

working for clean rivers

Proposed Revisions to System Development Charges Administrative Rules, ENB 4.05

The Bureau of Environmental Services works with Portland residents and businesses to protect water quality, public health, and the environment through wastewater collection and treatment, sewer construction and maintenance, stormwater management, and stream and watershed restoration.



ENVIRONMENTAL SERVICES
CITY OF PORTLAND

Ted Wheeler, Mayor
Michael Jordan, Director

This rulemaking proposes revisions to administrative rules of Environmental Services governing sewer and stormwater System Development Charges (SDCs). The proposed revisions would clarify how sanitary and stormwater system development charges are determined. Environmental Services will accept public comments on the proposed rules from 8 a.m. Monday, June 15, 2020 through 5 p.m. Tuesday, July 14, 2020.

What are the goals of this rulemaking?

The current rule has not been substantively updated in more than 15 years, although updates were made in 2019 as part of a larger update related to Administrative Review. There have been significant changes in the types of development subject to sewer and stormwater SDCs over the past 15 years. This update seeks to create clarity and consistency for City staff and the community by formalizing and updating the SDC methodology and eliminating obsolete information.

The proposed rule revision:

- Seeks to make the current rules relating to the application of the development-related sewer SDC calculation methodology consistent with staff practice.
- Advances Environmental Services goals to improve business systems and strengthen community relations by clarifying how sanitary sewer and stormwater SDCs are calculated to ensure consistent and equitable application to development.
- Ensures consistency between the written rules and implementation of the rules, promoting transparency and clarity, and potentially reducing requests for Administrative Review.

The most significant elements of the proposal include specifying Equivalent Dwelling Units (EDUs) and Plumbing Fixture Units (PFUs) per EDU for several residential and nonresidential occupancy types.

Deadline to comment

5:00 p.m. Tuesday, July 14, 2020

Email comments to Sherri Peterson at sherri.peterson@portlandoregon.gov

Deadline to request a public hearing

5 p.m. Thursday, July 2, 2020

Questions?

The proposed rule and any updated information about the rulemaking will be posted at www.portlandoregon.gov/bes/80957.

You may also contact Sherri Peterson at sherri.peterson@portlandoregon.gov or 503-823-5310.

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As proposed, what will the new rule do?

As proposed, ENB-4.05 makes transparent and provides additional detail on sewer and stormwater SDC calculations. Specifically, it will:

- Clarify the applicability, purpose, and general determination of SDCs.
- Reference PCC 17.04.G for a definition of new development.
- Add definitions for Residential EDU, tiny house, and micro-unit.
- Explain how Environmental Services determines the replacement costs of existing facilities; the prior contributions by existing ratepayers; and the value of unused capacity available for future system users.
- Specify EDUs assigned to tiny houses (equivalent to single-family residential (SFR) or accessory dwelling unit (ADU) per Bureau of Development Services permit designation), recreational vehicles and mobile home parks (0.6 EDUs) and micro-units (0.6 EDUs).
- Update Table 1. Use Class Fixture Equivalency Factors to include more specific occupancies under existing use categories.
 - ✓ Assign occupancies care facilities; hospitals, hotels/motels/lodging; industry/manufacturing, and schools/colleges/universities to 16.0 PFUs per EDU.
 - ✓ Assign clinic/medical offices; coffee shops/deli/catering; drinking establishments; general retail sales and business; retail offices; and spa to 12.0 PFUs per EDU.
 - ✓ Assign food service, restaurant; grocery store/supermarkets; laundry services, self-services; food service, fast food; and all other occupancies to 7.0 PFUs per EDU.
 - ✓ Assign food carts and commercial dump stations 0.6 EDU per unit.
- Clarify the process for calculating commercial SDCs (i.e., add PFUs, convert to EDUs, multiply by SDC charge).
- Remove list of nonresidential specific use/types with regard to non-residential uses subject to a review of wastewater discharges after connection.
- Add language to describe stormwater SDCs and clarify calculation of stormwater SDCs.
- Remove the SDC sanitary credit (\$21/EDU for connections made between 1949–1991).
- Remove language denying credits for the off-site portion of stormwater SDCs.
- Replace Appendix A language with language summarizing the original intent and the purpose of subsequent modifications to this rule.

How can I view the proposed rule changes?

The proposed rules are online at www.portlandoregon.gov/bes/ENB4-05.

How do I submit comments on this rulemaking?

Comments accepted from 8 a.m. Monday, June 15, 2020 through 5 p.m. Tuesday, July 14, 2020. Submit comments in writing sherri.peterson@portlandoregon.gov.

Will a public hearing be held?

Environmental Services will hold a public hearing **by request only** Monday, July 6, 2020 from 6-7 p.m. via Skype. Environmental Services will cancel the tentative hearing if it receives no hearing request by 5 p.m. Thursday, July 2, 2020 and will post a cancellation notice on the website. Request a hearing by emailing sherri.peterson@portlandoregon.gov or calling 503-823-5310.

For more information

Online: www.portlandoregon.gov/bes/ENB4-05.

Contact: Sherri Peterson at **503-823-5310** or sherri.peterson@portlandoregon.gov.

The Bureau of Environmental Services is committed to providing meaningful access. To request translation, interpretation, modifications, accommodations, or other auxiliary aids, please call 503-823-7740 or Oregon Relay Service 711.

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