

# TITLE 13. MASTER UTILITIES PLAN

## CHAPTER 13.04

### GENERAL PROVISIONS

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#### **13.04.010 DEFINITIONS**

For the purposes of this code, terms, phrases, words, abbreviations, and their derivatives shall be construed as specified herein. When not inconsistent with the context, words used in the present tense include the future; words in the plural number include the singular number; and words in the singular number include the plural number. The word "shall" is always mandatory and not merely directory

**CAPITAL IMPROVEMENTS ADVISORY COMMITTEE:** The "capital improvements advisory committee" is an advisory committee consisting of nine (9) members authorized to review, evaluate, and prioritize pending public facility projects and to make recommendations to the City Council regarding the capital improvements program which implements the master utilities plan.

**CAPITAL IMPROVEMENTS PROGRAM:** The "capital improvements program" is a phased implementation program based on the master utilities plan. Timing provisions for the public utilities are prioritized by a five-year phased program which is updated on a yearly basis and are consistent with the comprehensive plan's projected growth estimates. Planned revenues and expenditures are also projected over the five-year phased program. The capital improvements program includes the master utilities fee schedule.

**CONNECTION CHARGE:** A "connection charge" is cost borne by the user to provide a utility connection at the property line.

**DEVELOPER:** A "developer" is deemed to be the individual, firm, corporation, partnership, association, syndication, trust, or other legal entity that is responsible for the development of land, thereby creating a demand on the public utility systems.

**DEVELOPMENT:** "Development" is any improvement which places a demand on the public utility systems or other public facility.

**DWELLING UNIT:** A "dwelling unit" is one or more rooms in a dwelling or portion of a dwelling designed for occupancy by one family for living purposes and having its own cooking and sanitary facilities.

**ENGINEERED CONSTRUCTION PLANS:** "Engineered construction plans" means drawings and specifications of proposed public utility systems to be developed bearing the stamp of a professional engineer.

**EXCAVATION:** Any opening in the surface of a public place made in any manner whatsoever; including an opening into a lawful structure below the surface of a public place, the top of which is flush with the adjoining surface and so constructed as to permit frequent openings without injury or damage to the public place.

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**FACILITY:** Pipe, pipeline, tube, main, service trap, vent, vault, manhole, meter, gauge, regulator, valve, conduit, wire, tower, pole, pole line, anchor, cable, junction box, transformer, or any other material, structure, or object of any kind or character, whether enumerated herein or not, which is or may be lawfully constructed, left, placed, or maintained in, upon, along, across, under, or over any public place.

**MASTER UTILITIES FEE SCHEDULE:** The capital improvements advisory committee may annually review and recommend to the City Council a comprehensive schedule of fees and charges in connection with the funding of the capital improvement program. The fees and charges shall include, but not be limited to:

- a. Systems development fee;
- b. User fees;
- c. Connection fees (water);
- d. Connection fees (sewer);
- e. Permit charges

**MASTER UTILITIES PLAN:** The "master utilities plan," a support document to the comprehensive plan for the City, describes water, sanitary sewer, and storm sewer (exclusive of the Mill Creek Flood Basin) utilities which are to support the land uses designated within the urban growth boundary by the comprehensive plan as required by OAR 660-11-0045. The master utilities plan contains the following items:

- a. An inventory and general assessment of the condition of all the significant public utility systems which support the land uses designated in the comprehensive plan;
- b. A list of the significant public utility projects which are to support the land uses designated by the comprehensive plan. Public utility project descriptions or specifications of these projects as necessary;
- c. Rough cost estimates of each public utility project;
- d. A map or written description of each public utility project's general location or service area;
- e. Policy statements regarding the urban growth management and identifying the City as the provider of the public utility system;
- f. An estimate of when each utility project will be needed. (Amended Ord 920, May 3, 2010)

**MASTER UTILITIES FINANCE PLAN:** The City is the provider of the public utility systems identified in the master utilities plan and the "master utilities finance plan" is the funding mechanism for the City to fund the development of each public utility project. The funding mechanisms include:

- a. Systems development fees;
- b. User fees;
- c. Other means of funding.

**PAYMENT SCHEDULE AGREEMENT:** A "payment schedule agreement" is a written agreement between the developer and the City outlining the amount to be paid and the terms of the payment.

**PERSON:** Any person, firm, partnership, association, corporation, company, or organization of any kind.

**PERMITTEE:** Any person, firm, partnership, association, corporation, company, or organization of any kind on whose behalf a right-of-way construction permit is obtained.

**PUBLIC FACILITY:** Any facility which is immediately or is eventually to be taken over by the City for maintenance and operation. Facilities include, but are not limited to public utilities, streets, sidewalks, curbs, parking lots, driveways, public buildings, and properties.

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**PUBLIC PLACE:** Any public street, street right-of-way, place, alley, sidewalk, park, square, plaza, or any other public property owned or controlled by the City.

**PUBLIC UTILITY SYSTEMS:** For the purpose of this chapter, "public utility systems" include and are limited to the following:

- a. Water
  - i. Sources of water
  - ii. Treatment of water
  - iii. Storage system
  - iv. Pumping system
  - v. Primary distribution system
- b. Sanitary Sewer
  - i. Treatment facilities system
  - ii. Primary collection system
- c. Storm Sewer
  - i. Primary collection system
  - ii. Mayor drainage ways (streams, ditches, pump stations, and retention basins).
  - iii. Outfall locations.

**PUBLIC WORKS DIRECTOR:** That person assigned the title of Public Works Director or any person the assigned director designates.

**PUBLIC WORKS PROJECT REPORT:** A "public works project report" is a study and written report by the director of public works for a specified utility project. The report will include the following:

- a. A map or plat showing the general nature, location, and extent of the proposed improvement and the land to be assessed for the payment of any part of the cost thereof;
- b. Plans, specifications, and estimates of the work to be done; provided, however, that when the proposed project is to be carried out in cooperation with any other governmental agency, the report may adopt the plans, specifications, and estimates of such agency;
- c. An estimate of the probable cost of the improvement including any legal, administrative, and engineering costs attributable to it;
- d. A recommendation as to the method of assessment, if any, to be used to arrive at a fair apportionment of the whole or any portion of the cost of the improvement to the properties specially benefited;
- e. The description and assessed value of each lot, parcel of land, or portion to be specially benefited by the improvement, with the names of the record owners thereof and, when readily available, the names of the contract purchasers thereof;
- f. A statement of outstanding assessments against the property to be assessed.

**REQUEST FOR PUBLIC UTILITIES:** A "request for public utilities" is an application for water and/or sewer service by a developer. The application form provided by the City shall indicate the date of application, location of premises to be served, the size of service desired, the date service is to be used, the address for mailing utility bills, and such other information as the City may reasonably require.

**RIGHT-OF-WAY CONSTRUCTION PERMIT:** A "right-of-way construction permit" is a document giving authority to construct, alter, modify, or connect to any public utility system, approved by the director of public works.

**SERVICE:** A "service" is a branch or lateral from the main to which the user is allowed to connect.

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**STANDARD SPECIFICATIONS:** Uniform design, material, and workmanship standards under which all public works facilities shall be constructed in the City. "Public works facilities" include public utility systems which are constructed to be immediately or eventually operated and maintained by the City.

**SYSTEMS DEVELOPMENT FEE:** A "systems development fee" is levied at the time engineered construction plans are approved. Such fee, as collected, is placed in a special fund designated as the systems development fund. The fund will assist in financing the installation and construction of increased capacity in public facilities.

**USER FEE:** A "user fee" is the periodic fee charged to the customer for the use and benefit of the public utility system (Ord. 746, §2, June 1995).

### **13.04.020 PREPARATION**

The director of public works shall prepare or have prepared a master utilities plan for all public facilities within the urban growth area. Such master utilities plan shall include the expansion, construction, or the reconstruction of the public utility systems. Master plans shall be updated as circumstances warrant. (Ord. 630, section 3[part], 1986: prior code section 5.002)

### **13.04.030 CAPITAL IMPROVEMENTS PROGRAM**

The director of public works shall prepare or have prepared a capital improvements program which should generally specify the time period, projects, cost, and source of revenue for public utility and facility systems. These programs are for financial planning and will be guided by the capital improvements advisory committee at the discretion of the City Council. (Ord. 630, section 3[part], 1986: prior code section 5.003)

### **13.04.040 AUTHORITY TO ORDER, MODIFY, OR PROHIBIT DEVELOPMENT**

The director of public works has the responsibility to order, modify, or prohibit development of public facilities subject to Council action whenever:

1. This code, the City charter, state, or federal law specifies;
2. The provisions of Title 16. of this code or other provisions of this code would place an undue burden on the existing systems or customers;
3. A threat to health and welfare would be created by following the standard procedure. (Ord. 630, section 3[part], 1986: prior code section 5.004)

### **13.04.050 SPECIAL AGREEMENTS: CONDITIONS**

In certain instances where, in the judgment of the director of public works, it becomes advisable to (1) provide temporary service or service that is not in timing with the City's plans; (2) provide public utilities outside of the City limits or service area; (3) provide public utilities or services not specifically allowed by this code, the director of public works shall make a recommendation to the City Council and the Council may approve or reject special agreements (Ord. 630, section 3[part], 1986: prior code section 5.005)

### **13.04.060 PUBLIC WORKS PROJECT REPORT**

Prior to construction of any public works project, the director shall submit to the City Council a public works project report. (Ord. 630, section 3[part], 1986: prior code 5.012)

### **13.04.070 NO OBLIGATION TO PROVIDE SERVICE**

Neither the director of public works nor the City is under an obligation to extend public utilities or service. (Ord. 630, section 3[part], 1986: prior code section 5.006).