

RESOLUTION NO. 3203

A RESOLUTION OF THE BEND CITY COUNCIL ESTABLISHING THE SEPTIC TO SEWER COVID-19 RELIEF PROGRAM

Findings

- A. On March 11, 2020, the World Health Organization declared COVID-19 (novel coronavirus) a pandemic, acknowledging the virus will likely spread to all countries around the world.
- B. Coronaviruses are a group of viruses that can cause respiratory disease, with the potential to cause serious illness or loss of life.
- C. On March 8, 2020, Governor Kate Brown declared a state of emergency due to the COVID-19 outbreak in Oregon (Executive Order No. 20-03), finding that COVID-19 has created a threat to public health and safety, and constitutes a statewide emergency under ORS 401.025(1).
- D. On March 23, 2020, Governor Brown issued a Stay Home, Save Lives Order. (Executive Order No. 20-12).
- E. On May 1, 2020, by Executive Order 20-24, the Governor extended the statewide state of emergency (Executive Order 20-03) for an additional 60 days, through July 6, 2020, unless extended or terminated earlier by the Governor.
- F. On May 8, 2020, the Deschutes County Commissioners submitted a Deschutes County Reopening Plan, dated May 6, 2020, to the Governor, which addresses the seven criteria for reopening outlined by the Governor's office for a phased reopening of our communities and businesses.
- G. On May 14, 2020, the Governor rescinded the Stay Home, Save Lives Order, and in its place established a phased, regionally-tailored framework for reopening the state (Executive Order 20-25). The reopening framework keeps in place a majority of the restrictions set forth in the Stay Home, Save Lives Order, but relaxes the restrictions on local gatherings and allows certain business sectors to reopen in counties that meet the Governor's reopening criteria.
- H. On May 13, 2020, the Governor approved Deschutes County to enter Phase I of the reopening process beginning May 15, 2020.
- I. On March 16, 2020, the City Manager declared a Local State of Emergency in the City of Bend as a result of COVID-19 through April 15, 2020, which was ratified by the City Council on March 18, 2020, and submitted to the Deschutes County Commissioners, pursuant to Bend Municipal Code 1.60.015. The City Manager has since extended this Local State of Emergency several times, including an extension through Phases I and II of the Reopening Plan.

J. In addition to the direct health effects of COVID-19, the steps taken to respond to and fight the virus's spread have resulted in short and long term impacts to global, national, state and local economies. The economic downturn is being felt at numerous levels--high unemployment, decreased investment and consumer spending, disruption of supply chains, market disruption, etc. Many households and businesses have or will undergo an economic crisis of unprecedented speed and force. The previously strong Oregon economy is in a state of flux and uncertainty. In Bend, with the reliance on tourism and the service and recreation sectors, and retired residents on fixed incomes, there is a potential for a negative local economic impact.

K. The City's Emergency Declaration(s) include authorization to take all necessary steps authorized by law to coordinate response and recovery.

L. Federal, state and local programs are being developed to respond to the economic impacts of the pandemic, with measures to relieve the pressure on businesses and residents if possible. This program is intended to provide economic relief to property owners impacted by the pandemic, and is authorized through the Emergency Declaration(s) and the authority in Bend Code 1.30 and 1.60.

M. Bend Code Title 15.010.10(F) requires property owners who signed the Neighborhood Extension Project (NEP) petition application to connect to public sewer within two years of issuance of the Notice of Operational Completion (NOC). Bend Code Title 15.010.10(l)(1)(c)(i) requires property owners with legally available sewer and a failing septic system to connect to public sewer. Sewer is considered legally available when a sewer main with capacity exists along the property frontage.

N. The Desert Woods and Neighborhood Extension Project was approved by Council on November 6, 2019. The project is currently under construction and scheduled to be completed by Spring 2021. The Desert Woods and Neighborhood Extension Project will install sewer mains and services to a total of 140 properties on Desert Woods Drive, King Hezekiah Way, King Solomon Court, Greenmont Drive, 15th Street, Hollis Lane, Robin Hood Lane, King Richard Court, and within the Nottingham Square Subdivision.

O. The project is the first phase of the Septic to Sewer Conversion Program. A portion of the project, including construction on Greenmont Drive, King Solomon Court, and King Hezekiah Way, was selected by the Septic to Sewer Advisory Committee from an application pool submitted by Bend residents.

P. On April 27, 2020, staff issued a Notice of Operational Completion (NOC) to 20 property owners on King Hezekiah Way and a portion of Desert Woods Drive. The remaining 120 property owners on the project will receive a NOC when the sewer adjacent to their property is complete and deemed operational.

Q. Property owners bound by either of these requirements may be financially impacted by the public health emergency. Therefore, this Relief Program provides a one-year extension to the deadline to connect. The 41 property owners who signed the NEP

petition application receiving sewer service from the Desert Woods and Neighborhood Extension Project will be required to connect within three years from issuance of the NOC. Staff will issue revised NOCs to the 20 property owners who already received an NOC.

R. Bend Code Title 15.010.10(I)(1)(d) provides that property owners who connect to public sewer within two years of receiving the NOC will receive a 50 percent discount on the Connection Fee. To remain consistent with the three-year connection requirement provided above, the Relief Program will also extend 50 percent discount on the Connection Fee for one year.

S. The discount option would also apply to property owners who did not sign the petition application but either choose to connect or who are required to connect because of a failing septic system. In sum, any of the 140 property owner receiving sewer service from the Desert Woods and Neighborhood Extension Project will receive a 50 percent discount on the Connection Fee, if connected within three years from issuance of the NOC.

T. Bend Code Title 15.010.10(I)(1)(e) allows qualifying property owners to apply for a Connection Fee waiver. Property owners qualify for the waiver if their income is 80 percent of the Bend median income, calculated per HUD guidelines.

U. This Relief Program would modify the existing Connection Fee waiver approval criteria. Property owners required to connect because of a failing septic system may be financially impacted by the public health emergency and may not be prepared to connect since a failure is an unplanned event. Property owners who signed the NEP petition to connect may have changed circumstances due to the pandemic. The modified criteria will allow property owners who are financially impacted by the pandemic to receive the Connection Fee Waiver. The property owner(s) must provide proof of loss of wages related to the pandemic, including a letter of unemployment, furlough, or other circumstance deemed qualifying by staff. Additionally, property owners who provide proof of receiving public benefits, including but not limited to unemployment benefits, SNAP food stamps, or TANF benefits, will also receive the wavier. Property owners with a failing septic system who apply must provide a septic system failure report dated within six months from a licensed plumber or septic tank servicing company.

V. This modified criteria will expire three years from issuance of the NOC for property owners receiving sewer service from the Desert Woods and Neighborhood Extension Project. This modified criteria will also apply between March 16, 2021 through March 15, 2022 for property owners with a failing septic system who received sewer service from the Southeast Interceptor(SEI).

W. The SEI was completed in 2017 and provided sewer service to 144 properties. A NOC was issued on March 15, 2019 and stated that the Connection Fee was waived until March 15, 2021. Property owners that connect within two years are exempt from the Connection Fee. To remain consistent with the three-year connection provided for the Desert Woods and Neighborhood Extension Project, the Relief Program would provide a

50 percent discount to the Connection Fee for an additional year. Therefore, any property owner who received sewer service from the SEI that connects between March 16, 2021 and March 15, 2022 would receive a 50 percent discount on the Connection Fee.

Based on these findings,


THE CITY OF BEND RESOLVES AS FOLLOWS:

- Section 1. Under the authority of the Administrative Order(s) Declaring a Local State of Emergency in Bend as a Result of the COVID-19 Pandemic, ratified by the City Council, the City Manager is authorized to create and implement a Septic to Sewer COVID-19 Relief Program, consistent with the attached Exhibit A ("Septic to Sewer COVID-19 Relief Program—Engineering and Infrastructure Planning Department") ("Program").
- Section 2. The City Manager is authorized to make changes or amendments to the attached Program as needed to implement and administer it consistent with the intent of this Resolution.

Adopted by a vote of the Bend City Council on May 20, 2020.

YES: Sally Russell, Mayor
Bruce Abernethy
Barb Campbell
Bill Moseley
Justin Livingston
Gena Goodman-Campbell
Chris Piper

NO: none


Sally Russell, Mayor

ATTEST:


Robyn Christie, City Recorder

APPROVED AS TO FORM:


Mary A. Winters, City Attorney



CITY OF BEND

Septic to Sewer COVID-19 Relief Program
Engineering and Infrastructure Planning Department
May 12, 2020



1.0 Background 3

2.0 Property Owners Receiving Sewer Service from the Desert Woods and
Neighborhood Extension Project..... 3

 2.1 Connection Fee Waiver for Financially-Impacted Property Owners who are Required
 to Connect..... 4

 2.2 Connection Deadline Extension for Property Owners who Signed the Neighborhood
 Extension Project Application 5

 2.3 Connection Fee Discount Extension 5

3.0 Property Owners who Received Sewer Service from the Southeast Interceptor..... 6

 3.1 Connection Fee Waiver for Financially-Impacted Property Owners who are Required
 to Connect..... 6

 3.2 Connection Fee Discount Extension 7



1.0 Background

COVID-19 (novel coronavirus) was declared a pandemic by the World Health Organization on March 11, 2020. On March 16, 2020, the City Manager declared a Local State of Emergency in the City of Bend as a result of COVID-19 through April 15, 2020, which was ratified by the City Council on March 18, 2020, and submitted to the Deschutes County Commissioners, pursuant to Bend Municipal Code 1.60.015. The City Manager has extended this Local State of Emergency through May 6, 2020, which was ratified by Council on April 15, 2020. Another extension was ratified by Council on May 6, 2020 extending the Local State of Emergency through May 20, 2020. Further extensions may occur depending on ongoing direction from the federal government and Governor's office.

The crisis resulting from the pandemic has created unprecedented economic consequences across the world, including Bend. The City's Emergency Declaration(s) include authorization to take all necessary steps authorized by law to coordinate response and recovery.

In response to the COVID-19 crisis, the City of Bend is modifying the Septic to Sewer Conversion Program to provide financial relief to affected residents.

2.0 Property Owners Receiving Sewer Service from the Desert Woods and Neighborhood Extension Project

The modifications described below apply to property owners receiving sewer service from the Desert Woods and Neighborhood Extension Project. The project, approved by Council on November 6, 2019, is under construction and scheduled to be completed in Spring 2021. The project will provide sewer service to 140 properties.

The Desert Woods and Neighborhood Extension Project will install sewer mains and services to a total of 140 properties on Desert Woods Drive, King Hezekiah Way, King Solomon Court, Greenmont Drive, 15th Street, Hollis Lane, Robin Hood Lane, King Richard Court, and within the Nottingham Square Subdivision.

The project is the first phase of the Septic to Sewer Conversion Program. A portion of the project, including construction on Greenmont Drive, King Solomon Court, and King Hezekiah Way, was selected by the Septic to Sewer Advisory Committee from an application pool submitted by Bend residents.

On April 27, 2020, staff issued a Notice of Operational Completion (NOC) to 20 property owners on King Hezekiah Way and a portion of Desert Woods Drive. The remaining 120 property owners on the project will receive a NOC when the sewer adjacent to their property is complete and deemed operational. Staff will issue three additional NOCs for this project.



The exceptions proposed below will apply to the 140 property owners receiving new sewer service from the Desert Woods and Neighborhood Extension Project. Staff will issue revised NOCs to the 20 property owners who already received an NOC.

This Relief Program does not apply to future projects related to the Septic to Sewer Conversion Program, including the Via Sandia, East Lake Drive, and Orion Drive Sewer Project.

2.1 Connection Fee Waiver for Financially-Impacted Property Owners who are Required to Connect

Bend Code Title 15.010.10(I)(1)(c)(i) requires residents with legally available sewer and a failing septic system to connect to public sewer. Sewer is considered legally available when a sewer main with capacity exists along the property frontage.

Bend Code Title 15.010.10(I)(1)(c)(i): "1. The following sections apply to properties that receive sewer service from a NEP project or CIP project after establishment of the Septic to Sewer Conversion Program by Ordinance No. 2320, approved on December 19, 2018.

(c) ...connection is always mandatory when any of the following occurs at any time:

i. The existing on-site septic system requires repair as defined by Deschutes County Environmental Soils Division and/or OAR 340-071-0100"

Bend Code Title 15.010.10(F) requires residents who signed the Neighborhood Extension Project (NEP) petition application to connect to public sewer within two years of issuance of the Notice of Operational Completion (NOC).

Bend Code Title 15.010.10(F): "...Any property owner who signs a NEP project application that is selected for funding will be required to connect to sewer within two years of receiving the City-issued notice of operational completion."

Property owners bound by either of these requirements may be impacted by pandemic and may not be financially prepared to connect.

Bend Code Title 15.010.10(I)(1)(e) allows qualifying property owners to apply for a Connection Fee Waiver.

Bend Code Title 15.010.10(I)(1)(e): "A qualifying property owner required or requesting to connect to public sewer under the Septic to Sewer Conversion Program can request that the City fund their connection fees under the City's customer assistance program. "Qualifying property owner" means a property owner



with a household income at or below 80 percent of the area medium income based on the most recent HUD calculation available (US Census Bureau's ACS estimate for Bend, OR MSA)."

The Relief Program will modify the existing Connection Fee Waiver approval criteria to benefit property owners who are financially impacted by the pandemic and required to connect. Property owner(s) who provide proof of loss of wages related to the pandemic, including a letter of unemployment, furlough, or other circumstance deemed qualifying by staff, will receive the Connection Fee Waiver. Additionally, property owners who provide proof of receiving public benefits such as SNAP food stamps or TANF benefits, will also receive the waiver. As the City further develops the Program, additional approval criteria may be added to meet the unique circumstances of property owners affected by the pandemic. Staff will work with the economic development, finance and affordable housing departments as needed to develop relevant criteria. Property owners with a failing septic system who apply for the waiver must include a septic system failure report dated within 6 months from a licensed plumber or septic tank servicing company. Residents who seek this waiver shall fill out an application found at the link below.

This modified criteria will expire three years from issuance of the NOC for property owners receiving sewer service from the Desert Woods and Neighborhood Extension Project.

Connection Fee Waiver Application

2.2 Connection Deadline Extension for Property Owners who Signed the Neighborhood Extension Project Application

Bend Code Title 15.010.10(F) requires residents who signed the Neighborhood Extension Project (NEP) petition application to connect to public sewer within two years of issuance of the Notice of Operational Completion (NOC).

Bend Code Title 15.010.10(F): "...Any property owner who signs a NEP project application that is selected for funding will be required to connect to sewer within two years of receiving the City-issued notice of operational completion."

For those required to connect within two years as described above, the Relief Program will provide a deadline extension for an additional year. Therefore, any resident who signed the Desert Woods and Neighborhood Extension Project petition application will have a total of three years to connect to public sewer from the issuance of the NOC.

This extension will apply to 41 properties.

2.3 Connection Fee Discount Extension

Bend Code Title 15.010.10(l)(1)(d) indicates that property owners who connect to public



sewer within two years of receiving the Notice of Operational Completion (NOC) will receive a 50 percent discount on the Connection Fee.

Bend Code Title 15.010.10(I)(1)(d): "...any property that connects within two years from the notice of operational completion will be granted a 50 percent discount to the current sewer connection fee"

The Relief Program will extend the discount for an additional year for property owners who signed the petition application or did not sign the petition application and either decide to connect or are required to connect because of a septic system failure. Therefore, any property owner who receives sewer service from the Desert Woods and Neighborhood Extension Project and connects to public sewer within three years from issuance of the NOC will receive a 50 percent discount on the Connection Fee, unless otherwise granted a Connection Fee Waiver as described in Section 2.1.

This discount extension will apply to 140 properties.

3.0 Property Owners who Received Sewer Service from the Southeast Interceptor

The modifications described below apply to property owners who received sewer service from the Southeast Interceptor (SEI) Project. The project is complete and property owners were issued a Notice of Operational Completion (NOC) on March 15, 2019.

3.1 Connection Fee Waiver for Financially-Impacted Property Owners who are Required to Connect

Bend Code Title 15.010.10(I)(1)(c)(i) requires residents with legally available sewer and a failing septic system to connect to public sewer. Sewer is considered legally available when a sewer main with capacity exists along the property frontage.

Bend Code Title 15.010.10(I)(1)(c)(i): "1. The following sections apply to properties that receive sewer service from a NEP project or CIP project after establishment of the Septic to Sewer Conversion Program by Ordinance No. 2320, approved on December 19, 2018.

(c) ...connection is always mandatory when any of the following occurs at any time:

i. The existing on-site septic system requires repair as defined by Deschutes County Environmental Soils Division and/or OAR 340-071-0100"

Property owners bound by this requirement may be impacted by pandemic and may not be financially prepared to connect.



Bend Code Title 15.010.10(I)(1)(e) allows qualifying property owners to apply for a Connection Fee Waiver.

Bend Code Title 15.010.10(I)(1)(e): "A qualifying property owner required or requesting to connect to public sewer under the Septic to Sewer Conversion Program can request that the City fund their connection fees under the City's customer assistance program. "Qualifying property owner" means a property owner with a household income at or below 80 percent of the area medium income based on the most recent HUD calculation available (US Census Bureau's ACS estimate for Bend, OR MSA)."

The Relief Program will modify the existing Connection Fee Waiver approval criteria to benefit property owners who are financially impacted by the pandemic and required to connect. Property owner(s) who provide proof of loss of wages related to the pandemic, including a letter of unemployment, furlough, or other circumstance deemed qualifying by staff, will receive the Connection Fee Waiver. Additionally, property owners who provide proof of receiving public benefits such as SNAP food stamps or TANF benefits, will also receive the waiver. As the City further develops the Program, additional approval criteria may be added to meet the unique circumstances of property owners affected by the pandemic. Staff will work with the economic development, finance and affordable housing departments as needed to develop relevant criteria. Property owners with a failing septic system who apply for the waiver must include a septic system failure report dated within 6 months from a licensed plumber or septic tank servicing company. Residents who seek this waiver shall fill out an application found at the link below.

This modified criteria will apply between March 16, 2021 through March 15, 2022 for property owners who received sewer service from the Southeast Interceptor.

Connection Fee Waiver Application

3.2 Connection Fee Discount Extension

Property owners who received sewer service from the SEI are not required to pay a Connection Fee for two years from issuance of the NOC. The NOC was issued on March 15, 2019, therefore property owners are waived the Connection Fee until March 15, 2021.

In addition to the fee waiver provided through March 15, 2021, the Relief Program will provide a 50 percent discount on the Connection Fee for an additional year. Therefore, any property owner who received sewer service from the SEI and connects to public sewer between March 16, 2021 and March 15, 2022 will receive a 50 percent discount on the Connection Fee, unless otherwise granted a Connection Fee Waiver as described in Section 3.1.