



TOPIC: Private Sewer Easements - OPSC/7/#2

CODE: Oregon Plumbing Specialty Code: 2017 Edition

REVISED: July 10, 2018 [Rebecca Esau], Director

REFERENCE: Oregon Plumbing Specialty Code – Chapter 7

**SUBJECT: Requirements for Private Sewer Easements for
Sewers that Cross Property Lines**

QUESTION: The Bureau of Environmental Services (BES) determines where a private sewer, either sanitary or storm, may connect to the public sewer system. In some instances, the public sewer connection point may require that the private sewer cross one or more adjoining property(s) or tax lot(s). Under what conditions may a private sewer cross another property?

RESPONSE: When approved by the Bureau of Development Services (BDS) in accordance with Chapter 7 of the Oregon Plumbing Specialty Code, a private sewer may be constructed across property lines and on to adjoining private property(s) or tax lot(s) under the following conditions:

I. Easement Required. A private sewer easement meeting the following requirements, is required on the property or tax lot that the private sewer will cross:

A. General.

1. The easement must be recorded with the County Recorder's Office on all properties or tax lots on which the private sewer system is located other than the property that the sewer is serving.
2. A single easement may be used where the sewer crosses multiple properties or tax lots if the easement is signed by the owners of all of the affected properties or tax lots.

3. A draft of the easement or covenant of future easement (in the case of properties in the same ownership) must be provided to BDS for review and approval prior to recording with the County. In most cases, BDS will provide a template easement to the applicant. A survey may be required depending on the complexity of the easement. After BDS approves the document, the easement must be recorded with the County Recorder's Office, and a copy of the recorded easement must be delivered to BDS prior to issuance of a permit or land use approval, as applicable. Easements associated with Land Divisions and Final Plats have different documents and recording timelines, which can be obtained from BDS staff assigned to the case.

- B. Easement width.** The easement for a private sewer must be at least 10 feet wide. However, the easement may be reduced to 5 feet wide if the sewer line will be installed, and can be repaired without conventional open trench excavation within any portion of the easement area that is less than 10 feet wide.

Easement widths of less than 10 feet where installation or repair cannot occur without conventional open trench excavation, or easements of less than 5 feet in any circumstance, can be considered on a case-by-case basis through the BDS administrative appeal process. See Section III.

- C. Prohibition of conflicting use.** The easement must include a statement prohibiting property uses that would interfere with the intended sewer easement.
- D. Maintenance or repair.** The easement must include a provision allowing entry onto the property(ies) burdened by the easement to install, maintain, inspect and repair the sewer line.
- E. Alteration or revocation of easement.** The easement must include a provision that prohibits alteration to or revocation of the easement without prior written approval by BDS.
- F. Crossing over multiple lots under single ownership.** Where a single person or entity owns the property being served and any of the tax lots or properties that the sewer will cross, then the property owner must record a covenant of future easement on the commonly-owned properties that the sewer will cross. The recorded covenant must include the same information required for the easement. Upon sale or reassignment of ownership of any of the tax lots or properties that are under common ownership, such that said parcels are no longer under common ownership, the private sewer easement will become effective on those tax lots or properties.

II. Other Allowances and Restrictions. Note the following allowances and restrictions.

- A.** The material for a new sewer line serving an existing building may be of HDPE pipe in accordance with Code Guide OPSC/7/#3, or must receive approval of a plumbing code appeal.
- B.** A new storm sewer line located within 2 feet of any adjacent structure, or a new sanitary sewer line located within 5 feet of any adjacent structure must be of material approved for use within a structure or must receive approval of a plumbing code appeal. Repair of an existing storm sewer line located within 2 feet of any adjacent structure, or repair of an existing sanitary sewer line located within 5 feet of any adjacent structure is allowed without a plumbing code appeal.
- C.** A new sewer line may not pass through or under any structure other than the structure served by the sewer or must receive approval of a plumbing code appeal. Repair of an existing sewer line under an existing structure is allowed without a plumbing code appeal.

III. Plumbing Code Appeals.

- A. General.** If a plumbing code appeal is required, the appeal must be granted prior to BDS approval of the easement.
- B. Information Required.** The following information is required to be submitted with the application for a plumbing code appeal.
 - 1. A completed appeal form accompanied by the appropriate appeal fee;
 - 2. A site plan (in addition to any plans submitted for permits) with the following information:
 - a. The exact location and dimensions of the sewer easement;
 - b. The exact location and length of all property lines and dimensions of all structures on the involved properties; and
 - c. The exact location of the proposed sewer line, its material, piping size, depth, and distance to any adjacent structures, easement boundaries and interior property lines; and
 - 3. Appeals for reduced easement width must clearly show that adequate space is provided within the easement for proper access for installation, maintenance and repair of the sewer line.

IV. Permit Requirements.

A. General. A plumbing permit is required for installation or repair of a private sewer.

B. Additional Information Required. The following information is required when applying for the plumbing permit for installation or repair of a private sewer when the private sewer line crosses a property line(s).

1. Proof of approved route of sewer connection and approved location for the sewer connection at the public main line or other system to the satisfaction of the Bureau of Environmental Services (BES);
2. A copy of a recorded easement or covenant for future easement approved by BDS;
3. A copy of any appeal decision allowing a reduced easement width or other variation from plumbing code; and
4. Other information may also be required depending on the permit type.

Updates September 14, 2016 edition

Updates August 1, 2006 edition

Updates September 16, 2003 edition

New September 16, 2003