



TOPIC: Private Plumbing Line Easements –OPSC/6/7/11

CODE: Oregon Plumbing Specialty Code: 2021 Edition

REVISED: August 3, 2023 [Rebecca Esau] , Director

REFERENCE: Oregon Plumbing Specialty Code – Chapter 6, 7 & 11

**SUBJECT: Requirements for Private Plumbing Line Easements
for Water or Sewer Service that Cross Property Lines**

QUESTION: The Portland Water Bureau (PWB) determines where a new water meter can be installed to connect to a private water supply line. The Bureau of Environmental Services (BES) determines where a private sewer line, either sanitary or storm, may connect to the public sewer system. In some instances, the public water or sewer connection point may require that a line cross one or more adjoining property(s) or tax lot(s). Under what conditions may a private plumbing line cross another property?

RESPONSE: When approved by the Bureau of Development Services (BDS) in accordance with Chapter 6, 7 or 11 of the Oregon Plumbing Specialty Code, a private plumbing line, or Middle Housing Land Division (MHL) shared sewer system, may be constructed across property lines and on to adjoining private property(s) or tax lot(s) under the following conditions:

I. Terminology.

- A.** The term 'private plumbing line' means a private sewer line, either sanitary or storm, or a private water line.
- B.** The term 'private sewer' includes 'MHL shared sewer systems.'

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II. Easement Required. A private easement meeting the following requirements is required on the property(s) or tax lot(s) that the private plumbing line 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 plumbing line is located other than the property that the line is serving.
2. A single easement may be used where the private plumbing line crosses multiple properties or tax lots if the easement is signed by the owners of all of the affected properties or tax lots.
3. Where a single person or entity owns the property being served and any of the tax lots or properties that the private plumbing line will cross, then the property owner must record a covenant of future easement on the commonly-owned properties that the private plumbing line will cross. The recorded covenant must include the same information required for an 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.
4. A draft easement and maintenance agreement (or covenant of future easement, in the case of tax lots or properties that are under the same ownership) must be provided to BDS for review and approval prior to permit issuance or land use approval, as applicable. In most cases, BDS will provide a sample to the applicant. A survey may be required depending on the complexity of the easement. After BDS approves the easement and maintenance agreement, or covenant of future easement, the document must be recorded with the County Recorder's Office, and a copy of the recorded agreement must be delivered to BDS.

B. Easement width. The easement for a private plumbing line must be at least 10 feet wide. However, the easement may be reduced to 5 feet wide if the 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 IV.

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- C. Prohibition of conflicting use.** The easement must include a statement prohibiting property uses that would interfere with the intended use of the private plumbing line 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 private plumbing 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.

III. 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 private plumbing line may not pass through or under any structure other than the structure served by the line or must receive approval of a plumbing code appeal. Repair of an existing private plumbing line under an existing structure is allowed without a plumbing code appeal.
- D.** When the BES allows a MHL shared sewer system, the shared private sewer line that connects the sewer lines of individual properties or tax lots to the public sewer main must be a minimum diameter of 6 inches. Additionally, the private sewer lines connecting each property or tax lot to the MHL shared sewer line must include a backwater valve.
- E.** Eaves and other projections are allowed to project up to a maximum of 3 feet into a private plumbing line easement if all parts of the eave/projection are 15 feet or more above grade within the easement area.

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IV. Plumbing Code Appeals.

- A. General.** If a plumbing code appeal is required, the appeal must be granted prior to BDS approval as to form 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 private plumbing line 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 private plumbing 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 private plumbing line.

V. Permit Requirements.

- A. General.** A plumbing permit(s) is required for installation or repair of a private plumbing line.
- B. Additional Information Required.** The following information is required when applying for the plumbing permit for installation or repair of a private plumbing line when the 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. Proof that the Portland Water Bureau (PWB) has reviewed and approved the proposed location of the water meter;
 3. A copy of a recorded easement or covenant for future easement approved by BDS;

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4. A copy of any appeal decision allowing a reduced easement width or other variation from plumbing code; and
5. Other information may also be required depending on the permit type.

Updates August 3, 2023 edition
Updates September 14, 2016 edition
Updates August 1, 2006 edition
Updates September 16, 2003 edition
New September 16, 2003