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ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE Amending and Replacing Chapter 13.72 of the  
Camas Municipal Code relating to Sewer System Development  
Charges

THE COUNCIL OF THE CITY OF CAMAS DO ORDAIN AS FOLLOWS:

Section I

Chapter 13.72 of the Camas Municipal Code is hereby amended and replaced as follows:

Chapter 13.72 - SEWER SERVICE DEVELOPMENT CHARGE

13.72.010 - Purpose.

Pursuant to the authority conferred upon cities and towns by RCW 35.92.020 and 35.92.025, the city council of the city finds that property owners who seek to connect property to the sewer system of the city should be assessed a charge in order that such property shall bear its equitable share of the cost of the sewer system. The council further finds that the charge should be based upon the property owner's anticipated use of the sewer system as related to the historical cost of the sewer system and the projected cost of additions to the sewer system to meet new demand. That portion of the charge based upon the historical costs of the sewer system shall be measured by the undepreciated value of the sewer system and plant in service at the time the charge is imposed. That portion of the charge based upon the projected cost of future improvements shall be based upon appropriate studies by engineers and/or financial consultants. The charge imposed by this chapter shall be denominated as a "sewer system development charge" and shall be in addition to any sewer connection or permit fees imposed by other ordinances of the city.

13.72.020 - Definitions.

Unless otherwise specifically defined, the terms used in this chapter shall have the following meanings:

"Average day flow" means the average volume of waste water flowing from a user over a twenty-four-hour period measured in million gallons per day (MGD).

"Biochemical oxygen demand (BOD)" means the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five days at twenty degrees Centigrade, and shall be measured in pounds per day.

"City" means that use classification for the city and other public or nonprofit customers whose waste flows are typical of those associated with single-family residential structures.

"Commercial I" means that use classification of nonresidential properties who contribute flows to the sewer system except those users classified as Commercial II.

"Commercial II" means that use classification of nonresidential property owners who contribute higher than average flows or strengths to the sewer system, and shall include industrial and unusual requirement customers.

"Engineer" means the engineer of the City of Camas, or his duly authorized deputies or representatives.

"Industrial and unusual requirement customers" means that use classification of nonresidential property owners who contribute sewage with a flow and strength in excess of the Commercial II class.

"Multifamily" means that use classification of residential property owners whose structure contains two or more residential dwelling units.

"NON-NUGA" means the area identified in the adopted 2004 City of Camas Urban Growth Boundary and within the water service area depicted in the Adopted Clark County Coordinated Water System Plan.

"NUGA" means the North Urban Growth Area defined as all property north of the 2004 adopted Urban Growth Boundary and within the water service area depicted in the Adopted Clark County Coordinated Water System Plan.

"Sewage" means a combination of water-carried waste from residences, business buildings, institutions and industrial establishments, together with such ground, surface, and storm waters as may be present.

"Sewer system" means all facilities for collecting, transporting, pumping, treating and disposing of sewage.

"Single-family" means that use classification of residential property owners whose structure contains one residential dwelling unit.

"Suspended solids (SS)" means solids that either float on the surface of or are suspended in water, sewage, or other liquids, and which are removable by laboratory filtering, and which shall be measured in pounds per day.

## 13.72.030 - Imposition.

Except as provided in Section 13.72.040, there is imposed on every property that connects to the city sewer system of the city a sewer system development charge, which charge shall be assessed in accordance with the rates set forth in Section 13.72.050 and shall be collected prior to inspection by the city of the connection of the sewer line to the structure on the property owner's premises.

## 13.72.040 - Credits.

### (A) Prior Connection:

- (1) Those properties that have been disconnected from the city sewer system since January 1, 1972, shall receive a credit for the prior connection. The credit for the prior connection shall be in an amount equal to the sewer system development charge for the use classification of the prior connection. The sewer system development charge imposed under this chapter shall be the difference between the amount due under the present use classification less the amount that would have been assessed under the use classification for the prior connection, provided however, that the city shall not be

required to reimburse the property owner in the event the credit exceeds the sewer system development charge for the new connection.

(B) Credit for Penalties Paid for Non-Connection:

- (1) Those properties that are not presently connected to the city's sewer system but which have been assessed and paid a monthly penalty pursuant to section 13.60.050(B) shall receive a credit against the sewer system development charge in an amount equal to the total monthly penalties paid prior to connection, provided however, that the city shall not be required to reimburse the property owner in the event the credit exceeds the sewer system development charge for the new connection.

(C) Development Credit:

- (1) A developer (as defined in CMC 3.88.030.K) shall be entitled to a credit against the applicable system development charge for the dedication of land or for the design or engineering or construction of an "eligible improvement". For purposes of this section, an eligible improvement shall mean an improvement or real property that is: required as a condition of development approval; identified in the most recently adopted General Sewer Plan; and included in the current system development charge calculation as being funded by system development charges.
- (2) The amount of the credit shall be the dollar amount assigned to the improvement or to the land in the system development charge calculation. Where only a portion of the improvement is constructed or a portion of the land is dedicated, the amount of the credit shall be pro-rated.
- (3) Credits earned for one category of system development charge, e.g. water, may not be applied against a different system development charge, e.g. sewer.
- (4) Approval from the city council shall be required prior to the start of construction or dedication of any eligible improvement. "Approval" in the context of this subsection (4) shall be satisfied if the city requires the construction or dedication of the eligible improvement as a condition of approval for a land use application.
- (5) No system development charge credit shall be granted until either the eligible improvements have been designed, engineered, or constructed by the developer, and such work has been accepted by the city; or until the land has been dedicated by the developer and such dedication has been accepted by the city.
- (6) If system development charges become due and payable prior to the developer becoming eligible for the issuance of credits as provided in section (5), the developer may apply to the public works director to defer collection of the charges until construction or dedication is completed. The public works director may condition deferral upon:
  - a) The developer posting a bond or other financial security satisfactory to the city in an amount equal to one hundred twenty-five percent (125%) of the deferred system development charges, which bond or other financial security shall be conditioned upon the developer either paying the deferred system development charges or completing construction or dedication within a specified time,
  - b) The withholding of an occupancy permit, or
  - c) Such other conditions acceptable to the city.

- (7) If the developer is dissatisfied with the decision of the community development director, the developer may seek to have that decision reviewed by the city council.
- (8) Upon acceptance of the eligible improvement, the developer may submit an application for the system development charge credit to the finance department on a form to be created by the finance department. After submission of the application and verification of entitlement thereto, the finance department shall issue a credit voucher to the developer specifying the amount of the system development charge credit and the type of credit.
- (9) The credit may, at the option of the developer, be applied all or in part to the system development charges owing for the developer's project.
- (10) To the extent the credit exceeds the amount of the system development charges owed by the developer, or the developer chooses not to apply the credit to the developer's project, the unused credit may be applied within a period of 10 years to a different project of the developer or to the project of a different developer.
- (11) Before the system development charge can be transferred to a different project or a different developer, the holder of the system development charge credit shall file with the finance department an application to transfer the credit on a form to be created by the finance department. The application shall identify the transferee, and the amount of the system development charge credit being transferred. The transfer application shall be accompanied by an administrative fee in an amount as may be set by resolution of the city council.
- (12) When credits are to be redeemed, the holder of the system development charge credit shall file an application for redemption on a form to be created by the finance department. Redemption shall be permitted only in increments equal to whole system development charge, or when redemption will exhaust the entire system development charge credit. The application for redemption shall be accompanied by an administrative fee in such amount as may be set by resolution of the city council. When system development charge credits are being redeemed, such redemption shall not allow for system development charge credits to be pro-rated among more than one residential lot in amounts that are less than the existing system development charge per lot. For example, where system development charges are five thousand dollars per residential lot and a developer wishes to redeem eleven thousand dollars worth of credits, the developer shall not be allowed to apply one thousand dollars per residential lot over eleven lots. The developer may apply five thousand dollars to two residential lots and the remaining one thousand dollars to one residential lot.
- (13) The finance department shall be responsible for maintaining appropriate records documenting the issuance, transfer, and redemption of system development charge credits.

## 13.72.050 - Application.

- A. Any property owner seeking to connect his property to the sewer system of the city shall file an application to be on a form provided by the city. The application shall contain the name and address of the property owner, the location of the property to be connected to the sewer system, the nature of the structure to be constructed on the subject property, the

proposed use of the subject property, and any other relevant information deemed necessary by the city to process the application.

- B. Upon receipt of the completed application, the city shall designate the use classification of the property as single-family, multi-family, Commercial I, Commercial II, or industrial and unusual customer requirement. The applicant shall then be informed by the city of the amount of the sewer system development charge, which shall be based upon the use classification of the property and shall be in accordance with the rates set forth in Section 13.72.060.

## 13.72.060 - Rates.

- (a) The sewer system development charge for properties classified as single family, multi-family, city and commercial I shall be as follows:

Table 13.72.060

### CITY OF CAMAS SEWER SYSTEM DEVELOPMENT CHARGE RATES

Effective from September 1, 2013

Meter Size	Non-NUGA	NUGA
Residential	\$2,493.00	\$4,420.00
Commercial 1		
5/8 "	\$2,493.00	\$4,420.00
3/4"	\$3,740.00	\$6,630.00
1"	\$6,234.00	\$11,050.00
1.5"	\$12,467.00	\$22,101.00
2"	\$19,948.00	\$35,361.00
3"	\$39,896.00	\$70,722.00
4"	\$62,337.00	\$110,503.00
6"	\$124,674.00	\$221,006.00
8"	\$199,478.00	\$353,609.00

- (b) The sewer system development charge for properties classified as commercial II, including industrial and unusual customer requirements, shall be determined by the public works director. The factors used to determine the commercial II system development charges shall include the average daily flow, BOD pounds per day, and SS pounds per day.

Table 13.72.060

COMMERCIAL II WORKSHEET

Effective from September 1, 2013

Reimbursement Fee	Non-NUGA charge	NUGA charge	Units	Charge
Average Day Flow gallons	\$12.61	\$22.84	$\times$ _____	$= \$$ _____
BOD (Lbs/Day)	\$2,386.00	\$3,948.00	$\times$ _____	$= \$$ _____
SS (Lbs/Day)	\$904.00	\$1,495.00	$\times$ _____	$= \$$ _____
TOTAL				

13.72.070 - Payment of sewer system development charge.

- (A) The sewer system development charge owing under the provisions of this chapter shall be paid by the applicant at the time of issuance of the plumbing permit or building permit, whichever shall first occur, or as scheduled by a separate agreement with the city.
- (B) No sewer service shall be furnished to the property of any person seeking to connect to the sewer system of the city until the sewer system development charge imposed by this chapter has been paid to the city treasurer or until such time as the city and the applicant have entered into a separate agreement providing for the payment of such sewer system development charge.

13.72.080 - Revenue disposition.

All revenues collected pursuant to this chapter shall be paid into the water and sewer capita reserve fund, and shall be used for the purpose of financing system improvements. Such revenues shall not be used to offset current operation or maintenance costs.

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13.72.090 - Appeal.

- A. Any applicant aggrieved by the amount of the sewer system development charge found by the engineer to be required under the provisions of this chapter, may appeal to the board of adjustment from such finding by filing a written notice of appeal with the city clerk within twenty days from the time such property owner is given notice of such amount. The chairman of the board of adjustment shall cause a notice of the time and place of hearing to be mailed to the applicant. At such hearing, the applicant shall be entitled to be heard and to introduce evidence on his own behalf. The board of adjustment shall thereupon ascertain the correct amount of the sewer system development charge, and the city clerk shall immediately notify the appellant thereof, by mail, which amount, together with the costs of appeal, if appellant is unsuccessful therein, must be paid within ten days after such notice is given.
- B. The chairman of the board of adjustment may, by subpoena, require the attendance at any appeal of any person, and may also require him to produce any pertinent books and records. Any person served with such subpoena shall appear at the time and place therein stated, and shall produce the books and records required, if any, and shall testify truthfully under oath administered by the chairman in charge of the hearing on appeal, as to any matter required of him pertinent to the appeal, and it is unlawful for him to fail or refuse to do so.

Section II

This Ordinance shall take force and be in effect five (5) days from and after its publication according to law.

PASSED BY the Council and APPROVED by the Mayor this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

SIGNED:

\_\_\_\_\_  
Mayor

ATTEST: \_\_\_\_\_

Clerk

APPROVED as to form:

\_\_\_\_\_  
City Attorney