water quality performance standards, the District may allow Applicants to pay a fee in lieu of stormwater management improvements. (Policy type: Fiscal)



## 4. POLICY CHANGE WORKSHEETS

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This section contains a worksheet for each of key policy changes. Each worksheet summarizes the proposed policy changes contained within the following format:

- Current Policy: Statement noting the current policy.
- Issue: The reason(s) the policy change is recommended.
- Policy Change: Proposed language.
- Significance: How will the proposed policy make improvements.
- Alternatives: Alternatives to consider.

### ***List of worksheets:***

<i>Worksheet #1:</i>	Annexation
<i>Worksheet #2:</i>	Sanitary EDU Assignments
<i>Worksheet #3:</i>	SDC Financing
<i>Worksheet #4:</i>	Reimbursement Districts
<i>Worksheet #5:</i>	Public Use of WES Property
<i>Worksheet #6:</i>	Enforcement
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<i>Worksheet #8:</i>	Sanitary Sewer Design
<i>Worksheet #9:</i>	Service Connection Responsibilities
<i>Worksheet #10:</i>	Service Provider Letter
<i>Worksheet #11:</i>	Water Quality Performance
<i>Worksheet #12:</i>	Flow Control Performance
<i>Worksheet #13:</i>	Onsite Infiltration
<i>Worksheet #14:</i>	Fee In Lieu

## **Worksheet #1: Annexation**

WES Rules, Section 2 Authority, Subsection 2.4 Annexation, page 17

### **Current Policy:**

In accordance with the 2013 Board Policy Session Urban Services Memorandum, properties not within WES's service district must annex into a city and WES prior to obtaining WES services.

### **Issue:**

WES's 2013 Urban Services Policy Memorandum is not codified in the Rules.

### **Policy Change**

Section 2.4 Annexation: The purpose of this section is to establish procedures relating to the annexation of territory into the District. It is the intent of the District to promote orderly annexation of municipal and unincorporated land where it is determined in best interests of the District and adjoining cities to plan and provide for orderly development.

The District will not annex lands outside of the Urban Growth Boundary (UGB), or annex lands within the UGB that are included in an UGMA or a comprehensive land use plan that designates the lands to be incorporated into a City, without a property first annexing into a City or a City consents to District annexation.

In the event a City is not willing to annex properties, and the subject properties are contiguous with the current District boundary, then the District reserves the right at its sole discretion to annex the land and provide services, excluding lands as noted in Section 2.4 of these Rules and Regulations. The District may annex property and/or provide extra-territorial service at its sole discretion to a property in order to abate a health hazard in accordance with Section 6.3.2.

### **Significance**

The policy codifies the established procedures relating to the current annexation practices of annexing territory into the District.

### **Alternatives**

- Revise as directed.
- No change: Do not codify the 2013 Urban Services Policy Memorandum in the Rules, increasing procedural and administrative burdens on property owners to receive WES services.

## **Worksheet #2: Sanitary EDU Assignments**

WES Rules, Section 5 Rates, Charges, and Billings, Subsection 5.4.1 Sanitary Sewer System Development Charge Imposed, Table 2 Assignment of Equivalent Dwelling Units to Classes of Service, page 31.

### **Current Policy**

System Development Charges (SDCs) are imposed on all development within WES's boundaries that increases usage of the sanitary sewer facilities owned, managed, or maintained by WES. SDCs are assigned in accordance with:

- 2018 WES Rules, Rate Zone 1, Table 1 Sewer User Charges and System Development Charge/Equivalent Dwelling Unit (EDU) Assignment for Classes of Service Tri-City Sewer Service Area
- 2018 WES Rules, Rate Zone 2, Table VII Assignment of Equivalent Dwelling Units to Classes of Service North Clackamas Sewer Service Area

### **Issue**

EDU classification assignments were analyzed, and several classifications were not representative of the usage of the sanitary sewer facilities. WES revised the EDU assignments based on the usage.

### **Policy Change**

Rate Zone 1 and 2 EDU assignment classification tables were merged and updated to reflect current knowledge of categorical usage of the sanitary sewer facilities. For a detail list of the assignment classification and changes see the attached Table 2. Non-residential categories were expanded to reflect actual impacts to sanitary sewer. Residential categories were expanded to reflect a wider range of dwelling types and sizes.

### **Significance**

- Proposed EDU assignments are better aligned with their usage of the sanitary sewer facilities.
- Minor impact on SDC revenue and no impact on adopted budgets for Capital Improvement Projects (CIP).
- Aligns with County transportation impact fee methodology.

### **Alternatives**

- Revise EDU assignment as directed.
- No changes. Merge existing Table 1 TCSD and Table VII CCSD1 EDU assignment tables into one table. Applicants may pay an SDC that does not reflect their actual use of the Sanitary System.

## Worksheet #2 (cont.): Sanitary Sewer System Development Charge Imposed

<b>Changes to Table 2. Assignment of Equivalent Dwelling Units to Classes of Service</b>			
<b>Class #</b>	<b>Class of Service</b>	<b>Proposed EDU</b>	<b>Current EDU</b>
<b>Residential</b>			
<b>1</b>	Single-family (detached and attached; includes houses, townhomes, row houses)		
<b>1(a)</b>	Total Living Area < 800 square feet (sf)	70% of 1 EDU	1 EDU
<b>1(b)</b>	Total Living Area 800 - 1,799 sf	90% of 1 EDU	1 EDU
<b>1(c)</b>	Total Living Area 1,800 - 2,999 sf	100% of 1 EDU	1 EDU
<b>1(d)</b>	Total Living Area 3,000 - 3,799 sf	110% of 1 EDU	1 EDU
<b>1(e)</b>	Total Living Area ≥ 3,800 sf	120% of 1 EDU	1 EDU
<b>2</b>	Multi-Family (duplex, triplex, condominium, apartment units)	80% of 1 EDU	no change
<b>3</b>	Accessory Dwelling Unit (ADU)	60% of 1 EDU	80% of 1 EDU
<b>Non-Residential</b>			
<b>4</b>	General Commercial (not fitting in a class of service)	1 EDU per 3,800 sf of building floor area	no change
<b>5</b>	Assisted Living / Care Facilities	1 EDU per 2 beds	no change
<b>6</b>	Car Wash - tunnel	16 EDUs per tunnel	no change
<b>7</b>	Car Wash - wand	1.2 EDUs per stall	no change
<b>8</b>	Churches	1 EDU per 7,600 sf of building floor area	180 Seats per EDU
<b>9</b>	Hospitals / Medical Care Units	1 EDU per bed	no change
<b>10</b>	Hotel / Motel	1 EDU per 2 units	no change
<b>11</b>	Laundromats	1 EDU per machine	no change
<b>12</b>	Mini Storage	1 EDU per connection	no change
<b>13</b>	Restrooms - Stand Alone	1 EDU	no change
<b>14</b>	RV Parks	0.8 EDUs per RV space	no change
<b>15</b>	Spas / Health / Athletic Clubs with showers	1 EDU per 1,900 sf of building floor area	1 EDU per 3,800 sf of building floor area
<b>Food</b>			
<b>16</b>	Food Service Establishment	1 EDU per 450 sf	1 EDU per 10 seats
<b>17</b>	Drinking-Only Establishment	1 EDU per 800 sf	1 EDU per 18 seats
<b>18</b>	Food Carts	1 EDU per 2 food carts	no change

<b>Institutions</b>			
<b>19</b>	Preschool and Elementary Schools	1 EDU per 65 students	no change
<b>20</b>	Junior High, High Schools, and Colleges	1 EDU per 29 students	no change
<b>Industrial</b>			
<b>21</b>	Light Industrial/warehouse	1 EDU per 15,000 sf of building floor area	1 EDU per 3,800 sf of building floor area
<b>22</b>	Heavy Industrial >10,000-gals/day of discharge	Minimum 1 EDU per 1,000 cf of sewer discharge, or based on the actual cost to the District, but not less than Light Industrial Class	no change
<b>All Other</b>			
<b>23</b>	Other classifications, not fitting above categories	1 EDU per 3,800 sf, or 1 EDU per connection, whichever is greater	no change

## **Worksheet #3: SDC Financing**

WES Rules, Section 5 Rates, Charges, and Billings, Subsection 5.4.10 System Development Charge Installment Payments, page 37.

### **Current Policy:**

Rules, Section 4.1.8 Installment Payment of District's System Development Charges - Where the District's system development charges and/or collection sewer charge are greater than two times the amount of a system development charge for a single-family residential unit, the applicant may, at the time of application, with the consent of the District, make a one-time election to pay the charge in installments. If approved, payment in 20 semi-annual installments, secured by a lien on the property.

### **Issue:**

The SDC installment payment plan now covers single family residential and multi-family residential developments that have been assigned ten (10) or fewer EDUs.

### **Policy Change**

The District may approve an application to pay the SDC in installments and may lien the property for the amount financed. The District reserves the absolute right to reject any application for installment payments. Installment payments for SDCs shall be limited to single family residential and multi-family residential developments that have been assigned ten (10) or fewer EDUs. The amount financed shall be for that portion of a SDC, and/or a connection charge imposed.

If approved by the District, the applicant shall execute an installment promissory note, payable to the District in the form prescribed by the District for payment in installments not to exceed twenty (20) equal semi-annual installments

### **Significance**

- Aligns with original intent of the financing policy to support small residential sewer connections.
- Aligns interest rate with County policy on SDCs and District policy on Reimbursement Districts
- Reduces financial risk and administrative cost to the District.

### **Alternatives**

- Revise as directed.
- No changes. Large fees are required prior to construction permit issuance.

## **Worksheet #4: Reimbursement Districts**

WES Rules, Section 5 Rates, Charges, and Billings, Subsection 5.6 Reimbursement Districts, page 41

### **Current Policy:**

The current rules do not contain language that would allow a developer to be reimbursed for off-site public improvements

### **Issue:**

Property developers are not reimbursed for the cost of constructing offsite sewers that will provide sewer connections for future users.

### **Policy Change**

A Developing Party who is not otherwise eligible for SDC credits for Qualified Public Improvements and who chooses or is required as a condition of development to finance or cause construction of public sanitary, storm sewer, stormwater or surface water management improvement, or some combination of improvements such that other properties will be Specially Benefited may request that the District establish a Reimbursement District.

A reimbursement district may be formed, so benefiting properties connecting within 10 years pay the assigned Reimbursement Charge and interest as determined by the Board. Installment payments are authorized, consistent with WES's proposed SDC and connection charge financing provisions.

### **Significance**

Add new language to the rules, so developing parties can be reimbursed for properties derive a direct benefit from the public infrastructure they financed and constructed.

### **Alternatives**

- Revise proposed policy as directed.
- No changes. Refer developers to the appropriate city to apply for reimbursement of qualifying public improvements.

## **Worksheet #5: Public Use of WES Property**

WES Rules, Section 9 Use of Public Property, Sections 9.1-9.6, page 92

### **Current Policy:**

WES currently uses County ordinances, parks ordinances and sheriff department to manage allowed uses and enforce unlawful activities conducted on WES property.

### **Issue:**

WES Rules do not currently provide authority to regulate the use of WES owned and managed property, including identifying prohibited uses such as building fires or camping.

### **Policy Change**

The Director or authorized designee would be authorized to close any District owned and/or maintained properties to the public, to restrict the times open to the public, and to limit or prohibit public use whenever necessary to protect the health or safety of the public or maintain proper function of the public facilities.

Additional guidelines address, but are not limited to, the following:

- Fires
- Hunting, Fireworks, and Weapons
- Consumption of Alcoholic Beverages
- Use of District Property
- Concessions
- Animals
- Motor Vehicles
- Waste Disposal
- Camping
- Special Use Permits

### **Significance**

The purpose of this section is to establish Rules and provide for legal remedies for violation of the Rules, in order to protect the District's public property; protect the health, safety, and welfare of the public using such areas; and ensure the best use of and benefits from such areas. The North Clackamas Park and Recreation District is authorized to maintain District natural areas as directed.

### **Alternatives**

- Revise as directed.
- No Change: Do not add Use of Public Property guidance to the Rules and continue to address potential risks in an ad hoc manner.



## Worksheet #6: Enforcement

WES Rules, Section 10 Enforcement, Sections 10.1-10.12, page 97

### Current Policy:

Rules Section 4.10 - Enforcement of Standards Through Administrative Penalties.

### Issue:

Current Rules requires the use of a complicated civil penalty formula that is difficult to implement.

### Policy Change

The Director, or their designee, may enforce all of these Rules and Regulations, and any law enforcement officer may enforce the rules of Section 10. Anyone authorized may use the procedures of this section in order to enforce these Rules and Regulations.

Whenever the Director has reason to believe that a use or condition exists in violation of any of the Rules and Regulations adopted thereunder, they are authorized to initiate enforcement action. The violation will be documented by the use of a citation, which form shall vary depending on the violation, further described in Section 10.6.

No civil penalty issued by the Director pursuant to this matrix shall be less than \$100 or more than \$10,000 for each day of each violation.

Civil Penalties Matrix. The amount of any civil penalty shall be determined based on Table 4 as follows, Table 4. Civil Penalties:

Type of Violation	Civil Penalty, Per Day
Industrial Wastewater Discharge Permit Violations	\$1,000
Regulated Activity without a Permit	\$500
Prohibited Discharge	\$500
Erosion Control	\$500
Water Quality Buffers	\$500
Stormwater Control Facilities	\$500
Trespass and other use of property	\$100
All other Violations	\$1,000

### Significance

Allows WES to consistently enforce the Rules in alignment with other County Departments.

### Alternatives

- Revise as directed.
- No Change: Continue use of complex civil penalty formula.

## Worksheet #7: Low Income Discounts

WES Rules, Section 5 Rates, Charges, and Billings, Sections 5.8.3, page 47

### Current Policy:

Rules, Section 4.3.2 – Low Income Monthly User Charge - The monthly user charge for sanitary sewer service provided to the principal resident or family having a maximum income under the qualifying income limits shall be fifty percent (50%) of the monthly sewer service charge stated in Table XIII. On July 1st of each year, the qualifying limits shall be set at one hundred eighty-five percent (185%) of the most recently published poverty guidelines in the Federal Register by the U.S. Department of Health and Human Services under authority of 42 U.S.C. 9902(2). The qualifying income limit for a single person household shall be based on the federal poverty guidelines for a one-person household. The qualifying income limit for a family shall be based on the poverty guidelines for a two-person household. In order to be eligible for the reduced user charge, the qualified person must be the person to whom the monthly user charge is billed and must have completed and filed with the District an application for the reduced rate on a form supplied by the District.

### Issue:

Eligibility for low-income subsidy is based on outdated federal poverty guidelines rather than the more commonly used Oregon median income level.

### Policy Change

The monthly user charge for service provided to the principal residence of a household having a maximum income under the qualifying limits shall be 50 percent (50%) of the monthly sewer user charge. On July 1 of each year, the qualifying limits shall be set at sixty percent (60%) of the most recently published Oregon State Median Income (SMI) estimates developed by the United States Census Bureau or successor statistic and shall remain in effect until the next July. The qualifying income limits shall be incrementally based on household size.

### Significance

Qualifying criteria based on Oregon State Median Income not Federal poverty guidelines which streamlines proof of eligibility for customers.

Increasing income limits for larger households.

### Alternatives

- Revise as directed.
- No Change: Retain the outdated guidelines and burden of proof for eligibility.

## Worksheet #8: Sanitary Sewer Design

WES Sanitary Standards, Section 5 Sanitary Sewer Design, Sections 5.2.3, page 23

### Current Policy:

Sanitary Standards, Section 5.2.3.1 Minimum Slope Design - The sanitary sewer mainline shall be designed with a minimum slope of 0.0100 ft/ft unless it can be demonstrated the daily peak flow in a 1/2 full pipe will produce a minimum velocity of 2 fps. Dead end sanitary sewer mainlines that will not be extended shall have the last segment(s) or four hundred feet (400') designed with a minimum slope of 2%, so it will have adequate slope the flow will self-clean the pipe.

### Issue:

Sanitary standards only allow for mainline pipes to have a slopes of less than 1% if statewide design criteria is met. Current process requires local technical variances to demonstrate compliance with statewide design guidelines. Engineers would prefer a range of acceptable slopes to allow for site specific challenges to provide public gravity sanitary sewer service. WES has determined the minimum slope for a mainline pipe based on the number of upstream residences connections and can streamline the development approval process while remaining within state guidance.

### Policy Change

**Table 1** allows for shallower pipe slopes as more homes are connected, starting at 2% for 1-5 homes to 0.50% slope for pipes serving 20-40 homes. Adds flexibility so that projects can meet Oregon Sanitary Design Guidelines (OAR 340-52)

### Significance

Sets minimum pipe slope at 0.5%, slightly lower than currently allowed.

Having a range of acceptable pipe slopes clearly noted in the standards allow for engineers to meet the challenging site planning and design of the public sanitary sewer collection system.

### Alternatives

- Revise as directed.
- No Change: Retain current standards and require technical variances and administrative approvals for site constrained projects.

## **Worksheet #9: Service Connection Responsibilities**

WES Sanitary Standards, Section 5 Sanitary Sewer Design, Sections 5.4.1, page 30

### **Current Policy:**

Sanitary Standards, Section 5.5 Service Connections - Owners are responsible for sewer line from buildings to the edge of the ROW or easement lines, and WES is responsible for the service connection from ROW or easement lines to public mainline.

### **Issue:**

The current rules do not clearly outline the ownership and maintenance responsibility of WES and the property owner(s). At times this has caused confusion regarding the inspection, maintenance, and repair of service connections.

### **Policy Change**

The Owner(s) that benefits from the Service Connection is solely responsible to own, operate and maintain the Service Connection from the Building Sewer to the Public Sanitary Sewer Mainline, including the connection to the mainline located within a public Right-of-Way or easement.

The District is responsible for maintaining Public Sanitary Sewer Mainlines and shall not be responsible for maintenance or repair of damage resulting from inadequate or improper operation of the Service Connection, Building Sewer, or of attached fixtures or appurtenances, such as cleanouts and traps, between the building and Public Sanitary Sewer Mainline.

#### **Property Owner Responsibilities for Repairs:**

Inspections and investigations to determine the condition and functionality of the Service Connection from the building to the Public Sanitary Sewer Mainline.

Repairs of structural and non-structural defects for any portion of the Service Connection that is on private property, including the area within easements granted to the District.

#### **District Responsibilities for Repairs:**

Repair of structural defects, as determined by the District, for the portion of the Service Connection that is within the public Right-of-Way.

### **Significance**

Clearly assigns responsibility of maintenance and repair costs of service connection within the public right of way or WES easements.

### **Alternatives**

- Revise as directed.
- No Change: WES will address ownership and maintenance responsibilities on a case-by-case basis.

## **Worksheet #10: Service Provider Letter**

WES Sanitary Standards, Appendix A Permitting and Submittal Requirements, page 54

WES Stormwater Standards, Appendix A Permitting and Submittal Requirements, page 136

### **Current Policy:**

WES supports development under the jurisdiction of several local planning agencies. Prior to land use submittal, Clackamas County Planning Division requires applicants to obtain a signed Preliminary Statement of Feasibility from WES that demonstrates the project can conform to WES sanitary and stormwater standards. The City of Happy Valley does not require any type of preliminary review before land use submittal; applicants frequently request an equivalent level of review from WES.

### **Issue:**

Developers and engineers desire a certain degree of confidence that the proposed development can be achieved in accordance with local ordinances. Currently, WES provides review of preliminary sanitary and storm plans prior to the applicant submitting the land-use application to the local planning agency. This common practice of submitting preliminary plans is not contained in the standards. WES would like to codify this requirement and provide minimum standards for submittals.

### **Policy Change:**

Stormwater Standards Section 3.2 (I) – Applicants must prepare Stormwater Management Plans that confirm feasibility and compliance with WES Stormwater Standards as part of land use review and approval.

### **Significance**

Reviewing and approving preliminary site development plans provides a certain degree of confidence the proposed development is feasible. The preliminary review also streamlines future review/approval for Developers saving time, cost, and the need for variances or multiple approvals. Any significant changes to the plans after land-use approval may cause the development to go through the land-use process again.

### **Alternatives**

- Revise as directed.
- No Change: Follow current practice of reviewing preliminary plans without being codified in the standards.

## **Worksheet #11: Water Quality Performance**

WES Stormwater Standards, Section 6.1.1 Water Quality Performance Standard, page 54

### **Current Policy:**

Stormwater Water Quality Treatment Standards - All new development and redevelopment shall provide on-site water quality facilities, as required by the District. Water quality facilities shall be designed to capture and treat the first 1-inch of stormwater runoff from a 24-hour storm event.

### **Issue:**

Oregon DEQ's stormwater permit requires prioritizing Low Impact Development and Green Infrastructure, and that constructed controls meet a water quality treatment performance standard of 80% solids removal.

### **Policy Change**

Section 6.1.1 Water Quality Performance Standard - Stormwater management facilities (SMFs) shall be designed to capture and treat 80 percent of the average annual runoff volume, to the maximum extent practicable with the goal of 80 percent total suspended solids removal. In this context, "maximum extent practicable" means less-effective treatment may not be substituted when it is practicable to provide more effective treatment. Based on local rainfall frequency and intensity, the required treatment volume equates to a Water Quality Design Storm of 1.0 inch over 24 hours. SMFs for water quality shall be designed in conformance with the design guidelines in the Stormwater Standards.

### **Significance**

The water quality design storms are unchanged and the new language requires meeting the water quality performance standard as consistent with DEQ requirements. Use of some proprietary systems, like hydrodynamic separators, are no longer allowed as a mean to provide basic water quality treatment. The Stormwater Standards provide guidance as to other stormwater design approaches would meet water quality requirements.

### **Alternatives**

- Revise as directed.
- No Change: Potential compliance issues with Oregon DEQ.

## Worksheet #12: Flow Control Performance

WES Stormwater Standards, Section 6.1.2 Flow Control Performance Standard, page 54

### Current Policy:

Stormwater quantity / Flow Control Standards - Standards Section 5.4.4.1 – Peak-matching standard to reduce the 2-year, 24-hour post-developed runoff rate to a ½ of the 2-year, 24-hour pre-developed rate.

### Issue:

WES's peak-matching approach allows for longer durations of stormwater discharges to waterbodies that could erode streambanks. Oregon DEQ's stormwater permit requires a runoff retention standard or an alternate approach that achieves similar results.

### Policy Change

Stormwater Standards Section 6.1.2 - Flow Control Performance Standard - Flow control facilities shall be designed so that the duration of peak flow rates from Post-Development Conditions shall be less than or equal to the duration of peak flow rates from pre-development conditions for all peak flows between 42 percent of the 2-year peak flow rate up to the 10-year peak flow rate.

Flow control is not required for projects that discharge directly to the Willamette River, the Tualatin River, or the Clackamas River.

### Significance

Performance standard based on control for rate and duration of runoff is more protective of stream stability and water quality, consistent with Oregon DEQ requirements.

Redevelopment projects use "grass" as the pre-developed condition (see Worksheet #8). Potentially larger stormwater facilities on some sites relative to peak-matching standard could be partially mitigated by WES's current infiltration requirement. Potentially increases design and construction costs.

### Alternatives

- Revise as directed.
- No Change: Potential compliance issues with Oregon DEQ.

## Worksheet #13: Onsite Infiltration

WES Stormwater Standards, Section 6.2.1 Infiltration, page 60

### Current Policy:

Infiltration is required for all new development and redevelopment.

### Issue:

Soil classification and tested infiltration rates in much of the District is not conducive to the current infiltration requirement, so most development applications request a design variance. The Oregon DEQ stormwater permit requires stormwater approaches that prioritize Low Impact Development (LID) and Green Infrastructure (GI), which has multiple environmental benefits.

### Policy Change

When a stormwater management facility is required, GI, such as planters, swales, rain gardens, ponds, and other vegetated facilities are the *preferred* strategy to meet the stormwater management requirements for water quality treatment and flow control. The best way to control the rate and duration of runoff is through the incorporation of infiltration using GI. Infiltration testing will be required earlier in the review process to assess technical feasibility.

### Significance

Stormwater feasibility will be introduced earlier in the planning process, so site planning and design can be incorporated into the preliminary plans. Addressing stormwater mitigation in the planning stages will streamline the review/approval process for developers/engineers. The proposed standards align other design standards and requirements for cities in Clackamas County, providing additional consistency.

### Alternatives

- Revise as directed.
- No Change: Continued use of design variances to address site limitations and potential compliance issues with Oregon DEQ.



## **Worksheet #14: Fee In Lieu**

WES Stormwater Standards, Section 6.1.4 Fee In Lieu, page 60

### **Current Policy:**

5.4.6 Subregional Detention Policy - In-lieu-of fees for detention and water quality may be requested by the developer for subregional detention and water quality facilities.

### **Issue:**

Regional stormwater management facilities (SMFs) are currently the only fee-in-lieu option for development projects that are unable to meet onsite stormwater management requirements due to site constraints. This approach does not adequately cover the types of development proposals or site conditions that would allow or prevent subregional or regional SMFs.

### **Policy Change**

Stormwater Standards Section 6.1.4 Fee In Lieu - When a proposed development is unable to meet the flow control or water quality performance standards, the District may allow Applicants to pay a fee in lieu of stormwater management improvements. In such a case, the fee shall be based on a proportional cost for the District to construct an equivalent SMF including costs for land acquisition, design, construction, maintenance, and administration.

### **Significance**

Adds stormwater compliance options for projects with significant feasibility constraints to meeting design criteria.

### **Alternatives**

- Revise as directed.
- No Change: Increases technical and administrative burden to projects with challenging site conditions to comply with Stormwater Standards.