

RESOLUTION NO. 3399

A RESOLUTION OF THE CITY COUNCIL ADOPTING UPDATED STANDARDS AND SPECIFICATIONS FOR WATER AND SEWER SERVICE CONNECTIONS FOR MIDDLE HOUSING LAND DIVISIONS

Findings

- A. Bend Development Code (“BDC”) 3.6.200.A (Development on a Middle Housing Land Division Site) and 4.3.700 (Expedited and Middle Housing Land Division) permit the partition or subdivision of a lot or parcel on which the development of middle housing is allowed under ORS 197.758(2) or (3) provided certain criteria are met (“Middle Housing Land Division”).
- B. Under current local regulations, the utility service and connection requirements for middle housing are different depending on whether the middle housing will remain undivided on a parent site or is proposed to be divided via the Middle Housing Land Division process.
- C. For undivided middle housing units, Bend Municipal Code (“BMC”) Section 15.10.020 allows only a single sewer service and connection to serve all of the dwellings permitted to be constructed on a single lot or parcel. Sections 4.3 (Sewer Services) and 5.2 (Water Service Lines) of the City’s Standards and Specifications similarly permit only a single water and sewer line per lot or parcel. BMC Title 14 (Water) does not prohibit the number of water connections to a lot or parcel.
- D. For Middle Housing Land Divisions, BDC 4.3.700.D.2.c requires separate utility connections for public water and sewer to each *dwelling unit* on the lot or parcel proposed to be divided, which will result in a separate utility connection per lot or parcel after the Middle Housing Land Division is completed, in compliance with BMC Section 15.10.020.
- E. Applications for Middle Housing Land Divisions may be submitted when (1) the parent site is already developed with middle housing, (2) has an active building permit to construct middle housing, or (3) the application for a land division is reviewed concurrently with a building permit application for construction of middle housing.
- F. Amending the BMC and Standards and Specifications to allow separate utility connections to each dwelling unit regardless of whether a Middle Housing Land Division has been completed will increase efficiency for the City and for developers because it will allow Building, Planning and Engineering staff to review and approve building permit applications without reference to the submission of a future Middle Housing Land Division application and it will increase developer efficiency as it will allow for the future option of a Middle Housing Land Division without requiring multiple permits or street cuts.
- G. In addition, this change will avoid the situation where a developer intends to but fails to complete a Middle Housing Land Division and would therefore be required to remove water and sewer utility infrastructure to each dwelling unit in the event the

Middle Housing Land Division is not completed to maintain compliance with the BDC, BMC and Standards and Specifications.

H. Requiring removal of newly installed water and sewer infrastructure intended to serve middle housing dwelling units because a Middle Housing Land Division is not completed is wasteful and does not promote the efficient construction of needed housing in Bend. In addition, allowing middle housing dwelling units to be served by separate utilities on a single lot before a Middle Housing Land Division is completed will not physically or financially harm to the City's water or wastewater utilities.

I. Accordingly, the Bend City Council resolves to adopt updated Standards and Specifications to allow separate and independent sewer and water connections for each dwelling unit on a lot or parcel provided the owner or developer of such parcel completes or intends to complete a Middle Housing Land Division on the parent site.

Now, therefore, based on these findings,

THE CITY COUNCIL OF THE CITY OF BEND RESOLVES AS FOLLOWS:

1. Adopt updates to the Standards and Specifications, Part II, Sections 4.3 and 5.2, as shown on the attached Exhibit A.
2. All other provisions of the Standards and Specifications are unchanged by this resolution and remain in effect.
3. This Resolution is effective September 4, 2024.

Adopted by the Bend City Council on September 4, 2024

YES:

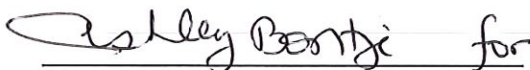
Mayor Melanie Kebler
Mayor Pro Tem Megan Perkins
Councilor Barb Campbell
Councilor Ariel Méndez
Councilor Anthony Broadman
Councilor Mike Riley
Councilor Megan Norris

NO:




Melanie Kebler, Mayor

Attest:



Morgen Fry, City Recorder

Approved as to form:



Mary A. Winters, City Attorney




Exhibit A

City of Bend Standards and Specifications Update

4.3 Sewer Services

Sewer services shall be placed perpendicular to the main sewer whenever possible and shall not be connected into any manhole. All sewer services shall have tracer wire and marking tape per [4.1.13 - Marking Tape and Locate Wire](#).

Sewer services shall be installed in conformance to City standard drawings. For new sewer mains 12-inch diameter and smaller, services shall be installed using wye fittings. For new sewer mains larger than 12-inch diameter, services shall be installed using tee fittings. Where new sewer mains are installed within a cul-de-sac or dead-end mains with low flow, service wye fittings must be used regardless of the main size.

Services from existing mains smaller than 12-inch diameter may be cut-in fittings or saddle connections. Services from existing mains 12-inch diameter and larger must be cut-in fittings.

Service lines 8-in diameter or larger shall connect to the main line using a standard manhole per 4.2 Manholes (Gravity).

Size-on-size hot taps are not permitted.

Gravity sewer services are not to be less than 4-inches in diameter. All commercial/industrial properties must have a minimum 6-inch gravity sewer service installed. All gravity sewer services and all pressure sewer services shall be design for the appropriate diameter for the application as specified by the designer and approved by the City Engineer.

Sewer services shall have not less than 24-inches of cover at the property line. If the service crosses a roadside ditch, or any low area, 24-inches of clearance must be obtained at the crossing, measured for where solid compacted backfill was placed.

Except for middle housing as provided below, ~~For~~ all residential, commercial, industrial, or institutional ~~parcels, each lot properties~~ can only have a single service. On lots with multiple buildings, each building is required to have at least one service, but those services can only feed to a single service connected to a sewer main. For properties on which the development of middle housing is allowed under ORS 197.758(2) or (3), additional separate services may be provided for each dwelling unit if the owner or developer of such lot or parcel completes or intends to complete a middle housing land division of the parent site.

Sewer services that cross property lines are discouraged and require approval from the City of Bend Building official and City Engineer. Private sewer service lines shall not be installed across multiple property lines unless all of the following can be shown to exist:

- 1) The service line is located outside the building envelope (placed within building setbacks as defined by the Development Code's zoned property line setbacks)
- 2) There is no "practical means" of bringing a lateral service from the property's right- of-way frontage
- 3) A 10-foot private utility easement can be secured and recorded with Deschutes County, by plat or other recordable document, prior to any plumbing permit acceptance to the City. The easement width of the private service can be reduced as approved by the City's Building official – width dependent on depth and size of service line being installed.

"Practical means" is defined by the inability to provide a main/service installation to City standards because existing utility conflicts or creating a non-conforming installation that contradicts City standards, not having sufficient City of Bend right-of-way to perform the work, or known existing/future conflicts within the right-of-way that prevent the work (bridges or other geographical barriers that cannot be crossed/removed by general construction means – excavation within wetlands/fragile ecosystems, City ASI's, etc.). A property that is in conformance, with no existing utilities crossing property lines, cannot be made non-conforming through any lot line adjustment, partition or subdivision land use process unless an exception can be made by the City Engineer, allowing private utilities to cross multiple property lines. Where an existing private sewer is already crossing property lines, and there is a recorded easement around the service, the property owner can continue to utilize that existing right.

All unused or abandoned service pipes within the right-of-way shall be cut and capped at the main. The unused service pipe shall be completely removed within the right-of-way. The pipe that remains on private property may remain or be removed at the property owner's discretion.

Sewer services are the ownership of the property owner they service. The property owner is responsible for the maintenance of the sewer service from the main into the property, including any private pumps required for pressure sewer systems.

Where properties have sewer service provided from a pressure sewer system, a check valve shall be installed on private property at the right-of-way line. Beyond the check valve an individual pump with sump shall be installed in conformance to the Oregon State Plumbing Code under a City plumbing permit. All private pumps are owned and maintained by the homeowner or homeowner group. No lots shall pump into a force main (a sewer main with a City pump station) without the approval from the City Engineer.

When services are installed for future use, install cleanout and tail at property line per Standard Drawing S-2C. If a PUE exists, install the cleanout at the property line and extend the tail to the back of the PUE.

5.2 Service Lines

The minimum water service line size is 1-inch diameter to the meter. This line size may be reduced through the meter as required for domestic service in conformance with the Oregon Plumbing code and any other applicable state building codes. The water meter shall be the same size or one size smaller than the water service line. No more than one service line per ~~taxlot~~property is permitted unless otherwise approved by the City Engineer; provided, however, that for properties on which the development of middle housing is allowed under ORS 197.758(2) or (3), additional separate service lines may be provided for each dwelling unit if the owner or developer of such lot or parcel completes or intends to complete a middle housing land division of the parent site.

Where an existing 3/4-inch water service exists between the main and the meter, the service will be permitted to remain unless; 1) the service line is a different pipe material other than copper or 2) additional demand is added to the service because of a new use. Any new building or single family residence with an existing service line that is out of conformance to current standards shall install/replace the service to meet current City standards.

Service lines shall be installed as shown on the Standard Drawings. All service runs shall be one continuous run of copper within the City's right-of-way. All service lines shall have a minimum of 3 feet of cover. When services are installed for future use, extend the tail to the property line, or back of the PUE, if a PUE exists.

Marking tape shall be installed a minimum of 12 inches above the service line at the top of the pipe zone material, centered on the service line.

Service taps at the main shall not exceed one tap every 2 feet and be a minimum 2 feet from bends or bells on the mainline. Water services are to maintain 10 feet separation from franchise utilities and non-potable water when within the right-of-way or in a utility easement.

Services 2-inches and larger shall be hot tapped with a minimum 2-inch corporation stop, using the appropriate tapping saddle and appurtenances as called out by the Engineer of Record. Service connections to existing pipe may utilize a saddle tap and valve. All water service lines shall be placed perpendicular to the water main.

New service connections greater than 2 inches shall be designed by a Professional Engineer. 3-inch service lines are not permitted, requiring 4-inch ductile iron water lines with the ability to reduce to 3-inch service lines at the meter.

Connections to transmission lines are not permitted. A separate distribution line shall be required to provide single services unless otherwise approved by the City Engineer. Where water services are permitted off of transmission mains, the taps must be performed by tapping sleeves and not corporation stops due to the thinner walled pipe. Additional tapping requirements may be required by the City with tapping of transmission mains dependent on the situation and location of the tap.

City standard is that services are to be provided directly to property with meters and premise isolation installed within the right-of-way for residential application. Reference Standard Drawings W-4, W-4A, and W-4B for residential service installation. Service connections beyond the premise isolation, installed within the property shall be considered private and will be reviewed in accordance to the Oregon Plumbing code and all other applicable Oregon state building codes, installed under a City Building Department permit. The City is not responsible for maintenance beyond the meter. Reference Standard Drawings W-5 through W-5D for commercial service installation.

Private water service lines shall not be installed across multiple property lines unless all of the following can be shown to exist:

- 1) The service line is located outside the building envelope (placed within building setbacks as defined by the Development Code's zoned property line setbacks)
- 2) There is no "practical means" of bringing a lateral service from the property's right- of-way frontage
- 3) A 10-foot private utility easement can be secured and recorded with Deschutes County, by plat or other recordable document, prior to any plumbing permit acceptance to the City. The easement width of the private service can be reduced as approved by the City's Building official – width is dependent on depth and size of service line being installed.

"Practical means" is defined by the inability to provide a main/service installation to City standards because of existing utility conflicts or creating a non-conforming installation that contradicts City standards, not having sufficient City of Bend right-of-way to perform the work, or known existing/future conflicts within the right-of-way that prevent the work (bridges or other geographical barriers that cannot be crossed/removed by general construction means – excavation within wetlands/fragile ecosystems, City ASI's, etc.). A property that is in conformance, with no existing utilities crossing property lines, cannot be made non-conforming through any lot line adjustment, partition or subdivision land use process unless an exception can be made by the City Engineer, allowing private utilities to cross multiple property lines. Where an existing private water service already crosses property lines, and there is a recorded easement around the service, the property owner can continue to utilize that existing right. Water services not in use, needing to be upsized or needing to be relocated within a parcel are required to be removed back to the main and the pipe removed from the right-of-way. The City requires that the corporation stop shall be removed from the main and the main be plugged, unless otherwise approved by the City Engineer or designee.

If the meter assembly/box or service line is damaged during construction/site improvement activities, during the warranty period, or if the existing meter box or service line does not meet current City Standards, the developer/property owner shall upgrade the components of the service that is out of conformance.

For all non-residential potable services a minimum of a D.C.V.A. (Double Check Valve Assembly) shall be required for Premise Isolation. The Premise Isolation Assembly shall be installed in accordance with O.A.R. (Oregon Administrative Rules) 333-061-0071, Oregon Plumbing Specialty Code Chapter 6, and City of Bend Standards and Specifications before a meter is set by City of Bend Utilities Personnel. The premise isolation shall be placed on private property directly behind the right-of-way line. The degree of hazard of each service connection shall be identified and verified by City of Bend Safe Drinking Water Program. Health Hazard connections shall be required to either utilize an approved In-Premise Backflow Prevention Assembly that is commensurate with the degree of hazard (Air Gap or Reduced Pressure Principle Backflow Prevention Assembly) or install the Health Hazard Assembly as Premise Isolation. A Reduced Pressure Backflow Assembly will be required at the service connection when non-potable, non-domestic water services (i.e., COID/Swalley/Arnold/NUID irrigation) and City water services exist at the same project site, per ORS 33-061-0070 and all other applicable State regulations.

All residential water services shall have the backflow assembly/meter loop installed by City of Bend Utilities Personnel after construction and inspection approval of the service pipe and water meter box.