



**ARCH CAPE SANITARY DISTRICT  
BOARD OF COMMISSIONERS MEETING**

**Thursday, September 19, 2024 at 5:00 pm**

Meeting to be held in person at the Arch Cape Fire Hall and via Zoom

<https://us02web.zoom.us/j/87369759588?pwd=RFFDRjIzdFgrZFZOaFlxNlZxSndwQT09>

- I. Call to Order
- II. Public Comments Casey
- III. Agenda Approval (Action – Motion to Approve) Casey
- IV. Approve July 18 and August 29 Meeting Minutes (Action – Motion to Approve) Casey
- V. F&A Reporting
  - a. FY 2023-24 Year-end Budget vs. Actual Report Teri
  - b. August Budget vs. Actual Report Teri
  - c. August Payment of Accounts Teri
  - d. Treasurer’s Report Darr
- VI. Reports
  - a. Staff Report Matt
  - b. Project Updates Matt
  - c. Board Members’ Comments All
- VII. Ordinance 24-0901 SD, Amending Ordinance No. 98-1 SD to Modify and Standardize Certain Definitions for Purposes of Assessing System Development Charges (Action – Motion to Approve Ordinance) Casey
- VIII. Ordinance 24-0902, To Allow the Board to Modify Excess Usage Charges by Resolution (Action Requested; Motion to Approve Ordinance) Casey
- IX. Upcoming Meetings
  - a. October Agenda Items Casey
- X. Public Comments
- XI. Adjourn



# Arch Cape Domestic Water Supply District Board Meeting Minutes

Thursday, August 29, 2024

Pursuant to notice posted, a regular meeting of the Board of Directors was held via Zoom

Present: Bill Campbell, Chair, Directors: Bob Cerelli, Chris Mastrandrea (excused), Tevis Dooley , Sam Garrison.

Call to Order at 5:00 pm by Bill Campbell

Conflict of Interest Declarations: None reported

Public Comments: None

Agenda Approval: Call from Chair to accept agenda. Motion made by Bob Cerelli to accept agenda; Second by Sam Garrison; Motion Carried.

Staff Bonus: "Motion to pay Matt Gardner a \$250 bonus in acknowledgement and appreciation of his taking on the extra responsibility of operating the plant single handily for the past two months". Motion made by Bob Cerelli to accept agenda; Second by Sam Garrison; Motion Carried.

There being no further business, meeting adjourned at 5:01 pm.

Respectfully Submitted,

Attest:

*W. E. Campbell III*

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Bill Campbell, President

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Tevis Dooley

**ARCH CAPE SANITARY DISTRICT  
BOARD OF COMMISONERS MEETING  
Thursday, July 18, 2024; 5:00 pm**

Pursuant to notice posted, the regular monthly Board Meeting for the Arch Cape Sanitary District was held in person at The Fire Hall, Arch Cape and via Zoom.

In attendance: Sanitary District: Casey Short, Chair, Thomas Mattia, Mark Engberg, Steve Hill, Excused: Darr Tindall. Staff: Matt Gardner, Teri Fladstol, Admin; Arch Cape Domestic Water Supply Board for Joint Session

Call to Order: 5:01 pm by Casey Short

Public Comments: None

Agenda Approval: Motion by Tom Mattia to approve the Agenda as presented, Second by Mark Engberg, motion carried.

June Meeting Minutes: Motion by Mark Engberg to accept the minutes as presented, Second by Tom Mattia, motion carried.

Financial and Administrative Reporting: Accepted; Treasurer Report – Darr Tindall not present – no report.

Staff Report by Matt Gardner, District Manager – We have received preliminary loan approvals from Business Oregon for the Webb project but are waiting to hear back from FEMA on our grant request to determine if we need to get a loan. Question on Operator – New Hire. Matt, Bill and Casey will be working to put together documents and requirements for moving forward.

Project Updates – Bill Campbell reported on the 8 projects that have been identified, budgeted, and started as time has allowed. Matt updated that we are 74% done with 51 lines yet to be factored – the lead line project will be completed in time.

Board Members Comments and Reports:

Audit Update – we have received the audit for signature; we will be working with Accuity to start 23/24 in August.

Website Update – Mark reported that the information has been identified and transferred to the contractor; working through some designs and then will be scheduling training sessions.

August Agenda – we would like to not meet unless it becomes necessary to address certain issues and if so, that will be done virtually. We will correspond as necessary.

5:19 pm Call to Order of Arch Cape Water Domestic Water Supply District for a Joint Session with Sanitary.

Roll call: Chris Mastrandrea, Bob Cerelli, Sam Garrison, Tevis Dooley, Bill Campbell – all present and no conflict-of-interest declarations. Also in attendance are the Sanitary District Board and Staff as listed above.

Agenda Approval: Motion by Tevis Dooley to approve the Agenda as presented, Second by Sam Garrison, motion carried.

Meeting turned over to Casey Short, Chair of Sanitary Board to discuss Resolution 24-071SD Authorizing Submittal of a Local Option Levy for the November 2024 General Election Ballot, Resolution for the IGA between the two Districts, Review of Leak and Billing Appeal Policy and an IT Update that requires action by both Board of Directors (Items #7-10 of the Sanitary District Board Agenda for July 18, 2024).

Discussion opened for Resolution 24-0701SD and Exhibits as outlined in Board packets. Tom Mattia made a motion to approve Resolution 24-0701SD with the required documentation to be provided to the County; Seconded by Mark Enberg – call to vote, motion carried.

Discussion opened for Resolution 24-0702SD amending the Intergovernmental Agreement between the Arch Cape Sanitary District and Arch Cape Domestic Water Supply District. Mark Engberg made a motion to approve Resolution 24-0702SD; Seconded by Tom Mattia. Discussion regarding updates and clarification to items as highlighted in the packet. Bill Campbell called for motion by Water District Board to accept the updated IGA, so moved by Tevis Dooley and seconded by Sam Garrison – open for discussion to Water Board. Hearing no Discussion, Sanitary Chair calls for vote, motion carried. Water District Chair

calls for vote, motion carried.

Review of Leak and Billing Appeal Policy #17-03SD by Sanitary Board members to match review of documents by the Water District Board Leak Policy #23-09WD reviewed in June. Chairs provided copy of the changes as outlined, Sanitary Chair called motion to adopt the policy as presented – so moved by Tom Mattia, seconded by Mark Engberg; Water District Chair called for motion to adopt the policy as presented – so moved by Bob Cerelli, seconded by Tevis Dooley; discussion. Motion to amend the 90 days to 60 days made by Sanitary Board – Tom Mattia, second by Mark Engberg, Motion to amend the 90 days to 60 days made by Water Board - Sam Garrison, second by Bob Cerelli. Sanitary Chair calls for vote, motion carried. Water District Chair calls for vote, motion carried. Request made for staff to look at usage and to reach out to users if they have used a much higher volume of water when the monthly meters are read, it would be a month notice versus a quarter notification. Staff currently does reach out if there are leaks. If staff notices a user is moving above Tier 3 and that is unusual, that they are notified – Teri will make notifications and verify with Matt if needed.

IT Update by Josh Romo following the assessment provided in the Board packets with opportunity to ask questions.

There being no further items before the Sanitary Board of Directors, reminder that there will not be an August meeting.

Public Comments: None

Motion made by Tom Mattia to adjourn, second by Mark Engberg, meeting adjourned at 6:00 pm.

Respectfully submitted,

Attest:

*Teri Fladstol, Secretary*

Teri Fladstol, Secretary

Casey Short, Chair

# AC Sanitary District

## Budget vs. Actuals: FY 2024-25 Budget Overivew - FY25 P&L Classes

July 2024 - June 2025

Budget	July 24 Actual	Aug 24 Actual	Year to Date Actual	% of Budget
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### GENERAL FUND

#### RESOURCES

##### 01-4000 RESOURCES - GENERAL FUND

01-4002 Undesignated Balance - General	\$209,677			\$ -	0.00%
01-4003 Operating Reserve	\$ 75,123			\$ -	0.00%
03-4002 USDA Loan Required Reserve	\$ 6,923			\$ -	0.00%
<b>Total 01-4001 Beginning Balance - General Fun</b>	<b>\$291,723</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>0.00%</b>

##### 01-4100 REVENUE

01-4201 Base Rate Meter Sales	\$374,126	\$ 22,802	\$ 27,415	\$ 50,217	13.42%
01-4202 Overage/Excess Usage	\$ 37,413	\$ 732	\$ 155	\$ 887	2.37%
01-4203 Debt Service	\$ 38,555	\$ 2,308	\$ 2,712	\$ 5,020	13.02%
01-4300 Interest Income - General Fund	\$ 2,000			\$ -	0.00%
01-4400 WD Facilities Use Charge	\$ 3,750			\$ -	0.00%
<b>Total 01-4100 REVENUE</b>	<b>\$455,844</b>	<b>\$ 25,841</b>	<b>\$ 30,283</b>	<b>\$ 56,124</b>	<b>12.31%</b>

#### TOTAL RESOURCES - GENERAL FUND

	<b>\$747,567</b>	<b>\$ 25,841</b>	<b>\$ 30,283</b>	<b>\$ 56,124</b>	
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##### 01-6000 REQUIREMENTS - GENERAL FUND

##### 01-6100 Materials & Services

01-5999 Inter-Govern Agreement (IGA)	\$195,937	\$ 13,541	\$ 29,732	\$ 43,274	22.09%
01-6120 Liability & Property Insurance	\$ 18,500			\$ -	0.00%
01-6121 Licenses	\$ 3,600			\$ -	0.00%
01-6122 Dues & Taxes	\$ 3,000	\$ 481	\$ 3,354	\$ 3,836	127.85%
01-6123 Professional Services	\$ 5,000	\$ 373		\$ 373	7.45%
01-6124 Emergency Sanitation	\$ 500			\$ -	0.00%
01-6125 Auditing Service	\$ 10,000	\$ 9,000		\$ 9,000	90.00%
01-6126 Legal Services	\$ 5,000		\$ 1,416	\$ 1,416	28.32%
01-6127 Notices	\$ 700			\$ -	0.00%
01-6128 Utilities	\$ 49,500	\$ 5,184	\$ 4,668	\$ 9,852	19.90%
01-6200 Maintenance	\$150,000	\$ 3,846	\$ 7,497	\$ 11,343	7.56%
01-6201 Chemicals	\$ 2,000		\$ 344	\$ 344	17.19%
01-6202 Inflow & Infiltration	\$ 7,000			\$ -	0.00%
<b>Total 01-6100 Materials &amp; Services</b>	<b>\$450,737</b>	<b>\$ 32,425</b>	<b>\$ 47,011</b>	<b>\$ 79,436</b>	<b>17.62%</b>

##### 01-7500 Debt Service - General Fund

01-7510 OECD Facility Loan - Principle	\$ 16,900			\$ -	0.00%
01-7511 OECD Facility Loan - Interest	\$ 2,419			\$ -	0.00%
01-7520 IFA Loan/Grant - Imprinciple	\$ 13,499			\$ -	0.00%
01-7521 IFA Loan/Grant - Interest	\$ 5,884			\$ -	0.00%
<b>Total 01-7500 Debt Service - General Fund</b>	<b>\$ 38,702</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>0.00%</b>

##### Total 01-6000 REQUIREMENTS - GENERAL FUND

	<b>\$489,439</b>	<b>\$ 32,425</b>	<b>\$ 47,011</b>	<b>\$ 79,436</b>	<b>16.23%</b>
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Budget	July 24 Actual	Aug 24 Actual	Year to Date Actual	% of Budget
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01-8000 Contingency & Unapp Bal - General Fund

01-8001 Contingency - General Fund	\$100,000			\$ -	0.00%
01-8100 USDA Loan Required Reserve	\$ 6,923			\$ -	0.00%
01-8500 Unappropriated Bal - General F	\$151,205			\$ -	0.00%
<b>Total 01-8000 Contingency &amp; Unapp Bal - General Fund</b>	<b>\$258,128</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>0.00%</b>
<b>TOTAL REQUIREMENTS - GENERAL FUND</b>	<b>\$747,567</b>	<b>\$ 32,425</b>	<b>\$ 47,011</b>	<b>\$ 79,436</b>	

**CAPITAL FUND**

**RESOURCES**

02-4000 RESOURCES - CAPITAL FUND

02-4001 Beginning Bal - Capital Fund	\$200,382			\$ -	0.00%
<b>Total 02-4000 RESOURCES - CAPITAL FUND</b>	<b>\$200,382</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>0.00%</b>

02-4100 REVENUE - Capital Fund

02-4200 SDC Revenue	\$ 20,092			\$ -	0.00%
02-4800 Grant Revenue - Capital Fund	\$297,000			\$ -	0.00%
<b>Total 02-4100 REVENUE - Capital Fund</b>	<b>\$317,092</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>0.00%</b>
<b>TOTAL RESOURCES - CAPITAL FUND</b>	<b>\$517,474</b>				

**EXPENDITURES**

02-6000 REQUIREMENTS - CAPITAL FUND

02-7000 Capital Outlay - Capital Fund					
02-7100 Webb Lift Station	\$347,000	\$ 20,509	\$ 11,502	\$ 32,011	9.23%
<b>Total 02-6000 REQUIREMENTS - CAPITAL FUND</b>	<b>\$347,000</b>	<b>\$ 20,509</b>	<b>\$ 11,502</b>	<b>\$ 32,011</b>	<b>9.23%</b>

02-8000 Contingency & Unapp Bal - Capital Fund

02-8001 Contingency - Capital Fund	\$150,000			\$ -	0.00%
02-8500 Unappropriated Bal - Capital	\$ 20,474			\$ -	0.00%
<b>Total 02-8000 Contingency &amp; Unapp Bal - Capital Fund</b>	<b>\$170,474</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>0.00%</b>
<b>TOTAL REQUIREMENTS - CAPITAL FUND</b>	<b>\$517,474</b>	<b>\$ 20,509</b>	<b>\$ 11,502</b>	<b>\$ 32,011</b>	

**GO BOND DEBT FUND**

**RESOURCES**

03-4000 RESOURCES - GO BOND DEBT FUND

03-4001 Beginning Bal - Go Bond Debt Fund	\$ 11,207				0.00%
03-4700 Miscellaneous Income - SD Go Bo	\$ -				
<b>Total 03-4000 RESOURCES - GO BOND DEBT FUND</b>	<b>\$ 11,207</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>0.00%</b>

03-4100 REVENUE - GO BOND DEBT FUND

03-4200 Bond Proceeds	\$144,600				0.00%
<b>TOTAL RESOURCES - GO BOND DEBT FUND</b>	<b>\$155,807</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	

**EXPENDITURES**

03-6000 REQUIREMENT - GO BOND DEBT FUND

03-7500 Debt Service - SD Go Bond Debt					
03-7510 USDA Plant Upgrade - Principle	\$ 77,058				0.00%
03-7511 USDA Plant Upgrade - Interest	\$ 67,542				0.00%
<b>Total 03-6000 REQUIREMENT - GO BOND DEBT FUND</b>	<b>\$144,600</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>0.00%</b>

03-8000 Contingency & Unapp Bal - GO BOND Debt Fund

03-8500 Unappropriated Balance GO	\$ 11,207				0.00%
<b>TOTAL REQUIREMENTS - GO BOND DEBT FUND</b>	<b>\$155,807</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	

**AC Sanitary District**  
**Check Detail**  
July - August, 2024

Date	Transaction Type	Num	Name	Amount
<b>00-1000 #1218 Main Checking</b>				
07/02/2024	Check	9148	Spectrum Business	(259.96)
07/02/2024	Check	9209	Pacific Power	(4,865.44)
07/02/2024	Check	9210	Industrial Systems	(40.75)
07/08/2024	Bill Payment (Check)	9211	Arch Cape Water District	(13,541.17)
07/08/2024	Check		EFT Safeway	(12.45)
07/11/2024	Check	9212	Curran McLeod	(372.50)
07/11/2024	Check	9213	Curran McLeod	(1,958.75)
07/11/2024	Check	9214	USA BlueBook	(227.00)
07/11/2024	Check	9215	Recology Western Oregon	(58.57)
07/11/2024	Check	9216	Aquionics	(42.07)
07/18/2024	Check		EFT Sherwin Williams	(27.94)
07/18/2024	Check	9217	Oregon DEQ	(104.00)
07/19/2024	Check		EFT Amazon	(14.99)
07/22/2024	Check		EFT Google	(1.99)
07/22/2024	Check		EFT Microsoft	(8.25)
07/23/2024	Check	9224	Safeway	(24.90)
07/24/2024	Check		EFT NAPA Auto Parts	(36.68)
07/25/2024	Bill Payment (Check)	9228	Inland Environmental Resources	(83.09)
07/25/2024	Check	9221	Peterson - CAT	(18,550.00)
07/25/2024	Check	9222	City of Seaside	(2,975.00)
07/25/2024	Check		EFT Applied Industrial Technologies	(83.00)
07/25/2024	Check	9218	SDAO	(369.00)
07/25/2024	Check	9219	USA BlueBook	(266.22)
07/25/2024	Check	9220	Accuity, LLC	(9,000.00)
07/31/2024	Check			(10.00)
08/07/2024	Bill Payment (Check)	9225	City of Cannon Beach	(343.75)
08/07/2024	Bill Payment (Check)	9226	City of Seaside	(2,975.00)
08/07/2024	Bill Payment (Check)	9227	Eds Septic	(3,062.50)
08/07/2024	Bill Payment (Check)	9229	Pacific Power	(4,075.06)
08/07/2024	Bill Payment (Check)	9230	Recology Western Oregon	(73.42)
08/07/2024	Check	9149	Spectrum Business	(259.96)
08/09/2024	Check		EFT Englund Marine	(383.75)
08/15/2024	Bill Payment (Check)	9231	Arch Cape Water District	(18,711.90)
08/15/2024	Bill Payment (Check)	9232	Curran McLeod	(1,594.40)
08/15/2024	Bill Payment (Check)	9233	Eileen Eakins NW Local Government Legal A	(1,416.00)
08/16/2024	Check		EFT	(297.56)
08/19/2024	Check		EFT Amazon	(14.99)
08/22/2024	Check		EFT Google	(1.99)
08/22/2024	Check		EFT Microsoft	(8.25)
08/23/2024	Check	9234	Oregon DEQ	(3,286.00)
08/23/2024	Check	9236	Pacific Power -	(9,908.00)
08/25/2024	Expense		Sportsman's	(60.00)
08/28/2024	Check	9237	Arch Cape Water District	(11,020.55)
08/28/2024	Check	9238	Quality Control Services, Inc.	(620.00)
08/28/2024	Check	9239	North Central Lab	(428.35)
08/30/2024	Expense		1st Security Bank	(10.00)
08/30/2024	Check		EFT Spectrum Business	(259.96)

DATE: September 11, 2024

TO: Sanitary District Board

FROM: Casey Short, Board President

SUBJ: Ordinances on September 19 Board Agenda

There are two housekeeping ordinances on our agenda for September 19, which would benefit from a little explanation here.

The first is Ordinance 24-0901, which modifies a couple of definitions in a 1998 Ordinance authorizing Systems Development Charges (SDCs). This ordinance is in anticipation of Clatsop County potentially changing the zoning for Arch Cape to permit multi-family housing. If multi-family housing becomes permitted under County Code, this ordinance clarifies 26-year-old language to provide that a Systems Development Charge may be assessed for each unit in a multi-family housing development. Since each unit in a multi-family development would presumably put a similar strain on the sanitary system as a single-family unit, it makes sense to charge an SDC for each unit. The alternative would be to allow one SDC for a multi-family unit, be it for two, three, four or more families. This ordinance clarifies the district's ability to impose an SDC for each unit.

The Second is Ordinance 24-0902, which clears up an ambiguity in the district's existing authority to charge – and change – excess usage fees. In the original 2011 ordinance authorizing these fees there is no mention of how the fees may be changed. They had not changed since 2011 until this year. The 2011 ordinance was silent on how these charges could be changed. This ordinance would amend the old ordinance to clarify that the district board has the authority to change the fees by adopting a resolution, rather than by ordinance.

The old ordinances that are affected are included in the packet for your reference.



**ORDINANCE 24-0901 SD**

**AN ORDINANCE AMENDING ORDINANCE NO. 98-1 SD TO MODIFY AND STANDARDIZE CERTAIN DEFINITIONS FOR PURPOSES OF ASSESSING SYSTEM DEVELOPMENT CHARGES**

WHEREAS, by and through Ordinance No. 98-1 SD (November 13, 1998) [“the 1998 Ordinance”], the Board of Commissioners (“Board”) of the Arch Cape Sanitary District (“District”) enacted a process for assessing system development charges (“SDCs”) on properties connecting to the District’s water delivery system; and

WHEREAS, subsection 3.I of the 1998 Ordinance defines “Dwelling Unit” to mean “a building or portion of a building designed for residential occupancy, consisting of one or more rooms which are arranged, designed, or used as living quarters for one family only”; and

WHEREAS, certain resolutions adopted after Ordinance 98-01 to implement the assessment of SDCs, use the term “Equivalent Dwelling Unit (“EDU”) instead of “Dwelling Unit” as the unit against which to assess an SDC; and

WHEREAS, the Board seeks to clarify the terms “Dwelling Unit” and “Equivalent Dwelling Unit” for purposes of assessing SDCs; and

WHEREAS, in anticipation of potential changes to Clatsop County’s Land Use Code regarding multi-family housing, the Board seeks to amend the definition of “multi-family housing” in subsection 3.O of the 1998 Ordinance;

NOW, THEREFORE, the Board hereby ordains as follows:

1. The definition in subsection 3.I of the 1998 Ordinance which currently reads, “Dwelling unit shall mean a building or portion of a building designed for residential occupancy, consisting of one or more rooms which are arranged, designed, or used as living quarters for one family only,” is hereby deleted and replaced with the following: “Equivalent Dwelling Unit shall mean a building or portion of a building designed for residential occupancy by a single family, excluding an Accessory Dwelling Unit (ADU) as defined in OAR 6660-004-0040.”
2. A new definition of “Multi-Family Housing” shall be added as Subsection N of the 1998 Ordinance, to read: “Multi-family housing shall mean individual Equivalent Dwelling Units located on a single parcel of land, whether or not such units are attached to another unit or units.” Existing Subsections N through Q shall become Subsections O through R.
3. All prior references to “Dwelling Unit” in the 1998 Ordinance or to “Equivalent Dwelling Unit” in ordinances and resolutions adopted prior to the effective date of this Ordinance shall be understood and deemed to reference the same definition, the implementation of such

ordinances and resolutions is hereby ratified, and no material change to such ordinances or resolutions is intended or effected.

Adopted by the Arch Cape Domestic Sanitary District Board of Directors on September 19, 2024.

Attest:

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Casey Short, Board President

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Teri Fladstol, Secretary

**ORDINANCE NO. 98-150**

**AN ORDINANCE ESTABLISHING A SANITARY SEWER SYSTEM DEVELOPMENT CHARGE**

THE ARCH CAPE SANITARY DISTRICT ORDAINS AS FOLLOWS:

**Section 1 - Title**

This Ordinance shall be known as “Sanitary Sewer System Development Charge Ordinance.”

**Section 2 - Scope and Purpose**

- A. Future growth within the District should contribute its fair share to the cost of improvements and additions to District facilities required to accommodate such growth.
- B. The imposition of System Development Charges will provide a source of revenue to fund the construction or improvement of the District’s sanitary sewer facilities necessitated by growth.
- C. ORS 223.297 - 223.314 authorize local governments to impose System Development Charges for waster water collection, transmission, treatment and disposal (“Sanitary Sewer Facilities”).
- D. This Ordinance is intended to be a financing mechanism for District facilities necessitated by new development and for reimbursement for existing facilities.

**Section 3 - Definitions**

- A. “Applicant shall mean the owner or other person who applies for a building or development permit from Clatsop County for development within the boundaries of the District.
- B. “Building” shall mean any structure, either temporary or permanent, built for the support, shelter or enclosure of persons or property of any kind. This term shall not include temporary construction sheds or trailers erected to assist in construction and maintained during the term of a building permit.
- C. “Building Permit” shall mean an official permit or certificate issued by Clatsop County authorizing construction or siting of any building.
- D. “Capital Improvements” shall mean public facilities or assets used for District facilities.
- E. “Citizen or Other Interested Person” shall mean any person whose legal residence is within the boundaries of the District, as evidenced by registration as a voter within the District or by other proof of residency; or a person who owns, occupies, or otherwise has an interest in real property which is located within District boundaries or is otherwise subject to the imposition of System Development Charges, as outlined in Section 4 of this ordinance.

- —
- F. "Executive Director" shall mean the Board President of the Arch Cape Domestic Water Supply District.
- G. "Development" shall mean a building or other construction, or making a physical change in the use of a structure or land, in a manner which increases the usage of any Capital Improvements or which may contribute to the need for additional or enlarged Capital Improvements, as determined by the Executive Director.
- H. "Development Permit" shall mean an official permit or certificate issued by Clatsop County, other than a building permit, authorizing development.
- I. "Dwelling Unit" shall mean a building or a portion of a building designed for residential occupancy, consisting of one or more rooms which are arranged, designed or used as living quarters for one family only.
- J. "Encumbered" shall mean monies committed by contract or purchase order in a manner that obligates the District to expend the encumbered amount upon delivery of goods, the rendering of services, or the conveyance of a real property provided by a vendor, supplier, contractor or owner.
- K. "Executive Director" shall mean the Executive Director of the Arch Cape Sanitary Sewer District.
- L. "Improvement Fee" shall mean a fee for costs associated with Capital Improvements to be constructed after the effective date of this ordinance.
- M. "Methodology" shall mean the System Development Charge methodology required by ORS 223.304(1) and (2).
- N. "Owner" shall mean the person holding legal title to the real property upon which development is to occur, or a contract purchaser of such property.
- O. "Person" shall mean an individual, corporation, partnership, incorporated association, or any other similar entity.
- P. "Qualified Public Improvement" shall be defined as provided in ORS 223.304(3).
- Q. "System Development Charge(s)" shall mean a reimbursement fee and/or an improvement fee assessed or collected at the time of increased usage of a Capital Improvement or issuance of a development or building permit. System Development Charges are separate from and in addition to any applicable tax, assessment, fee in lieu of assessment, or other fee or charge provided by law or imposed as a condition of development.

#### **Section 4 - Assessment of Charge**

- A. A Sanitary Sewer System Development Charge is hereby imposed upon all new development within the District for which a building permit or development permit is required. This shall include all new construction and alteration, expansion or replacement of a building or dwelling unit if such alteration, expansion or replacement results in an increase in the number of residential dwelling units compared to the present

number of dwelling units in the development or increased usage of a Capital Improvement. For alterations, expansions and replacements, the amount of the System Development Charge to be paid shall be the difference between the rate for the proposed development and the rate that would be imposed for the development prior to the alteration, expansion or replacement.

- B. System Development Charge rates shall be established and may be revised from time to time by Resolution of the District.

#### **Section 5 - System Development Charge Methodology**

- A. The methodology used to establish the reimbursement fee portion of the System Development Charge shall take into account the cost of then-existing facilities, prior contributions by then-existing users, the value of unused capacity, generally accepted rate-making principles employed to finance publicly owned Capital Improvements, and other relevant factors identified by the District. The methodology shall promote the objective that future systems users shall contribute no more than an equitable share of the cost of then-existing facilities.
- B. The methodology used to establish the improvement fee portion of the System Development Charge shall take into account the cost of projected Capital Improvements needed to increase the capacity of the systems to which the fee is related.
- C. The actual methodology used to establish the improvement fee and the reimbursement fee shall be adopted by Resolution of the District.

#### **Section 6 - Collection**

- A. The Sewer Service System Development Charge shall be due and payable at the time of issuance of a building permit or development permit as determined by the Executive Director. Responsibility for collection of charges shall be that of the Manager of the District.
- B. Notwithstanding Section 4A, the following developments shall be exempt from payment of the Sanitary Sewer System Development Charges:
  - 1. Alterations, expansion or replacement of an existing dwelling unit where no additional dwelling unit is created.
  - 2. The construction of accessory buildings or structures which will not create additional dwelling units and which do not create additional demands on the District's capital facilities.
  - 3. Development with vested rights, determined as follows:

- (a) Any owner of land which was the subject of a building permit or development permit issued prior to the effective date of this ordinance may petition the District for a vested rights determination which would exempt the landowner from the provisions of this ordinance. Such petition shall be evaluated by the Executive Director and a decision made based on *all three* of the following criteria being met:
  - (1) The existence of a valid, unexpired building or development permit authorizing the specific development for which a determination is sought, and;
  - (2) Substantial expenditures or obligations made or incurred in reliance upon such permit, and;
  - (3) Other factors that demonstrate it is inequitable to deny the owner the opportunity to complete the previously approved development under the prior conditions of approval by requiring the owner to comply with the requirements of this ordinance. For the purposes of this paragraph, the following factors shall be considered in determining whether it is inequitable to deny the owner the opportunity to complete the previously approved development:
    - (i) Whether the injury suffered by the owner outweighs the public cost of allowing the development to go forward without payment of the System Development Charges required by this ordinance; and
    - (ii) Whether the expenses or obligations for the development were made or incurred prior to the effective date of this ordinance.
- (b) The Executive Director shall make a written determination as to whether the owner has established a vested right in the development and, if so, whether the development would be exempt from the provisions of this ordinance.

### **Section 7 - Credits for Developer Contributions of Qualified Public Improvements**

- A. The District shall grant a credit against the System Development Charges imposed pursuant to Section 4 for the construction of any Qualified Public Improvements.
- B. Prior to issuance of a building permit or development permit, the applicant shall submit to the Executive Director a proposed plan and estimate of cost for contributions for any Qualified Public Improvements. The proposed plan and estimate shall include:
  - 1. a designation of the development for which the proposed plan is being submitted;
  - 2. a list of the contemplated Capital Improvements contained within the plan;

3. an estimate of proposed construction costs certified by a professional architect or engineer; and
  4. a proposed time schedule for completion of the proposed plan.
- C. The applicant shall have the burden of demonstrating that a particular improvement qualifies for credit. The amount of credit to be applied shall be determined according to the following standards of valuation;
1. The cost of anticipated construction of qualified public improvements shall be based upon cost estimates certified by a professional architect or engineer.
- D. If a donation or construction of a Qualified Public Improvement gives rise to a credit amount greater than the amount of the System Development Charge that would otherwise be levied against the project receiving development approval, the excess credit may be applied against System Development Charges that accrue in subsequent phases of the original development project. Any excess credit must be used not later than ten years from the date it is given.
- E. The decision of the Executive Director as to whether to accept the proposed plan and estimated cost for contributions and the value of such contribution shall be in writing and issued within fifteen (15) working days of the date all data is received for review. Notification shall be provided to the applicant via regular mail.
- F. Any applicant who submits a proposed plan pursuant to this Section and desires the immediate issuance of a building permit or development permit, shall pay the applicable System Development Charges. Said payment shall not be construed as a waiver of any credit. Any difference between the amount paid and the amount due, as determined by the Executive Director, shall be refunded to the applicant. In no event shall refund by the District under this subsection exceed the amount originally paid by the applicant.

### **Section 8 - Appeals and Review Hearings**

- A. An applicant who is required to pay System Development Charges shall have the right to request a hearing to review the denial of any of the following:
1. A petition for vested rights pursuant to Section 6B5.
  2. A proposed credit for contribution of Qualified Public Improvements pursuant to Section 7.
- B. Such hearing shall be requested by the applicant within thirty (30) days of the date of notice of denial. Failure to request a hearing within the time provided shall be deemed a waiver of such right.

- C. The request for hearing shall be filed with the Executive Director and shall contain the following:
1. The name and address of the applicant;
  2. The legal description of the property in question;
  3. If issued, the date the building permit or development permit was issued;
  4. A brief description of the nature of the development being undertaken pursuant to the building or development permit;
  5. If paid, the date the System Development Charges were paid; and
  6. A statement of the reasons why the applicant is requesting review.
- D. Upon receipt of such request, the District shall schedule a hearing before the Board of Directors at a regularly scheduled meeting or a special meeting called for the purpose of conducting the hearing and shall provide the applicant written notice of the time and place of the hearing. Such hearing shall be held within forty-five (45) days of the date the request for hearing was filed.
- E. Such hearing shall be conducted in a manner designed to obtain all information and evidence relevant to the requested hearing. Formal rules of civil procedure and evidence shall not be applicable; however, the hearing shall be conducted in a fair and impartial manner with each party having an opportunity to be heard and to present information and evidence.
- F. Any applicant who requests a hearing pursuant to this Section and desires the immediate issuance of a building permit or development permit shall pay prior to or at the time the request for hearing is filed the applicable System Development Charges pursuant to Section 4B. Said payment shall not be construed as a waiver of any review rights.
- G. An applicant may request review under this Section without paying the applicable System Development Charges as long as no building permit or development permit has been issued.

## **Section 9 - Review of Methodology and Rates**

- A. This ordinance, the System Development Charge methodology, and the Capital Improvement plan required by ORS 223.309 may be reviewed by the Board of Directors at least every 2 years. The review shall consider new estimates of population and other socioeconomic data, changes in the cost of construction and land acquisition, and adjustments to the assumptions, conclusions or findings set forth in the methodology. The purpose of this review is to evaluate and revise, if necessary, the rates of the System Development Charges to assure that they do not exceed the actual or reasonably anticipated costs of the District's Capital Improvements.



- B. In the event the review of the ordinance or the methodology alters or changes the assumptions, conclusions and findings of the methodology, or alters or changes the amount of System Development Charges, the methodology shall be amended and updated to reflect the assumptions, conclusions and findings of such reviews.

### **Section 10 - Receipt and Expenditure of System Development Charges**

- A. The District shall establish separate accounts for each type of System Development Charge, which shall be maintained apart from all other accounts of the District. All System Development Charge payments shall be deposited in the appropriate account immediately upon receipt.
- B. Reimbursement fees shall be applied only to Capital Improvements associated with the systems for which the fees are assessed, including expenditures relating to repayment of indebtedness.
- C. Improvement fees shall be applied only to capacity-increasing Capital Improvements, including expenditures relating to repayment of future debt for the improvements. An increase in system capacity occurs if a Capital Improvement increases the level of performance or service provided by existing facilities or provides new facilities. The portion of the Capital Improvements funded by improvement fees shall be related to demands created by development. A Capital Improvement being funded wholly or in part from revenues derived from the improvement fee shall be included in the plan adopted by the District pursuant to ORS 223.309.
- D. Notwithstanding subsections B and C of this section, System Development Charge revenues may also be expended on the direct costs of complying with the provisions of this ordinance, including, but not limited to, the costs of developing System Development Charge methodologies and providing an annual accounting system for development charge expenditures.
- E. The monies deposited in the above accounts shall be used solely as allowed by ORS 223.307, including, but not limited to:
1. design and construction plan preparation;
  2. permitting and fees;
  3. land and materials acquisition, including any costs of acquisition or condemnation;
  4. construction of Capital Improvements;
  5. relocating utilities required by the construction of improvements;
  6. landscaping;

7. construction management and inspection;
  8. surveying, soils and material testing;
  9. acquisition of capital equipment;
  10. repayment of monies transferred or borrowed from any budgetary fund of the District which were used to fund any of the Capital Improvements as herein provided;
  11. payment of principal and interest, necessary reserves and costs of issuance under any bonds or other indebtedness issued by the District to fund Capital Improvements;
  12. direct costs of complying with the provisions of ORS 223.297 to 223.314, including the consulting, legal, and administrative costs required for developing and updating the System Development Charge methodology report, resolution/ordinance, and Capital Improvements plan; and the costs of collecting and accounting for System Development Charge expenditures.
- F. Funds on deposit in System Development Charge accounts shall not be used for:
1. any expenditure that would be classified as a maintenance or repair expense; or
  2. costs associated with the construction of administrative office facilities that are more than an incidental part of other Capital Improvements.
- G. Any Capital Improvement being funded wholly or in part with System Development Charge revenue shall be included in the District's Capital Improvement plan. The Capital Improvement plan may be modified at any time by the Board of Directors and shall:
1. list the specific Capital Improvement projects that may be funded with System Development Charge revenue;
  2. provide the estimated cost of each Capital Improvement project,
  3. provide the estimated timing of each Capital Improvement project; and
  4. be updated at least once every 2 years.
- H. Any funds on deposit in System Development Charge accounts which are not immediately necessary for expenditure shall be invested by the District. All income derived from such investments shall be deposited in the System Development Charge trust accounts and used as provided herein.

I. System Development Charges shall be refunded in accordance with the following requirements:

1. An applicant or owner shall be eligible to apply for a refund if:
  - (a) The building permit or development permit has expired and the development authorized by such permit was not commenced; or
  - (b) The System Development Charge has not been expended or encumbered prior to the end of the fiscal year immediately following the tenth anniversary of the date upon which such charges were paid. For the purposes of this Section, System Development Charges collected shall be deemed to be expended or encumbered on the basis that the first System Development Charge in shall be the first System Development Charge out.
2. The application for refund shall be filed with the District and contain the following:
  - (a) The name and address of the applicant;
  - (b) The location of the property which was the subject of the System Development Charge;
  - (c) A notarized sworn statement that the petitioner is the then current owner of the property on behalf of which the System Development Charge was paid, including proof of ownership, such as a certified copy of the latest recorded deed;
  - (d) The date the System Development Charge was paid;
  - (e) A copy of the receipt of payment for the System Development Charges; and, if appropriate,
  - (f) The date the building permit or development permit was issued and the date of expiration.
3. The application shall be filed within ninety (90) days of the expiration of the building permit, development permit, or connection, or within ninety (90) days of the end of the fiscal year following the tenth anniversary of the date upon which the System Development Charge was paid. Failure to timely apply for a refund of the System Development Charge shall waive any right to a refund.
4. Within thirty (30) days from the date of receipt of a petition for refund, the District will advise the petitioner of the status of the request for refund, and if such request is valid, the System Development Charge shall be returned to the petitioner.

5. A building permit, development permit, or connection which is subsequently issued for a development on the same property which was the subject of a refund shall pay the Systems Development Charge required by Section 4.
- J. The District shall prepare an annual report accounting for System Development Charge, including the total amount of System Development Charge revenue collected in the accounts, and the Capital Improvement projects that were funded
- K. Any citizen or other interested person may challenge an expenditure of System Development Charge revenues.
  1. Such challenge shall be submitted, in writing, to the Executive Director for review within two years following the subject expenditure, and shall include the following information:
    - (a) The name and address of the citizen or other interested person challenging the expenditures;
    - (b) The amount of the expenditure, the project, payee or purpose, and the approximate date on which it was made; and
    - (c) The reason why the expenditure is being challenged.
  2. If the Executive Director determines that the expenditure was not made in accordance with the provisions of this ordinance and other relevant laws, a reimbursement of System Development Charge account revenues from other revenue sources shall be made within one year following the determination that the expenditures were not appropriate.
  3. The Executive Director shall make written notification of the results of the expenditure review to the citizen or other interested person who requested the review within ten (10) days of completion of the review.

### **Section 11 – Severability**

If any clause, section or provision of this ordinance shall be declared unconstitutional or invalid for any reason or cause, the remaining portion of said ordinance shall be in full force and effect and be valid as if such invalid portion thereof had not been incorporated herein.

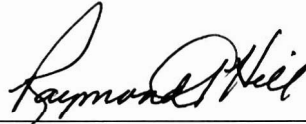
### **Section 12 - Implementing Regulations**

The Board of Directors may adopt regulations to implement the provisions of this ordinance.

**Section 13 - Effective Date; Emergency**

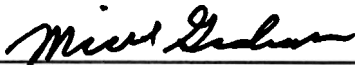
The charge authorized by this ordinance shall be imposed on building or development permit applications submitted on or after NOVEMBER 15, 1998; provided, however, that an application presented before that date, for which all necessary prior approvals have not been granted or other required predicates not met shall not be considered submitted for purposes of this section.

Adopted: NOVEMBER 13, 1998.



CHAIR

Attest:



Clerk

**ORDINANCE 24-0902 SD**  
**ARCH CAPE SANITARY DISTRICT**  
**AN ORDINANCE TO ALLOW THE BOARD TO MODIFY EXCESS USAGE**  
**CHARGES BY RESOLUTION**

WHEREAS, in the interest of water conservation the Arch Cape Sanitary District Board of Directors (“Board”) adopted Ordinance No. 11-01 SD (October 14, 2011) to define what amount of water use would be considered “excessive” and establishing charges for such excessive use (“Excess Usage Fees”); and

WHEREAS, Ordinance No. 11-01 did not specify the manner whereby Excess Usage Fees could be modified; and

WHEREAS, the Board seeks to establish a process by which Excess Usage Fees may be modified by resolution of the Board;

NOW, THEREFORE, the Board of Directors hereby ordains as follows:

1. Ordinance No. 11-01 SD is hereby amended to add the following: “Charges for excessive use of water (“Excess Usage Fees”) may be modified by a resolution of the Board approved by majority vote at a properly called public meeting.”

Adopted by the Arch Cape Sanitary District Board of Directors on September 19, 2024.

Attest:

\_\_\_\_\_  
Casey Short, Board President

\_\_\_\_\_  
Teri Fladstol, Secretary

# ORDINANCE 11-01SD

## AN ORDINANCE REVISING EXCESS USAGE FEES FOR THE ARCH CAPE SANITARY DISTRICT.

**Whereas**, it is the responsibility of the Arch Cape Domestic Water Supply District (the “Water District”) to collect monies owing to both the Water District and the Arch Cape Sanitary District (the “Sanitary District”),

**And**, it has been felt desirable to implement water conservation as called for in the Water District’s Conservation Plan,

**And**, it has been determined that it is necessary to adjust fees charged for excess water usage as it pertains to the Sanitary District,

**IT IS HEREBY RESOLVED AND ORDERED** that the Sanitary District adopt the following charges by tier for excess water usage above 5,000 gallons metered use per hookup per month.

Excess charges for the Sanitary District are one half (1/2) of the excess water charges calculated for Tiers 1 and 2 and at one hundred (100%) percent of excess water charges calculated for Tiers 3 through 5.

Adopted and signed this 14<sup>th</sup> day of October 2011, this policy shall take effect on the 1<sup>st</sup> day of December 2011.

Tevis Dooley III, President

Attest \_\_\_\_\_

## PROJECT UPDATE

### Active Projects:

Project	Objective	Status – September 2024
1. Replace Operations Control Electronics for the Water Plant	<p>Replace the computer electronics that allow the Operator to control the plant, secure that control function behind a firewall so as to minimize the risk of being hacked and update the software to comply with state reporting requirement. The primary control-interface panel broke several years ago and was not replaced and the “redundant” windows 7 computer is so antiquated that the vendor will not support the version of the software that is running on it. The software currently running does not comply with state requirements.</p> <p>This project is absolutely critical!</p>	<p>The electrical computer components have arrived. Installation is scheduled for September 20<sup>th</sup>.</p>
2. Replace Webb Lift Station	<p>The Webb Lift Station, which is long past its serviceable life, is the final link in the sewer system that collects and sends all wastewater to the sanitary plant. This project will replace the building itself and all major components including pumps, controls, generator. The new lift station will provide more capacity to: a) support community growth, and b) allow more rainwater to enter the system as underground pipes age.</p> <p>This project is absolutely critical!</p>	<p style="background-color: #ffff00;">The District has been advised that they are approved for all funds needed for the project. The District is still awaiting formal notification. That would mean that no loans or rate payer money will be needed.</p> <p style="background-color: #ffff00;">The contractor has begun the process of building the new lift station. You can view snapshots of the process on the District’s web site (<a href="http://www.archcapewater.org">www.archcapewater.org</a> and click on News &amp; Updates) or click on this link. <a href="#">Click here</a></p>
3. Upgrade & Bring Current the Business/ Admin Computer and Data System	<p>Provide a standard, viable and secure Information Technology environment (computing, data, security and remote help support) that will run the Districts’ business functions and give authorized access to the Districts’ information.</p>	<p style="background-color: #00ff00;">The new computer system is now installed, operational and being used as the primary computer, with regularly scheduled backups locally and to the cloud. Our IT consultant has remote access to the</p>



Project	Objective	Status – September 2024
		<p>system for off-site support. The old computer system is set up as a back-up.</p> <p>The only remaining task is to install the firewall, which can't be done until after task #1 above is completed, due to the need to upgrade the connection between the Water Plant and Sanitary Plant.</p>
<p>4. Find, Compile, Electronically Store and Provide Access to Required Business Documents</p>	<p>Find, pull together, electronically store/archive and provide secure access to the District documents , e.g., contracts, ordinances, resolutions, minutes, etc. that are required by state law and rules to be maintained</p>	<p>Research is still underway to find the remaining Ordinances, Resolutions, past version of Policies and all contractual agreements (per statute requirements). One more possible disk drive has been identified with 40 GB of documents to go through.</p> <p>The next step will be to create and implement a file management schema and procedures so that all computers will pull from and update the same documents. Implementing and populating this system will be a long-term task, given everything else that needs to be done.</p>
<p>5. Implement an Asset Management System</p>	<p>This project is to use newly purchased software to identify and track the Districts' plant &amp; equipment maintenance requirements, generate work orders, monitor their completion and provide Management Reporting to the Boards</p>	<p>Matt was trained on the software, has implemented it for both plants and is actively using it on a daily basis.</p> <p>The last step is to define Management Reports.</p>
<p>6. Upgrade &amp; Bring Current the Districts' Web Site</p>	<p>This project is to migrate the current web site information to a platform that is more easily managed, supported and can be easily expanded with additional information and functions</p>	<p>The new web site has been launched. Check it out at <a href="http://www.archeapewater.org">www.archeapewater.org</a>.</p>
<p>7. Inspect Water Lines for Lead</p>	<p>Federal mandate to inspect all lines that distribute water to meters to determine whether those lines contain lead</p>	<p>87% of the water lines have now been inspected.</p>
<p>8. Corrosion in Water Plant</p>	<p>The water plant was designed with fans to vent the marine air and the chlorine gas that is used to purify the water. Both of these elements, chlorine and</p>	<p>Electrician is now scheduled to wire the fans into an automated</p>

Project	Objective	Status – September 2024
	marine air, are corrosive to metal components in mechanical valves, electrical circuits, etc. As it turns out, since the new plant was brought on-line 10 years ago, the fans have never been run and as such have themselves started to corrode. Furthermore, when a valve would begin to corrode, rather than replacing it, the corroded value would just be swapped for another valve in the plant that is less corroded.	control process and to replace the broken fan.  Still awaiting quote from electrician to repair the critical circuitry eroded by corrosion

**Pended Project:** Oregon State has delayed this project until FY2025. Updates will no longer be provided

Move Asbury Creek Intake	State mandate to move the point at which we take water from Asbury Creek upstream 197 feet. State set deadline of September. Once that is done, the State will remove the culvert from under highway 101 and improving the stream conditions to encourage fish passage.
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