

# BES Engineering Code Change and Administrative Rules Package



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# BES Code Changes Status

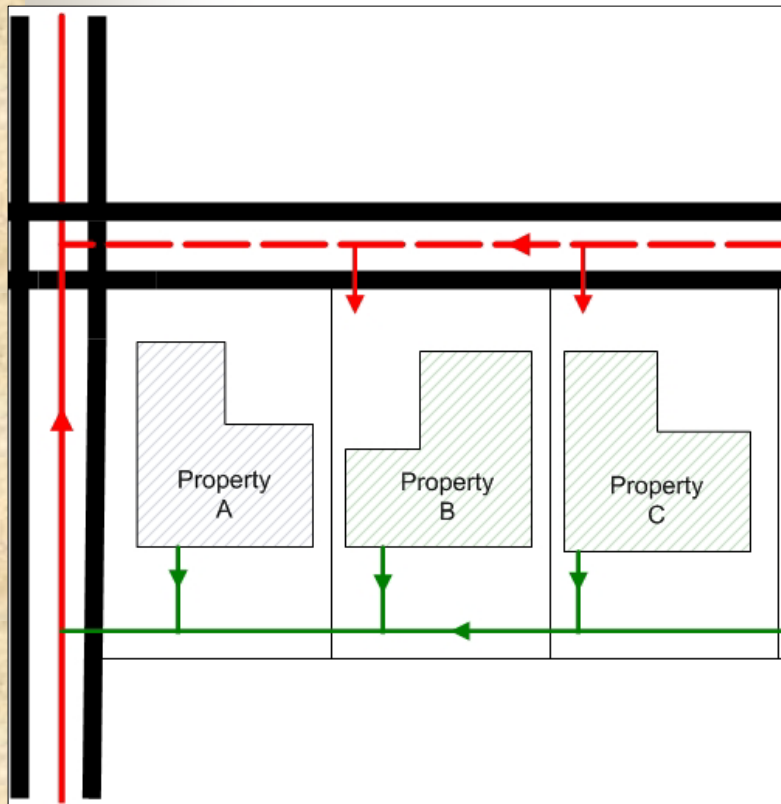
- This is Phase 2 of the BES four phase effort started in 2006.
  - ✓ Phase 1 – Title 17 Code Clean up – passed January 2009
  - ✓ Phase 2 - Engineering Programs Code Package – December 2009
  - ✓ Phase 2A – PW Permit & SDC Changes – December or January
  - ✓ Phase 3 – Pollution Prevention Programs Code Package June 2010
  - ✓ Phase 4 – Title 17 Definitions Late 2010 early 2011

# Programs in Engineering Package

- Nonconforming Sewer Conversions (Chapter 17.33 replacement)
- Public Works Enforcement Code (Chapter 17.32 replacement)
- Green Street Facility Maintenance (various)
  - ✓ New BES responsibility for some street trees



# Nonconforming Program Changes



- Affirm City goal of individual connections for 8 to 10,000 properties.
- Add new nuisance abatement / permit refusal authorities.
- Replace Chapter 17.33 to clarify code elements relating to the Mandatory Connection, Nonconforming Conversion or both programs.
  - ✓ Program Triggers
  - ✓ Program Enforcement
- Combine existing Mandatory with Nonconforming Program Administrative Rules.

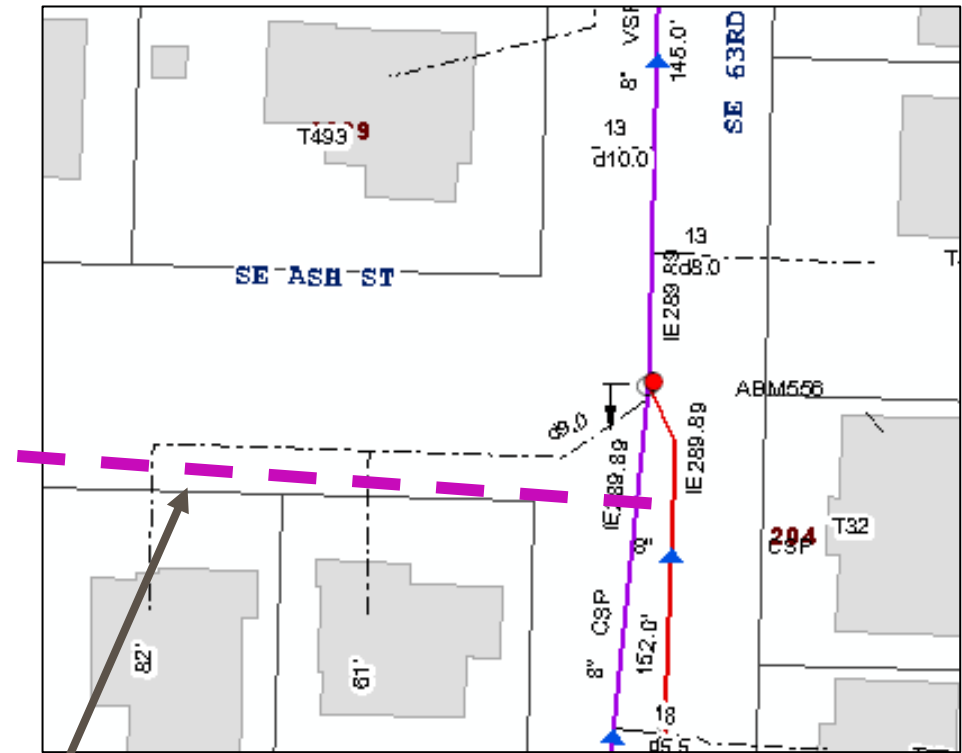
# Examples of Nonconforming Program Changes

## *Existing Issues*

- Case 1 – party sewer line is in the City street and in the way of public sewer extension.

## *New City Authority*

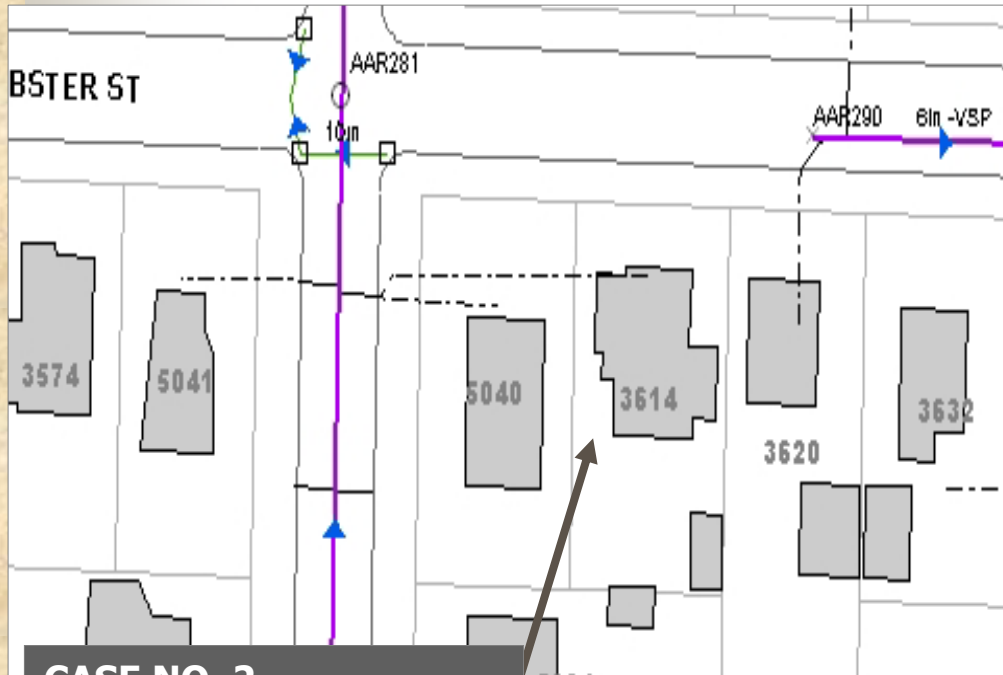
- The City can now declare private line a nuisance since it interferes with public sewer extension. Owner must abandon existing and connect to new City sewer when built



### **CASE NO. 1**

**New public sewer line must traverse across joint private line in street. BES now declares private line a nuisance, decommissions and has houses connect to new public sewer.**

# Examples of Nonconforming Program Changes



**CASE NO. 2**  
Landlocked property must traverse neighboring property to reach public sewer. BES now helps dictate where the easement should go by dictating the connection point.

## *Existing Issues*

- Case 2 - properties getting new easements for connecting new party sewer lines to public sewer.

## *New City Authority*

- City now dictates “route of service” for connection and can not accept new easements for undesirable new connections.





# Examples of Public Work Enforcement Program

## *Existing Issues*

- Case 1 – New property owner fills in City green street facility in front of their home.
- Case 2 – home builder illegally moves a City manhole out of the way of his house construction.

## *New City Authorities*

- Case 1 – BES works with property owner to restore facility or go through the permit process to approve modification. Likely to pay City to restore.
- Case 2 – BES cites contractor and requires them to restore or permit facility. Likely to modify permit.
- BES, not PBOT, takes lead on issue resolution in ROW.



# Green Street Maintenance Program Changes



- Clarified that private owners not responsible for maintaining facilities in front of their house.
- Created enforcement trigger conditions.
- Created allowances for residents to take on voluntary maintenance activities for facilities with permission of BES.
- Establish BES responsibility for tree maintenance in facilities (differs from City private owner responsible standard).



# Examples of Green Street Program Changes

## *Existing issues*

- Owners afraid of having responsibilities, similar to vegetation in planting strip.
- Case 1 – owners wants to modify plantings.
- Case 2 - owner wants to help maintain facility.

## *New City Authorities*

- City maintains trees in facilities.
- Case 1 – City grants permission to owner after negotiation.
- Case 2 – Owner signs up on web (coming soon) and provides reports on their maintenance of the facility.



# Public Outreach

- Issues under development for over 2 years.
- Public review period in first 2 weeks of September 2009.
  - ✓ 1 clarification comment
  - ✓ No hearing request
- ONI e-mail and newspaper notice.
- Direct e-mail notices to and some discussion with DRAC and WSAC.
- Direct contact with a handful of concerned property owners (from Tabor to River area).

# New Benefits of Program Changes

- Enhanced clarity for program participants – especially regarding their legal responsibilities to take action.
- Enhanced flexibility to work with the specific needs of the owner and contractor.
- More direct authority for BES actions in ROW.



# New Costs / Liabilities



- Existing staff will cover new programmatic changes.
- There will be additional workload items for tracking new activities.
- The public already assumes these authorities exist.



# Next Steps

- Passage of Council – effective date January 8, 2010.
- Adoption of administrative rules by BES director on January 8, 2010.
- Release of pilot green street maintenance guide in Spring 2010.
- Maintenance and revegetation staff training in Spring 2010.
- Modification of:
  - ✓ Maintenance door hangers for green street facility properties.
  - ✓ Building permit approval letter template language warning about modifying facilities not covered under permitted activities.

# Questions?

