

A-Engrossed
House Bill 2705

Ordered by the House April 25
Including House Amendments dated April 25

Sponsored by Representative RICHARDSON; Representative GARRARD

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure.

Authorizes dwellings clustered in rural areas to be served by sewer systems. Requires owners of clustered dwellings to be served by sewer system to enter into common maintenance agreement in favor of local government.

Prohibits land use planning goals and administrative rules that conflict with establishing sewer systems serving dwellings clustered in rural areas.

Defines "clustered," "**community sewer system**" and "local government."

A BILL FOR AN ACT

1
2 Relating to sewer systems in rural areas.

3 **Be It Enacted by the People of the State of Oregon:**

4 **SECTION 1. As used in sections 1 to 3 of this 2005 Act:**

5 (1) "**Clustered**" means that existing dwellings are situated so that establishment of an
6 approved community sewer system is practicable, provides protection for the public health
7 and maintains or improves environmental quality.

8 (2) "**Community sewer system**" means a sewage disposal system that has service con-
9 nections to at least three permanent dwelling units, including manufactured homes.

10 (3) "**Local government**" has the meaning given that term in ORS 174.116.

11 **SECTION 2.** (1) The owners of lawfully constructed dwellings clustered in a rural area
12 on the effective date of this 2005 Act may establish a community sewer system approved by
13 the Environmental Quality Commission or the Department of Environmental Quality under
14 ORS chapter 454, 468 or 468B to serve the dwellings.

15 (2) If clustered dwellings in a rural area are within 300 feet of an existing sewer line or
16 within 300 feet of the service boundary of a local government providing sewer services, the
17 owners of the clustered dwellings shall apply for sewer service with the existing system. If
18 the provider of the existing sewer services is unable or unwilling to extend service or is le-
19 gally prohibited from extending service, the owners may establish a community sewer system
20 under subsection (1) of this section.

21 (3) A dwelling that is lawfully constructed after the effective date of this 2005 Act may
22 be connected to the community sewer system if:

23 (a) The dwelling could have been lawfully constructed under the zoning in effect on the
24 effective date of this 2005 Act; and

25 (b) The dwelling is sited on a lot or parcel that is within the coverage area of the com-
26 munity sewer system.

NOTE: Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted.
New sections are in **boldfaced** type.

1 **SECTION 3.** Prior to obtaining approval from the Environmental Quality Commission or
2 the Department of Environmental Quality for the installation of a community sewer system
3 under section 2 of this 2005 Act, the owners of each dwelling to be served by the system shall
4 enter into a common maintenance agreement in favor of a local government that constitutes
5 a deed restriction to be presented for recording by the local government in the deed records
6 of the county. The maintenance agreement must:

7 (1) Allocate proportionate shares of the cost of construction, maintenance, improvement
8 or remediation of the system to the lots and parcels on which the dwellings to be served are
9 located;

10 (2) Authorize the local government to enforce the provisions of the agreement; and

11 (3) Authorize the local government to recover attorney fees and the actual costs incurred
12 to enforce the agreement.

13 **SECTION 4.** (1) The Land Conservation and Development Commission may not adopt or
14 apply a land use planning goal or an administrative rule that conflicts with section 2 of this
15 2005 Act.

16 (2) Not later than July 1, 2006, the commission shall amend or repeal land use planning
17 goals and administrative rules that conflict with section 2 of this 2005 Act.

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