

REVENUE: No revenue impact

FISCAL: No fiscal impact

Action:	Do Pass
Vote:	4 - 0 - 1
Yeas:	Kruse, Metsger, Morse, Hass
Nays:	0
Exc.:	Bonamici
Prepared By:	Dana Richardson, Administrator
Meeting Dates:	5/13, 5/20

WHAT THE MEASURE DOES: Establishes way of necessity for private sewer lines. Specifies evidence that petition to establish a way of necessity for private sewer line must contain. 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.

ISSUES DISCUSSED:

- Determination of market value for easement
- Criteria for ensuring that appraiser determines fair market value
- Ownership of easement through adverse possession

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.