

CLACKAMAS COUNTY BOARD OF COUNTY COMMISSIONERS

Sitting/Acting as Service District No. 5

Policy Session Worksheet

Presentation Date: December 2, 2025 **Approx. Start Time:** 3:30 pm **Approx. Length:** 30 minutes

Presentation Title: CCSD#5 Rules & Regulations Amendments

Department: Transportation & Development – Service District No. 5

Presenters: Dan Johnson, Director – Transportation & Development, Wendi Coryell, Service District Specialist

WHAT ACTION ARE YOU REQUESTING FROM THE BOARD?

Staff are seek Board authorization to advance an ordinance amendment adopting new Street Lighting Service District (CCSD#5) Rules & Regulations.

EXECUTIVE SUMMARY:

Transportation & Development is following the Board's direction to review development regulatory processes to minimize burdens. The Clackamas County Street Lighting District has not performed a review of their Rules & Regulations in more than 30 years, and the existing guidance document is outdated.

Some of the significant changes reflected in the new guidelines include:

- Updating roles and definitions to reflect current practices and organizational structure.
- Separating and defining the nuances in processes for different lighting approval/installation methods – through Development, Petitions, Capital Improvement Projects, and Board Resolution.
- Updating required design and installation standards for new lighting installations.
- Defining existing practices regarding the installation of shields and/or the approval of banners on District managed lights.
- Moving the adoption of the rate schedule to Resolution, to allow more flexibility to amend the descriptions with the adoption of new equipment and new rates through the budget process. Resolution is currently used, but the Rules/Regulations still include some outdated rate schedule references.
- Updating the process for how the District invoices user fees to reflect current practices.

In conjunction with these proposed rules and regulation amendments, staff is closely coordinating with both Land Use Planning (ZDO/Comp Plan) and Development Engineering (Roadway Standards) to remove conflicting provisions, reduce redundancy, and improve clarity resulting in a more efficient permitting process for the community.

Proposed amendments have been reviewed and approved to form by County Counsel.

With Board authorization, staff will schedule a first reading of the ordinance at a Public Hearing early in 2026.

FINANCIAL IMPLICATIONS (current year and ongoing):

Is this item in your current budget? YES NO

What is the cost? *N/A – Rules & Regulations Update*

What is the funding source? *User Fees*

STRATEGIC PLAN ALIGNMENT:

- How does this item align with your Department's Strategic Business Plan goals?
The purpose of the Street Lighting program is to provide light installation, maintenance and operation services to the public so they can travel safely. Installation of street lighting can be an effective way of increasing safety as it increases visibility to the travelling public and can be a deterrent against crime.

- How does this item align with the County’s Performance Clackamas goals?
This ordinance amendment is required to achieve the Countywide Vibrant Economy - Development Process goal, which states that, “By 2028, the County will conduct a review of all development regulatory processes to minimize burdens, providing an effective and timely permitting process for the community.”

LEGAL/POLICY REQUIREMENTS:

Clackamas County Service District No. 5 is an ORS 451 Service District, that was established in 1970 under County Order 70-1078 to construct, operate and maintain street lighting facilities for the lighting of streets and highways for the protection of public health, safety and general welfare.

PUBLIC/GOVERNMENTAL PARTICIPATION:

- Coordinating with Clackamas County Land Use Planning and Engineering Development Review to identify conflicting provisions and reduce redundancy between the ZDO, Roadway Standards, and SDN5 Rules & Regulations. (Agreed to use SDN5 Rules & Regulations as the primary guidance document and will revise other documents to remove conflicting/restricting language.)
- Shared with Portland General Electric to gather feedback regarding Design Standards and Illumination requirements to improve language ensuring clear direction.
- Shared the draft regulations with the City of Happy Valley because the District coordinates street lighting illumination services within the incorporated city limits.

OPTIONS:

1. Direct staff to schedule the first public hearing on the ordinance as proposed.
2. Direct staff to schedule the first public hearing on the ordinance with Board revisions.
3. Take no action at this time.

RECOMMENDATION:

Staff recommend Option #1: Direct staff to schedule the first public hearing on the ordinance as proposed.

ATTACHMENTS:

Attachment 1 – PROPOSED Clackamas County Service District No. 5 Rules & Regulations

Attachment 2 – ORIGINAL Clackamas County Service District No. 5 Rules & Regulations; dated 11/23/1994

SUBMITTED BY:

Division Director/Head Approval _____

Department Director/Head Approval _____

County Administrator Approval _____

<p>For information on this issue or copies of attachments, please contact Wendi Coryell, by email at wendicor@co.clackamas.or.us, or by phone at (503) 742-4657.</p>

RULES AND REGULATIONS

[STREET LIGHTING DISTRICT]

CLACKAMAS COUNTY SERVICE DISTRICT NO. 5



Clackamas County
Department of Transportation & Development
150 Beaver Creek Road
Oregon City, Oregon 97045

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SECTION 1 - DECLARATION OF POLICY

1.010 – DISTRICT ESTABLISHMENT

Clackamas County Service District No. 5 is an ORS 451 Service District, that was established in 1970 under County Order 70-1078 to construct, operate and maintain street lighting facilities for the lighting of streets and highways for the protection of public health, safety and general welfare.

1.020 - PURPOSE AND OBJECTIVES

It is hereby declared to be the policy of Clackamas County Service District #5 to provide street lighting service to residents of the District upon request of those residents as provided herein.

It is further declared to be the policy of the District to provide street lighting service within Unincorporated Clackamas County and in the incorporated cities by agreement, for such areas as may be annexed to the District and may, in the judgment of the District, be feasibly served upon such terms, conditions, and as the District shall from time to time determine.

The Rules and Regulations hereinafter set forth shall be applicable to street light installation, operation, maintenance and repair in Clackamas County Service District #5.

SECTION 2 - DEFINITIONS

2.010 - WORDS AND TERMS

"BOARD" means the Board of Directors of the District, being the Board of County Commissioners of Clackamas County, Oregon.

"CITY" means any incorporated city now or hereafter within the District's boundaries.

"COUNTY" means Clackamas County, Oregon.

"DIRECTOR" means the Director of Transportation & Development of Clackamas County, Oregon.

"DISTRICT" means Clackamas County Service District No. 5.

"EXISTING POLE" means a pole originally installed for some purpose other than supporting street light facilities.

"FRONTAGE" means the length of property contiguous to a public, local access, or private roadway.

"INTERESTED PERSON" means any owner or resident of property or purchaser of a duly recorded land sale contract.

"LETTER OF AUTHORIZATION" or "LOA" is the instrument used to accept responsibility for the ongoing energy costs related to the installation of new lighting.

"LINE EXTENSION COST AGREEMENT" or "LECA" is the PGE cost agreement, authorizing work to be done and accepting responsibility for paying costs related to new street light installations and the discontinuation of existing services.

"LUMENS" means a unit of luminous flux equal to the light emitted in a unit solid angle by a uniform point source of one candle intensity.

"LUMINAIRE" means a complete lighting fixture.

"MAY" is permissive.

"OWNER" means the record owner(s) of real property, purchaser of a duly recorded land sale contract, or in the case of a corporation the recorded President or Secretary.

"PGE" means Portland General Electric Company.

"RIGHT-OF-WAY" means any public highway, road, street, avenue, alleyway, private road, public place, public easement, or public right-of-way.

"SERVICE AREA" means areas under service or proposed for service having similar types of service classification systems and well-defined boundaries.

"SHALL" is mandatory.

"STREET LIGHT ONLY POLE" means any pole installed for the exclusive purpose of supporting street lighting facilities.

"UNIFORMITY OF ILLUMINATION" means the ratio of average illumination level on the roadway to the minimum illumination at any point on the roadway.

"USER" means any person who receives street lighting services. The occupant of occupied property is deemed the user. If the property is occupied, it is deemed that the owner benefits by using the service to, among other things, protect the property and enhance its usability and value. It is presumed that the owner of the real property, as shown in the records of the Clackamas County assessor, is the occupant.

"USER FEE" means the periodic charges applied on all users of the public lighting system for the cost of operation, maintenance, and replacement; including but not limited to, any other costs, such as but not limited to, debt service, debt service coverage, capital improvements, etc.

SECTION 3 - STREETLIGHTING SERVICES

3.010 - CHARACTER OF SERVICE

Service will be provided by the District, or by PGE through an agreement with the District, in accordance with Public Utility Commission, Streetlight Tariff Schedules 91 & 95. Street lighting activated by photoelectrical control will be provided from dusk to dawn daily.

3.020 - DESIGN

Prior to installation of street lighting, the District shall approve the design for such lighting. The street lighting plan shall be approved by the District and shall conform to the following requirements:

- A. Street lighting shall be provided only on public rights-of-way. The District may provide service to areas or roads not dedicated to public use if easements are granted or access to facilities is otherwise assured in a manner acceptable to the District in its sole discretion.
- B. Illumination levels shall be consistent with the intent and recommendations of the American National Standards Institute - Standard Practice for Roadway Lighting (ANSI/IES RP-8, most recent version), except as provided in Section 5.010 below.

The light levels may be modified to meet existing conditions such as utility poles, property lines, roadway geometry, trees, signs, buildings or any other obstacle within the right-of-way, at the sole discretion of the District exercising best professional judgement.

3.030 - MAINTENANCE

The District shall maintain or provide for the maintenance, repair, and replacement of the lighting system, including lamp replacement, as soon as reasonably possible after notification.

SECTION 4 - NEW SERVICES

4.010 - SERVICE AREA

To promote orderly development of street lighting, areas considered for service shall be well defined, including but not limited to:

- A. Subdivisions, partitions, commercial, industrial, and multifamily residential development within the UGB
- B. Entire length of street
- C. Portion of street from one cross street to another
- D. Portion of street from one cross street to a dead-end; and
- E. Continuation of existing lighting that eliminates gaps in street lighting service.

Additional adjacent areas which qualify may be included in any new service area at the discretion of the District.

4.020 - STREET LIGHT INSTALLATIONS: DEVELOPMENT

4.020 (A) - NEW SERVICE

Street illumination installation is required for all partitions, subdivisions, commercial, industrial, and multifamily residential development within the UGB in Clackamas County if adequate street lighting does not already exist. When associated with development, street illumination is installed in accordance with SECTION 5 - STREET ILLUMINATION DESIGN & INSTALLATION, generally as part of a Development Permit.

4.020 (B) - STREET ILLUMINATION APPROVAL

The following process is required to obtain Service District approval for street illumination for all developments as required above:

- A. The applicant shall contact the Service District (sdn5-streetlighting@clackamas.us) and coordinate property owner signature on a Request for Street Lighting (“Compliance Form”), consenting to an annual assessment on the property tax statement of the affected properties for the operation and maintenance of the streetlights.
 - 1. All tax lots in the development will be included in an assessment area within the Service District for the purpose of paying for the operation and maintenance of the streetlights.
 - 2. After a formal hearing process, a special assessment is placed on the tax roll at the Service District rate determined by the classification of the property and the type of illumination installed.
- B. The Service District will provide the applicant with a PGE Street Lighting contact. The applicant shall contact PGE and provide PGE with a District approved photometric design by a licensed engineer.

4.020 (C) - PUBLIC HEARING: ANNEXATION

The District, before annexing a new assessment area into the district, shall:

- A. Receive the Request for Street Lighting (“Compliance Form”) signed by owner(s); allowing permit issuance and continuation of the project.
- B. Provide for notice to affected owner(s) of the current RATE.
- C. The District approves the LOA with PGE agreeing to pay for ongoing electricity costs.
- D. Provide for a hearing before the Board of County Commissioners during which, the Board will annex the approved assessment area(s) into the District.
- E. The Board may approve or remove assessment areas, or make such other modification as determined appropriate, whether the matter is before the Board by petition or resolution.

4.030 - STREET LIGHT INSTALLATIONS: PETITIONS

4.030 (A) - NEW SERVICE

Whenever any interested person requests installation of streetlights within the District, the request shall be in petition form.

- A. Petition forms shall be provided by the District upon request. Petitions must contain:
 - 1. The signature of more than fifty (50) percent of the owner(s) of land within the proposed service area
 - 2. An identification of the properties within the area to be served
 - 3. Assessor's maps
 - 4. Proposed user fee
 - 5. A description of the improvements to be made
 - 6. Annexation requirements
- B. Street lighting through the petition process is only installed if it is financially feasible, through use of existing infrastructure, and/or funding partnerships that will help offset the cost of installation.

4.030 (B) - PUBLIC HEARING: ANNEXATION

Before the installation of new street lighting through a petition request, the District shall:

- A. Provide for notice to each affected owner of the District's intention to implement street lighting facilities, including:
 - 1. The cost of installation, operation, maintenance, repair, and replacement, if any.
 - 2. The proposed rate schedule and the current user fee.
 - 3. The process for objecting to the installation of the lights and annexation into the District.
- B. Provide for a hearing before the Board of County Commissioners during which affected owner(s) may object to the installation of streetlights.
 - 1. Provide that if the District receives written objections prior to the conclusion of the hearing signed by more than fifty (50) percent of the affected owner(s), the assessment area will be removed from the annexation, and the proposed facilities will not be installed.
 - 2. Written objections must be submitted to the District prior to the hearing, at the hearing, or any time before conclusion of the public hearing to be entered into the record for consideration.
 - 3. The Board may approve or remove assessment areas, or make such other modification as determined appropriate, whether the matter is before the Board by petition or resolution.

4.040 – STREET LIGHT INSTALLATIONS: CAPITAL IMPROVEMENT PROJECT (CIP)

4.040 (A) – CIP COST SHARE

Through the annual budget process, the District can be authorized to use interest earnings and funds from the prior sale of lighting as matching funds for the line extension and/or ongoing energy costs related to publicly funded capital improvement projects meeting the following objectives.

4.040 (B) – CIP LINE EXTENSION CONTRIBUTION

The District can partner on, or pay for the PGE line extension (LECA), when a project meets most of the following criteria:

- A. Project is in the Portland Metro Urban Growth Boundary (mandatory)
- B. Funding is available in the District budget (mandatory)
- C. Installation of the light(s):
 - 1. Enhance existing lighting in the area. The installation enhances or completes a street lighting corridor.
 - 2. Are new, the District is not replacing existing poles/fixtures
 - 3. Improves school zone and/or community gathering safety. The project is near a school, park, community center, or other public gathering place.
 - 4. The project is on a high traffic corridor. The site takes access from an ARTERIAL or COLLECTOR functional class roadway and/or roadway is designated as an Emergency Transportation Route.
 - 5. The project is in a high-crime area.
 - 6. The project is in an underserved area.

4.040 (C) – ONGOING CIP ENERGY COSTS

When funding is available, the District can partner on, or pay for the ongoing energy costs (LOA), when a project meets most of the following criteria:

- A. Project is in the Portland Metro Urban Growth Boundary (mandatory)
- B. The lights are installed as Option A lighting; under Streetlight Tariff Schedules 91 & 95 (mandatory)
- C. Most of the surrounding properties are already annexed into the District and/or the area presents future development opportunities that will allow for cost recovery through District rate payors
- D. Installation of the light(s):
 - 1. The project is on a high traffic corridor. The site takes access from an ARTERIAL or COLLECTOR functional class roadway and/or roadway is designated as an Emergency Transportation Route
 - 2. The project is in a high-crime area
 - 3. The project is in an underserved area.

4.050 - STREET LIGHT INSTALLATIONS: BOARD RESOLUTION

When the Board determines that, in the interest of public safety, health, and welfare, streetlights should be installed anywhere in the District, the Board may adopt a resolution or order to initiate the process of street light installation as if a petition were received.

The resolution shall contain:

- A. A description of the area to be served
- B. Current user fee
- C. The nature of the improvement to be made
- D. The reasons for which the installation is required

4.060 - NOTICE

Notices, as required by Section 4, shall be by first class mail to each owner, using the last known name and mailing address as listed by the Tax Assessor for Clackamas County.

SECTION 5 - STREET ILLUMINATION DESIGN & INSTALLATION STANDARDS

5.010 - STANDARDS

Street illumination is subject to the approval of Clackamas County Service District No. 5 (the District), administered through Clackamas County Development Engineering (Engineering), and the utility serving the District, Portland General Electric (PGE). Design standards may differ, based on the agency responsible for the roadway (state, county, city).

Street illumination is designed to the current revision of *ANSI/IES RP-8* guidelines for the road classification, using existing infrastructure (poles, transformers, and circuitry) where available. The District is responsible for defining road classifications prior to design.

The District shall have final approval over all design and installation of lighting systems, following consultation with PGE and any affected City.

5.020 - EQUIPMENT: PGE “OPTION A”

The District has chosen “Option A” through PGE’s list of options regarding ownership, operation, and maintenance; Option A is for luminaires owned, maintained, and supplied with electric energy by PGE. (To ensure you have the most up-to-date information, please check the PGE website or reach out directly to the PGE Streetlight Project Manager for the latest version of the approved materials list.)

5.030 - DESIGN REQUIREMENTS

The developer/project is responsible for providing the PGE Lighting Design Project Manager with the streetlight design layout, which includes complete streetlight design details (pole and fixture specifications). Developers or customers are required to provide the District approved photometric design for the streetlight portion of their project. As specified in 5.050 Service District Design Approval.

- A. The lighting design layout will need to meet the recommended maintained illuminance values in the current revision of ANSI/IES RP-8 American National Standard Practice for Roadway Lighting and meet the jurisdiction’s road classification standards.
 - 1. A streetlight pole cannot occupy the same space with a tree in a tree well.
 - 2. Streetlights are recommended to be a minimum of 20’ from any tree location.
 - 3. Facilities (conduit, junction box, streetlight pole, etc) may not be installed in bioswale / rain gardens.
- B. The Service District has the option to accept & authorize streetlight designs that do not meet ANSI/IES RP-8 guidelines, when site characteristics restrict/prevent compliance. PGE will put a notation on the letter of authorization (LOA) that is signed by the District as well as the sketch.
- C. Developers or project teams are encouraged to contact the PGE Lighting Design Project Manager with any questions. However, please note that the final photometric design must be reviewed and approved by the District.

PGE’s Outdoor Lighting internet page [<https://portlandgeneral.com/outages-safety/safety/outdoor-lighting>] provides a *PGE Streetlight Responsibility Option A & B* process document outlining the steps and responsibilities for Streetlight Installations.

5.040 - APPROVED LIGHTING EQUIPMENT

Option A streetlight designs require materials to be specified from PGE’s approved street lighting equipment list. No substitutions are allowed. PGE Lighting Design Project Managers are available to assist with pole and fixture information needed on the project, this information will be based on Service District direction.

A list of [PGE Approved Street Lighting Equipment](https://portlandgeneral.com/outages-safety/safety/outdoor-lighting) is posted on PGE's Outdoor Lighting internet page [<https://portlandgeneral.com/outages-safety/safety/outdoor-lighting>].

5.050 - SERVICE DISTRICT DESIGN APPROVAL

The final lighting design layout requires Service District approval. The Service District will sign a Letter of Authorization (LOA) to PGE upon approval of the design and the receipt of the signed Request for Street Lighting. The Service District has final approval for all street illumination fixtures for each development.

5.060 - OPTION A CONSTRUCTION & INSTALLATION

Upon approval of the Street Illumination Design, the applicant shall sign the PGE Line Extension Charge Agreement (LECA) and pay for the installation of the equipment. The LECA charge covers the material and labor cost for PGE to install any necessary equipment; as outlined in the agreement.

Any work performed by the developer/ contractor, in advance of PGEs installation, must meet the requirements outlined in the current version of the PGE [Statement of Streetlight Installation Responsibilities](#) document, which outlines the installation service requirements for Option A streetlights.

5.070 - AUTHORIZATION TO ENERGIZE STREETLIGHTS

PGE will request the signed authorization (LOA) from the Service District to energize the streetlights as installed and will begin billing the Service District under provisions of stated option.

5.080 - SHIELDS

Due to lighting impacts on adjacent users, the District offers shields to help direct the illumination to the roadway. Upon user request, shields may be installed on streetlights at the discretion of the District. Shields must not be positioned in a manner that reduces the level of lighting directed toward the roadway.

1. PGE may charge for the installation of a shield, and the District reserves the right to pass this cost on to the requestor.
2. When a shield is requested due to an adverse impact on an existing user from street illumination of a new development, the District will pay for the shield when funds are available in the budget to do so.

5.090 - BANNERS

The District recognizes the value of banners/attachments to help promote community events, foster community spirit, and as a means of placemaking. Banners/attachments can enhance visual appeal and functionality of public spaces, contributing to the overall vibrancy and connectivity of communities. For this reason, the District has adopted the following guidelines for the temporary installation of banners/attachments on District managed streetlights.

The District prohibits the following banners/attachments on District owned streetlights:

1. Banners or attachments of a political or religious nature

2. Banners or attachments whose primary purpose is marketing on behalf of a for-profit organization.
3. Banners or attachments that promote any ballot measure
4. Banners or attachments that promote preferences or prejudices
5. Electrified Banners
6. Cameras, noise, sensors or like devices (are not allowed)

If approved, for installation:

1. Any costs related to the installation, maintenance, or removal of banners/attachments shall be paid by the applicant.
2. The District may restrict the duration of the banner/attachment.
3. The applicant shall be responsible for providing liability insurance to indemnify the District, road authority, and PGE.
4. The District reserves the right to reject any application, for any reason.
5. The District reserves the right to withdraw its permission and move or remove the approved attachments at any time after installation.

Installation of banners/attachments on District managed streetlights meeting these requirements may be allowed, pending an approved Portland General Electric (PGE) banner permit, and review/approval by both:

1. Road Official (City and/or County)
2. Street Lighting District

SECTION 6 – DISTRICT FINANCING

6.010 - METHOD

The method of financing the installation, operation, maintenance, repair, or replacement of service facilities shall be by user fee charged to the owner(s) of annexed property. The owner and/or occupant of annexed property is deemed the user. If the property is not occupied, it is deemed that the owner benefits by using the service to, among other things, protect the property and enhance its usability and value.

6.020 - SERVICE DISTRICT RATES

User fees for each service classification schedule shall be established based on the District cost for installation, operation, maintenance, repair, replacement, and administration.

1. Properties shall be classified according to the primary type of street lighting service received. All properties in an assessment area will be charged the same rate, using the schedule reflecting the primary type of street lighting service in the area.
2. All areas of similar service shall be placed into a service classification identified on the adopted fee schedule by Resolution.
3. District rates are subject to change annually through Resolution, as part of the District annual budget adoption process.
4. Invoices for service cover the period from July 1 to June 30, following the County fiscal year.

5. After annexing in to the district, the newly annexed property will be invoiced the service year following the date of installation.

6.030 - MEANS

User fees are billed and collected on any reasonable schedule established by the District.

1. The tax statement for Clackamas County includes the user fees for non-exempt parcels (parcels that are exempt from local property tax assessments, but not user fees, such as religious facilities, schools, etc.); and payments are made in accordance with the assessment and tax payment schedules.
2. Exempt parcels are sent an invoice for services, and payment is due within 30 days of billing.

6.040 - SERVICE AREA

All users within each of the District's service areas shall be placed into one of the service classifications adopted by Resolution.

Each user within a service area is considered to be equally benefited without regard to frontage or lot size, except that commercial users are considered to be benefited according to the amount of frontage abutting the right-of-way served by street lighting, without regard to lot size.

6.050 - SPECIAL CONDITIONS

Users requesting street light installation shall be charged for initial costs of installation associated with trenching, conduit, transformers, restoration, and any other costs of installation not provided for under Section 6.020.

1. Installation costs are paid to Portland General Electric (PGE) as part of the line extension agreement (LECA).
2. Ongoing maintenance costs are captured in the user fees.

SECTION 7 - TERMINATION OF SERVICE

7.010 - TERMINATION OF SERVICE

The Director shall consider requests for termination of street light service by users provided:

- A. 50% of the owners of land within the proposed service area sign a petition requesting termination
- B. Termination of service does not affect the health, safety and security of users in the service area
- C. Under PGE tariffs there is a discontinuance cost for any removal of streetlight equipment, all costs for termination of street light service are paid by the service area users via one lump sum payment to the County allocated equally by user.

Upon compliance with paragraph A – C, the Director shall recommend to the Board termination of streetlighting within the service area. The Board may, at its discretion, call for a hearing regarding the removal of streetlights.

SECTION 8 - SUPPLEMENTARY RULES

8.010 - REGULATION

If any provision of these Rules and Regulations of the District or their application to any person or circumstances shall be held invalid, the remainder of the Rules or Regulations or their application to other persons or circumstances shall not be affected.

8.020 - COMPLIANCE WITH LAWS

Conformance with this ordinance shall in no way be a substitute or eliminate the necessity of conforming to any and all Federal, State or local laws, ordinances, Rules or Regulations which are now or may in the future be in effect.

8.030 - SERVICE

Nothing contained herein shall require the District to provide street light service to any area when service has not been requested as provided by Section 4.

8.040 - ADMINISTRATION OF THIS ORDINANCE

The District, through its Director or other authorized designated representative, shall have authority to do all things necessary to administer the provisions of this ordinance and rules adopted pursuant thereto.

11/23/94

RULES AND REGULATIONS

Street Lighting Service

CLACKAMAS COUNTY SERVICE DISTRICT NO. 5



Clackamas County
Department of Utilities
902 Abernethy Road
Oregon City, Oregon 97045

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SECTION 1

DECLARATION OF POLICY

1.010 PURPOSE AND OBJECTIVES

It is hereby declared to be the policy of Clackamas County Service District #5 to provide street lighting service to residents of the District upon request of those residents as provided herein. It is further declared to be the policy of the District to provide street lighting service for such areas as may be annexed to the District and may, in the judgment of the District, be feasibly served upon such terms, conditions, and as the District shall from time to time determine.

The Rules and Regulations hereinafter set forth shall be applicable to street light installation, operation, maintenance and repair in Clackamas County Service District #5.

SECTION 2

DEFINITIONS

2.010 WORDS AND TERMS

"BOARD" means the Board of Directors of the District, being the Board of County Commissioners of Clackamas County, Oregon.

"CITY" means any incorporated city now or hereafter within the District's boundaries.

"COUNTY" means Clackamas County, Oregon.

"DIRECTOR" means the Director of the Department of Utilities of Clackamas County, Oregon.

"DISTRICT" means Clackamas County Service District No. 5.

"EXISTING POLE" means a pole originally installed for some purpose other than supporting street light facilities.

"FEE" means the amount incurred as a charge for street lighting service provided to a user.

"FRONTAGE" means the length of property contiguous to a public right-of-way.

"INTERESTED PERSON" means any owner or resident of property or vendee of a duly recorded land sale contract.

"LUMENS" means a unit of luminous flux equal to the light emitted in a unit solid angle by a uniform point source of one candle intensity.

"LUMINAIRE" means a complete lighting unit.

"MAY" is permissive.

"OWNER" means the record owner of real property or vendee of a duly recorded land sale contract.

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"PGE" means Portland General Electric Company.

"PUBLIC RIGHT-OF-WAY" means any public highway, road, street, avenue, alleyway, public place, public easement, or public right-of-way.

"SERVICE AREA" means areas under service or proposed for service having similar types of service classification systems and well-defined boundaries.

"SHALL" is mandatory.

"STREET LIGHT ONLY POLE" means any pole installed for the exclusive purpose of supporting street lighting facilities.

"UNIFORMITY OF ILLUMINATION" means the ratio of average illumination level on the roadway to the minimum illumination at any point on the roadway.

"USER" means any person who receives street lighting services. The occupant of occupied property is deemed the user. If the property is occupied, it is deemed that the owner benefits by using the service to, among other things, protect the property and enhance its usability and value. It is presumed that the owner of the real property, as shown in the records of the Clackamas County assessor, is the occupant.

"USER FEE" means the periodic charges applied on all users of the public lighting system for the cost of operation, maintenance, and replacement; including but not limited to, any other costs, such as but not limited to, debt service, debt service coverage, capital improvements, etc.

SECTION 3

SERVICES

3.010 CHARACTER OF SERVICE

Service will be provided by the District, or by PGE through agreement with the District, in accord with Public Utility Commission Tariff No. 91. Street lighting activated by photoelectrical control will be provided from dusk to dawn daily.

3.020 DESIGN

Prior to installation of street lighting, the District shall approve the design for such lighting. The street lighting plan shall be approved by the District and shall conform to the following requirements:

- (A) Street lighting shall be provided only on public rights-of-way. The District may provide service to areas or roads not dedicated to public use if easements are granted or access to facilities is otherwise assured in a manner acceptable to the District in its sole discretion.
- (B) Illumination levels shall be consistent with the intent and recommendations of the American National Standards Institute - Standard Practice for Roadway Lighting (ANSI/IES RP-8, 1983 and subsequent revisions), except as provided in paragraph C below.
- (C) The light levels may be modified to meet existing conditions such as utility poles, property lines, roadway geometry, trees, signs buildings or any other obstacle within the right-of-way, at the sole discretion of the District exercising best professional judgment.

3.030 MAINTENANCE

The District shall maintain or provide for the maintenance, repair, and replacement of the lighting system, including lamp replacement, as soon as reasonably possible after notification.

SECTION 4
NEW SERVICE

4.010 SERVICE AREA

In order to promote orderly development of street lighting, areas considered for service shall be well defined, including but not limited to:

- (A) Subdivision;
- (B) Entire length of street;
- (C) Portion of street from one cross street to another; and
- (D) Portion of street from one cross street to a dead-end.

Additional adjacent area which qualifies may be included in any new service area at the discretion of the District.

4.020 PETITION

Whenever any interested person requests installation of street lights within the District, the request shall be in petition form and shall contain the signature of more than fifty (50) percent of the owners of land within the proposed service area.

Petition forms shall be provided by the District upon request.

Petitions must contain an identification of the properties within the area to be served, assessor's maps, proposed user fee, and a description of the improvements to be made and annexation requirement, if necessary. Annexation must be complete prior to public hearing under Section 4.040.

4.030 RESOLUTION

Whenever the Board determines that, in the interest of public safety, health, and welfare, street lights should be installed anywhere in the District, the Board may adopt a resolution or order to initiate the process of street light installation as if a petition were received.

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The resolution shall contain a description of the area to be served, current assessment fee, nature of the improvement to be made, and the reasons for which the installation is required.

4.040 PUBLIC HEARING

The District, before installation of new street lighting, shall:

- (A) Provide for notice to affected users of intention to implement street lighting facilities and of the cost of installation, operation, maintenance, repair, and replacement.
- (B) Provide the affected users with an estimate of the initial cost, if any, and the current user fee.
- (C) Provide for hearing before the Board of County Commissioners during which affected users may object to the installation of street lights. Written objections may also be submitted to the District at or prior to conclusion of the public hearing.
- (D) Provide that if the District receives written objections prior to the conclusion of the hearing signed by more than fifty (50) percent of the affected property owners, the proposed facilities will not be installed.
- (E) The Board may award, increase, or decrease the area proposed for service or make such other modification as determined appropriate, whether the matter is before the Board by petition or resolution.

4.050 NOTICE

Notice as required by Section 4.040 shall be by first class mail to the last known name and mailing address of each user as listed by the Tax Assessor for Clackamas County.

4.060 FINAL APPROVAL

The District shall have final approval over all design and installation of lighting systems, following consultation with PGE and any affected City.

SECTION 5

STANDARDS FOR MATERIAL AND EQUIPMENT

5.010 MATERIAL AND EQUIPMENT

The District shall review and approve all materials and equipment proposed for installation in accordance with Section 3.020 (B). Lamps shall have a wattage appropriate for the design requirements, street classification and location as defined in Section 3.020 (B). All standards for material and equipment shall be those established by PGE in cooperation with the District and any affected City. Only those luminaires installed by PGE or constructed according to PGE standards and accepted by PGE shall be considered for service.

5.020 SHIELDS

Shields may be installed on street lights at the discretion of the District.

Shields may not be positioned to reduce the level of lighting on any rights-of-way.

SECTION 6

FINANCING

6.010 METHOD

The method of financing the installation, operation, maintenance, repair, or replacement of service facilities shall be by user fee applied to the user of street lighting.

User means any person who receives street lighting services. The occupant of occupied property is deemed the user. If the property is not occupied, it is deemed that the owner benefits by using the service to, among other things, protect the property and enhance its usability and value. It is presumed that the owner of the real property, as shown in the records of the Clackamas County assessor, is the occupant.

6.020 MEANS

User fees shall be billed and collected on any reasonable schedule established by the District. Payment shall be due within 15 days of billing.

6.030 SERVICE CLASSIFICATION

Fees shall be classified according to the primary type of street lighting service. All areas of similar service shall be placed into one or another of the following fee schedules:

Service Classification A: Residential lots which are served by District-owned luminaires mounted on existing electrical distribution poles with overhead electrical service.

Service Classification B: Residential lots which are served by utility-owned luminaires mounted on existing electrical distribution poles with overhead service. Some street light only poles may be used.

Service Classification C: Residential lots which are served by utility-owned luminaires mounted on underground served street light poles.

Service Classification D: Commercial and industrial lots which are served by utility-and District-owned luminaires on both existing and street light only poles.

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Service Classification D: Commercial and industrial lots which are served by utility-and District-owned luminaires on both existing and street light only poles.

Service Classification E: Condominium units which are served by utility-and District-owned luminaires on both existing and street light only poles.

Service Classification F: Any other area not conforming to one or another of the above Fee Schedules and/or served by optional equipment.

Service Classification G: All property within the incorporated limits of the City of Happy Valley.

6.040 FEES

Fees for each service classification schedule shall be established on the basis of District cost for installation, operation, maintenance, repair, replacement and administration.

6.050 SERVICE AREA

All users within each of the District's service areas shall be placed into one of the service classifications contained in section 6.030. Each user within a service area is considered to be equally benefited without regard to frontage or lot size except that all users in Fee Schedule D are considered to be benefited according to the amount of frontage abutting the public right-of-way served by street lighting, without regard to lot size.

6.060 SPECIAL CONDITIONS

Users requesting street light installation shall be charged for initial costs of installation associated with trenching, conduit, transformers, restoration, and any other costs of installation not provided for under Section 6.030. Installation costs shall be billed by the same method as for street light services.

SECTION 7

TERMINATION OF SERVICE

7.010 TERMINATION OF SERVICE

The Director shall consider requests for termination of street light service by users provided:

- (A) 50% of the owners of land within the proposed service area sign a petition requesting termination;
- (B) Termination of service does not affect the health, safety and security of users in the service area;
- (C) All costs for termination of street light service are paid by the service area users via one lump sum payment to the County allocated equally by user.

Upon compliance with paragraph A - C, the Director shall recommend to the Board termination of light service within the service area. The Board may, at its discretion, call for a hearing regarding the removal of street lights. At the conclusion of the public hearing, the Board shall either approve or reject the petition for removal of street lights from within the service area.

SECTION 8

SUPPLEMENTARY RULES

8.010 REGULATION

If any provision of these Rules and Regulations of the District or their application to any person or circumstances shall be held invalid, the remainder of the Rules or Regulations or their application to other persons or circumstances shall not be affected.

8.020 COMPLIANCE WITH LAWS

Conformance with this ordinance shall in no way be a substitute or eliminate the necessity of conforming with any and all Federal, State or local laws, ordinances, Rules or Regulations which are now or may in the future be in effect.

8.030 SERVICE

Nothing contained herein shall require the District to provide street light service to any area when service has not been requested as provided by Section 4.

8.040 ADMINISTRATION OF THIS ORDINANCE

The District, through its Director or other authorized designated representative, shall have authority to do all things necessary to administer the provisions of this ordinance and rules adopted pursuant thereto.