

## Rules and Regulations

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### 5. Rates, Charges, and Billings

#### 5.1 Purpose And Objectives

This section includes information related to rates, charges, and billings associated with using and connecting to the Public Sanitary Sewer and Public Stormwater System and includes, but is not limited to, information related to Rate Zones, SDCs, user charges, Reimbursement Districts, and collection policies.

#### 5.2 Rate Zones

The following Rate Zones may be used for the purpose of determining SDCs, user charges, fees, and other charges and billings. As a general principal, it is intended that rates shall be first calculated based on the service received, then adjusted by Rate Zone to implement all operative clauses of the Partnership Agreement.

##### 5.2.1 Rate Zone 1

Rate Zone 1 is coterminous with the former boundaries of Tri-City Service District (TCSD). The boundaries of Rate Zone 1 may be adjusted through annexation.

##### 5.2.2 Rate Zone 2

Rate Zone 2 is coterminous with the former boundaries of Clackamas County Service District No. 1 (CCSD1). The boundaries of Rate Zone 2 may be adjusted through annexation.

The cities of Milwaukie and Johnson City have separate wholesale contractual agreements with the District for the purpose of providing sanitary service, including all facilities necessary for collecting, pumping, treating, and disposing of sanitary sewerage.

Rate Zone 2A is coterminous with the city boundaries of Milwaukie and Johnson City, and for purposes of calculating SDCs, user charges, fees, and other charges and billings shall be considered fully part of Rate Zone 2.

##### 5.2.3 Rate Zone 3

Rate Zone 3 is coterminous with the former boundaries of Surface Water Management Agency of Clackamas County (SWMACC). The boundaries of Rate Zone 3 may be adjusted through annexation.

#### 5.3 Permit and Review Fees

Permit and review fees are set through the annual budget adoption process and authorized by the Board. The District may set fees to recover full costs for reviews and inspections, including all applicable overhead. All fees must be paid prior to receiving a permit and commencing work.

#### 5.4 System Development Charges

This section provides authorization for SDCs for capital improvements pursuant to ORS 223.297 through 223.314, for the purpose of creating a source of funds to pay for existing system

capacity constructed for the benefit of and/or the installation, construction, and extension of capital improvements to accommodate new connections to the system.

As a condition of connection to the sanitary sewer or stormwater system, the applicant shall pay all applicable SDCs to the District and the city, if applicable. Except as allowed in the text below, the SDC is payable at the earliest of either the:

- A. Prior to the issuance of a building permit, or
- B. Increased usage of the system or systems provided by the District.

SDC payments shall apply at the rates in effect on the date when a complete building permit application is submitted to the applicable Building Code Division. The Director, or their designee, shall not issue such permit or allow connection or increased usage of the system(s) until the charge has been paid in full, unless provision for installment payments has been made or unless an exemption is granted per Section 5.4.6 of these Rules and Regulations.

#### **5.4.1 Sanitary Sewer System Development Charge Imposed**

Unless otherwise exempted by the provisions of these Rules and Regulations or other local or state law, a SDC is hereby imposed on all development within WES's boundaries that increases usage of the sanitary sewer facilities owned, managed, or maintained by WES.

The sewer SDC shall be calculated based on the equivalent dwelling unit (EDU) ratios defined in **Table 2**. SDCs shall be established and may be revised by resolution or order of the Board.

A consumption-based monthly sewer user charge is based on the equivalent cubic feet of metered water consumption. For terms that are not defined in these Rules and Regulations, the District has discretion in determining how a classification is applied, including referencing definitions from the codes of the County or the city in which the project is taking place.

Table 2. Assignment of Equivalent Dwelling Units to Classes of Service

Class #	Class of Service	EDU	Monthly Sewer User Charge
<b>Residential</b>			
1	Single-family (detached and attached; includes houses, townhomes, row houses)		
1(a)	Total Living Area < 800 square feet (sf)	70% of 1 EDU	1 EDU
1(b)	Total Living Area 800 - 1,799 sf	90% of 1 EDU	1 EDU
1(c)	Total Living Area 1,800 - 2,999 sf	100% of 1 EDU	1 EDU
1(d)	Total Living Area 3,000 - 3,799 sf	110% of 1 EDU	1 EDU
1(e)	Total Living Area ≥ 3,800 sf	120% of 1 EDU	1 EDU
2	Multi-Family (duplex, triplex, condominium, apartment units)	80% of 1 EDU	1 EDU
3	Accessory Dwelling Unit (ADU)	60% of 1 EDU	1 EDU
<b>Non-Residential</b>			
4	General Commercial (not fitting in a class of service)	1 EDU per 3,800 sf of building floor area	Per 1,000 cubic feet (cf) of water consumption per month
5	Assisted Living / Care Facilities	1 EDU per 2 beds	Per 1,000 cf of water consumption per month
6	Car Wash - tunnel	16 EDUs per tunnel	Per 1,000 cf of water consumption per month
7	Car Wash - wand	1.2 EDUs per stall	Per 1,000 cf of water consumption per month
8	Churches	1 EDU per 7,600 sf of building floor area	Per 1,000 cf of water consumption per month
9	Hospitals / Medical Care Units	1 EDU per bed	Per 1,000 cf of water consumption per month
10	Hotel / Motel	1 EDU per 2 units	Per 1,000 cf of water consumption per month
11	Laundromats	1 EDU per machine	Per 1,000 cf of water consumption per month
12	Mini Storage	1 EDU per connection	Per 1,000 cf of water consumption per month
13	Restrooms - Stand Alone	1 EDU	Per 1,000 cf of water consumption per month

<b>Class #</b>	<b>Class of Service</b>	<b>EDU</b>	<b>Monthly Sewer User Charge</b>
14	RV Parks	0.8 EDUs per RV space	Per 1,000 cf of water consumption per month
15	Spas / Health / Athletic Clubs with showers	1 EDU per 1,900 sf of building floor area	Per 1,000 cf of water consumption per month
<b>Food</b>			
16	Food Service Establishment	1 EDU per 450 sf	Per 1,000 cf of water consumption per month
17	Drinking-Only Establishment	1 EDU per 800 sf	Per 1,000 cf of water consumption per month
18	Food Carts	1 EDU per 2 food carts	Per 1,000 cf of water consumption per month
<b>Institutions</b>			
19	Preschool and Elementary Schools	1 EDU per 65 students	Per 1,000 cf of water consumption per month
20	Junior High, High Schools, and Colleges	1 EDU per 29 students	Per 1,000 cf of water consumption per month
<b>Industrial</b>			
21	Light Industrial/warehouse	1 EDU per 15,000 sf of building floor area	Per 1,000 cf of water consumption per month
22	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	Per 1,000 cf of water consumption per month
<b>All Other</b>			
23	Other classifications, not fitting above categories	1 EDU per 3,800 sf, or 1 EDU per connection, whichever is greater	Per 1,000 cf of water consumption per month

#### **5.4.2 Surface Water System Development Charge Imposed**

Unless otherwise exempted by the provisions of these Rules and Regulations or other local or state law, a SDC is hereby imposed on all development within WES's boundaries that increases usage of the storm system or surface water facilities owned, managed, or maintained by WES.

The surface water SDC shall be calculated based on the equivalent service unit (ESU) ratios defined in **Table 3**.

SDCs shall be established and may be revised by resolution or order of the Board.

Table 3. Assignment of Equivalent Service Units To Classes Of Service

Class #	Class of Service	ESU	Monthly Stormwater User Charge
<b>Residential</b>			
1	Detached single-family (houses) and Accessory Dwelling Unit (ADU)	1 ESU	1 ESU
2	Attached single-family (townhomes and row houses) and multi-family (duplex, triplex, condominium, apartment units)	1 ESU per 2,500 sf of impervious surface area	1 ESU per 2,500 sf of impervious surface area
<b>Non-Residential</b>			
3	Non-residential	1 ESU per 2,500 sf of impervious surface area	1 ESU per 2,500 sf of impervious surface area

### 5.4.3 Methodology

The methodology used to establish reimbursement fees shall:

- A. Consider the cost of the existing facilities, prior contributions by then-existing system users, the value of unused capacity, rate-making principles employed to finance publicly owned capital improvements, and other relevant factors identified by the Board.
- B. Promote the objective that future system users shall contribute not more than an equitable share of the cost of then-existing facilities.
  - a. The methodology used to establish the improvement fee shall consider the cost of projected capital improvements needed to increase the capacity of the systems to which the fee is related, as identified in the Capital Improvement Plan (CIP) adopted pursuant to Section 5.4.5. The methodology shall be calculated to obtain the cost of capital improvements for the projected need for system capacity for future system users.
  - b. The methodology used to establish the SDC shall be adopted by resolution or order of the Board. The District shall maintain a list of persons who have made a request for notification prior to adoption or amendment of the SDC methodology. These persons shall be so notified of any such proposed changes, as follows:
    - i. The District shall provide written notice to persons who have requested notice of any adoption or modification of SDC methodology at least ninety (90) days before the hearing.
    - ii. The revised methodology shall be available to the public at least thirty (30) days before the first public hearing of the adoption or amendment of the methodology.
  - c. A change in the amount of a reimbursement fee or an improvement fee is not a modification of the SDC methodology if the change is based on a change in project costs, including cost of materials, labor, and real property, or on a