

REVENUE: No revenue impact

FISCAL: No fiscal impact

Action:	Do Pass and Be Placed on the Consent Calendar
Vote:	8 - 0 - 0
Yeas:	Bailey, Barnhart, Bentz, Boone, Gilliam, Jenson, Smith J., Cannon
Nays:	0
Exc.:	0
Prepared By:	Beth Patrino, Administrator
Meeting Dates:	3/12

WHAT THE MEASURE DOES: Adds to statutory definition of “way of necessity” a route established to provide a continuation of a preexisting sewer service to land with access to a public road. Specifies evidence to accompany a petition to establish a way of necessity for private sewer lines, including that no publicly owned sewer line exists in any adjacent public road. Terminates such way of necessity six months after local government issues notice to affected property owners declaring completion of a public sewer line that provides direct access to the land. Prohibits way of necessity in circumstances where abandonment of private sewer line is result of permitted development or redevelopment. Requires that compensation to owner of land burdened by way of necessity reflect temporary duration of way of necessity.

ISSUES DISCUSSED:

- Shared or “party-line” sewer connections
- Sewer connections that traverse neighboring property without recorded easement
- Existing way of necessity law

EFFECT OF COMMITTEE AMENDMENT: No amendment.

BACKGROUND: Shared sewer connections – those that connect to a public sewer connection by traversing neighboring properties – have existed for decades without the knowledge of the affected property owners. Property owners are often not aware of these connections until they fail, require significant maintenance or are discovered during a property inspection. In many cases these connections exist without the protection of any easement or agreement. In Portland, it is estimated that more than 3,000 properties share a sewer connection that is unrecorded.

State law provides a “way of necessity” procedure to create private easements for roads and utilities to serve landlocked parcels. House Bill 2822 amends this statute to allow temporary private easements for existing private sewer lines when parcels are not landlocked. This will offer an opportunity for a property owner to legally continue a shared sewer connection until such time as direct access to a public sewer is available.