

House Bill 2705

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 **as introduced**.

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" 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 dwellings are situated so that establishment of an approved
6 community sewer system or alternate sewage disposal system is practicable, provides pro-
7 tection for the public health and maintains or improves environmental quality.

8 (2) "Local government" has the meaning given that term in ORS 174.116.

9 **SECTION 2. (1) The owners of dwellings clustered in rural areas may:**

10 (a) Establish a community sewer system or an alternate sewage disposal system approved
11 by the Environmental Quality Commission or the Department of Environmental Quality un-
12 der ORS chapter 454, 468 or 468B to serve the dwellings; or

13 (b) Be served by a sewer system established by a nearby local government.

14 (2) A local government may provide a sewer connection to dwellings clustered on rural
15 lands that abut or are within one mile of the boundary of the local government.

16 **SECTION 3. Prior to obtaining approval from the Environmental Quality Commission or
17 the Department of Environmental Quality for the installation of a community sewer system
18 or an alternative sewage disposal system under section 2 of this 2005 Act, the owners of each
19 dwelling to be served by the system shall enter into a common maintenance agreement in
20 favor of a local government that constitutes a deed restriction to be presented for recording
21 by the local government in the deed records of the county. The maintenance agreement
22 must:**

23 (1) Allocate proportionate shares of the cost of maintenance of the system to the lots
24 and parcels on which the dwellings to be served are located;

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

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

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

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 **2005 Act.**

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

4
