

COUNCIL POLICY NO. X-4

TITLE: CONNECTION TO WATER AND/OR SEWER SERVICE OUTSIDE
CITY LIMITS AND OUTSIDE THE SALEM-KEIZER URBAN GROWTH
BOUNDARY

POLICY: See attached

REFERENCE: Public Works Staff Report dated ~~November 4, 2023~~, Agenda Item No. ~~3.3(c)~~

X-4A-ELIGIBILITY
COUNCIL POLICY NO. X-4
CONNECTION TO WATER AND/OR SEWER SERVICE OUTSIDE CITY LIMITS
AND OUTSIDE THE SALEM-KEIZER URBAN GROWTH BOUNDARY

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1. BACKGROUND AND APPLICABILITY

Properties located outside Salem's city limits ~~often have limited eligibility and special requirements for connecting~~ must meet specific eligibility and special requirements before being allowed to connect to City water and sewer service. This Council Policy addresses properties that are: (1) located outside Salem's city limits but within the Salem-Keizer Urban Growth Boundary; and (2) located outside Salem's city limits and outside the Urban Growth Boundary. ~~Properties within the City of Keizer or City of Turner are not subject to these requirements.~~ This Council Policy does not apply to properties within the jurisdictional limits of the City of Keizer or the City of Turner. Only those properties that meet the criteria below are eligible for City water and/or sewer services.

2. DEFINITIONS AND ABBREVIATIONS

"Annexation Agreement" means an agreement between the City of Salem and the owner of the subject property that specifies that the owner consents to the annexation of the property into the city limits when requested to do so by the City.

"Complete Annexation Agreement" means the connection is authorized once the applicant records an annexation agreement against the subject property.

"Council Approval" means the property is not eligible for service according to this policy and ~~the applicant submits~~ has submitted a letter to the Public Works Director requesting service per Salem Revised Code (SRC) 72.220 (water) and/or SRC 73.030 (sewer). The connection is

authorized only upon approval by City Council and satisfaction of the following conditions:

- a. If the property is not contiguous to city limits, the applicant is required to record a complete annexation agreement prior to the connection ~~authorization~~ being authorized.
- b. If property is contiguous to city limits, the connection is authorized once the applicant has filed for annexation and City ~~Planning~~ staff ~~has~~ have determined the annexation application is complete and the application fee has been paid. In addition, the applicant must sign and record an annexation agreement to protect the City in the case of ownership changes. Voter-exempt annexation is allowed per SRC 260.010(d)(2) ~~465.050~~ if failed septic or health hazards exist.

“Developed” means land that is occupied by a permanent structure that included habitable space as defined in SRC 111.001.

“File for Annexation” means the Applicant ~~files~~ has filed a petition for annexation. The connection is authorized once City ~~Planning~~ staff ~~determines~~ have determined the annexation application is complete and the application fee has been paid.

“Main” means a water or sewer pipe that is used to connect to provide the service to the customer. The term “main” does not include transmission mains as defined by the Public Works Design Standards.

“UGB” means the Salem-Keizer Urban Growth Boundary.

3. ELIGIBILITY FOR WATER SERVICE CONNECTION

Properties Eligible for Water Service (meets any one of the following)

(a) Properties located outside Salem’s city limits and within the Salem-Keizer Urban Growth Boundary must meet one of the following criteria to be eligible for water service:

- i. An annexation petition has been approved at second reading of City Council; or
- ii. The property is located within both a water and a sewer district; or
- iii. An annexation contract was signed prior to May 2000; or
- iv. The connection is mandated by the State of Oregon; or
~~Well has failed according to qualified testing agency~~
- v. A water health hazard exists according to local or state health officer; or
- vi. The property is developed, contiguous to city limits, and a water main is available at the property line with adequate capacity to serve the existing use;
- vii. The property owner can demonstrate that one or more of the following criteria are met regarding groundwater that is available to the property:
 - (1) The well capacity serving the property is less than five (5) gallons per minute; or
 - (2) A primary drinking water contaminant per OAR 333-061-0030 has been detected in the groundwater that is at a concentration of 50-percent or

greater of the maximum contaminant level; or

- (3) A secondary water contaminant per OAR 333-061-0030 has been detected in the groundwater at a concentration greater than 75-percent of the secondary contaminant level.

Note: It shall be the policy of City Council that the City will not extend any public water main for the sole purpose of providing service beyond the jurisdictional limits of the city unless a separate intergovernmental agreement is executed allowing an extension.

(b) Properties located outside Salem’s city limits and outside the Salem-Keizer Urban Growth Boundary must meet all of the following criteria to be eligible for water service:

- i. The property is developed for residential purposes only; and
- ii. The property is contiguous to a right-of-way in which an existing City-owned water main with adequate capacity to serve the existing use is located; and
- iii. The property owner agrees to not expand the use of the property for other than a “Residential Home” as defined in Polk County or Marion County zoning ordinances based on the property’s location and the owner agrees to terminate access to City water if the use of the property is expanded to other than Residential Home; and
- iv. The meter through which the water is provided by the City shall be sized no greater than one (1) inch in diameter; and
- v. The property owner can demonstrate that one or more of the following criteria are met regarding groundwater that is available to the property:
 - (1) The well capacity serving the property is less than five (5) gallons per minute; or
 - (2) A primary drinking water contaminant per OAR 333-061-0030 has been detected in the groundwater that is at a concentration of 50-percent or greater of the maximum contaminant level; or
 - (3) A secondary water contaminant per OAR 333-061-0030 has been detected in the groundwater at a concentration greater than 75-percent of the secondary contaminant level.

Note: It shall be the policy of City Council that the City will not extend any public water main for the sole purpose of providing service beyond the Salem-Keizer Urban Growth Boundary.

4. ELIGIBILITY FOR SANITARY SEWER SERVICE CONNECTIONS

Properties Eligible for Sewer Service ~~(meets any one of the following)~~

(a) Properties located outside Salem’s city limits and within the Salem-Keizer Urban

Growth Boundary must meet one of the following criteria to be eligible for sewer service:

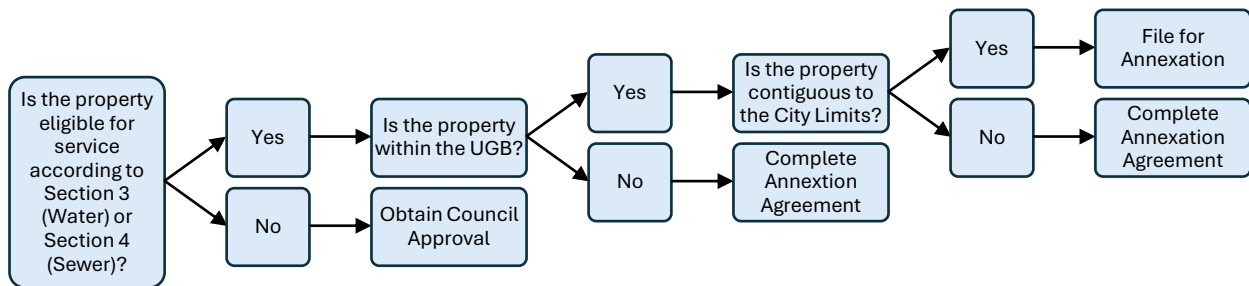
- i. An annexation petition has been approved at second reading of City Council; or
- ii. An annexation agreement ~~contract~~ has been signed prior to May 2000; or
- iii. The connection is mandated by the State of Oregon; or
- iv. The property is located within a sewer district; or
- v. The property's septic system has failed according to the County ~~sanitarian~~ Health Department and replacement of the system would not meet local or state permitting requirements; or
- vi. A sewer health hazard exists according to a local or state health ~~officer~~ official; or
- vii. The property is developed, contiguous to city limits, and a sewer main is available at the property line with sufficient capacity to serve the existing use.

(b) Properties located outside Salem's city limits and outside the UGB are not eligible for sanitary sewer service connections.

5. CONDITIONS OF CONNECTION

(a) Procedures

A. If a property meets the eligibility criteria in Section 3 for water service or Section 4 for sanitary sewer service, the procedures for connection are specified in the below flowchart and definitions-provided in Section 2:



B. If the property does not meet the eligibility requirements of Section 3 for water service or Section 4 for sanitary sewer service, the applicant is required to obtain Council Approval. (See definition in Section 2.)

(b) Permits and Fees

If a property meets the eligibility criteria in Section 3 for water service or Section 4 for sanitary sewer service, prior to connection the property owner must agree to:

- A. Obtain all required water and/or sewer service connection permits through the City;

B. For water service:

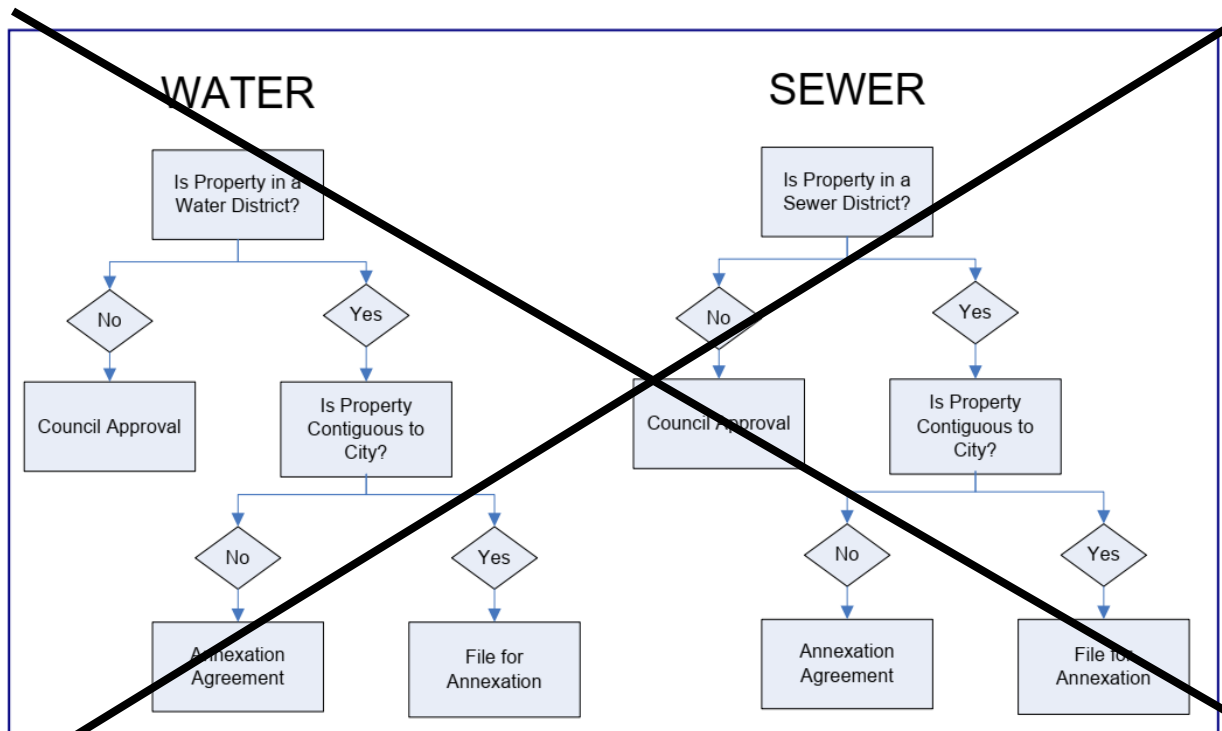
- i. Agree to pay all applicable permit fees and system development charges as contained in the City Council-adopted Fee Schedule; and
- ii. Agree to pay the City's base charge and volume rates for water service for customers outside Salem city limits as contained in the Council-adopted Fees and Charges for Utility Service Rates.

iii. For sewer service:

- i. Agree to pay all applicable permit fees and system development charges as contained in the City Council-adopted Fee Schedule; and
- ii. Agree to pay the City's base charge and volume rates for sewer service for customers outside Salem city limits as contained in the Council-adopted Fees and Charges for Utility Service Rates.

~~X-4B CONDITIONS OF CONNECTION~~

~~If a property meets the eligibility criteria in Policy No. X-4A, the conditions of connection are specified in the flowchart and definitions below:~~



Definitions

Council Approval

~~Applicant submits a letter to Public Works Director requesting service per *Salem Revised Code* (SRC) 72.220 (water) and/or SRC 73.030 (sewer). Connection is authorized upon approval by City Council and satisfaction of the following conditions:~~

- ~~a. If property is not contiguous to city limits, applicant is required to record a complete annexation agreement prior to connection authorization~~
- ~~b. If property is contiguous to city limits, connection is authorized once applicant has filed for annexation and City Planning staff has determined annexation application is complete. In addition, the applicant must sign and record an annexation agreement to protect the City in the case of ownership changes. Voter exempt annexation is allowed per SRC 165.050 if failed a septic or health hazards exists.~~

File for Annexation

~~Applicant files a petition for annexation. Connection is authorized once City Planning staff determines annexation application is complete.~~

Annexation Agreement

~~Connection is authorized once the applicant records a complete annexation agreement.~~