



UK
1-7-2021

ROSEBURG PUBLIC WORKS COMMISSION AGENDA
THURSDAY, JANUARY 14, 2021
3:30 Regular Meeting

Electronic Meeting

Public Access: [www.Facebook.com/CityofRoseburg](https://www.facebook.com/CityofRoseburg)

Comments on agenda items or Audience Participation section can be provided via e-mail to the Public Works Department
General E-mail at pwd@cityofroseburg.org prior to 12:00 pm on Thursday, January 14, 2021.

*NOTE: IT IS UP TO EACH OF YOU AS COMMISSIONERS TO CALL 541-492-6730 AND LET STAFF KNOW
BEFORE THE DAY OF THE MEETING IF YOU WILL NOT BE ATTENDING. THANK YOU.*

I. CALL TO ORDER

II. ROLL CALL:

<u>Chair:</u>	Bob Cotterell		
<u>Commissioners:</u>	Ken Hoffine	Stuart Liebowitz	Noel Groshong
	John Seward	Vern Munion	Fred Dayton
	Pat Lewandowski	Roger Whitcomb	

III. APPROVAL OF MINUTES

A. December 10, 2020

IV. DISCUSSION ITEMS

A. Water Rules Variance Request

AUDIENCE PARTICIPATION – At this time, anyone wishing to address the Commission concerning items of interest not included in the agenda may do so. The person addressing the Commission shall, when recognized, give his/her name for the record. All remarks shall be directed to the whole Commission. The Commission reserves the right to delay any action, if required, until such time when they are fully informed on the matter.

V. INFORMATIONAL

VI. BUSINESS FROM THE COMMISSION

VII. NEXT MEETING DATE: February 11, 2021

VIII. ADJOURNMENT

*** * * AMERICANS WITH DISABILITIES ACT NOTICE * * ***

Please contact the Office of the City Recorder, Roseburg City Hall, 900 SE Douglas Avenue, Roseburg, OR 97470-3397 (Phone 541-492-6700) at least 48 hours prior to the scheduled meeting time if you need an accommodation. TDD users please call Oregon Telecommunications Relay Service at 1-800-735-2900.

**CITY OF ROSEBURG
PUBLIC WORKS COMMISSION MEETING
DECEMBER 10, 2020
MINUTES**

CALL TO ORDER: The meeting of the City of Roseburg Public Works Commission was called to order at 3:33 p.m. Thursday, December 10, 2020 electronically via Zoom in Roseburg Oregon.

ROLL CALL: Present: Chair Bob Cotterell, Commissioners Roger Whitcomb, Pat Lewandowski, Noel Groshong, Fred Dayton and Stuart Liebowitz (arrived 4:04)

Absent: Commissioner Vern Munion, Ken Hoffine, and John Seward

Others Present:

Attending Staff: City Manager Nikki Messenger, Public Works Director Brice Perkins, Design and Construction Manager Ryan Herinckx, Public Works Staff Assistant Kandi Leroue, and Department Technician Chanelle Rogers

APPROVAL OF MINUTES: Commissioner Lewandowski moved to amend the minutes of the November 12, 2020 Public Works Commission meeting to state in the failed motion that City Manager Nikki Messenger commented Hillview Ct served more as a private driveway. Motion was seconded by Commissioner Groshong and approved with the following vote: Commissioners Lewandowski, Dayton, and Groshong voted yes. Chair Cotterell and Commissioner Whitcomb voted no.

Commissioner Dayton moved to approve the amended minutes of the November 12, 2020 Public Works Commission meeting. Motion was seconded by Commissioner Lewandowski and approved with the following vote: Chair Cotterell and Commissioners Whitcomb, Lewandowski, Groshong and Dayton, voted yes. No one voted no.

DISCUSSION ITEMS:

Water Rules Variance Request: Perkins stated Jeffrey and Dawn Scott (applicants) have requested a variance to Roseburg Municipal Code (RMC) Sections 5.04.040 Main extensions and 5.04.090 New service connections and meters. Perkins informed the applicants are proposing to purchase a .72-acre parcel near Page Rd in Winchester and divide it into two buildable lots. There is currently a 6-inch water main in close proximity that serves the neighboring parcels but does not extend to this parcel. The Water Rules and Regulations would require a water main extension of approximately 210 feet. The applicants would like a variance to that requirement then would run two services lines in a private utility easement. The RMC only allows one home to be served by the easement, so dividing the parcel into two lots will require two private service lines of approximately 210 feet. Additionally, the RMC has a maximum distance for an easement of 200 feet. Perkins said the cost to the applicant to extend the main could be between \$25,000 and \$30,000. Chair Cotterell asked if two more meters were added to the current line would there still be enough water for fire suppression. Perkins said it shouldn't affect the fire flow. Commissioner Whitcomb asked if the cost would be the same to run the private service lines as it would to extend the main line. Perkins replied that there could be some savings in the type of pipe they can use for service lines compared to main line, they also wouldn't need to hire an engineer to design it. Commissioner Dayton feels that this type of issue will be happening more. Commissioner Groshong questioned where the meters would be installed on the current line and where the closet fire hydrant was. Perkins said the meters would be installed at the end of the line and Herinckx stated the nearest fire hydrant is on Page Rd near the access to this

parcel and staff have contacted Douglas County Fire District #2 and they are ok with the distance to the structure. Commissioner Groshong doesn't feel that the applicants should have to extend the line since there is nowhere for it to go after that point. Commissioner Whitcomb doesn't feel should allow multiple line in one easement. Messenger reminded the commission when a main line extension is required the City is then responsible for the maintenance of that additional line. Chair Cotterell said if a leak happens on the private service line that is the property owners responsibility not a city maintenance issue where if the water main has a leak then City responsible. Discussion ensued.

MOTION: Commissioner Groshong moved to grant the variances to RMC 5.04.040 and RMC 53.04.090 as requested by Mr. and Mrs. Jeffrey and Dawn Scott. Motion was seconded by Chair Cotterell and motion failed with the following vote: Chair Cotterell and Commissioner Groshong voted yes. Commissioners Lewandowski, Dayton, and Whitcomb voted no. Commissioner Liebowitz abstained as he joined the meeting late.

ODOT ARTS Program Grant Applications: Perkins informed the City is preparing to submit two grant applications to ODOT All Roads Transportation Safety (ARTS) Program. Both applications are for systemic needs at various signalized intersection and bicycle/pedestrian needs on Harvard Avenue and on Edenbower Boulevard. There are 22 different intersections that will be included in the first application improvements that could consist of either converting permissive left turns to flashing yellow arrow left turns, adding signal heads, additional reflectorized back plates, or bike/pedestrian signal upgrades. The second application is for the installation of Rectangular Rapid Flashing Beacon pedestrian crossings, one on Harvard Ave. and the other on Edenbower Blvd. Location has not been determined yet, a study will need to be done to determine best location. The City is required to match 7.87% of the grant amount so will need to budget for those matching funds in the 2024-2027 budget if the applications are approved. Chair Cotterell questioned if there would be any in house services to offset any costs. Perkins stated for this type of project there isn't really much that can be done by City staff. Commissioner Groshong asked if the study would be done if the grant is approved. Perkins said it would be part of the entire project.

MOTION: Commissioner Whitcomb moved to recommend that the City Council authorize submission of grant applications to the ODOT ARTS Program for Systemic Intersection Upgrades and for Systemic Bicycle/Pedestrian Upgrades. Motion was seconded by Commissioner Lewandowski and approved with the following vote: Chair Cotterell and Commissioners Whitcomb, Lewandowski, Groshong, Liebowitz, and Dayton, voted yes. No one voted no.

Douglas Ave. Deer Creek Bridge Design Project – Intergovernmental Agreement: Perkins informed staff had recently received the draft Intergovernmental Agreement for the Douglas Avenue Deer Creek Bridge Design Project from the Oregon Department of Transportation (ODOT). This is for the design of the project only. The City is required to match 10.27% of the awarded grant amount. Perkins said the City has Surface Transportation Block Grant (STBG) funds available for the City match. Commissioner Whitcomb asked if for some reason the City doesn't receive the grant for the actual construction of this project will it be a waste of money to have the design done. Perkins doesn't think so because we should receive the funds for the construction at some point and the design shouldn't change much.

MOTION: Commissioner Dayton moved to recommend City Council the authorization to execute the Douglas Avenue Deer Creek Bridge Design Project Intergovernmental Agreement. Motion was seconded by Commissioner Whitcomb and approved with the following vote: Chair Cotterell and Commissioners Whitcomb, Lewandowski, Groshong, Liebowitz, and Dayton, voted yes. No one voted no.

Stewart Park Drive / South Umpqua River Bridge Project – Intergovernmental Agreement:

Perkins informed staff received the draft Intergovernmental Agreement for the Stewart Park Drive/South Umpqua River Bridge Rehabilitation Project from Oregon Department of Transportation (ODOT). Perkins stated this grant is for both the design and construction of the project. The City is also required to provide a 10.27% match and Surface Transportation Block Grant (STBG) funds are available for this one also. Staff mentioned when application was submitted it was for funds to replace the bridge but the funds received will be for doing upgrades not an entire replacement. Commissioner Whitcomb asked why the decision was to do upgrades rather than replace. Messenger said the cost to replace was too high based on the ODOT cost estimate. Chair Cotterell questioned when the work might take place. Perkins replied could be two or three years before it starts.

MOTION: Commissioner Lewandowski moved to recommend to the City Council the authorization to execute the Stewart Park Drive Bridge Rehabilitation Project Intergovernmental Agreement. Motion was seconded by Commissioner Groshong and approved with the following vote: Chair Cotterell and Commissioners Whitcomb, Lewandowski, Groshong, Liebowitz, and Dayton, voted yes. No one voted no

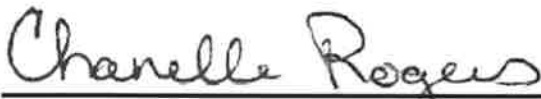
AUDIENCE PARTICIPATION: None

INFORMATIONAL ITEMS: Commissioner Dayton would like the variance issue brought back at the next meeting for reconsideration. Chair Cotterell is ok with it being on the January agenda.

BUSINESS FROM THE COMMISSION:

NEXT MEETING DATE: January 14, 2021

ADJOURNMENT: Meeting adjourned at 4:39 p.m.

A handwritten signature in cursive script that reads "Chanelle Rogers". The signature is written in dark ink and is positioned above a horizontal line.

Chanelle Rogers, Public Works Department Technician



**CITY OF ROSEBURG
MEMORANDUM**

DATE: January 4, 2021

TO: Public Works Commission

FROM: Brice Perkins, P.E.
Public Works Director

ISSUE STATEMENT AND SUMMARY

Jeffrey and Dawn Scott (applicants) requested a variance to Roseburg Municipal Code (RMC) Sections 5.04.040 Main extensions and 5.04.090 New service connections and meters. The Commission denied the variance request at their December 10, 2020 meeting.

The issue for the commission is whether to reconsider the variance request.

BACKGROUND/ANALYSIS

Per RMC 2.26.030(E), the Public Works Commission has the authority to grant variances to certain sections of the Water Rules and Regulations. The Commission may grant, grant with conditions, or deny the variance application. This variance request falls within the Commission's purview.

The Commission heard the variance request at their December 10, 2020 meeting and acted to deny the request. After discussion, the Commission requested staff bring the variance request back for reconsideration at the January 14, 2021 meeting.

The Commission expressed concerns regarding the following items:

- Potential for leaks on the customer side of meter given the variance application requested the applicant be allowed to install two 210 ft. long private service lines.
- The ability of Roseburg Fire Department to provide adequate fire protection when, at some future date, the subject property is annexed.
- The determination of staff that strict application of the rules and regulations create undue economic hardship for the applicant with no significant benefit to the water system.
- The ability of the Commission to set conditions for approval such as requiring a specific size meter and customer service line size and pipe material.

Additional Information

The potential for leaks on the customer side of the meter exists at every service connection in the system. In this case, the length of the proposed service line could create more joints in the pipe thereby slightly increasing the number of potential locations for leaks. This leak potential is offset by the use of modern piping materials, and by the inspection and pressure testing required by the Oregon Plumbing Specialty Code. It is staff's opinion that the potential for customer service line leaks is much greater in older parts of the system. The City has no liability for customer service line leaks, that portion of the water service is the responsibility of the property owner per RMC 5.04.180. Chapter 6 of the Oregon Plumbing Specialty Code

governs plumbing systems supplying potable water from the water meter to a building or other point of use.

Staff contacted the City of Roseburg Fire Marshall regarding the ability of the Roseburg Fire Department to provide adequate fire protection in the event that the property in question is annexed into the City. The Fire Marshall indicated that while the situation was not ideal, the City could provide adequate fire protection to the property.

In determining that extending the main line would create an undue economic hardship for the applicant with no significant benefit to the water system staff considered the cost of extending a 6" main line as compared to the cost of installing service lines; and whether or not there is a significant benefit to the City if the main is extended – there is not. In fact, extending the main line makes access and maintenance more difficult and increases risk should the city main leak or break in the easement.

At the December Commission meeting, there was additional discussion regarding the Commission's authority to set conditions when approving variance requests. Per RMC 2.26.030(E), the Commission may grant, grant with conditions, or deny the variance application. Potential conditions discussed included requiring a specific size water meter; service line size and pipe material.

The RMC lacks specificity on the types of conditions that may be set by the Commission. Staff contacted the City Attorney regarding this issue who provided an opinion stating that the Commission cannot set the types of conditions discussed. As noted above, customer service lines are regulated under the Uniform Plumbing Code which is governed by the State of Oregon and the State specifically preempts local ordinances and rules with regard to building code under ORS 455.040.

Variance Requested

The applicants have requested a variance to RMC Sections 5.04.040(B)(5), 5.04.090(A)(3a) and 5.04.090(A)(3b), each of which states:

Section 5.04.040(B)(5) - All water main extensions for a single-family dwelling lot must extend to the centerline of the lot. In instances where the building lot has frontage paralleling the route of the water main extension in excess of one hundred fifty feet, the water extension shall extend to a point opposite the most distant side of the house or driveway, whichever is greater.

Applicant request is for the main extension requirement to be waived.

Section 5.04.090(A) - The utility may furnish and install a service of such size and at such location as the applicant requests, provided:

- 1. The request is reasonable.*
- 2. The location is such that the utility has in place a distribution main of sufficient size adequate to provide service to the location without detriment to existing customers.*
- 3. The distribution main is adjacent to and extends at least midway along the right-of-way fronting the lot to be served. In cases where the main exists halfway along the right-of-way fronting the lot to serve properties on opposite side of right-of-way, the applicant must complete the extension through their lot to obtain service. The only*

exception to this rule will be that service can be made available through an easement which fronts the water line, provided:

- a. That the easement is no more than two hundred feet long,*
- b. That only one home on premises is served by the easement,*
- c. That the easement is the only feasible present or future access to the building lot,*
- d. That fire protection can be provided to the property from the water line,*
- e. That utility shall be the sole judge in determining that the property requesting service under this rule meets all of the conditions.*

Applicant request is for the 200-foot maximum easement length to be waived and to allow two water services in one easement.

Criteria for approval

In accordance with RMC 2.26.030(E) the Commission may grant variances based on the following criteria:

1. Strict application of the rules and regulations create undue economic hardship for the applicant with no significant benefit to the water system.
2. The variance requested has no adverse effect upon the affected system and is consistent with established policies of the council.

FINANCIAL/RESOURCE IMPACTS

There are no significant financial or resource impacts to the City.

TIMING ISSUES

The Commission acted on this variance by denying the request at the December 10, 2021 meeting. The application was filed on November 23, 2020. The Commission has until January 22, 2021 to render a decision.

COMMISSION OPTIONS

Per RMC 2.26.030(E), the Commission may grant, grant with conditions, or deny the variance application.

STAFF RECOMMENDATION

Staff opinion is that the criteria outlined in RMC 2.26.030(E) have been met and recommends that the variance be granted.

SUGGESTED MOTION

I move to grant the variances to RMC 5.04.040 and RMC 5.04.090 as requested by Mr. and Mrs. Jeffrey and Dawn Scott.

ATTACHMENTS

Variance Request Application

Vicinity Map

Proposed Parcel Configuration

RMC 5.04.040 and RMC 5.04.090

**CITY OF ROSEBURG
MEMORANDUM**



DATE: December 2, 2020

TO: Public Works Commission

FROM: Daryn Anderson, P.E.

VIA: Brice Perkins, P.E.

SUBJECT: **Water Rules Variance Request**

ISSUE STATEMENT AND SUMMARY

Jeffrey and Dawn Scott (applicants) are requesting a variance to Roseburg Municipal Code (RMC) Sections 5.04.040 Main extensions and 5.04.090 New service connections and meters. The issue for the Commission is whether to approve, approve with conditions, or deny the variance request.

BACKGROUND/ANALYSIS

Per RMC 2.26.030(E), the Public Works Commission has the authority to grant variances to certain sections of the Water Rules and Regulations. This variance request falls within the Commission's purview.

The applicants are proposing to purchase a 0.72-acre parcel (Tax ID No. R52842) near Page Road in Winchester and divide it into two buildable lots. The parcel is located in an area where infill is mostly complete. The existing water main does not extend to the parcel. In accordance with the Water Rules and Regulations development would require a water main extension of approximate 210 feet.

The City currently has a 6-inch water main in close proximity that serves the neighboring parcels. Access to the water main will require a private utility easement for two services. The maximum distance for an easement allowed by the RMC is 200 feet. Additionally, the RMC only allows one home to be served by the easement. Dividing the parcel into two lots will require two private service lines of approximately 210 feet.

Variance Requested

The applicants have requested a variance to RMC Sections 5.04.040(B)(5), 5.04.090(A)(3a) and 5.04.090(A)(3b), each of which states:

Section 5.04.040(B)(5) - All water main extensions for a single-family dwelling lot must extend to the centerline of the lot. In instances where the building lot has frontage paralleling the route of the water main extension in excess of one hundred fifty feet, the water extension shall extend to a point opposite the most distant side of the house or driveway, whichever is greater.

Applicant request is for the main extension requirement to be waived.

Section 5.04.090(A) - The utility may furnish and install a service of such size and at such location as the applicant requests, provided:

1. *The request is reasonable.*
2. *The location is such that the utility has in place a distribution main of sufficient size adequate to provide service to the location without detriment to existing customers.*
3. *The distribution main is adjacent to and extends at least midway along the right-of-way fronting the lot to be served. In cases where the main exists halfway along the right-of-way fronting the lot to serve properties on opposite side of right-of-way, the applicant must complete the extension through their lot to obtain service. The only exception to this rule will be that service can be made available through an easement which fronts the water line, provided:*
 - a. *That the easement is no more than two hundred feet long,*
 - b. *That only one home on premises is served by the easement,*
 - c. *That the easement is the only feasible present or future access to the building lot,*
 - d. *That fire protection can be provided to the property from the water line,*
 - e. *That utility shall be the sole judge in determining that the property requesting service under this rule meets all of the conditions.*

Applicant request is for the 200-foot maximum easement length to be waived and to allow two water services in one easement.

Criteria for approval

In accordance with RMC 2.26.030(E) the Commission may grant variances based on the following criteria:

1. Strict application of the rules and regulations create undue economic hardship for the applicant with no significant benefit to the water system.
2. The variance requested has no adverse effect upon the affected system and is consistent with established policies of the council.

FINANCIAL/RESOURCE IMPACTS

There are no significant financial or resource impacts to the City.

TIMING ISSUES

The Commission must render its decision within sixty days of filing of application, unless the applicant consents to an extension of time. The application was filed on November 23, 2020. The Commission has until January 22, 2021 to render a decision.

COMMISSION OPTIONS

Per RMC 2.26.030(E), the Commission may grant, grant with conditions, or deny the variance application.

STAFF RECOMMENDATION

Staff opinion is that the criteria outlined in RMC 2.26.030(E) have been met and recommends that the variance be granted.

SUGGESTED MOTION

I move to grant the variances to RMC 5.04.040 and RMC 5.04.090 as requested by Mr. and Mrs. Jeffrey and Dawn Scott.

ATTACHMENTS

Variance Request Application

Vicinity Map

Proposed Parcel Configuration

RMC 5.04.040 and RMC 5.04.090

APPLICATION FOR VARIANCE FROM
WATER SYSTEM RULES AND REGULATIONS

Name of Applicant Jeffrey & Dawn Scott
Address 489 SE Oakbriar Ave.
City, State, Zip Roseburg, OR 97470
Phone No. 541-733-8425

Office Use Only

Date Received _____
Received By _____
Fee Received _____
File No. _____

- A. Description of Property: 0 Page Road Winchester, OR 97495 is a .72 acre parcel zoned R2. The legal is 26-06W-25AA-02500. Tax ID: R52842
- B. A Variance is requested from section(s) 5.04.5, 5.04.090.A.3.b of The Roseburg Municipal Code which provisions require: and C
- C. Describe the Variance being requested: We are requesting a variance to the rule that would require us to extend the water main onto the centerline of our property and the easement requirements that the easement be no more than two hundred feet long and that there be no more than one home served by the easement. We would like two homes to be served.
- D. Describe the undue Economic Hardship Created by Strict Application of the Water Rules and Regulations: The cost of extending the main is would be an exorbitant expense for development considering our lot is land locked and no other future development is possible beyond our lot which is very close to meeting the two hundred foot easement rule.
- E. Describe why the Provisions listed in B (above) provide no significant benefit to the Water System: The extension of the water main onto our lot would not benefit the water system because it is land locked and no future development is possible beyond our lot.
- F. Describe why the Variance requested in C (above) has no Adverse effect upon the Water System: The water system present and available to our lot through a utility easement is more than adequate to service our lot and the second lot. we would like to parcel off.
- G. Describe any other conditions relevant to this request not included in the above: _____

Date: 11/23/2020

Signature of Applicant: Jeffrey Scott

Note: Use additional sheets if necessary. The Public Works Department can assist with the preparation of maps to explain the requirements and/or variance.

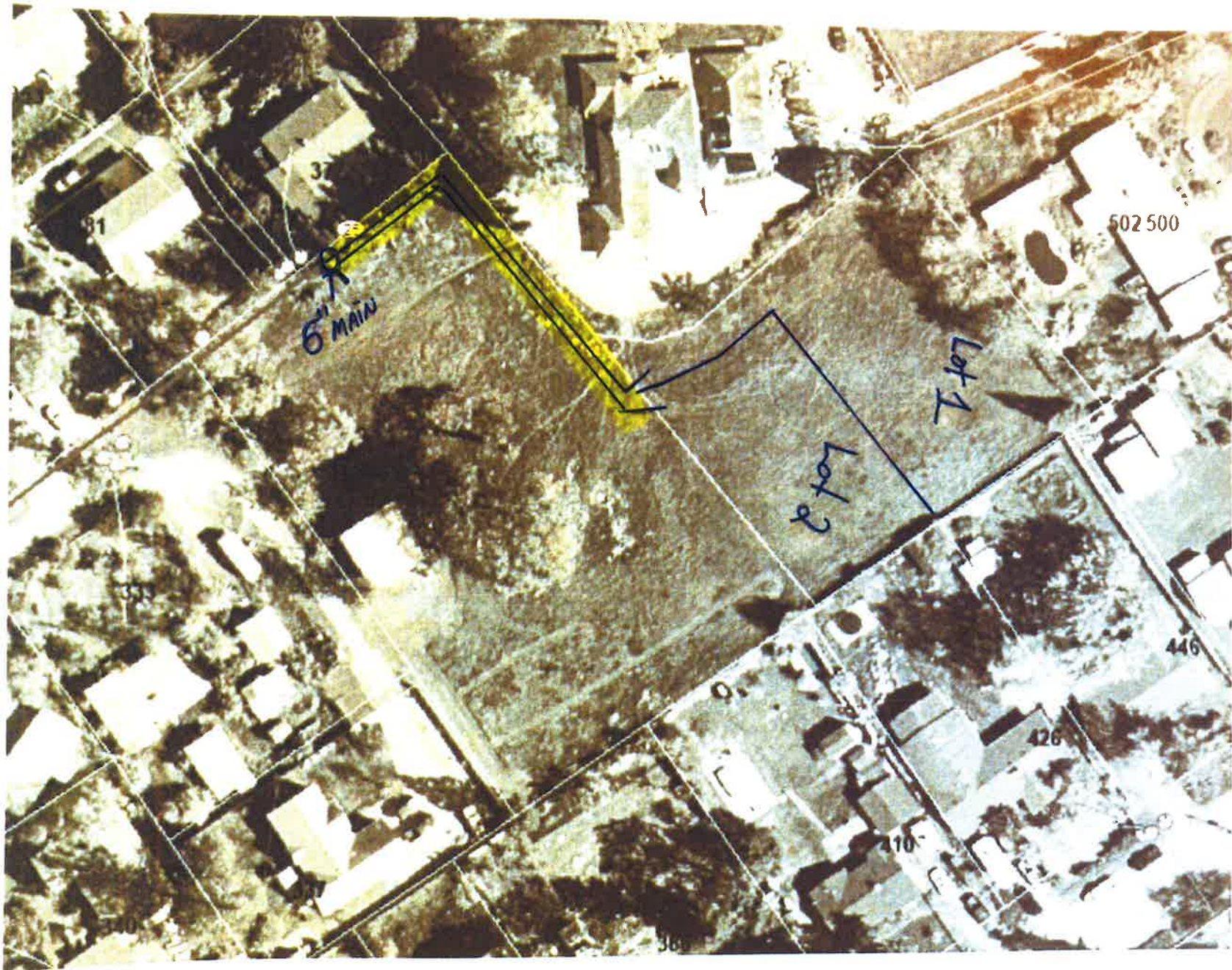


VICINITY MAP



0 25 50 100 Feet
1 inch = 100 feet

Disclaimer: The utility information provided on this map, other than the City's water and storm sewer, is for internal City employee use only. No guarantees on accuracy of information provided. The City of Roseburg shall not be responsible for any direct, indirect, incidental, or consequential damages caused by mistakes, omissions, deletions, error, or defects in this information.



PROPOSED PARCEL CONFIGURATION

RMC 5.04.040

5.04.040 - Main extensions.

- A. A main extension and/or special facilities shall be required to service all property which cannot obtain service as outlined in Section 5.04.090.
- B. The following rules shall apply to all extensions:
 - 1. The minimum size of the water main to be installed shall be six inches in diameter. The minimum size may be reduced where mains are installed in a nonextendable dead-end street, along fringes of pressure levels or at other locations determined to be nonextendable by the utility, provided that the size reduction will not lower present or future fire protection or hydrant coverage to less than the requirements of paragraph 10 of this Subsection.
 - 2. The normal routing for the water main extension shall be in a dedicated street right-of-way.
 - 3. Except as provided in Paragraph 4 of this Subsection, the utility shall design and engineer all extensions to the water system and shall have the sole right to determine size, location and type of facility to be constructed. All engineering shall be based on both domestic and fire protection design criteria. The installation of all water facilities shall be by utility forces or through a prequalified contractor approved by the utility.
 - 4. Where water main extensions are to be installed in conjunction with the development of land using private funds, the land developer may use a licensed engineer to design, engineer and supervise the installation of the facilities, subject to the following:
 - a. The facilities shall comply with the rules contained in this subsection, and development activities shall comply with Chapter 4.02 and other provisions of this Code and the City's Land Use And Development Regulations.
 - b. Prior to construction the Utility Director shall review and approve all plans and specifications and shall inspect and, upon construction, approve the installation of the facilities.
 - c. The Utility Director shall supervise the physical connection of the water main extension to the utility system and the sanitizing and testing of the facilities.
 - d. The utility shall not issue a final approval and may not allow any water service to developer's development until the developer has paid the actual costs of the Utility Director's services as described above and has provided the Utility Director with as-built drawings of the extension and related facilities certified and stamped by a licensed engineer.
 - 5. All water main extensions for a single-family dwelling lot must extend to the centerline of the lot. In instances where the building lot has frontage paralleling the route of the water main extension in excess of one hundred fifty feet, the water extension shall extend to a point opposite the most distant side of the house or driveway, whichever is greater.
 - 6. If a main exists which serves an existing lot on one side of the street which is extended midway through said lot, and an applicant on the other side of the street requests water service from this main, then when approved the applicant must extend the main completely through the applicant's property. This is to ensure an orderly progression of main extensions and not force parties further down the street or right-of-way to stand the cost of extension through the applicant's property.
 - 7. All main extensions for other than one single-family lot shall extend the main to the extreme property line of the development. If the property has excess frontage on the right-of-way and only partial development is to occur, then some consideration may be given to shortening the extension, provided sufficient assurance is given to ensure the extension is extended at the time other development occurs. This determination shall be made solely by the utility.

8. The utility may pay for oversizing of main extensions over eight inches in residential development, provided the petitioner's individual needs do not dictate a larger line size. The oversize payment shall be limited to materials only on all projects installed by other than utility forces.
9. The utility may, at its option, supply materials for main extension projects. All material supplied by contractor must meet strict material specifications set forth by the utility. Failure to do so will result in nonacceptance of the project. All materials supplied by the utility to any main extension project shall be billed at the utility's replacement cost, plus a twenty percent overhead and handling charge.
10. All main extensions and system design shall include fire hydrants and other devices necessary to meet requirements of the City or fire district where the development occurs.
11. Under conditions where hydrants are required within the property to be served, the main must be extended to the hydrant locations. Easements for these internal lines and hydrants must be provided by the developer.
12. In large projects or projects where extensive engineering or design is required prior to preliminary estimates or design being obtained, the utility may require a cash advance to cover the cost of such engineering or design. All engineering work completed by the utility will be understood to be the property of the utility.
13. In areas of service above the main system service elevation, special facilities will normally be required in addition to main extensions to provide service (see Section 5.04.050).
14. Financing of Extensions. There are three basic means of financing main extensions. They are outlined below.
 - a. Cash Deposit. Under this method the developer is required to pay the total cost of the project using the following procedures: First, the utility may prepare an estimate of the approximate costs of the project including material, installation, inspection, disinfection, engineering and overhead. If the developer or developer's contractor is to supply materials and install the project, the developer shall provide a cash advance sufficient to cover the estimated cost for the engineering and related water utility services needed on the project (engineering, drafting, inspectors, etc.), prior to starting the project. Finally, upon completion of the project, actual costs of the engineering and related utility services will be computed. If the actual costs exceed the amount of the cash deposit, the developer shall pay the balance due. If the deposit exceeds the actual costs, the utility shall refund the balance to the developer.
 - b. Bonding. In the case of extremely large projects or projects which require a large time frame to complete and the utility is extensively involved in the project, the developer may supply the utility a bond to cover the estimated cost.
 - c. Local Improvement Petition. When consistent with City policies, local improvement districts may be formed and bonds sold to fund main extensions and special facility projects, provided the property lies within the City and a majority of property owners affected are in agreement with the project. The formation of a local improvement district shall proceed under Chapter 4.04.
15. Refunds may be made to the developer in the areas where the developer is required to extend mains through other property. Refund will be made in the form of a connection charge which will be imposed on the other benefitted properties which front the main extensions. The connection charge must be paid for a benefitted property before water service will be rendered to the property. The connection charge normally will be based upon an area formula consisting of proportionately equal connection charges.

(Total project costs) x (Area of property requesting service)

(Total area served by the extension)

The area served shall be based upon the product of the front footage times the depth of the lots benefitted. In areas where no established lots exist, the depth shall be one hundred fifty feet or a logical approximation of the depths to be served, as established by the utility. The total cost of the project shall cover all costs related to the project including material, installation, inspection, disinfection, engineering and overhead. If the developer or developer's contractor is to supply materials and install the project, he or she must secure three competitive bids for the cost of the extension. These bids must be turned in to the utility with a bill for the developer's actual cost of installation and materials before it will be accepted and included in the total cost of the project. If the bill is higher than the low bid, then the low bid will be used in determining the cost of the project. No interest will be allowed in computing the total cost. The life of the connection charge agreement shall not be greater than ten years starting after the completion and acceptance of the project by the utility.

16. Installers of any and all water lines or appurtenances must meet minimum prequalified standards set by the utility. These standards shall include, but are not limited to, insurance requirements, bonding requirements and experience in the field of water line installation. The water lines must be installed in accordance with the utility's specifications which are available upon request.
17. If the developer installs and purchases the material the developer must guarantee the project for a period of one year from the date of acceptance of the project by the utility.
18. A contract agreement between the developer and the utility outlining the above criteria must be signed before the start of the project.

(Ord. 2929 § 1 (part), 1996)

RMC 5.04.090

5.04.090 - New service connections and meters.

- A. The utility may furnish and install a service of such size and at such location as the applicant requests, provided:
 1. The request is reasonable.
 2. The location is such that the utility has in place a distribution main of sufficient size adequate to provide service to the location without detriment to existing customers.
 3. The distribution main is adjacent to and extends at least midway along the right-of-way fronting the lot to be served. In cases where the main exists halfway along the right-of-way fronting the lot to serve properties on opposite side of right-of-way, the applicant must complete the extension through their lot to obtain service. The only exception to this rule will be that service can be made available through an easement which fronts the water line, provided:
 - a. That the easement is no more than two hundred feet long,
 - b. That only one home on premises is served by the easement,
 - c. That the easement is the only feasible present or future access to the building lot,
 - d. That fire protection can be provided to the property from the water line,
 - e. That utility shall be the sole judge in determining that the property requesting service under this rule meets all of the conditions.
- B. Schedules of Charges for Service Connection. A service connection fee set by Council resolution shall be paid by the applicant requesting the installation of the service connection at the time said request is made. The fee shall include all meters and necessary appurtenances for installation and continued operation of the service connection which the utility will supply.

- C. **Change in Location or Meter Size.** A change in the location of service or a change in meter size requested by the customer shall be done for a charge set by Council resolution and only if the request is reasonable and approved by the utility.
- D. **Ownership.** The service connection, whether located on public or private property, is the property of the utility and the utility reserves the right to repair, replace and maintain it, as well as to remove it upon discontinuance of service.
- E. **All meters shall be sealed by the utility at the time of installation and no seal shall be altered or broken except by an authorized agent of the utility.**
- F. **Charges for Service Pipes Connected without Permit.** If premises are connected without the application prescribed in this Section, such premises shall be immediately disconnected. Before a new connection is made, the applicant shall pay double the rate for the estimated quantity of water consumed. A new connection shall only be made upon compliance with City ordinances.
- G. **Abandoned Services.**
 - 1. Where a service connection has been installed and paid for in accordance with Section 5.04.090.B and:
 - a. The utility has imposed a monthly demand charge for that service and that demand charge has not been paid for 12 consecutive calendar months, the water service shall be deemed abandoned and the Utility Director shall remove the service line or the water meter upon compliance with paragraph 2 below.
 - b. The utility has not imposed a monthly demand charge for that service but the service has not been used for a period of three years or longer, the Utility Director may declare the service abandoned and remove the service line or the water meter upon compliance with paragraph 2 below. In determining whether a service is abandoned, the Utility Director shall consider past and present uses of the property, zoning, changes in size or shape of the property, time since last use and other factors.
 - 2. Before declaring the service connection abandoned and directing its removal, the Utility Director shall give ten days' prior written notice to the property owner of the Utility Director's tentative determination of abandonment. Such Utility Director's notice shall be reasonably calculated to reach the owner and may be by personal service, by posting the property, or by mailing the notice, certified mail, postage prepaid, to the last known address of the property owner. The notice shall advise the property owner that, in the absence of good cause shown, the Utility Director will order the removal of the service connection in ten days from the date of the notice. If the property owner does not respond to the notice, the Utility Director may proceed to remove the water service without further notice. If the property owner provides good cause, the Utility Director shall not declare the service connection abandoned. If the property owner responds to the notice but does not provide good cause, the Utility Director may determine the service connection abandoned and order its removal. Notice of that determination shall be given the property owner in the same manner as the initial notice of tentative determination.
 - 3. The property owner shall have ten days in which to appeal in writing to the City Manager to review the Utility Director's determination. The City Manager shall review the record in the matter and after giving the property owner an opportunity to be heard, render a decision applying the criteria set forth in this Subsection G. The decision of the City Manager shall be in writing and served upon the property owner in the same manner as the initial notice of tentative determination. The decision of the City Manager shall be final.
 - 4. After water service has been determined to be abandoned, an application to install water service to the same property shall be treated as a new connection.
- H. **Leaking or Unused Services.** Where there is a leak between the main and the meter, the utility shall make all repairs. When a service pipe is damaged or destroyed by contractors or others, or where service pipes are destroyed by electrolysis, the person, contractor or company responsible for such damage or destruction shall pay the utility for the cost of repairing or replacing such pipes on the

basis of the direct cost to the City in labor and in material, plus overhead. Where a customer service line is leaking or has a history of repair problems which has resulted in leak adjustments or abandoned accounts, service to this customer shall not be activated until the customer can demonstrate the problem has been eliminated. Action necessary may be in the form of partial or total replacement of the customer's plumbing and/or deposit of sufficient funds to cover estimated consumption.

Customers with serious water leaking which, in the judgment of the utility, will cause extreme financial hardship or detrimental service to other customers may have their water service terminated after twenty-four hours' notice. In cases of leakage causing severe detriment to other customers, service may be terminated immediately.

(Ord. 2929 § 1 (part), 1996)