

BES Connection Permit Refund Administrative Rules

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ENVIRONMENTAL SERVICES
CITY OF PORTLAND

working for clean rivers

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*These are administrative rules of the Bureau of Environmental Services (BES)
Connection Permit Refunds.*

1. Applicability

These rules apply to all new connection and repair permit reviews conducted by the Bureau of Environmental Services (BES).

TEMPORARY ADMINISTRATIVE RULE

2. Purpose

These rules establish BES decision-making criteria for refunding permit fees for connections to the City's sewer, storm sewer, and drainage system or repairs of private systems located in City rights-of-way or easements. These rules reinforce the following City program goals:

- A. Acknowledge that certain situations may warrant refunds of permit fees;
- B. Recover the cost of BES staff services performed on permit applications; and
- C. Diminish the number of speculative permits that never materialize in actual system connections or repairs.

3. Definitions

Certain terms used in these rules are defined in Portland City Code (PCC) Chapter 17.32.

4. Regulatory Authority

These rules are authorized by PCC Section 3.13.040 and implement PCC Section 17.32.110 E.

5. Refund Criteria

80 percent of permit fees for new connection or repair permit applications may be refunded if any of the following apply:

A. Cancelled Permits.

- 1. *City Cancellation.* The City cancels the permit for reasons other than expiration.
- 2. *Property Owner Cancellation.* The property owner cancels the work. Contractors who are permit applicants must show that a written contract was executed with the property owner on a date prior to connection permit application to be eligible for a refund.

B. Permit Modification.

- 1. The City requires changes to the details of the proposed connection work; or
- 2. The City determines that a different permit or additional permits are required for the work being proposed.

6. Refund Requests

All refund requests must be made in writing to the BES Systems Development Manager. A contractor requesting a refund based on project cancellation, must provide a copies of:

- A. The signed contract with the property owner that pre-dates the permit application; and
- B. Notice from the property owner of the cancellation.

T E M P O R A R Y A D M I N I S T R A T I V E
R U L E

7. Administrative Review and Appeal

A permit applicant may request reconsideration of a BES refund decision through administrative review and may subsequently appeal to the Code Hearings Officer. The following criteria apply to connection permit refunds:

- A. Allowable Review and Appeal Items.** Administrative review may be sought and subsequently appealed to the City Code Hearings Officer for any City requirement to modify the details of connection work.
- B. Non-Reviewable Items.** The following will not be administratively reviewed and may *not* be appealed:
 - 1. The 80% refund amount; and
 - 2. The requirement for a signed contract the pre-dates the connection permit application.
- C. BES Evaluation.** BES will use the specific criteria of Sections 5.A and B to make a final determination on an administrative review request.