

BEFORE THE BOARD OF COUNTY COMMISSIONERS

FOR MULTNOMAH COUNTY, OREGON

ORDINANCE NO. 320

An Ordinance amending Multnomah County Code Chapter

8.70 and establishing a Sewer Systems Development Charge.

Multnomah County ordains as follows:

SECTION 1. FINDINGS.

A. An area of approximately 30-square miles in Urban Central Multnomah County is presently not serviced by sewers. This area disposes of an estimated 8 to 10 million gallons per day of raw sewage via on-site subsurface sewage disposal systems (cesspools, seepage beds, and drainfields), designated by the State Department of Environmental Quality (DEQ) as substandard.

B. The Environmental Quality Commission (EQC), concerned that substandard sewage systems may have caused degradation of the groundwater resource, has since 1971 conducted periodic studies of the area to determine the existence of a potential hazard to public health; analysis has revealed abnormally high concentrations of nitrate-nitrogen ( $\text{NO}_3 \text{ N}$ ) in the unsewered areas and in adjacent sewerred areas.

C. The EQC has adopted comprehensive administrative rules for on-site sewage disposal state-wide, and within the administrative rules is a specific rule prohibiting the installation of cesspools to serve new construction after October 1, 1981. The County has requested delays in implementation of this rule, and has at three separate hearings

been granted temporary delays by the EQC (March 1, 1982; April 16, 1982; to October 1, 1982).

D. The April 16, 1982, action of the EQC to delay rule implementation until October 1, 1982, was predicated on the County's ability to establish a systems development charge to aid in financing extra capacity facilities and sewer construction in the unsewered areas of mid-Multnomah County. It was the intent of the EQC that revenues derived from the systems development charge be dedicated to future sewer construction in the unsewered area served by cesspools.

E. Multnomah County desires to comply with the EQC mandate in resolving the problem created by subsurface disposal of raw sewage and has agreed to cooperate and work with area citizens, developers and home builders to determine fair and equitable methods for financing sewer development.

F. One such method is the Systems Development Charge, the purpose of which is to impose the cost of expanding and constructing capital facilities necessary for provision of sanitary sewer services upon those developments which create the need for such capital facilities.

G. While the unsewered areas that are the focus of EQC's concern lie within Multnomah County, the problem is multi-jurisdictional: the cities of Portland, Gresham, and Troutdale have been designated by the DEQ-approved Metropolitan Service District Regional Waste Treatment Management Plan, October 1980, as the cities responsible for providing sewer services to the

major portions of the Unincorporated Urban Area of Multnomah County east of the Willamette River. The Central County Service District is the entity responsible for primary sewer services to the remainder of that area.

H. The Inverness Sanitary Sewage Treatment Plant (Central County Service District) is presently operating at capacity. The portion of the undeveloped or under-developed industrially and commercially-zoned lands in the Columbia, Cully, Hazelwood, and Parkrose communities, which are located in the Inverness basin and would be served by the Inverness plant, may not be developed without expansion of the existing facility.

I. The Overall Economic Development Plan Volume II, adopted by the Board of County Commissioners in 1978, identifies goals and strategies to provide for present and future employment needs of Multnomah County residents. Goal II, Policy C, states that it will be the policy of Multnomah County to support efforts to help identify and resolve constraints which unnecessarily limit economic development. Specifically: Multnomah County will "give high priority to construction of roads, sewers, and other public facilities which would resolve economic development constraints for industrial and commercial properties." Further, Goal III, Policy A, states that Multnomah County will "support private efforts which lead to new capital investments."

Imposition of a systems development charge for sewer services provides the County an additional revenue source to

implement the policies of the County's Overall Economic Development Plans.

SECTION 2. PURPOSE

A systems development charge is imposed for the purpose of creating a source of funds to assist in financing the expansion of capacity of wastewater treatment plants or extension of trunklines necessary to provide sanitary sewer services to the urban unincorporated area of Multnomah County.

SECTION 3. SYSTEMS DEVELOPMENT CHARGE IMPOSED

Multnomah County Code, Chapter 8.70, is amended to add the following:

A. After the effective date of this ordinance, a systems development charge is imposed upon all unsewered development within the urban unincorporated area of Multnomah County east of the Willamette River.

B. For purposes of this ordinance, development is defined as:

1. Construction of a building or an addition to a building, the cost of which exceeds \$10,000.

2. Construction of a mobile home space in a mobile home park or a recreation vehicle space in a recreation vehicle park.

3. Installation of a mobile home outside a mobile home park, except on temporary permit.

4. A change in occupancy that results in increased discharge based on effluent control and volume, which

determination shall be made by the Director of the Department of Environmental Services or his/her designee.

5. Installation of a subsurface sewage disposal system, including replacement of an existing system.

C. Permit applications submitted prior to the effective date of this ordinance shall be exempt from this charge.

SECTION 4. AMOUNT OF CHARGE

A. The systems development charge is \$500.00 per equivalent unit. Equivalent units for various uses are as follows:

Single Family Residence:	1 unit
Multi-Family Dwelling:	1 unit per equivalent dwelling unit for first three units; 0.85 units per unit for all in excess of three units
Junior High Schools:	1 unit per 10 student stations
High Schools:	1 unit per 10 student stations
Colleges:	1 unit per 10 student stations
Elementary Schools:	1 unit per 15 student stations
Kindergartens/Day Nurseries	1 unit per 15 student stations
Churches (without day schools):	1 unit per 500 seats
Residence Hotels:	Same as multi-family dwelling
Motels & Transient Hotels:	1 unit per 2 rental spaces
Trailer Parks:	1 unit per rental space
Hospitals & Convalescent Homes:	1 unit per 2 beds
Restaurants & Taverns:	1 unit per 6 seating spaces
"Fast Food" Take-out Restaurants:	To be determined by water usage; 1 unit per 1000 cu. ft. per month, 1 unit minimum
Theatres & Public Arenas	1 unit per 50 seats
Industrial & Commercial without Industrial Waste Discharge:	1 unit per 9 employees
Industrial Waste Discharge:	1 unit per 9 employees or 1 unit per 250 gallons of water consumption per day, whichever results in the greater number of units

B. The equivalent unit for any facility or use not identified in subsection A of this section shall be determined by the Director of the Department of Environmental Services.

C. Any portion of a unit use increase shall constitute a full unit.

D. Usage of property may be re-evaluated based on inspections of the property which inspections may occur without advance notice to the property owner.

E. This systems development charge shall be imposed only once, provided the number of equivalent units is not changed.

F. The systems development charge shall be reviewed annually and the amount of charge may be revised by the Board of County Commissioners of Multnomah County to reflect changes in costs of construction and burdens imposed by developments in existing systems.

#### SECTION 5. PAYMENT OF CHARGE

A. No person shall begin development as defined in Section 3 of this ordinance and no permit required for development as defined in Section 3 of this ordinance shall be issued by the County until the systems development charge imposed by this ordinance has been paid or arrangements have been made to pay the charge under Section 6 of this ordinance. If development is commenced without an appropriate permit, the systems development charge is immediately due and payable upon the earliest date that any such payment was required.

B. If the proposed development does not occur, the charge less a three percent (3%) handling fee will be refunded if requested within 180 days of the date the charge was imposed.

SECTION 6. PAYMENT BY INSTALLMENTS; DEFERRAL OF PAYMENT

A. Whenever the systems development charge becomes due and payable, the owner of the land subject to the development may request a lien be placed on the property for the amount of the charge and agree to pay the amount due in semi-annual installments for a period not to exceed three (3) years. The procedures for processing the request, the interest rate, and other requirements for establishing the lien and payment of the obligation shall be governed by the provisions of ORS 223.205 through 223.785 (1981).

B. The Director of the Department of Environmental Services shall make arrangements for deferred payment in those instances where the individual obligated to pay the systems development charge presents satisfactory evidence of compliance with the eligibility requirements for the Deferred Payment Loans portion of the Multnomah County Housing Rehabilitation Program, attached as Exhibit A and incorporated by reference herein. The arrangements may include payment over an agreed-upon time period or at the time of the sale of the property. The amount of the unpaid charge, together with interest on the unpaid balance, shall be a lien on the property, which lien shall have priority over all other liens and encumbrances.

SECTION 7. SEWER SYSTEMS DEVELOPMENT FUND

A. There is hereby established a Sewer Systems Development Fund for the deposit, investment and disbursement of the revenues from the systems development charge. The cities and service districts eligible to receive monies from said fund shall be those cities and service districts responsible for providing sanitary sewer services within the urban unincorporated area of Multnomah County east of the Willamette River as designated by the DEQ-approved Metropolitan Service District Regional Waste Treatment Management Plan, October 1980.

B. A separate subfund within the Sewer Systems Development fund shall be established for each eligible city and service district as identified in subsection A of this section. The monies collected in the drainage basin of an eligible city or service district shall be deposited in its respective subfund and disbursed to the eligible city or service district upon submission of a DEQ-approved project for expansion of capacity of a wastewater treatment plant or extension of trunklines.

C. Monies may be disbursed to a city or service district only from the subfund established for that city or service district. Provided, however, that upon agreement of eligible cities and service districts, monies may be loaned to a city or service district from the subfunds within the Sewer Systems Development Fund for the purpose of financing eligible projects.

D. Disbursal of the funds shall be implemented by intergovernmental agreement and shall only be made to those eligible cities and service districts that credit a customer with payment of a systems development charge upon collection of that customer's sewer connection charge.

Adopted this 1st day of July, 1982, being the date of its second reading before the Board of County Commissioners of Multnomah County.

(SEAL)

BOARD OF COUNTY COMMISSIONERS

By *Christine Miller*  
Presiding Officer

Authenticated this 6th day of July, 1982.

*Donald E. Clark*  
Donald E. Clark  
County Executive

APPROVED AS TO FORM:

JOHN B. LEAHY, COUNTY COUNSEL  
FOR MULTNOMAH COUNTY, OREGON

By *Denise Francis*  
Denise Francis  
Assistant County Counsel

EXHIBIT "A"

MULTNOMAH COUNTY HOUSING REHABILITATION PROGRAM

APPLICANT ELIGIBILITY REQUIREMENT

Deferred Payment Loans - Households with gross annual income of less than 50% of the annual median income of the Portland SMSA (Standard Metropolitan Statistical Area), based on family size, as certified by the U.S. Department of Housing and Urban Development.

<u>Persons per Household</u>	<u>Annual Household Income Eligible for Deferred Payment</u>
1	\$ 9,450
2	10,800
3	12,150
4	13,500
5	14,400
6	15,250
7	16,150
8	17,000

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