

ORDINANCE NO. NS-2507

AN ORDINANCE OF THE CITY COUNCIL AMENDING BEND MUNICIPAL CODE SECTION 15.10.020, BUILDING SEWER CONNECTIONS AND RESPONSIBILITIES

Recitals

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 the City's 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 the City's water or sewer utilities.

I. Accordingly, the Bend City Council now wishes to amend BMC Section 15.10.020 to allow separate and independent sewer 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.

Based on these findings, THE CITY OF BEND ORDAINS AS FOLLOWS:

Section 1. Section 15.10.020 of the Bend Municipal Code is amended as shown on the attached Exhibit A.

Section 2. If any provision, section, phrase, or word of this ordinance or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions that can be given effect without the invalid provision or application.

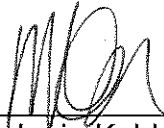
Section 3. All other provisions of the Bend Municipal Code remain unchanged by this ordinance and remain in effect.

First Reading Date: September 4, 2024

Second Reading and adoption by roll call vote: September 18, 2024

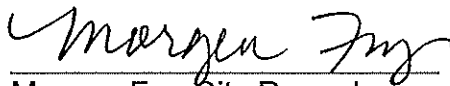
YES: Mayor Melanie Kebler
Mayor Pro Tem Megan Perkins
Councilor Barb Campbell
Councilor Ariel Méndez
Councilor Anthony Broadman
Councilor Mike Riley
Councilor Megan Norris

NO: none



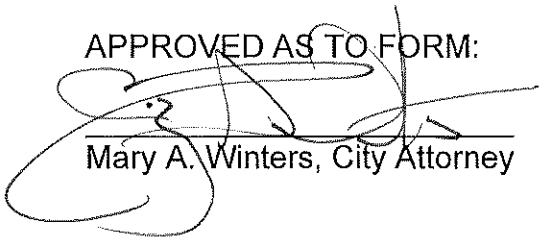
Melanie Kebler, Mayor

ATTEST:



Morgen Fry, City Recorder

APPROVED AS TO FORM:

A handwritten signature in black ink, appearing to be 'Mary A. Winters', written over a horizontal line. The signature is stylized and somewhat cursive.

Mary A. Winters, City Attorney

15.10.020 Building Sewer Connections and Responsibilities.

- A. No unauthorized person shall uncover, connect with, use, alter or disturb any public sewer without a written permit from the City.
- B. Applications for a sewer connection shall be on City forms. The permit application must be accompanied by plans and specifications and any other information requested by the City.
- C. The owner is responsible for all costs and expenses relating to the installation and connection of the building sewer. The owner shall indemnify the City from any loss or damage that may directly or indirectly result from the installation of the building sewer.
- D. A single separate and independent building sewer shall be provided for each lot or parcel individual property; provided, however, that for lots or parcels properties on which the development of middle housing is allowed under ORS 197.758(2) or (3), additional separate and independent building sewers 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.
- E. Old building sewers may be used in connection with new buildings only if the City determines that they meet all requirements of this chapter.
- F. The connection of the building sewer into the public sewer shall conform to the requirements of the State Building and Plumbing Codes and City Standards and Specifications.
- G. The applicant for the building sewer permit shall notify the City when the building sewer is ready for inspection and connection to a public sewer. The connection shall be made under the supervision of the City.
- H. All excavations for building sewer installation shall comply with the City Standards and Specifications related to work zone protection.
- I. Streets, sidewalks, and other public property disturbed in the course of the work shall be restored in accordance with the City Standards and Specifications unless the City approves otherwise in writing.
- J. The owner of property served by a building sewer shall be responsible for maintenance and repair of the building sewer to the point where the building sewer is connected to a City sewer

main. This responsibility includes responsibility for any costs of maintenance or repair. In the event of any break, leak or other damage to a building sewer, the owner of the property served by the building sewer shall cause repairs to be made immediately to minimize any sewer spillage. [Ord. NS-2182, 2012; Ord. NS-2146, 2010]