

City of Bend
City Manager Administrative Policy



TITLE: Septic Repair Policy and Guidelines
POLICY NO.: ADM 2021-2



CITY OF BEND

**SEPTIC SYSTEM REPAIR POLICY AND
GUIDELINES FOR CITY STAFF IN
INTERPRETING THE SEWER CODE**
Policy No. ADM 2021-2

Bend Code Chapter 1.450 provides for 'City Manager Authority to Adopt Administrative Regulations, Policies and Guidelines.' All regulations, policies, and guidelines adopted by the City Manager shall be consistent with the City of Bend Charter, the Bend Code, and council ordinances.

The following policy conforms to the above stated standards.

Authorized by City Manager:

Reviewed by Legal Counsel:

DocuSigned by:
Eric King
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Eric King
City Manager

DocuSigned by:
Mary Winters
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Mary Winters
City Attorney

Dated: 4/26/2021

Dated: 4/26/2021

Policy No.: ADM 2021-2
Adopted: 4/26/2021
Revised: 4/26/2021
Revision No.: 1

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1. Purpose:

The purpose of this policy is to clarify the intent of the Bend Code Title 15, Section 15.10.010(l)(2)(b), and provide guidelines for city staff in interpreting that section, and better inform property owners and Deschutes County Environmental Health in understanding the City's intent.

2. Background:

The Sewer code states as follows:

15.10.010 Use of Public Sewer – Requirements for New Development and Septic to Sewer Conversion Program.

15.10.005 Definitions.

Alteration means expansion or change in location of an existing system or any part of it. Major alteration is the expansion or change in location of the soil absorption facility, treatment unit, or any part of it. Minor alteration is the replacement or relocation of a septic tank or other components of the system other than the soil absorption facility, or a change in distribution technique or method.

Repair means installing all portions of a system necessary to eliminate a public health hazard or pollution of public waters a failing system creates. Major repair is replacing the soil absorption facility, treatment unit, or any part of it. Minor repair is replacing a septic tank, broken pipe, distribution unit, or any part of the on-site system external to the septic tank or treatment facility except the soil absorption system. Unless classified as a major repair or major maintenance, any replacement of a part of a system with a part that does not meet the original design specifications is a minor repair.

15.10.010 Use of Public Sewer – Requirements for New Development and Septic to Sewer Conversion Program

B. New Private On-Site Septic Systems. No person shall construct any new private on-site septic system, including a secondary system on an existing developed property. Replacing an existing septic system is an alteration, not a new system. Any system not operated by the City is a private on-site septic system

C. New Development. New development as defined below shall require the property to connect to public sewer. The City will require that public sewer is extended to the property frontage in accordance with the City of Bend Standards and Specifications. New development includes any of the following:

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1. A land division.
 2. Construction of a new dwelling unit.
 - a. Exemptions.
 - i. New accessory dwelling units (ADUs) may be served by an existing septic system if an alteration permit is not required to adequately serve the ADU, as defined by subsection (C)(3) of this section;
 - ii. A new single-family dwelling (SFD) on a vacant parcel located over 300 feet from an existing sewer main is not required to connect to public sewer. Distance to existing sewer is measured from the termination of the nearest sewer main along the centerline of the right-of-way to the nearest property line intersecting the right-of-way.
 - (A) The City Engineer may allow a waiver to connect to public sewer if the sewer main to be extended is required to be installed at an average depth of over five feet below ground surface. If a waiver is granted, a waiver of remonstrance will be recorded on the property at the property owner's expense. The waiver will also require the property owner to connect to public sewer within two years from when public sewer becomes legally available, as defined in subsections (E) and (I)(1)(b) of this section.
 3. Any improvements requiring an alteration permit as defined by Deschutes County Environmental Soils Division and/or OAR 340-071-0100.
- I. Timing of Connection and Payment of Fees.*
2. The following subsections apply to properties that do not have legally available sewer service as defined in subsection (E) of this section:
 - a. Property owners shall connect to public sewer if they apply for new development defined by subsection (C) of this section. All property owners must pay the SDCs in effect at the time of application for connection.
 - b. Property owners are permitted to repair existing on-site septic systems.
- L. The City Manager shall have the authority to establish administrative rules and regulations and departmental procedures to clarify, carry out and enforce the provisions of this chapter, and to implement the Septic to Sewer Conversion Program consistent with the intent of this chapter.

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3. Rationale for Policy.

The current code allows development on septic parcels if the existing septic system does not require an Alteration Permit to facilitate the development. The current code also allows septic repairs if sewer is not legally available at the property. A technicality in the code exists that does not comply with the intent of the program. A property owner can claim a repair is needed, and during the repair they can add capacity to the system to then facilitate development that would not have otherwise been allowed.

Deschutes County determines when a repair permit is issued, and they typically do not ask for proof of failure prior to issuing a repair permit. Deschutes County does not restrict the septic system capacity during a repair.

This policy clarifies the intent of the code and eliminates the technicality previously described. Deschutes County and the City of Bend will now operate in accordance with this policy.

4. Intent of Section 15.10.010 (I)(2)(b):

Property owners are permitted to repair existing on-site septic systems provided the design capacity of the repair system does not exceed the design capacity of the existing system, or the minimum sizing required for the existing use, whichever is greater, as defined by Deschutes County Environmental Soils Division and/or OAR 340-071-0220. The table below provides development examples for clarity.

No. of existing bedrooms	No. of bedrooms the existing design capacity serves	Number of bedrooms the repair design capacity serves	Explanation
3	4	4	Repair system matches capacity of existing system even though the full design capacity is not being used.
3	3	3	Repair system matches capacity of existing system and meets demand for existing use.
1	1	2	The current minimum sizing for any dwelling is 2 bedrooms; therefore, the minimum sizing is greater than the existing design capacity and existing use. The repair system increases capacity.
4	3	4	The design capacity of the existing system is less than the minimum sizing. The repair system increases design capacity to serve existing use.

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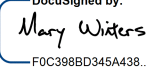
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Mary Winters
mwinters@bendoregon.gov
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In Person Signer Events	Signature	Timestamp
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Envelope Summary Events	Status	Timestamps

Envelope Summary Events	Status	Timestamps
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