PORTLAND WATER BUREAU
FROM FOREST TO FAUCET

PUBLIC COMMENT REVIEW & PWB LEAD RESPONSE FORM

Project: Title 21 Review and Update
CHAPTER 21.04.010 – DEFINITIONS

Comment #	Section of Title 21	Comment	Commenter	PWB Lead to Review/Provide Response	Date Submitted to PWB Lead for Comment or Revision	Date Returned by PWB Lead	Response	Any additional item to address?	Closed Comment, Responded or Made Edit
	21.04.010	Recommended additional definition: ADU	B. Kersens	T. Elliott	9.3.2020	9.4.2020	Definition exists in T33 so not duplicated in T21; reference in T21 updated	No	9.4.2020
	21.04.010	Recommended additional definition: "Downtown subdistrict" is used on page 12	B. Kersens	T. Elliott	9.3.2020	9.4.2020	No change needed. Defined in Title 33.510.	No	9.4.2020
	21.04.010	Recommended additional definition: Lot	B. Kersens	T. Elliott	9.3.2020	9.4.2020	These are known survey terms and do not need to be defined. Term defined in Title 33, no definition needed	No	9.4.2020
	21.04.010	Recommended additional definition: Meter Stop	B. Kersens	T. Elliott	9.3.2020	9.4.2020	No definition needed. This is a WB facility.	No	9.4.2020
	21.04.010	Recommended additional definition: Parcel	B. Kersens	T. Elliott	9.3.2020	9.4.2020	These are known survey terms and do not need to be defined. Term defined in Title 33, no definition needed	No	9.4.2020
	21.04.010 B	Typo "...means the legislation that approved by City Council that..."	K. Calvert	T. Elliott	9.3.2020	9.4.2020	Accept correction	No	9.4.2020
	21.04.010 J	Recommendations are in red: J. "Chief Engineer" means a licensed professional civil engineer *responsible for overall management of* the Water Bureau *engineering staff and its support functions*. The Chief Engineer (or the Chief Engineer's designee) develops, establishes, maintains and enforces engineering and technical standards used for planning, design, construction, operations, emergency management, maintenance and protection of the City's public drinking water system. The Chief Engineer or the person the Chief Engineer appoints as their designee, is the individual designated to act as the official agent of the Water Bureau to make decisions that directly impact the quality or quantity of drinking water*, to provide oversight on public works projects and related infrastructure and assets, and to guide policy and investments. The* Chief Engineer *is responsible for the safety of the City's water delivery system.*	Ana Brophy, BES	T. Elliott	8.11.2020	8.11.2020	Added in the second sentence "safety" in green. Deleted the last sentence.	No	8.26.2020
	21.04.010 J	Suggested Basic definition: Chief Engineer (or designee) is a licensed Professional Civil Engineer who establishes and enforces engineering standards used for the design, construction and maintenance of the City's public drinking water system, related infrastructure and assets.	D. O'Longaigh	T. Elliott	8.11.2020	8.11.2020	Proposal rejected	No	8.11.2020

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	21.04.010 J	The categories the Chief is written to preside over seems inaccurate and warrants a closer look. Does the Chief have authority of operations and water quality?	E. Mick	T. Elliott	9.3.2020	9.4.2020	Yes the chief has these responsibilities today and is consistent with the other chief engineers in city. This definition is not about authority over staff in Operations or Water Quality. Chief does have responsibility for standards necessary for operations, maintenance and protection of the system though.	No	9.4.2020
	21.04.010 J	BES appreciates that the PWB's definition for Chief Engineer is consistent with BES's definition of Chief Engineer in code and rule.	Eli Rosborough, BES	T. Elliott	8.20.2020	9.4.2020	no response required	No	9.4.2020
	21.04.010 M	Revise definition of Developer : means the initiator of a proposal to construct a water main extension or modification on private property that will connect to the public water system. The development work may include work in a subdivision, multifamily lot or redevelopment of a single family lot into multiple units, commercial or other development.	T. Elliott	A. Dabashinsky	9.3.2020	9.3.2020	Updated	No	9.4.2020

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	21.04.010 M, R & II	BES suggests PWB confirm that owner, person, ratepayer and tenant definitions in Title 21 are consistent with those definitions in ADM-14.01 Account Management, ADM-14.02 Administrative Review Committee and ADM-14.03 Water Sewer and Stormwater Billing Adjustments for Leaks, or that the definitions in these rules reference definitions in this code.	Eli Rosborough, BES	T. Elliott	8.20.2020	9.4.2020	*Confirmed and revise as follows:21.04.010 B – delete "that" after legislation* *21.04.010 M – revise definition* *M. "Developer" means the initiator of a proposal to construct a water main extension or modification on private property that will connect to the public water system. The development work may include work in a subdivision, multifamily lot or redevelopment of a single family lot into multiple units, commercial or other development.* *21.04.010 R – revise definition* *R. "Header Pipe" means a large pipe that has one tap on the main in the right-of-way and has more than one small pipe or service connected to it.* *21.04.010 II – revise definition to cover same wording as 21.04.010 HH* *II. "Rate" means water, stormwater or sewer service charges and fees that are fixed by the Annual Rates Ordinance, which is approved by Portland City Council.* *21.04.010 JJ – add (R/W) after "Right-of-Way"*	No	9.5.2020
	21.04.010 M	with regard to contractor built mains "on private property" may be a good addition, or perhaps "to be dedicated R/W", "subdivision" is not the best term to use since there are specific definitions in land division codes. Developer is also used outside the realm of contractor built mains.	B. Kersens	T. Elliott	9.3.2020	9.4.2020	See revision	No	9.4.2020
	21.04.010 Q	Front lot line seems arbitrary, this is not used by DS	B. Kersens	T. Elliott	9.3.2020	9.4.2020	This was recommended by the Technical Support and Development Services stakeholders. No change	No	9.4.2020
	21.04.010 Q	Why do we need to differentiate the Front Lot Line from any other street frontage? We have never imposed requirements related to which street frontage a corner lot has its service in.	Dev Svs	T. Elliott	9.3.2020	9.4.2020	This was recommended by the Technical Support and Development Services stakeholders. No change	No	9.4.2020
	21.04.010 Q	On a property on a corner, don't they have an option for what their frontage is?	P. Meekins	T. Elliott	9.3.2020	9.4.2020	Note the definition does allow that choice	No	9.4.2020

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	21.04.010 R	Revise to read: "Header Pipe" means a large pipe that has one tap on the main in the right-of-way and has more than one small pipe or service connected to it.	T. Elliott	A. Dabashinsky	9.3.2020	9.3.2020	See revision	No	9.4.2020
	21.04.010 R	this is an odd definition and sounds more like a wastewater pipe. the word discharge is odd, maybe dispenses? Need M&C to take a closer look	E. Mick	T. Elliott	9.3.2020	9.4.2020	Agree - see revised definition	No	9.4.2020
	21.04.010 T	Master Meter...?	K. Calvert	T. Elliott	9.3.2020	9.4.2020	What is the question and what is the solution? We are on final review. No time for questions and commentary	No	9.4.2020
	21.04.010 Y	**Recommend changing definition to read:** *Y. "Owner of the Property" means a person who is a legal holder of property according to the appropriate county's assessment and taxation records.* **The Commenter notes: In BES we had challenges with confusing Owner (bureau representative) vs Private Property Owner.**	Ana Brophy, BES	T. Elliott	8.11.2020	8.11.2020	Use "Private Property Owner" instead. Also included in the definition that property owner may be used.	No	9.4.2020
	21.04.010 Y	Isn't an owner determined by who holds title to the property? Assessment and Taxation records are just how we access the info - but those aren't the determinants of ownership	K. Calvert	T. Elliott	9.3.2020	9.4.2020	No change - definition is correct	No	9.4.2020
	21.04.010 Z	"Person" means any natural person, joint venture, joint stock company, partnership, association, club, company, corporation, business trust or organization, entity, or the manager, lessee, agent, servant, officer or employee of any of the previously mentioned items. **Comment: Add "entity" and clarify that it is meant to cover City Bureaus.**	Adena Long, Director, PP&R	T. Elliott	8.21.2020	9.3.2020	Add "entity" after "servant"	No	9.4.2020
	21.04.010 Z	change definition to read: "Person" means any natural person, joint venture, joint stock company, partnership, association, club, company, corporation, business trust or organization, or the manager, lessee, agent, servant, entity, officer or employee of any of the previously mentioned items.	T. Elliott	A. Dabashinsky	9.3.2020	9.3.2020	Updated	No	9.3.2020
	21.04.010 AA	DS doesn't use this very often if at all...though could be quite beneficial.	B. Kersens	T. Elliott	9.3.2020	9.4.2020	No response required	No	9.4.2020

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	21.04.010 GG	This is not consistent with the PBOT term of Public Works Permit (PWP) and they are so close, it can be a bit confusing	B. Kersens	T. Elliott	9.3.2020	9.4.2020	Deleted	No	9.15.2020
	21.04.010 GG	This definition is odd because to us, Public Works Project is the project that results from a Public Works permit.	K. Calvert	T. Elliott	9.3.2020	9.4.2020	Deleted	No	9.15.2020
	21.04.010 GG	Is this still the best definition for Public Works? Do we not call what's defined here a CIP project? Public Works in the development world is defined differently.	E. Mick	T. Elliott	9.3.2020	9.4.2020	Deleted	No	9.15.2020
	21.04.010 HH & II	Shouldn't Ratepayer and Rate be similar? Ratepayer mentions stormwater and sewer service charges, but Rate doesn't.	K. Calvert	T. Elliott	9.3.2020	9.4.2020	yes, see revision	No	9.4.2020
	21.04.010 II	Revise to read: "Rate" means water, stormwater or sewer service charges and fees that are fixed by the Annual Rates Ordinance, which is approved by Portland City Council.	T. Elliott	A. Dabashinsky	9.3.2020	9.3.2020	Updated	No	9.4.2020
	21.04.010 JJ	Add (R/W) after "Right-of-Way"	T. Elliott	A. Dabashinsky	9.3.2020	9.3.2020	Add abbreviation	No	9.4.2020
	21.04.010 JJ	Include abbreviations (ROW or R/W) perhaps	B. Kersens	T. Elliott	9.3.2020	9.4.2020	Add abbreviation	No	9.4.2020
	21.04.010 KK	Revise to read: "Service" means the connection by means of which water is conveyed from a main of a public water system to a premise or to a Point of Delivery. Refer to OAR 333.061	T. Elliott	A. Dabashinsky	9.3.2020	9.3.2020	See revision	No	9.4.2020

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	21.04.010 KK	"...to a premise or to a POD?"	B. Kersens	T. Elliott	9.3.2020	9.4.2020	See revision	No	9.4.2020
	21.04.010 OO	This is not intuitive - a defective service should be different than a non-compliant service.	K. Calvert	T. Elliott	9.3.2020	9.4.2020	See revision	No	9.4.2020
	21.04.010 RR	Sometimes fire services are also tapped of of a single service pipe. And since "Service Pipe" is not in the Definitions, shouldn't it say "...tapped off of a single service branch"?	K. Calvert	T. Elliott	9.3.2020	9.4.2020	Service is defined, see KK.	No	9.4.2020
	21.04.010 UU	this is confusing on how it fits with the rest of the definitions like Service and POD	B. Kersens	T. Elliott	9.3.2020	9.4.2020	Commenter should discuss with supervisor outside of the T21 re-write	No	9.4.2020
	21.04.010 VV	define abbreviation of SDC	B. Kersens	T. Elliott	9.3.2020	9.4.2020	Addressed in 21.04.010 VV	No	9.4.2020
	21.04.010.VV	This does not seem like a good definition of System Development Charge - it's not a fee to create or upsize a service, it's a charge to help pay for upgrades to the water system required because of additional water use.	K. Calvert	T. Elliott	9.3.2020	9.4.2020	No change. This definition came from Dev Serv	No	9.4.2020
	21.04.010 XX	Could we include a definition for "Vaulted Basement"?	K. Calvert	T. Elliott	9.3.2020	9.4.2020	Revised to read: "XX. Vaulted Basement - below-grade building extension into the right-of-way"	No	9.4.2020

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Chapter 21.08 - WATER MAIN

Comment #	Section of Title 21	Comment	Commenter	PWB Lead to Review/Provide Response	Date Submitted to PWB Lead for Comment or Revision	Date Returned by PWB Lead	Response	Any additional item to address?	Closed Comment, Responded or Made Edit
	21.08.010	Recommend reviewing sections for consistency, noticed that some sections used applicant vs owner of the property. In others I saw owner of the premises (pg. 35, pg. 50) and property owner of the premises, pg. 36. I would probably use applicant.	Ana Brophy, BES	T Elliott/J. Inman	8.11.2020	8.16.2020	Agree Applicant would resolve this issue. Need to make clear that the property owner has to approve/sign off. Revised	No	9.15.2020
	21.08.010	Title Page-again remove "distribution" and leave main	K. Calvert	T. Elliott	9.3.2020	9.4.2020	Section 21.08.020 covers prepayment in the city; 21.08.040 covers work outside of the city. Yes they should be similar.	No	9.4.2020
	21.08.010 A	add the word public in front of easements	E. Mick	T. Elliott	9.3.2020	9.4.2020	agreed	No	9.4.2020
	21.08.010 B	add "a" in front water main	E. Mick	T. Elliott	9.3.2020	9.4.2020	agreed	No	9.4.2020
	21.08.010 B	Edits to include are in bold: B. Water main in easements. The Chief Engineer may authorize water main installation in an **easement** if the following conditions are met: 1. The easement is at least 20 feet wide (for a main that is 12 inches or less in diameter) and the outer edge of the main is a minimum of 6 feet from the nearest edge of the easement. Easements for a larger main must be reviewed individually and must be at least 30 feet wide, and the outer edge of the main must be a minimum of 12 feet from the nearest edge of the easement and any structure; 2. The edge of the easement is at least 2 feet from the property-side meter stop; 3. **Any trees proposed to be planted in the water easement must provide a minimum separate at maturity of 10 feet and may only be planted along the outer edge of the easement;** 4. There is no parking **or structures are** allowed on the **easement** where the water main is to be placed; 5. The new water main is at least **50** feet long; 6. The easement extends a minimum of 8 feet beyond fire hydrants, 5 feet beyond the end of the main and 2 feet beyond services that are 1 inch in diameter or smaller; and 7. The Water Bureau may have 24-hour unobstructed access to all parts of the main and appurtenances installed to support the main. The Chief Engineer may authorize additional requirements or exceptions to these rules.	T. Elliott	A. Dabashinsk	9.3.2020	9.3.2020	Updated	No	9.4.2020

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	21.08.010 B	Why does this section only address easements in private streets? Should there be a separate section about mains in easements in general?	B. Kersens	T. Elliott	9.3.2020	9.3.2020	Yes, good catch, see revision	No	9.4.2020
	21.08.010 B.1	Is 20ft still required or is 10ft enough? BES has 10ft easement for some/much of their smaller infrastructure which is usually deeper and needing more width.	E. Mick	T. Elliott	9.3.2020	9.4.2020	no change - keep easement as is - it provides clearance from buildings, structures and trees and provides room for operating, maintaining assets	No	9.4.2020
	21.08.010 B.1	20' feels like a lot for a 3 -4' deep main considering BES's deeper mains are typically in 15' easements. - Also important is that BES requires exclusivity in easements whereas Water never does (we therefore are unable to review other items proposed in the easement that may conflict with our main or required clearances).	B. Kersens	T. Elliott	9.3.2020	9.4.2020	no change - keep easement as is - it provides clearance from buildings, structures and trees and provides room for operating, maintaining assets	No	9.4.2020
	21.08.010 B.3	Why? We install mains in gravel streets, why does the private street have to be impervious?	B. Kersens	T. Elliott	9.3.2020	9.4.2020	delete bullet	No	9.4.2020
	21.08.010 B.3	What about where mains are on private property that are not in private streets, not all are paved nor do they have to be.	B. Kersens	T. Elliott	9.3.2020	9.4.2020	delete bullet	No	9.4.2020
	21.08.010 B.4, B.5	Should these be design guidelines or requirements? I recommend that there be an Admin Rule that addresses the design guidelines and requirements. Title 21 doesn't feel like the right place for these specifics. 100' seems arbitrary.	B. Kersens	T. Elliott	9.3.2020	9.4.2020	This is not a code related change. No change	No	9.4.2020
	21.08.010 B.5	Why? We see a lot of private streets that are much shorter. Is it a maintenance issue?	K. Calvert	T. Elliott	9.3.2020	9.4.2020	Great question, revise to 50 feet. Minimum length is to prevent flag lot extensions that are not long enough	No	9.4.2020
	21.08.010 B.5	We only consider an easement of 100ft long? does this still apply?	E. Mick	T. Elliott	9.3.2020	9.4.2020	no change, yes we need 20 feet min. to construct, operate, maintain plus protect from trees. We are shallower than sewer and it is more critical to us	No	9.4.2020

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	21.08.010 B.7	May or must?	B. Kersens	T. Elliott	9.3.2020	9.4.2020	Already answered	No	9.4.2020
	21.08.010 C	"Water Main Extension Length" ...This action is "completed?" or is determined?	B. Kersens	T. Elliott	9.3.2020	9.4.2020	See revision	No	9.4.2020
	21.08.010 C	Add "..., whichever is farther" to the end of this?	K. Calvert	T. Elliott	9.3.2020	9.4.2020	See revision	No	9.4.2020
	21.08.010 C	Revise to read: How far a water main extension must extend. A water main must extend at least 5 feet past either the closest property line or the location of the proposed service whichever is farther.	T. Elliott	A. Dabashinsk	9.3.2020	9.3.2020	Updated	No	9.4.2020
	21.08.010 D	Nothing is mentioned here about main relocations (needed in development situations).	K. Calvert	T. Elliott	9.3.2020	9.4.2020	see revision	No	9.4.2020
	21.08.010 D	"most direct" feels like it is up for various interpretations	E. Mick	T. Elliott	9.3.2020	9.4.2020	No change, codes do not have to be exact	No	9.4.2020
	21.08.010 D	**Recommend the following revision:** D. When an existing main is not available or adequate for a new service. The Chief Engineer may determine that the existing main is not close enough or large enough to serve a property. If that happens, ***the owner of the property*** who needs the service may apply for the main to be built or improved. The owner of the property person must pay to build the new main or make the existing main larger. The Water Bureau determines how much this costs, based on the site and the Annual Rates Ordinance. To estimate the cost, the Water Bureau must determine the most direct route through a public right-of-way.	Ana Brophy, BES	T Elliott/J. Inman	8.11.2020	8.16.2020	See revision. The definition was intended to capture both. Also as a defined term, the "Private Property Owner" – it might be easier to include "Applicant" as a more inclusive response which could include Private Property Owner, tenant, or a public agency (requesting service in the right-of-way). Added language able property owner approval	Yes	8.26.2020
	21.08.010 D	2nd paragraph, add text: The person who needs the new water service must pay the Water Bureau to build the new main or make the existing main larger. The Water Bureau determines how much this costs, based on the site and the Annual Rates Ordinance. To estimate the cost, the Water Bureau must determine the most direct route through a public right-of-way.	T. Elliott	A. Dabashinsk	9.3.2020	9.3.2020	Updated	No	9.3.2020

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	21.08.010 D	Revise to read: When an existing main is not available or adequate for a new service. The Chief Engineer may determine that the existing main is not close enough, large enough or in the wrong location to serve a property or development. If that happens, the Applicant requesting new service may apply for the main to be built or improved. The Applicant who needs the new water service must pre-pay the Water Bureau to build the new main or make the existing main larger. The Water Bureau determines how much this costs, based on the site and the Annual Rates Ordinance. To estimate the cost, the Water Bureau will determine the most direct route through a public right-of-way or approved easement.	T. Elliott	A. Dabashinsk	9.3.2020	9.3.2020	Updated	No	9.3.2020
	21.08.010 E	Revise to read: Size and location of main. The Water Bureau will determine main size, type and route based on long-term system needs. The applicant who needs the new service must pay for the size and route specified by the Water Bureau. The applicant must pay for a main large enough to meet their demand, or a main that is at least 6 inches in diameter. If the Water Bureau chooses to install a larger main than the project requires, or chooses an alternate route for the main, or chooses to install other improvements at the same time, the Water Bureau will pay the extra costs.	T. Elliott	A. Dabashinsk	9.3.2020	9.3.2020	Updated	No	9.3.2020
	21.08.010 E	Planning often recommends 4" mains in residential settings, which we install.	K. Calvert	T. Elliott	9.3.2020	9.4.2020	True but that's an exception, not the standard	No	9.4.2020
	21.08.010 E	2nd Paragraph, what if only a 4" main is necessary, as determined by Planning? They still have to pay for a 6" main? This isn't fair and is not consistent with our Water Fee Schedule Exhibit A	B. Kersens	T. Elliott	9.3.2020	9.4.2020	Standard is 6-inch	No	9.4.2020
	21.08.010 E	Final paragraph: ...there may be other non-identified improvements or betterments in addition to the sizing or length, like other appurtenances or loops. I recommend that you generalize the language to non specific added improvements...or use the term betterments (you may have to define it in the definitions though).	B. Kersens	T. Elliott	9.3.2020	9.4.2020	Agree, but we revised	No	9.4.2020
	21.08.010 F	Add: F. Chief Engineer Responsibility. The Chief Engineer will establish, maintain and enforce engineering and technical standards to plan, design, construct, operate, maintain and protect of the City's public drinking water system, related infrastructures and assets.	T. Elliott	A. Dabashinsk	9.3.2020	9.3.2020	Updated	No	9.3.2020

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	21.08.020	delete "Distribution" from title	T. Elliott	A. Dabashinsk	9.3.2020	9.3.2020	Updated	No	9.4.2020
	21.08.020	Title, remove distribution-no one knows what that means except some/most PWB folks	B. Kersens	T. Elliott	9.3.2020	9.4.2020	see revision	No	9.4.2020
	21.08.020 B	Under "Cost sharing does not apply to projects" - #6 eliminates a lot of mains projects. Do we really mean to not cost share in that situation?	B. Kersens	T. Elliott	9.3.2020	9.4.2020	delete bullet	No	9.4.2020
	21.08.020 B	Cost sharing section is vague and unclear as to when we cost share and when we don't. it says we may adopt rules.. does "rule" here mean form one project to the next? What types of projects do these apply to? Is there a main size or length? I'm not clear on how to answer folks when asked who or what it applies to.	E. Mick	T. Elliott	9.3.2020	9.4.2020	It means the Administrator decides. There is an existing admin rule that covers cost sharing that may need to be updated after the code is approved	No	9.4.2020
	21.08.020 B	Add words in red: B. Cost sharing for new or improved water system parts. The Water Bureau may adopt rules about how it may share installation costs with applicants. Cost sharing may apply to new or improved water main, main extensions and fire hydrants. At most, the Water Bureau may pay 50 percent of the total project cost. The Administrator must will consider the following when developing cost sharing policies: 1. Public and private benefit derived from proposed privately financed water system improvements, 2. Rate impacts, and 3. Availability of Water Bureau funds. Cost sharing in this Section does not apply to projects 1. managed by other City and government agencies, Other exceptions may be determined by the Chief Engineer. Cost sharing for public water improvements or relocation of portions of the water system are covered in other regulations and policies and are not addressed in this section.	T. Elliott	A. Dabashinsk	9.3.2020	9.3.2020	Updated	No	9.3.2020

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	21.08.020 B.1-8	It seems odd to use the Site Specific criteria also for when cost sharing applies. So we only cost share when it is Ordinance cost? Isn't the cost share representative of the public's gain? Perhaps this is just worded incorrectly and the cost share is supposed to exist UP TO the Ordinance rate but should not be excluded when there are additional paving costs or flagging requirements.	B. Kersens	T. Elliott	9.3.2020	9.4.2020	no, we may cost share when it benefits the bureau and the Administrator agrees - it is not automatic	No	9.4.2020
	21.08.020 B.6	...as determined through PBOT's classification or other?	K. Calvert	T. Elliott	9.3.2020	9.4.2020	no change	No	9.4.2020
	21.08.020 B.8	this could further be refined as outside of standard PBOT paving material, like brick, which is not covered here	B. Kersens	T. Elliott	9.3.2020	9.4.2020	see revision	No	9.4.2020
	21.08.020 B, paragraph 2	At most, the Water Bureau may pay 50 percent of the total project cost. **Comment: What is the origin of this requirement; should there be a caveat to pay more for joint City projects?**	Adena Long, Director, PP&R	T. Elliott	8.21.2020	9.3.2020	This does not address city infrastructure projects. This is related to developer projects. There are separate federal, state and city regs and rules that cover relocation work driven by other public projects. See revisions 9/3/2020	No	9.4.2020
	21.08.020 C	What is this section referring to? I think we need to say that a new main is required when the existing is too small for a proposed new service(s) and that the cost will be borne by the applicant to increase size unless it is a 4" main and smaller? Please check this	E. Mick	T. Elliott	9.3.2020	9.4.2020	Deleted	No	9.4.2020
	21.08.020 D	Revise to read: D. 2 a. Before the main is built. The applicant must pay 20 percent of the estimated cost for preliminary engineering work before construction starts. Estimated and actual costs must include overhead expenses in accordance with the provisions of Portland City Code and the Annual Rates Ordinance.	Ana Brophy, BES	T. Elliott/J. Inman	8.11.2020	8.16.2020	See revision	No	8.26.2020
	21.08.020 D.1	Revise as follows: The Chief Engineer will decide whether a project should be paid by the Applicant using a set fee according to the Annual Rate Ordinance or paid on a time-and-materials basis. The Applicant must pre-pay for all design and construction work before the work is performed by the City.	T. Elliott	A. Dabashinsk	9.3.2020	9.3.2020	Updated	No	9.4.2020

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	21.08.020 D.3	last part of paragraph says through "a new fee statement"...just say add'l payment...there is no reason to define the procedure that it needs to go through, that shouldn't even be in an admin rule, it would be more of an SOP than anything. The language doesn't even require payment of that fee statement.	B. Kersens	T. Elliott	9.3.2020	9.4.2020	No, we expect a revised or new fee statement; otherwise we pay	No	9.4.2020
	21.08.020 D.3	Could we consider making a provision here for refunds when field conditions are discovered at construction time that significantly alter (reduce) the scope of work?	K. Calvert	T. Elliott	9.3.2020	9.4.2020	No we gamble on costs and use the annual average. Sometimes the costs are higher and we pay; sometimes, the are lower and we bank the difference	No	9.4.2020
	21.08.020 D2 and 3	Edits to resolve comments – see below 2. For projects on a time and materials basis, the following apply: a. Before the main is built. The applicant must pay 20 percent of the estimated cost **before** the preliminary engineering **and design starts**, and must pay the balance before construction starts. Estimated and actual costs must include overhead expenses in accordance with the provisions of Portland City Code and the Annual Rates Ordinance. b. After the main is built. The Water Bureau **will** compare the estimate with the actual cost. If the actual cost is higher than the estimate, the applicant must pay the Water Bureau the difference. If the actual cost is lower, the Water Bureau must refund the difference. Revise to read: **The Water Bureau must determine the amount of payment or refund.** 3. For projects on set fees. After the price has been established, the Water Bureau **will** not create new charges or issue refunds. If the applicant requests substantial design changes and the Water Bureau accepts them, the Water Bureau **will** issue the applicant a new fee statement.	T. Elliott	A. Dabashinsk	9.3.2020	9.3.2020	Updated	No	9.3.2020
	21.08.020 E	Insert ""in the right-of-way" in the second paragraph after "main extension"	T. Elliott	A. Dabashinsk	9.3.2020	9.3.2020	Updated	No	9.3.2020
	21.08.020 E	Revise to read: The Chief Engineer determines the sizes, locations and materials of the main and main extensions and specifies how they should be installed as well as what measures are needed to protect existing water infrastructure. Only the City may install the main and main extensions in the public right-of-way, except as provided in Section 21.08.020.F. The City owns all main and main extensions.	T. Elliott	A. Dabashinsk	9.3.2020	9.3.2020	Updated	No	9.4.2020

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	21.08.020 E	Responsibility for main and main extensions. The Chief Engineer determines and establishes all engineering standards needed for the design, construction, operations, maintenance and protection of the water infrastructure. The Chief Engineer determines the sizes and materials of the main and main extensions and specifies how they should be installed. **Comment: This paragraph does not acknowledge the necessity to work with the City Forester to determine the ideal engineering standards which do not compromise our urban canopy.**	Adena Long, Director, PP&R	T. Elliott	8.21.2020	9.3.2020	This is a policy comment, not an engineering standard. No change required.	No	9.4.2020
	21.08.020 E	Check definition of Chief's authority over what is written here, first sentence	E. Mick	T. Elliott	9.3.2020	9.5.2020	See revision; also 21.08.010F	No	9.5.2020
	21.08.020 F	We allow "subdivision" (developer-built) mains in commercial settings too - for example there was one in the past year or so at the Portland Airport, and there are/will be others.	K. Calvert	T. Elliott	9.3.2020	9.4.2020	See revision	No	9.4.2020
	21.08.020 F	2nd sentence, why is the word "also" in there? Should it be.. the developer is then allowed to install the water main in a private street/tract.	E. Mick	T. Elliott	9.3.2020	9.4.2020	delete	No	9.4.2020
	21.08.020 F	Edits: F. Water infrastructure in new developments. A residential subdivision developer may petition the Chief Engineer to build a water main and appurtenances for the subdivision. If the Chief Engineer approves it, the developer may also install the water main in private streets **and right-of-way that will transferred to the City**. The main must meet City standards and the conditions of this Title. The applicant must pay for the main and appurtenances in subdivisions and private streets. This includes planning, design, plan review, construction, inspection, **testing** and project management costs. The City **will** not share these costs of new developments except under 21.08.020. A water main and appurtenances in rights-of-way belong to the City. The Water Bureau **will** connect privately built water facilities to the public main.	T. Elliott	A. Dabashinsk	9.3.2020	9.3.2020	See revision	No	9.3.2020

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	21.08.020 F	Revise to read: Water infrastructure in new developments. A developer may petition the Chief Engineer to build a water main and appurtenances in the proposed dedicated right-of-way. If the Chief Engineer approves it, the developer may install the water main in private streets and right-of-way that will transferred to the City. The main must meet City standards and the conditions of this Title. The applicant must pay for the main and appurtenances in the development. This includes planning, design, plan review, construction, inspection, testing and project management costs. The City will not share these costs of new developments except under 21.08.020. A water main and appurtenances in rights-of-way belong to the City. The Water Bureau will connect privately built water facilities to the public main.	Ana Brophy, BES	T. Elliott	8.11.2020	8.16.2020	Agree to add "testing"	No	8.26.2020
	21.08.020 F	Where the Water Bureau requires all new mains and water infrastructure in the Public Right-of way to be constructed by the Water Bureau, and in a subdivision a final Plat requires dedication of R/W, sometimes the developer wants to install the Water system with the Water Bureau completing service activations, inspection work and final main connections, how is this authorized since no where in writing is authorization granted for subdivision water mains, hydrants and service branches, etc., to be installed in what is now Public R/W per the new plat requirements of dedication by PBOT? Is this in conflict with or unclear, as to who and how they do main work in the Public R/W as currently worded, with 21.08.020 A. Responsibility for designing and building main	J. Inman	T. Elliott	8.29.2020	9.4.2020	Revise to read: Water infrastructure in new developments. A developer may petition the Chief Engineer to build a water main and appurtenances in the proposed dedicated right-of-way. If the Chief Engineer approves it, the developer may install the water main in private streets and right-of-way that will transferred to the City. The main must meet City standards and the conditions of this Title. The applicant must pay for the main and appurtenances in the development. This includes planning, design, plan review, construction, inspection, testing and project management costs. The City will not share these costs of new developments except under 21.08.020. A water main and appurtenances in rights-of-way belong to the City. The Water Bureau will connect privately built water facilities to the public main.	No	9.4.2020
	21.08.020 F, line 1	Remove "residential subdivision"	B. Kersens	T. Elliott	9.3.2020	9.4.2020	see revision	No	9.4.2020
	21.08.020 F, line 2-3	Replace "for the subdivision" with "in the to-be-dedication R/W."	B. Kersens	T. Elliott	9.3.2020	9.4.2020	agreed	No	9.4.2020

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	21.08.020 F, line 4	"Private streets" are will defined in BDS code and we should not be overlapping with their definitions unless we review and want to use their definition. Mains in private streets would be in "easement" therefore I recommend the term easement rather than private street.	B. Kersens	T. Elliott	9.3.2020	9.4.2020	Not quite, see revision	No	9.4.2020
	21.08.020 F, 2nd paragraph	It would be a policy shift to no longer cost share on the connections of the contractor built main to the live mains. One potential long-term ramification of increasing the cost to the developer is that they may want to have PWB build more of the mains in to-be-dedication ROW which Design does not appreciate (17th & Ramona). This paragraph could be revised to be specific that there will only be cost share for PWB construction costs.	B. Kersens	T. Elliott	9.3.2020	9.4.2020	PWB cost sharing is not automatic. This is a policy issue, no change	No	9.4.2020
	21.08.040	Remove and add words: Any **applicant** requesting a main extension outside the City may apply in writing for construction of a water main. The Chief Engineer may approve the main extension if the **applicant** does not unreasonably impair water supply or pressure to existing services, whether inside or outside the City, and may not be reasonably provided water service through any other water supplier. The Chief Engineer must determine if the water main extension is to be designed and constructed by the City, or if permission is to be granted for private design and construction of the main. If privately constructed, the work must conform to Water Bureau specifications **and standards** as provided in Section 21.08.020. Upon Water Bureau inspection and acceptance of the new water system, the Water Bureau must connect it to the existing water system. After acceptance by the Water Bureau, the water main extension must become the property of the City.	Ana Brophy, BES	T. Elliott	8.11.2020	8.11.2020	See revision	No	9.4.2020

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	21.08.040	Why would the Water Bureau include the 2nd to last paragraph of this section, when in the second paragraph of the section we say that we have accepted ownership? 2nd paragraph reads: *The Chief Engineer will determine if the water main extension is to be designed and constructed by the City, or if permission is to be granted for private design and construction of the main. If privately constructed, the work must conform to Water Bureau specifications and standards as provided in Section 21.08.010. Upon Water Bureau inspection and acceptance of the new water main, the Water Bureau will connect it to the existing water system. After acceptance by the Water Bureau, the water main extension will become the property of the City* . And the 2nd to last paragraph reads: *If the size or location of the main needs to be changed because of subsequent improvement of any public work, the City is not be responsible for any portion of the cost outside of the Portland City limits. If the main needs to be maintained or replaced due to condition or capacity needs determined by the Water Bureau, then the City may pay for and perform that work.*	T. Elliott	K. Moynahan	9.3.2020		Referred to CAO for response. Add Karen's response. Also see revision	yes	
	21.08.040	The Chief Engineer **will** determine if the water main extension is to be designed and constructed by the City, or if permission is to be granted for private design and construction of the main. If privately constructed, the work must conform to Water Bureau specifications **and standards** as provided in Section **21.08.010**. Upon Water Bureau inspection and acceptance of the new **water** main, the Water Bureau **will** connect it to the existing water system. After acceptance by the Water Bureau, the water main extension **will** become the property of the City.	T. Elliott	A. Dabashinsk	9.3.2020	9.3.2020	Updated	No	9.3.2020
	21.08.040 paragraph 3	Revise 3rd paragraph to read: If the Water Bureau is to construct the main extension, the applicant must prepay the Water Bureau the estimated cost prior to construction. The cost includes any bond, permits or other security required by any subdivision of government having jurisdiction over the location of the main extension. If the actual cost, including overhead expenses computed in accordance with the provisions of the finance regulations of Portland City Code, exceeds the amount prepaid, the applicant must pay the difference to the Water Bureau. If the actual cost is less than the amount prepaid by the applicant, the difference must be refunded. When the applicant requests a set price for such installation, the Water Bureau will establish a price based on the estimated cost. After a set price has been established, no refunds or additional charges for the installation will be made except in those cases where the applicant requests changes to the design or construction.	T. Elliott	A. Dabashinsk	9.3.2020	9.3.2020	See revision	No	9.3.2020

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	21.08.040 paragraph 3	This is the only main extension section that talks about time of payment. We require pre-payment in all of the other situations described in 21.08 (except for Time and Materials projects) so should this be mentioned more broadly? Also, this section seems to describe the option in 21.08.020.D, but a little differently. I don't know the actual intent, but maybe these two sections should be looked at together to make sure there is no potential confusion/conflict in the T&M process?	K. Calvert	T. Elliott	9.3.2020	9.4.2020	Sec 21.08.020 covers prepayment for work in city. Sec 21.08.040 covers prepayment outside of the city	No	9.4.2020
	21.08.050	The Chief Engineer may require that water main, backflow protection assemblies and other water system parts are installed before a street or other public improvement is built. Backflow protection assemblies must be installed before new services may connect to the water main. The property owner is responsible for paying for backflow assemblies. **Comment: It is problematic to require backflow prevention upgrades before our capital public improvements are done. Our capital projects are not typically scoped for these additional charges which can be expensive. PP&R would prefer that the City implement the backflow prevention upgrades holistically as a Water Bureau Project for City-owned properties.**	Adena Long, Director, PP&R	T. Elliott	8.21.2020	9.3.2020	This is a policy request and outside the scope of the code re-write	No	9.4.2020
	21.08.050	Add words in bold to 1st paragraph: The Chief Engineer may require that water main, backflow protection assemblies and other water system parts are installed **or protect** before a street or other public improvement is built.	T. Elliott	A. Dabashinsk	9.3.2020	9.3.2020	Updated	No	9.3.2020
	21.080.060	remove distribution from title	E. Mick	T. Elliott	9.3.2020	9.4.2020	delete	No	9.4.2020
	21.08.060	Remove and add words: Requesting a larger main. Sometimes an existing main is not large enough to accommodate a new service. If an applicant requests a new residential service 1 inch or smaller and there is not enough water capacity because the main is 4 inches or smaller, the applicant may wait until the City enlarges the main. The applicant may also request that the City enlarge the main sooner. Upon review of the project, the Chief Engineer may grant the request. The applicant and the City must share the costs for enlarging the main. The Annual Rates Ordinance lists the costs the City must pay.	Ana Brophy, BES	T. Elliott/J. Inman	8.11.2020	8.11.2020	See revision	No	9.4.2020

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	21.08.060 last paragraph	Revise and verify with E. Lisac information is contained in Rate Ordinance	T. Elliott	E. Lisac	9/3/2020	9.3.2020	Confirmed information is This is likely referring to section 14 of the rate ordinance (email 9.3.2020)	No	9.4.2020
	21.080.060 , 1st paragraph	Does anyone actually "wait" for a larger main? What does that mean, they can choose to not develop or what scenario is this referring to? This seems like antiquated language and should be removed. the 2 paragraphs could be combined.	E. Mick	T. Elliott	9.3.2020	9.4.2020	yes occasionally they wait to develop until the infrastructure is installed - no change	No	9.4.2020
	21.080.060 , 2nd paragraph	Is this what Cost share really is? Should we not refer to the 21.080.020 or vice versa and then the rate book? We need clarity on cost sharing and have it one section	E. Mick	T. Elliott	9.3.2020	9.4.2020	Not necessarily, no change	No	9.4.2020
	21.08.070	This does not mean the City must always pay the entire cost of installing a new main. I think the sentence above is referring to the authorized money in A. For clarity recommend listing under A. Here is what it would look like: A. The Council or its administrative officers may authorize the City to spend money on the water system. They may authorize money for projects the Chief Engineer and Administrator deem necessary, helpful or convenient The money authorized to be spend on the water system may pay the entire cost of installing a new main.	Ana Brophy, BES	T. Elliott/J. Inman	8.11.2020	8.11.2020	The point is that we may pay 100% or some portion there of. If it is a bureau sponsored project, we pay 100%. If it is a project driven by relocation work, there are other policies, codes, and legislation that dictate what the relocation would be if anything. See revision	No	8.11.2020
	21.08.070 A	Add the following bold wording to this article: The Council or its administrative officers may authorize the City to spend money on the water system. They may authorize money for projects the Chief Engineer and Administrator deem necessary, helpful or convenient. **The money authorized to spend on the water system may pay the cost of the water improvements. This does not mean the City will always pay the entire cost of installing a new main if any portion of the work is eligible for payment under other regulations, codes or administrative rule.**	T. Elliott	A. Dabashinsk	9.3.2020	9.3.2020	Updated	No	9.3.2020
	21.08.070 B	Remove the last sentence: *This does not mean the City must always pay the entire cost of installing a new main.*	T. Elliott	A. Dabashinsk	9.3.2020	9.3.2020	Updated	No	9.3.2020

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21.12	The use of "applicant" is a little broader term; an applicant could be an owner or an owner representative. Having said this, when installing a service to a property, regardless of size of water main wouldn't we typically be dealing with an owner?	D. Barrigan	A. Dabashinsky	9.4.2020	9.4.2020	See new definition instead. Added the following under definition of applicant: D."Applicant" means the person or group applying for water or water-related services. This may also be an owner or an owner representative.	No	9.4.2020
21.12.010	**Remove and add words, paragraph would read:** If an application is made for service from a water main less than 6 inches in diameter, the connection must be deemed temporary unless such main was designated as a permanent main. In any case, such connection must not entitle the applicant to have said main replaced with a larger main at the City's expense. The application for service from a 4- inch main or smaller must be deemed a waiver of any deficiency of supply, pressure or any other inadequacy, whether attributable to prior or future connections or extensions. The application must be deemed a covenant and the applicant must comply with all the provisions of this Title and the rules and regulations of the Water Bureau	Ana Brophy, BES	T. Elliott	8.11.2020	9.3.2020	I see no difference. No change required.	No	9.4.2020
21.12.010	Recorded easement prior to application? Is that correct? We need to approve it first, prior to recording.	E. Mick	T. Elliott	9.3.2020	9.5.2020	Change to" prior to start of construction".	No	9.5.2020
21.12.010	I don't think we can prohibit an easement-plumbing code dictates. Have asked attorney	E. Mick	T. Elliott	9.3.2020	9.5.2020	Actually WB can. No change.	No	9.5.2020
21.12.010	We should allow consideration of easements in non-land locked situations. This is too limiting. Also, we don't want an recorded easement until after we have approved the location and use of an easement. Last sentence should say recorded easement to receive approval of permit and application of service.	E. Mick	T. Elliott	9.3.2020	9.5.2020	Change per previous comment above (Change to prior to start of construction).	No	9.5.2020
21.12.010	What does "temporary" mean here? We don't do anything with this and we upsize the main when and as we see fit. This paragraph seems antiquated and needs rewriting. We can leave in 2nd to last sentence but the rest needs removing and revamping.	E. Mick	T. Elliott	9.3.2020	9.5.2020	No change. Too late to change or include at this time.	No	9.5.2020
21.12.010, paragraph 1	Awkward language - a request for new service "may be served"?	K. Calvert	T. Elliott	9.3.2020	9.5.2020	Revision.	No	9.5.2020

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21.12.010, paragraph 1	Sentence structure should be cleaned up, "may be served."	Dev. Svs	T. Elliott	9.3.2020	9.5.2020	No change.	No	9.5.2020
21.12.010, paragraph 2	What is the purpose of requiring that the connection be along the Front Lot Line? This is a significant policy shift that will be cause a lot of headache and the purpose is not clear. This is a policy that is not likely to be implemented.	B. Kersens	T. Elliott	9.3.2020	9.5.2020	No change, not a policy shift.	No	9.5.2020
21.12.010, paragraph 2	Why do we need to differentiate the Front Lot Line from any other street frontage? We have never imposed requirements related to which street frontage a lot has its service in. It's often better for the Water Bureau and the customer to have their water service in a non-Front Lot Line street frontage.	Dev. Svs	T. Elliott	9.3.2020	9.5.2020	No change. Languag3e added by Tech Support staff	No	9.5.2020
21.12.010, paragraph 2 & 3	Use right-of-way since it is in the definitions, not "public street" and or "public way." FYI, homes are being built that front ROW with only a Ped Path.	B. Kersens	T. Elliott	9.3.2020	9.5.2020	See revision	No	9.5.2020
21.12.010, paragraph 3	I think that the City recognizes any landlocked parcel created before 1979, regardless of how it was created. If the City recognizes a parcel as a legal lot of record, I think we should agree to serve it with water through an easement. Also, using the term "front lot line" doesn't really make sense here.	K. Calvert	T. Elliott	9.3.2020	9.5.2020	No change. It's covered	No	9.5.2020
21.12.010, paragraph 3	I think we should consider language allowing the Chief Engineer to approve of a new water service within a private easement when a main extension would not be a benefit to the Water Bureau. There have been two situations in the past couple of years where, in order to serve a property in the Portland Water District, a long (hundreds of feet) dead end main extension would be needed. This is not a benefit to us for maintenance or for water quality and it seemed better in those situations to allow service through an easement, even if a parcel is not landlocked.	K. Calvert	T. Elliott	9.3.2020	9.5.2020	No change.	No	9.5.2020
21.12.010, Paragraph 5	Odd that the service would be deemed temporary when it is a permanent home. This doesn't seem to fit our definition of Temporary service and do they not have to pay SDC's?	B. Kersens	T. Elliott	9.3.2020	9.5.2020	Temp. because it is served by an undersized main. Has nothing to do with house. No change	No	9.5.2020

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21.12.010, Paragraph 5	The application is a "covenant" for what? Is this relative to the 4" main or is it a separate restatement of the 1st paragraph?	B. Kersens	T. Elliott	9.3.2020	9.5.2020	The applicant is choosing to be served by an undersized main at their own risk and expense. The covenant is for service with the understanding it is being served from undersized main	No	9.5.2020
21.12.020	Whenever an application for water service is received, the Chief Engineer must have authority to reject such application if, in the judgment of the Chief Engineer, the service and meter size applied for is expected to be less than or greater than the size necessary for estimated use by the premises of the applicant. Estimates of use must follow generally accepted engineering standards from the American Water Works Association (AWWA) and the American Society of Civil Engineers (ASCE). In such event, the Chief Engineer must specify the appropriate size of the Water Bureau service line and size and type of meter. The service size as determined by the Chief Engineer must not be a warranty of 18 sufficiency for pressure or volume of water to be afforded the premises. No service connection less than 1 inch in size must be installed. The installation of a backflow prevention assembly may cause the pressure or volume of water to be less than supplied previously by the City. It is the responsibility of the applicant to calculate the effect of installing a backflow prevention assembly in addition to sizing for domestic and fire needs. **Comments: Same comment as above. It is problematic to require backflow prevention upgrades before our capital public improvements are done. Our capital projects are not typically scoped for these additional charges which can be expensive. PP&R would prefer that the City implement the backflow prevention upgrades holistically as a Water Bureau Project for City-owned properties.**	Adena Long, Director, PP&R	T. Elliott	8.21.2020	9.3.2020	This is a policy request and outside the scope of T21 re-write	No	9.4.2020
21.12.020	"Service Connection" is not in the definitions. This section switches between meter size and service branch size. I think those two terms should be used as appropriate instead of "Service Connection"	K. Calvert	T. Elliott	8.28.2020	9.3.2020	Delete "connection" and change to "service and meter"	No	9.4.2020
21.12.030	**Remove owner of the property and use applicant?** The *owner of the property* must make written application to connect with or disconnect premises from the City water system on forms provided by the Water Bureau. The applicant must complete these forms in full and must agree to abide by the rules and regulations of the Water Bureau. **Owner of the property vs applicant, which one should be used? Consistency throughout would be good.**	Ana Brophy, BES	T. Elliott	8.11.2020	9.3.2020	No change. This is who is requesting a new service. If the applicant is asking, then the applicant has the right to cancel.	No	9.4.2020

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21.12.030	Addition of power poles, guy wires, etc.	P. Meekins	T. Elliott	8.11.2020	9.3.2020	See revision.	No	9.4.2020
21.12.030	The owners do not apply for a service. An applicant does. The question of consistency around owner vs applicant needs our attorney to weigh in.	E. Mick	T. Elliott	8.28.2020	9.3.2020	See revision.	No	9.4.2020
21.12.030	Last paragraph, another sentence needed that says "and the applicant or owner is responsible for the costs associated to bring the site into compliance"??	E. Mick	T. Elliott	8.28.2020	9.3.2020	See revision.	No	9.4.2020
21.12.030	Sometimes there are utilities that lie outside of the length of the property that do not meet clearances. For example, if an existing sanitary lateral for the adjacent lot is 3ft within its property's line, and if a proposed water line is 1.5ft within its property's line, then the required clearance of 5ft isn't met. Could be useful to have an additional 5ft on each end of the length of the property	K. Calvert	T. Elliott	8.28.2020	9.3.2020	See revision.	No	9.4.2020
21.12.030, paragraph 2	This feels a bit too specific for Code and would be better characterized in an Admin Rule or a submittal requirement authorized by the Admin rule. I recommend generalizing to "PWB requirements."	B. Kersens	T. Elliott	8.28.2020	9.3.2020	This is an opinion. See revision.	No	9.4.2020
21.12.030, paragraph 2	There are situations where a building permit is not issued but we still accept payment for an construct a service.	B. Kersens	T. Elliott	8.28.2020	9.3.2020	We should be covered. See revision.	No	9.4.2020
21.12.030, paragraph 2	Hallelujah!	K. Calvert	T. Elliott	8.28.2020	9.3.2020	no response needed	No	9.4.2020
21.12.030, Paragraph 3	This would be a great place to authorize Admin Rules. One could even define how often the Admin Rule need to be administered.	B. Kersens	T. Elliott	8.28.2020	9.3.2020	Admin rules are authorized in 21.24.	No	9.4.2020
21.12.030, paragraph 4	Slight language change suggestion: "...existing service is determined to be inadequate to serve the site or *be* nonconforming to this code..."	K. Calvert	T. Elliott	8.28.2020	9.3.2020	See revision.	No	9.4.2020

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21.12.030, paragraph 4	"...the Water Bureau must determine the appropriate requirements..." this is a great improvement over the existing Title 21 language, but the vagueness makes me a bit uncomfortable - it seems to leave room for a lot of inconsistency in applying various requirements.	K. Calvert	T. Elliott	8.28.2020	9.3.2020	See revision.	No	9.4.2020
21.12.040	A service that has not been installed within one year of the date of "application..." Do you mean within one year of payment..."?	B. Kersens	T. Elliott	8.28.2020	9.5.2020	See revision.	No	9.5.2020
21.12.040	...must be cancelled at the direction of the applicant....or at the direction of the Bureau? Language is a bit confusing here.	B. Kersens	T. Elliott	8.28.2020	9.5.2020	See revision.	No	9.5.2020
21.12.040	"A service that has not been installed within one year of the date of the application must be canceled at the direction of the applicant"? We require them to direct us to cancel it? Can't we just say that it will be automatically canceled?	K. Calvert	T. Elliott	8.28.2020	9.5.2020	Needs to read: date of the **payment**	No	9.5.2020
21.12.040, paragraph 1	why does it need to be at the direction of the applicant? Should it not be initiated by the bureau? Should this be within one year of paid fee statement and then the PWB cancels it?	Erin Mick	T. Elliott	8.28.2020	9.5.2020	See revision.	No	9.5.2020
21.12.050	I am not sure what situation this is trying to describe? There is no mention of a main extension, but maybe that is what this section is in reference to? Or is it describing a situation where we would install service branches but no meters so that street improvements won't be disturbed by tapping a main after improvements are completed? If that's the case, the first sentence, describing when we would allow this, is not clear.	K. Calvert	T. Elliott	8.28.2020	9.5.2020	No, its about installing pipe for future use. See revision for clarification	No	9.5.2020
21.12.050	Consider adding text: If an applicant not made to activate the services within 5 years of installation, the Water Bureau may disconnect the service branch at the main **with appropriate communications to the property owner.**	Adena Long, Director, PP&R	T. Elliott	8.21.2020	9.3.2020	Agree, text added	No	9.4.2020
21.12.060 A.1	"must" be removed w/o charge?	B. Kersens	T. Elliott	8.28.2020	9.5.2020	Yes	No	9.5.2020
21.12.060 A.1	"must be removed w/o charge?" perhaps just "is" removed w/o charge? Does this still apply since we often don't remove and install at same time?	Erin Mick	T. Elliott	8.28.2020	9.5.2020	Yes	No	9.5.2020

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21.12.060 A.1	Change "...2 inches or smaller *may* be removed without charge."?	K. Calvert	T. Elliott	8.28.2020	9.5.2020	See revision.	No	9.5.2020
21.12.060 A.3	These are NOT in Ordinance and are SS.	B. Kersens	T. Elliott	8.28.2020	9.5.2020	They should be - see revision	No	9.5.2020
21.12.060 A.3	I thought every kill over 2" was a Site Specific charge?	K. Calvert	T. Elliott	8.21.2020	9.4.2020	See revision	No	9.4.2020
21.12.060 B	add "or relocate" after new.	Erin Mick	T. Elliott	8.28.2020	9.5.2020	Yes	No	9.5.2020
21.12.060 C	If the developer/applicant wants to relocate a working but "defective" service of the same size then the cost burden should be the developer	B. Kersens	T. Elliott	8.28.2020	9.5.2020	No action required.	No	9.5.2020

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21.12.060 D	If a service is relocated or changed in size, the service may need to be equipped with proper backflow protection, which must be installed and inspected by the Water Bureau prior to service activation as outlined in Section 21.04.030, "Backflow Assembly Installation Requirements." The cost of backflow protection must be the responsibility of the owner of the property. **Comment: Same comment as above. It is problematic to require backflow prevention upgrades before our capital public improvements are done. Our capital projects are not typically scoped for these additional charges which can be expensive. PP&R would prefer that the City implement the backflow prevention upgrades holistically as a Water Bureau Project for City-owned properties.**	Adena Long, Director, PP&R	T. Elliott	8.21.2020	9.4.2020	This is a policy request and outside the scope of T21 re-write	No	9.4.2020
21.12.070	Remove and add words for 2nd paragraph to read*: In order to allow for more customers to practice individual water conservation strategies, lower their water usage and subsequent water bills, and to qualify for the financial assistance programs, Water Bureau is requiring separate water meters for the following types of residential dwelling units where practicable.*	Ana Brophy, BES	T. Elliott	9.3.2020	9.3.2020	revised	No	9.4.2020
21.12.070	21.12.070 (Separate Service), would needlessly add tens of thousands of dollars to the cost of new, small scale, middle housing such as accessory dwelling units, townhomes, duplexes, triplexes, and quadplexes. This is particularly disappointing given the clear state direction to advance these housing types – encompassed in House Bill 2001 – as well as the City's recent efforts to pass the Residential Infill Project. As written, revised Section 21.12.070 would likely violate state law and cause "unreasonable cost" in the construction of middle housing. The Oregon Legislature was very clear and wrote House Bill 2001 in a manner that explicitly prohibited cities from enacting regulations that disproportionately impact the cost of building middle housing. **Details may be referenced in letter from HBA dated August 8, 2020.**	Home Builders Association of Metropolitan Portland ("HBA") - Ezra Hammer	T. Elliott, G. Solmer, A. Fritz	8.26.2020	8.31.2020	Keep proposed wording. Final disposition will be determine after council work session	yes	

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21.12.070	Strongly advise removing the requirement that would make it mandatory to install separate water meters for ADU's and multifamily buildings up to 8 units. If approved, this policy would dramatically increase the cost of building affordable and middle housing in Portland which is already very difficult for builders to do. The requirement to add separate water meters would add thousands of dollars to the cost of each unit and make it harder to build the type of housing that the City of Portland claims it needs most. Please reconsider this proposal and eliminate the requirement for separate water meters that would have a significant increase in costs for affordable and middle housing units. **Refer to email dated 8.14.2020.**	Bruce Howard, Works with home builders	T. Elliott, G. Solmer, A. Fritz	8.26.2020	8.31.2020	Keep proposed wording. Final disposition will be determine after council work session	yes	
21.12.070	Concerned about Section 21.12.070 regarding separate services. I have been building for profit affordable housing in Portland since 1972. Especially the last 25-30 years, I have heard the Portland City Council having concerns about the cost of affordable housing in Portland. But during that time much of what I see coming out of Portland are cost increases that need not be added to the cost of a home. The 'Separate Service' proposal is another one of those costs that are not needed. **Refer to email dated 8.7.2020**	Jeffrey Paul Fish, President Fish Construction NW, Inc.	T. Elliott, G. Solmer, A. Fritz	8.26.2020	8.31.2020	Keep proposed wording. Final disposition will be determine after council work session	yes	
21.12.070	Not in favor of the separate Service provisions in section 21.12.070 of the Title 21 Code update as it runs contrary to ALL of the work that was recently adopted to try and create affordable housing. Requiring separate meters per section 21.12.070 is an absolute deal breaker for future development of detached ADU's as well as multifamily projects of less than 8 units. **Refer to email dated 8.10.2020**	Mike Mitchoff, Resident and local infill Builder	T. Elliott, G. Solmer, A. Fritz	8.26.2020	8.31.2020	Keep proposed wording. Final disposition will be determine after council work session	yes	

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21.12.070	As someone who has specialized in building entry level homes, many times consisting of ADU's and duplexes, I can tell you that this proposed change would have severe detrimental effects to the affordability of these units. I am currently President of the Oregon Home Builders Association and this proposed change runs contrary to all of the work that has been done at the state and local level to promote the construction and affordability of missing middle housing such as ADU's and duplexes. House Bill 2001 at the state level and the Residential Infill Project at the local level, have devoted a lot of time and effort to determining where roadblocks could be removed to help create more of this needed type of housing. This change runs contrary to both of those projects and would drastically impact the feasibility and affordability of all missing middle housing types. **Refer to email dated 8.10.2020**	Justin Wood V.P. - Construction / Business Owner, Fish Construction NW, Inc.	T. Elliott, G. Solmer, A. Fritz	8.26.2020	8.31.2020	Keep proposed wording. Final disposition will be determine after council work session	yes	
21.12.070	Portland Houseworks is a small infill developer and builder whose primary pursuit is to provide financially attainable housing in a city that's quickly becoming unaffordable for a very large segment of its residents. We are well aware that jurisdiction fees (SDC's, permit fees, development fees, etc.....) contribute substantially to the cost to construct a home. While these fees, to a degree, are prudent and fair, they do ultimately raise the cost to construct and force developers to in turn raise their home sales prices in order to achieve a project that is financially viable. It's very simple.....increased jurisdiction costs equal one of two paths a.) the project simply does not get developed as it's not profitable or.... b.) We are forced to raise the sales price and pass the costs onto the buyer. **Refer to email dated 8.10.2020**	Sean Heyworth, Portland Houseworks LLC	T. Elliott, G. Solmer, A. Fritz	8.26.2020	8.31.2020	Keep proposed wording. Final disposition will be determine after council work session	yes	
21.12.070	The requirements in the Title 21 Draft Proposal would specifically make the creation of more homeownership units in Portland more difficult. Specifically, the revisions to Section 21.12.070 (Separate Service) would needlessly add thousands of dollars to market rate projects. This would not only push the price of units up, as developers will pass these costs on to buyer, but it likely will cause more developers to just develop townhomes, duplexes, triplexes and fourplexes of rental units rather than building them as for sale housing. **Details of the Habitat for Humanity Letter may be referenced in letter submitted on 8.10.2020.**	Habitat for Humanity Portland/Metro East, Steve Messinetti	T. Elliott, G. Solmer, A. Fritz	8.26.2020	8.31.2020	Keep proposed wording. Final disposition will be determine after council work session	yes	

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21.12.070	I am an Architect and have been working as one in Portland since 1990. Currently we are designing many ADU's and apartment buildings in the 2-19 unit range. The developers I work with strive to make them as affordable as possible and permit fees are an incredibly high fee coming in a minimum of $20,000 per unit. One of the large fees is the water meter. I understand you are considering making it mandatory to install separate water meters per unit in smaller apartment buildings and ADU's. I think overall that is a good idea so each tenant can pay their own utility but if the city wants to increase their fees to do this, then that will be harder to make apartments affordable. As it is developers have been installing private meters to have tenants pay their own utility and that has been affordable to install. Please don't increase permit fees in a time when affordability is at it's most difficult time. **Refer to email dated 8.7.2020**	Bob Schatz/Architect	T. Elliott, G. Solmer, A. Fritz	8.26.2020	8.31.2020	Keep proposed wording. Final disposition will be determine after council work session	yes	
21.12.070	I am a lifetime resident of Portland as well as a local home builder of 12 years. I have recently spent considerable time trying to build and provide additional affordable housing in a city that desperately needs it. I spent almost 18 months as a volunteer in guiding the City of Portland through the Residential Infill Project as part of the stakeholder committee as well as giving feedback on the newly adopted Better Building by Design program for multi family zoned lots and the State of Oregon House Bill 2001. I am not in favor of the separate Service provisions in section 21.12.070 of the Title 21 Code update as it runs contrary to ALL of the work that was recently adopted to try and create affordable housing. Requiring separate meters per section 21.12.070 is an absolute deal breaker for future development of detached ADU's as well as multifamily projects of less than 8 units. I am generally a proponent of separate metering, but it should be at the homeowner, builder, developer discretion and not mandated as it will add additional costs of up to $8,000 per unit ($64,000 for an 8 unit building or more). At a time when we should be doing everything possible to make housing more affordable the water bureau should not adopt separate meter requirements. The unintended consequence of your separate metering proposal WILL be a drastic reduction in detached ADU and small multi-family construction in the City of Portland. I hope that you will reconsider this separate metering proposal and focus on being part of the affordability solution. **Refer to email dated 8.11.2020**	Vic Remmers, Business Owner, Everett Custom Homes	T. Elliott, G. Solmer, A. Fritz	8.26.2020	8.31.2020	Keep proposed wording. Final disposition will be determine after council work session	yes	

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21.12.070	Our intent is to remove barriers and reduce cost to build affordably and we feel strongly that the proposed changes to Section 21.12.070 (Separate Service) and would add thousands of dollars to market rate projects. This proposal adds a barrier to achieve affordability – a goal that members of the City Council made clear was central to their support for RIP. Adding costs to develop in this way will undoubtedly increase cost for buyers as a time when working families are struggling to cope with the growing cost of homes for sale in Portland – sadly, this proposal is a terrible step in the wrong direction. We also agree that it will be a factor that dissuades developers from building units for sale thus adding to the market-rate rental inventory that is over saturated in Portland now We are concerned that in the case of Habitat and other non-profits builds, some designs and conditions do not allow for individual City water meters. Instead they have had to install private meters for each unit that will be read by the condo management company in order to divide the water bill. We understand that families who purchase these units do not qualify for the current discount program even though they need the discount more than most homebuyers. We support low-income residents receiving assistance through the Water Bureau's effective programs, but the revised Section 21.12.070 is the wrong way to accomplish it and could have serious unintended consequences. **Refer to email dated 8.10.2020**	Diane Linn, Proud Ground	T. Elliott, G. Solmer, A. Fritz	8.26.2020	8.31.2020	Keep proposed wording. Final disposition will be determine after council work session	yes	
21.12.070	As a builder and home owner I would like to express that I believe requiring detached ADU's to have a separate water meter will discourage building of these much needed housing units. Our clients are often spending all of their available savings and taking loans to increase the value of their property and increase the density of our neighborhoods in a great way and this change will make it harder to do that. I see the reasoning for implementing this rule but I think the costs outweigh the benefits. My wife and I are also planning to add an ADU above our detached garage and this will make it much more expensive for us to do so. Please reconsider and remove the rule for separate water meters on ADU's and help to increase density and affordable housing in our city. **Refer to email dated 8.12.2020**	Michael Fitzsimons, Builder and Home Owner	T. Elliott, G. Solmer, A. Fritz	8.26.2020	8.31.2020	Keep proposed wording. Final disposition will be determine after council work session	yes	

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	Owner of Shelter Solutions LLC. We are a custom residential design/builder and specialize in building Accessory Dwelling Units throughout Portland. We and our clients have proven that ADUs provide affordable housing for Portland residents. They also provide below market rate housing for seniors, people with special needs, and other family members to live close to their families. Even though ADUs undoubtedly provide low impact affordable housing, costs have skyrocketed along with all construction costs over the past few years. As a design/build construction company, it has become more and more of a challenge to keep the costs of ADUs where they still provide that benefit and make financial sense to our clients and the community. The City in general and the commissioners have looked favorably on ADUs as a positive part of a solution for affordable housing. However, Title 21 Draft Proposal (specifically, the revisions to Section 21.12.070 Separate Service) would accomplish just the opposite. The excessive additional costs of a separate water meter will discourage the construction of ADUs by adding unnecessarily to the cost. At the present time, the size and capacity of a water meter is determined by fixture count, which is a fair system. Once the fixture count goes over a 37 then the house service is required to go to a shared 1" meter, or a separate meter for the ADU. This comes into play when the existing home is two baths or more and the ADU is adding a bath. Consequently, a small percentage of our customers pay the extra meter fee (currently $7435) plus the cost of a new water line and connection. But, currently, this is the exception, not the rule. Most homes in Portland are 1 to 1 ¾ bath homes, and a one bath ADU can be added to the property with a simple meter upgrade from 5/8" to ¾" meter for $1771 as part of the permit costs.				8.31.2020			

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21.12.070	Title 21 Draft Proposal would require ALL ADU owners to pay $7435 plus water lines and connections regardless of the fixture count. We see this as a penalty that will discourage homeowners who desire to build and ADU and will definitely reduce the number of ADUs built in Portland, and thus have a negative effect on affordable housing. I am not sure what the motivation is for this revision regarding the separate meter requirement for ADUs. The only two I can imagine are: 1.) to discourage ADU building and 2.) Simply a way of generating increase revenue for the water department. Either way, it discourages a successful and effective component to an affordable housing solution. It is curious how this was not publicized to people within the industry and is buried in the draft without being highlighted or noted like is standard practice with revisions of this type. I am sincerely opposed Section 21.12.070 and encourage you to reconsider this proposed revision and it's negative impact. The current process with fixture count and ADUs is easy to understand and works fairly. Please keep this part as it currently is in place. Refer to email dated 8.13.2020.	Joe Robertson, Business Owner, Shelter Solutions LLC	T. Elliott, G. Solmer, A. Fritz	8.26.2020	8.31.2020	Keep proposed wording. Final disposition will be determine after council work session	yes	
	I recently learned of the Bureau's proposal to require separate water metering for ADUs and middle housing. In general, separate metering should be discretionary on individual tax lots. But, certainly with ADUs, it would not be in keeping with the definition, purpose, and intent of ADUs to require separate metering. This separate metering policy change would have adverse consequences on the future development of permitted ADUs, which are commonly the least expensive form of infill housing to build in Portland. This would be a shame, since ADUs are otherwise treated favorably by City policy and regulations because they're meeting the City's policy objectives of producing less expensive infill housing. As a national ADU subject matter expert, I'm not aware of any other jurisdictions that require separate metering for ADUs, since they're 'accessory' units to a primary residence. If any jurisdiction had such a requirement, I would classify that policy as a barrier to ADU development, and would advise housing advocates to explicitly fight to change that atypical policy since the cost of new 5/8" water meters can be more than $7K. So, it is strange and discordant to see this being floated with the rationale to "lower subsequent water bills".							

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21.12.070	The simple math doesn't make sense to me to justify that as a policy rationale. An actual consequence of this policy change would be the proliferation of informal ADUs, as was more common prior to the current SDC waiver policy for ADUs; indeed, this water metering policy change would have a similar financial impact on detached ADU development. Secondly, I sit on the Rules Advisory Committee and Technical Advisory Committee for Oregon House Bill 2001. In general, HB 2001 requires Cities to explicitly remove regulatory and financial /administrative barriers to middle housing. Under HB 2001, it may not be deemed permissible for any city in Oregon to require separate metering for middle housing types, which would likely be deemed as an "unreasonable cost and delay". Alternatively, if separate metering were fully subsidized by the Water Bureau, this approach wouldn't add "unreasonable cost", though it may still be seen as 'unreasonable' since other jurisdictions may not require separate metering. So, that's another threshold to consider for changes under Title 21. Email dated 8/14/2020 highlights some of the relevant administrative rules draft text for your consideration as you consider the direction of this proposed metering policy.	Kol Peterson, Accessory Dwelling Strategies LLC and Author of Backdoor Revolution- The Definitive Guide to ADU Development Oregon HB 2001 Rules Advisory Committee and Technical Advisory Committee member	T. Elliott, G. Solmer, A. Fritz	8.26.2020	8.31.2020	Keep proposed wording. Final disposition will be determine after council work session	yes	

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21.12.070	I'm strongly opposed to a requirement that detached ADUs have their own water meters. This adds cost and complexity to building detached ADUs for no good reason, and treats them differently from other detached accessory structures (some of which also have plumbing fixtures). Requiring detached ADUs to have their own meter is the sort of thing I'd expect from a city that's trying to throw up obstacles in the path of creating ADUs, not from Portland where this housing type has long been encouraged for a host of sound policy reasons including equity, climate, demographics…. Through my company, Orange Splot LLC, I've built several detached ADUs. In one project, on a corner lot, I elected to pay for and install a second water meter for the ADU, since it was reasonably easy to do and facilitated separate billing for residents. For another project, with ADUs in the back yards of adjoining lots and not much space between them, installing separate water meters for the ADUs would have been very expensive and add lots of complexity to create a route for water lines, not to mention the additional costs for the meters themselves and the city's associated work in the Right-of-Way. Because it's not just the cost of the meters… As you know, a large portion of the expense of new water lines goes to cutting into the street, digging down, connecting to the main line, and patching afterwards. Why force this cost on builders - and eventual buyers/renters - when it's not needed? I've always appreciated how the water bureau charges SDCs based on meter size. This relates to the number of fixtures and, hence, to demand on the system. But this proposal would unnecessarily increase the cost of one of Portland's least expensive housing options. I sincerely hope your department will reconsider. **Refer to email dated 8.14.2020.**	Eli Spevak/Orange Splot LLC	T. Elliott, G. Solmer, A. Fritz	8.26.2020		Keep proposed wording. Final disposition will be determine after council work session	yes	

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21.12.070	In reviewing the new Title 21 proposals I am greatly concerned about Section 21.120.70 regarding separate services. I have been building for profit affordable housing in Portland since 1972. Especially the last 25-30 years, I have heard the Portland City Council having concerns about the cost of affordable housing in Portland. But during that time much of what I see coming out of Portland are cost increases that need not be added to the cost of a home. The 'Separate Service' proposal is another one of those costs that are not needed. I could go into Senate Bill 2001 that was enacted by the legislature to prohibit regulations that drive up housing costs. I will let others develop that discussion. Instead, I have long explained to my subcontractors that I write checks to about 120 different operations in building a home; from land and permits, to cleaning people. It doesn't take long for 'minor' increases to drive the cost of a home upwards. A $100 increase on each of those 120 operations nets out at $12,000.00. In the cost of adding meters, that would not be added today, not only do you have the cost of the meter service (costs you are more up to date on than I) you have the cost of the plumber installing a water line. An simple water line of about 20 feet from a meter to a home is about $150.00 in labor and materials. Now if I have to install up to 8 individual lines on a multi-unit property, not only do we have roughly $35,000 or so in meter costs, we have a minimum of $1,200 or more for water lines, and if it a flag lot property the costs really go up. In 48 years of building, I have had many subcontractors say to me when I gave a job to someone else, because they were $10, $20, or some other number higher, why did they not get the job.? I tell them to take that amount of $10, $20, or other amount out of their wallet and give it to me. Never, in 48 years has anyone done that. Money becomes important when it is out of 'your' wallet (meaning any of us) but far less important out of someone else's wallet. Let's keep housing as affordable as we can in Portland and not enact these expensive multi meter standards of Section 21.120.70. **Refer to email dated 8.7.2020.**	Jeffrey Paul Fish, President, Fish Construction NW, Inc.	T. Elliott, G. Solmer, A. Fritz	8.26.2020	8.31.2020	Keep proposed wording. Final disposition will be determine after council work session	yes	

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21.12.070	Voice our concern of a potential barrier to the implementation of the Residential Infill Project. According to Section 21.12.070 of the Title 21 Code Update regarding water meters, it requires a separate water meter for an individual unit up to an 8 plex. This unnecessary and additional cost will discourage the development of missing middle housing. We support the statement made by the Home Builders Association saying "While the City's desire to support low-income residents through water bill assistance is sincere and well placed, revised Section 21.12.070 will actually harm the creation of Affordable Housing." Many of our partners like Home Builders Association and Habitat for Humanity and Proud Ground note that there are alternative ways to address water bill assistance. We firmly believe that RIP is an absolutely necessary policy to begin addressing our exponentially worsening housing crisis. Creating barriers to build middle housing will perpetuate existing inequities: more people will suffer, struggle and become displaced or even homeless as rents rise and options dwindle. **Refer to letter dated 8.14.2020.**	Nicole Johnson, 1000 Friends of Oregon, Community Engagement Manager	T. Elliott, G. Solmer, A. Fritz	8.26.2020	8.31.2020	Keep proposed wording. Final disposition will be determine after council work session	yes	
21.12.070	**Comment**: This section requires up to 8 separate water services for a single property. It also states that development with 9 or more dwelling units are encouraged to have separate meters when appropriate for the site. According to the proposed administrative rule, each water service needs to be 1.5' - 6' feet apart. When coupled with the Residential Infill Project, we are likely to see many water services on smaller 50-foot frontage properties. Having so many separate services will take up a large amount of space in the furnishing zone, preventing the siting of other necessary public infrastructure. Specifically, PP&R strongly opposes elimination of street tree planting locations; the Title 21 proposal appears to result in this very outcome. PP&R asserts Title 21 or the Title 21 commentary should state Title 11 and other City code requirements must be met prior to taking up frontage space with separate water meters. We believe other bureaus may have similar concerns vis-a-vis other right-of-way infrastructure residents need and expect, and for which those bureaus have responsibility and regulatory authority.	Adena Long, Director, PP&R	T. Elliott	8.21.2020	9.3.2020	This section is consistent with council direction for residential in-fill and helps serves the city goals to provide affordable housing. The final disposition will be decided by council. We recognize our responsibility to share the public right-way. That does not change the proposed code language though proposed code does acknowledge that exemptions are case by case. Also see council work session in Oct on this topic	No	9.4.2020

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21.12.070	**Comments:** The proposed code provides exemptions for "when adequate space does not exist" and "when appropriate for the site." This ambiguous language creates uncertainty and unpredictability, resulting in confusion, conflict, unnecessary expense, and opportunities for misapplication of authority. PP&R requests PWB clarify this language and other similarly ambiguous language throughout the document, for example how "adequate" and "appropriate" are defined and applied, specific to the section(s) of Title 21 where such terms appear.	Adena Long, Director, PP&R	T. Elliott	8.21.2020	9.3.2020	Language deliberately provides flexibility. Situations are not one size fits all. no change. Also see council work session on this topic	No	9.4.2020
21.12.070	The requirement for individual meters is really great; however, when there is not enough room for individual meters in a frontage, the alternative should be to use header services (Def RR. "Service – Header") rather than shared meters.	Dev. Svs.	T. Elliott	8.28.2020	9.5.2020	This is why it is wanted as-is. We do not plan to use headers with 3 or more services.	No	9.5.2020
21.12.070	Required separate meters for up to 8 units does not seem equitable.	Dev. Svs.	T. Elliott, G. Solmer, A. Fritz	8.28.2020	9.5.2020	See council work session scheduled for 10.27.2020.	No	9.5.2020
21.12.070	Ultimately, I think that Dev. Services goals with this section are to have code that clearly describes the requirement of separate services for each separate parcel of land. There are some situations where it makes sense for separate parcels under the same ownership to have a shared service (if a site has Campus zoning, for example, or is covered under a Master Plan, or consists of a cohesive development that wouldn't function if separated), and other situations where it makes sense to require the separate services at the start (for example if the parcels have unique structures that could stand alone and there is a market for them to be sold separately). The separate water service agreement serves only one purpose that I can determine: to notify a potential buyer of a parcel, via a title search, that the subject parcel will be out of conformance with Water Bureau requirements. It is therefore purely informational and we should decide if that information is best conveyed via the SWSA. Is there some protective element of the SWSA? Meaning, would it protect us in court from liability if a buyer contested the requirement to install, at their expense, a separate service?	K. Calvert	T. Elliott, G. Solmer, A. Fritz	8.28.2020	9.5.2020	This is an opinion. See council work session scheduled for 10.2020.	No	9.5.2020

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21.12.070	Have we adequately described that it's the customer's responsibility to pay for these separate services?	K. Calvert	T. Elliott, G. Solmer, A. Fritz	8.28.2020	9.5.2020	This is an opinion. See council work session scheduled for 10.2020.	No	9.5.2020
21.12.070	Whole section needs a formal statement of its intent. 1st paragraph-when buildings cross lot lines but owned by same owner, no separate services required? Is this still what we want to say? We don't allow easements, we are being contradictory I believe.	E. Mick	T. Elliott, G. Solmer, A. Fritz	8.28.2020	9.5.2020	Opinion. WB Development Services provided revisions, too late to start over and see council work session scheduled for 10.2020.	No	9.5.2020
21.12.070	Who pays for the separate services?	WB Dev. Svs.	T. Elliott, G. Solmer, A. Fritz	8.28.2020	9.5.2020	Applicant.	No	9.5.2020
21.12.070, paragraph 1 & 4	We are running into problems because by this definition, two separate parcels, adjacent to one another but owned by the same person, are considered one parcel. They aren't, and one can be sold off without any knowledge of the Water Bureau. The SWSA only notifies the buyer that they will need a separate service in the future, it doesn't actually get that separate service installed. Do we care?	K. Calvert	T. Elliott, G. Solmer, A. Fritz	8.28.2020	9.5.2020	See revision.	No	9.5.2020
21.12.070, paragraph 2 & 3	2nd -3rd paragraphs are inequitable and put enormous cost burden on a small section of developers, which are small businesses and leave out medium to large developers due to limiting ROW area. These paragraphs will not serve the intent of trying to provide more access for low-income households. We need to work with PHB on their low-income housing criteria and rewrite this in an admin rule, not in Title, after we have done proper analysis and figured out how to achieve it and then create the language.	E. Mick	T. Elliott, G. Solmer, A. Fritz	8.28.2020	9.5.2020	This is an opinion. See council work session scheduled for 10.27.2020.	No	9.5.2020
21.12.070, Paragraph 2	Provide specific language that this is only for NEW development. Note in admin rule or procedures which applications are "NEW" so that Dev Services knows how to implement this.	B. Kersens	T. Elliott, G. Solmer, A. Fritz	8.28.2020	9.5.2020	3rd paragraph revision (says proposed, that implies new); no other changes.	No	9.5.2020
21.12.070, paragraph 2 & 3	I don't think this will accomplish what it wants to accomplish. I think that the dramatically increased costs of separate installations will be passed on to the customer, making housing less affordable. Savings on a water bill are irrelevant if low income people are further priced out of housing.	K. Calvert	T. Elliott, G. Solmer, A. Fritz	8.28.2020	9.5.2020	See council work session scheduled for 10.27.2020.	No	9.5.2020

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21.12.070, Paragraph 3	Does this include apartment complexes?	B. Kersens	T. Elliott, G. Solmer, A. Fritz	8.28.2020	9.5.2020	Only 8 plex's and smaller. No change.	No	9.5.2020
21.12.070, Paragraph 3	A standard for multiple meters in shared meter boxes is required in order to make this achievable. With the current standard, eight 1-inch services would take up about 20 feet of horizonal width in a frontage. A standard residential lot is 25 feet wide. Where would the trees, sanitary, storm, gas, cable, and electric go? A design for multiple meters in a shared meter box exists but cannot be outrightly be used...	B. Kersens	T. Elliott	8.28.2020	9.5.2020	Yes Design will work on standard drawings outside of T21 process. See exception in 3rd paragraph revision. No change.	yes	9.5.2020
21.12.070, Paragraph 3	Including detached but not attached ADU's doesn't make sense. Also, this sentence needs to be clearer: "Proposals of or the portions with ADU's that are attached/conversions of existing dwellings or developments that have 9 or more dwelling units are not required to install separate meters..." We will have a hard time interpreting this for development customers.	K. Calvert	T. Elliott, G. Solmer, A. Fritz	8.28.2020	9.5.2020	See revision and council work session scheduled for 10.27.2020.	No	9.5.2020
21.12.070, paragraph 4	what is intent and point of separate service agreements? No one has been able to answer this clearly and strongly suggest it be removed. If it is to remain, it needs to be handled through customer service if it's all about billing and folks not realizing whose water they are paying for.	E. Mick	T. Elliott, G. Solmer, A. Fritz	8.28.2020	9.5.2020	The intent is that if service becomes under separate ownership then they need to have separate services. See council work session. No change	No	9.5.2020
21.12.070 paragraphs 4 & 5	This SWSA stuff deserves it's own section	B. Kersens	T. Elliott	8.28.2020	9.5.2020	No change. Too late for current re-write. Defer to 2021 re-write	yes	9.5.2020
21.12.070, paragraph 5	There is no contract. What is this referring to? Master meter? That contract/agreement has been done once in PWB history. Antiquated language that needs rewriting based on intent and current practices.	E. Mick	T. Elliott	8.28.2020	9.5.2020	See revision. Technically the application for service is the contract.	No	9.5.2020
21.12.070, paragraph 5	"Multiple units that are individually owned must have a separate service to each unit." This is impossible to enforce due to state condo separation rules. Many structures are built under one owner only to be later broken by a condo plat.	B. Kersens	T. Elliott	8.28.2020	9.5.2020	See revision	No	9.5.2020

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21.12.070, paragraph 5	The two sentences in this section appear to contradict one another: "A single service may be approved...for multiple units larger than 8-plexes that are individually owned..." then "Multiple units that are individually owned must have a separate service to each unit." I'm guessing this is primarily referencing condominium situations. Since condos are created and regulated at the State level, we usually don't know they exist until after development has occurred. Whatever we can do to regulate their water services might need to be done at the time accounts are set up/billed (by Customer Service) vs. when services are permitted and/or installed.	K. Calvert	T. Elliott, G. Solmer, A. Fritz	8.28.2020	9.5.2020	See revision and council work session scheduled for 10.27.2020.	No	9.5.2020
21.12.070, paragraph 6	Is this a master meter? see above comment We also don't ever know when a property is sold. Need attorney to weigh in after we have determined our intent and needs.	E. Mick	T. Elliott	8.28.2020	9.5.2020	No change.	No	9.5.2020
21.12.070, paragraph 6	We have nothing to do with real estate transactions; we have no ability to enforce a condition to install separate services prior to a sale, so is this requirement here for after a problem arises? If not, what other purpose is this condition serving? We already state in paragraph 1 that separate lots under separate ownership are required to have separate services. Also, like paragraph 4, wouldn't we require a separate water service agreement (SWSA) for serving multiple structures with a single shared service? If so, could we exempt ADU's from that SWSA requirement?	K. Calvert	T. Elliott	8.28.2020	9.5.2020	See revision.	No	9.5.2020
21.12.070, last paragraph	last paragraph contradicts others by saying they can't supply water if under same ownership. the above paragraphs, (4th?) does allow.	E. Mick	T. Elliott	8.28.2020	9.5.2020	See revision.	No	9.5.2020
21.12.070, last paragraph	...;and the service needs to be located...ore relocated into the site's frontage.	B. Kersens	T. Elliott	8.28.2020	9.5.2020	See revision.	No	9.5.2020

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21.12.070	I recently bought a home in Portland to start a construction company building affordable housing. We've developed a construction method for producing energy efficient, small single-family homes at affordable rates. I've just started drafting a development proposal which if implemented, would add dozens of affordable housing units and new jobs here in Portland. I recently heard about the proposed changes to the water metering and while I might be too late, I want to provide my feedback and voice my opinion to oppose this change. Forcing me and other builders and developers to pay an extra $8K per unit would likely put my company underwater before it could even begin. While I appreciate the intention of allowing people better access to their water data and applicable rebates, there are much better ways to go about it. Especially given this age of digitization, the costs for obtaining the information that these individual water meters would provide is achievable for a fraction of the proposed cost that this change brings with it. I strongly oppose this change of forcing individual water meters for every unit and hope that this is reconsidered.	Eliot Kahn	T. Elliott	9.17.2020	9.17.2020	See revision and council work session scheduled for 10.27.2020.	No	9.17.2020

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21.12.070	encourage water conservation. The City considers each meter to be an individual customer. ADUs may be condominiums and such units typically have their own utility meters. At a very minimum, the City Water Bureau should require submeters for all ADUs. ADUs are different from apartments because apartment complexes have significant common-space water usage for common grounds and fire safety. ADU's will generally not have significant common water usage since they will not share laundry facilities or other indoor water uses (ADUs are not covered by commercial building codes and do not require fire-safety sprinklers). ADUs generally do not include significant outdoor water usage because they may be internal units and most will not have any or very little outdoor space. Requiring sub-meters will slightly increase the developer's costs ($250/unit per Dave Sweet quote in Willamette Week). However it is significantly lower than the $8,000/meter cost of a water meter (which includes many other system-wide costs besides the actual cost of a meter). However, without a change in the Water Bureau rules, submeters will not allow low-income renters with access to the Water Bureau's discounts/subsidies. The Water Bureau may want to consider amending its rules for subsidies for low-income ADU residents to allow access to such discounts if the units have water sub-meters - AND if the renter is responsible for paying for their individual unit's water usage based on the sub-meter. The City is already subsidizing the construction of ADUs by waiving System	Thomas Karwaki	T. Elliott	9.17.2020	9.17.2020	In support. No change.	No	9.17.2020
21.12.070	writing to comment on the proposed changes to Title 21 of the City Code relating to the requirements for new accessory dwelling units (21.12.070 - Separate Service). Dweller is a developer of affordable ADUs in Portland and we specialize in making ADUs accessible to all Portland homeowners. We believe that requiring all new ADUs to install a dedicated water meter is an unnecessary requirement that will add significant cost to new ADUs and sadly result in fewer ADUs being built. The City of Portland and, more recently, the State of Oregon have gone to extraordinary lengths to promote the development of ADUs in response to our ongoing housing crisis. These new state and local laws now allow for ADU development on most residential properties and create the potential for thousands of new housing units in the coming years. Unfortunately, the cost of a new ADU remains a significant deterrent for most homeowners.	Patrick Quinton, Dweller	T. Elliott	late public comment rec. 9.23.2020	9.23.2020	See revision and council work session scheduled for 10.27.2020.	No	9.23.2020

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21.12.080	This section does not appear to reference those services deemed "temporary" by having a main less than 6".	B. Kersens	T. Elliott	8.28.2020	9.5.2020	No change.	No	9.5.2020
21.12.090	do we want to provide examples of temporary? like for irrigation when establishing plantings on public ROW or on private streets or for construction projects?	E. Mick	T. Elliott	8.28.2020	9.5.2020	Yes. See revision	No	9.5.2020
21.12.090, paragraph 4	Is backflow required even if the service is for residential use? Check with WQBF	B. Kersens	T. Elliott	8.28.2020	9.5.2020	Residential would not be temporary use. No change	No	9.5.2020
21.12.110, A	add "fire" to dam and irrigation in first paragraph	E. Mick	T. Elliott	8.28.2020	9.5.2020	Added.	No	9.5.2020
21.12.110, A	PWB should be responsible not just through the vault wall but to the first coupling. Specs for the large services show the coupling as a solid sleeve. This would be an easily identifiable ending/starting Point of Delivery.	Dev. Svs.	T. Elliott	8.28.2020	9.5.2020	Okay.	No	9.5.2020
21.12.110, B	First line uses the term termination point whereas we have a definition of Point of Delivery.	Dev. Svs.	T. Elliott	8.28.2020	9.5.2020	Dev. Svs also included definition in "UU" for service termination.	No	9.5.2020
21.12.110, C	language change..."install all or some of the water services"	E. Mick	T. Elliott	8.28.2020	9.5.2020	Okay.	No	9.5.2020
21.12.110, C	Not just in a "subdivision" but when it's in conjunction with a developer installed main. Also, the first sentence and the rest of the paragraph seem to be about different things?	B. Kersens	T. Elliott	8.28.2020	9.5.2020	See revision.	No	9.5.2020
21.12.110, D	"...additional fees *will* apply..." I don't think there's a situation where there aren't additional fees.	B. Kersens	T. Elliott	8.28.2020	9.5.2020	Okay.	No	9.5.2020
21.12.120	"No connections to the water service *may* be made..."	B. Kersens	T. Elliott	8.28.2020	9.5.2020	Okay.	No	9.5.2020

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21.12.120	last sentence needs ending with--and any discovered connections are deemed a public health hazard and illegal and penalties may be incurred per 21.24.XXX enforcement section	E. Mick	T. Elliott	8.28.2020	9.5.2020	Okay.	No	9.5.2020
21.12.120	No connections to the water service must be made between the main and meter stop for metered services, or the valve nearest the property line for fire services, if in a public street, or the easement line if in a private street or an easement, unless installed by the City or authorized by the Chief Engineer. No private hose connections are allowed within a public or private street**.** **Comment:** Decisions should be made in consultation with the City Urban Forester.	Adena Long, Director, PP&R	T. Elliott	8.21.2020	9.3.2020	Comment is a policy issue, code change is necessary to protect water main, no change and are standard installation requirements recommended	No	9.4.2020
21.12.120	Change "must" in first sentence to "may"	T. Elliott	A. Dabashinsky	9.3.2020	9.3.2020	revised	No	9.3.2020
21.12.130	Who is responsible for maintaining from the meter stop to the property line in the ROW?	K. Calvert	T. Elliott	8.28.2020	9.5.2020	The property owner is responsible behind the meter to the R/W.	No	9.5.2020
21.12.130, A.2	Who is responsible for maintaining, repairing, or replacing the vault?	K. Calvert	T. Elliott	8.28.2020	9.5.2020	See Revision.	No	9.5.2020
21.12.150	Phrasing is off: "The Water Bureau, in no case are liable for damages..."	K. Calvert	T. Elliott	8.28.2020	9.5.2020	See Revision.	No	9.5.2020
21.12.180	Should the second sentence specify that the disconnected service is considered abandoned? Something like "...the Water Bureau may disconnect a leaking service at the main, *which was previously determined under the provisions of this section to be abandoned,* and assess charges..."	K. Calvert	T. Elliott	8.28.2020	9.5.2020	It is out of place, Revision moved to 21.12.200.	No	9.5.2020
21.12.180	should we not say that after disconnecting and abandoned service the property will be billed for that work?	E. Mick	T. Elliott	8.28.2020	9.5.2020	WB Development Svs. and Customer Service. Complete that research, unsure if we do.	yes	9.5.2020
21.12.190	"If the piping or connection is found to no longer be *fit* for use..."	K. Calvert	T. Elliott	9.3.2020	9.3.2020	revised	No	9.5.2020

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21.12.190, paragraph 1	last sentence-use fit, not unfit in "found to no longer be fit for use"	E. Mick	T. Elliott	9.3.2020	9.3.2020	yes, revised	No	9.5.2020
21.12.190, paragraph 1	If the piping or connection is found to no longer be unfit for use and base charges have not been continuously paid, the owner of the property must pay for replacement of the existing piping. – Should the word "unfit" actually be "fit"?	J. Inman	T. Elliott	9.3.2020	9.3.2020	yes, revised	No	9.3.2020
21.12.190, 21.16.030	If the base charges have not been continuously paid from the previous owner and that is why there is a curb service and no active meter, do those unpaid base charges stay with the property and become the current owner's responsibility? There may be a crimped service unknown to the current property owner, or information was not divulged to buyer.	K. Calvert	T. Elliott	9.3.2020	9.3.2020	Not in scope of rewrite. This is a policy issue.	No	9.5.2020
21.12.200	Do we really want to say the Water Bureau "must" disconnect the service at the main if charges "are not being paid"? How long would they have to not be paid for this to be in effect?	K. Calvert	T. Elliott	9.3.2020	9.3.2020	no, changed to "may"	No	9.5.2020
21.12.210	This section is problematic. Is this a description of a wholesale customer? Or a campus? Or is it a description of a multi-family development where multiple dwellings are served by one water service? What is the written agreement? Do we generate it or does the customer? Who enforces the requirements in this section?	K. Calvert	T. Elliott	9.3.2020	9.3.2020	See Revision. The agreement depends on the type.	No	9.5.2020
21.12.210	we don't do MM so does this section still apply? What is the intent? Is still needed?	E. Mick	T. Elliott	9.3.2020	9.3.2020	See Revison.Yes it applies. We do allow master meters	No	9.5.2020
21.12.220, paragraph 1	"...for fire protection and suppression *and* requires periodic system testing"	K. Calvert	T. Elliott	9.3.2020	9.3.2020	Okay.	No	9.5.2020
21.12.220, paragraph 2	We don't install fire services less than 2 inches, except for combo services, shouldn't this first sentence be deleted?	K. Calvert	T. Elliott	9.3.2020	9.3.2020	Okay.	No	9.5.2020

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21.12.220, paragraph 5	Can there be any provision for enforcement or collection of these charges? Like turning off their water if they don't pay? Or can these charges be added to their Water bill?	K. Calvert	T. Elliott	9.3.2020	9.3.2020	See Revision.	No	9.5.2020
21.12.230	What is being referenced here as a "City water service pipe"? Is it the "Service" as defined in 21.04.010.KK? If so, then there should be no circumstance under which any plumber or other person can do anything to our system, right? If "City water service pipe" means something else, like the portion of a property's water system that is privately owned and maintained, it needs to be defined here, and not called a "City water service pipe".	K. Calvert	T. Elliott	9.3.2020	9.3.2020	Somewhat agree. Mostly allowed when installing irrigation with sprinklers or when we are the opens hiring a plumber to do back side plumbing work for a CIP project	No	9.5.2020
21.12.230	need to add from the Bureau of Dev Services after the word "permit" to not confuse folks that they won't be getting a permit form us. this sentence might need a recheck	E. Mick	T. Elliott	9.3.2020	9.3.2020	Okay.	No	9.5.2020
21.12.230	It is unlawful for any plumber or other person to make installations, replacements, extensions or repairs to any City water service pipe, to connect one service pipe with another service pipe, to extend a pipe from one building to another building or to turn water on or off at any premises without written permission from the Administrator or Chief Engineer. Such changes may require the installation of an approved backflow prevention assembly, as detailed in Section 21.12.320, "Contamination of the City Water Supply and Requirements for Backflow Protection." After the issuance of a permit to a plumber or other person authorized by the plumbing inspector to do plumbing work, the permittee must make a report in writing to the Plumbing Division of the Bureau of Development Services of all connections, attachments and extensions made in accordance with the permit within 3 days of completion of work. **Comment**: How does this intersect with the work that our City Parks Bureau staff plumbers do?	Adena Long, Director, PP&R	T. Elliott	8.21.2020	9.3.2020	This is a state requirement for any plumbing work on private property include work done by public employees. Code does not change state law. No change	No	9.4.2020

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21.12.240, A	Why Front Lot Line instead of "a property's street frontage" or "a property's public ROW frontage"? This seems to say that if a corner lot has their service adjacent to their non-front lot line frontage, we're going to move it. I don't see how that makes sense? We would only move it if their existing service was not located anywhere in their property's frontage.	K. Calvert	T. Elliott	9.3.2020	9.3.2020	It doesn't say that, it allows the property owner to designate which lot line is their frontage. Frontage lot line was added by Dev Serv stakeholders. No change	No	9.5.2020
21.12.240, F	Delete first comma, after "service connection".	K. Calvert	T. Elliott	9.3.2020	9.3.2020	corrected	No	9.5.2020
21.12.240, G	If the existing backflow protection does not meet current codes or the work is related to a code compliance order, the property owner is responsible for the cost of providing or updating backflow protection required by OAR 333 or this Title. **Comment**: Same comment as above. It is problematic to require backflow prevention upgrades as our capital projects are not typically scoped for these costs. PP&R would prefer that the City *implements* the backflow prevention upgrades holistically as a Water Bureau Project for City-owned properties.	Adena Long, Director, PP&R	T. Elliott	8.21.2020	9.3.2020	This is a policy request and outside the scope of T21 re-write	No	9.4.2020
21.12.240, H	The Water Bureau "may" pay for the costs to relocate or replace the backflow prevention assembly - but not "will"? When will we pay or not pay?	K. Calvert	T. Elliott	9.3.2020	9.3.2020	It should be will. Typically if relocation or replacement is due to a CIP project, ours or another agencies, we treat it same as other backside work that needs to be made whole. As code indicates we do not pay to bring someone's backflow device into compliance if we are not the ones causing the work. These is a backside plumbing policy that was developed several years ago that addresses when we pay.	No	9.5.2020
21.12.250, A	"...where the Water Bureau fixes such location..." - what does this mean? Also, should we reiterate here that if we allow a service off of a main located in an easement, the meter has to be in a location easily accessible for reading and maintenance?	K. Calvert	T. Elliott	9.3.2020	9.3.2020	See Revision.	No	9.5.2020
21.12.260	Could we also refer to this as a Vaulted Basement?	K. Calvert	T. Elliott	9.3.2020	9.3.2020	Yes.	No	9.5.2020

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21.12.260, A	I'm not sure it's clear what's meant by "open wall" - this is the street side wall, right? We want the vault to start at the wall where the service penetrates the basement and extend past the back side of the meter, right? Also, can the last sentence of paragraph 1 be deleted since paragraph 2 says the same thing in more detail?	K. Calvert	T. Elliott	9.3.2020	9.3.2020	See Revision.	No	9.5.2020
21.12.260, B	need to add "designee" after Chief engineer	E. Mick	T. Elliott	9.3.2020	9.3.2020	Not needed per definition in 21.04	No	9.5.2020
21.12.260, B	The Chief Engineer "...must notify the owner..."? Should it say "will" instead?	K. Calvert	T. Elliott	9.3.2020	9.3.2020	Yes, direction that PWB does is "will"	No	9.5.2020
21.12.260, C	The owner of the property must provide design plans that meet the requirements of this Title and any Water Bureau guidelines that are applicable to waterproof vaults. The design plans must be reviewed by the Chief Engineer ... **Comment: Add: "and City Forester."**	Adena Long, Director, PP&R	T. Elliott	8.21.2020	9.3.2020	This is for work in basements and has no impact on trees or Forestry. No change	No	9.4.2020
21.12.270, paragraph 2	I think this should mention that development related costs are excepted from this section. I've had development customers read just this section and think it means that we will replace their meters at our cost because it says "Water Bureau must assume all repair, maintenance, and future replacement responsibilities for new meters".	K. Calvert	T. Elliott	9.3.2020	9.3.2020	No change.	No	9.5.2020
21.12.280	How is this bill charged? Is it added to the Water bill? What about when the person responsible for the damage is not the person paying the bill? What are the consequences of not paying the charges of repairing the meter?	K. Calvert	T. Elliott	9.3.2020	9.3.2020	Policy issue, not a code issue.	No	9.5.2020
21.12.290, B	Is this in conflict with our Design standard of separation of 5' skin to skin Horizontal separation, and possibly 1.5' Vertical skin to skin separation?	J. Inman	T. Elliott	9.3.2020	9.3.2020	This is referring to temp activities and does not impact our standards, no change	No	9.4.2020
21.12.320, B.1	Needs to say no commercial city building permit? WQBF does not review residential plans. Need to check with Dave Barrigan on the correct language needed there as what is written is not correct.	E. Mick	T. Elliott	9.3.2020	9.3.2020	D. Barrigan provided the text. No change.	No	9.5.2020

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21.12.320, B.1	last paragraph should say must be installed "and approved" by the WB prior to Cert of Occ? Check with Dave Barrigan	E. Mick	T. Elliott	9.3.2020	9.3.2020	D. Barrigan provided the text. No change.	No	9.5.2020
21.12.320, B.1	No City building permit may be issued without the prior review and approval of the Water Bureau for backflow protection. **Comment**: This is a problem if it holds up our Capital Projects.	Adena Long, Director, PP&R	T. Elliott	8.21.2020	9.3.2020	This is a state requirement that we are required to enforce and non-negotiable. No change	No	9.4.2020
21.12.330	**Revise the section to read: Grant, Acceptance, and Release of Easements and Real Property and also revise article A through C to read as follows:** A. Acceptance and Release of Easements and Permits: The Chief Engineer has sole authority to accept and amend easements, permits, and related documents needed for the construction and management of the water system when payment of consideration does not exceed $200k. The Chief Engineer has sole authority to release easements, permits, and related documents no longer needed for water system purposes. For street vacations or non-exclusive easements, release by the Chief Engineer will not imply the release of easements and interests of other bureaus and agencies of the City. B. Acceptance and Release of Fee Title: Acting jointly, the Chief Engineer and the Administrator may accept deeds, contracts, and related documents to purchase real property in fee when payment of consideration does not exceed $200k. The Chief Engineer and the Administrator may execute documents necessary to sell fee property interests no longer needed for public water system purposes under reasonable terms approved as to form by the City Attorney. Water Bureau procedures for disposing of surplus property will conform with City surplus property disposition policies. C. Grant of Easements, Leases, and Licenses: The Administrator may grant easements, leases, and licenses on Water Bureau property upon reasonable terms and conditions approved as to form by the City Attorney.	Ben Gossett	T. Elliott	8.28.2020	9.3.2020	Replace with: A. Acceptance and Release of Easements and Permits: The Chief Engineer has sole authority to accept and amend easements, permits, and related documents needed for the construction and management of the water system when payment of consideration does not exceed two hundred thousand dollars. The Chief Engineer has sole authority to release easements, permits, and related documents no longer needed for water system purposes. For street vacations or non-exclusive easements, release by the Chief Engineer will not imply the release of easements and interests of other bureaus and agencies of the City. B. Acceptance and Release of Fee Title: Acting jointly, the Chief Engineer and the Administrator may accept deeds, contracts, and related documents to purchase real property in fee when payment of consideration does not exceed two hundred thousand dollars. The Chief Engineer and the Administrator may execute documents necessary to sell fee property interests no longer needed for public water system purposes under reasonable terms approved as to form by the City Attorney. Water Bureau procedures for disposing of surplus property will conform with City surplus property disposition policies. C. Grant of Easements, Leases, and Licenses: The Administrator or Chief Engineer may grant easements, leases, and licenses on Water Bureau property upon reasonable terms and conditions approved as to form by the City Attorney.	No	9.4.2020

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Project: **Title 21 Review and Update**
Chapter 21.16 - RATES AND CHARGES

Section of Title 21	Comment	Commenter	PWB Lead to Review/Provide Response	Date Submitted to PWB Lead for Comment or Revision	Date Returned by PWB Lead	Response	Any additional item to address?	Closed Comment, Responded or Made Edit
21.16.030	Currently, the property owner or the party otherwise in possession or control of the property is responsible for the payment of the sewer stormwater and water (utility) bill. The proposed code change explicitly authorizes the PWB to transfer the billing responsibility from the user of the service to the property owner. It enables the City to pursue collection of a debt incurred by one party from another party. To better understand the implications of the proposed code change, BES requests the PWB to perform an analysis on the administrative, financial, legal, and equity impacts that may result. BES requests an opportunity to review the analysis in advance of commenting on the proposed code change. **Refer to letter dated 8.21.2020 from BES.** **Comment**: BES suggests that this code reference rule (ADM-14.01) for a description of the process of transferring unpaid balances and applying credits to other active accounts under the same account name and/or property ownership. BES asks the PWB to specify in rule the timeframes for transferring charges and credits from one account to another and the timeframes for processing refunds or collections and assessments.	Eli Rosborough, BES	K. Koch, T. Elliott	8.28.2020	9.4.2020	The full section states: "Responsibility for paying the water bill. The owner of the property (as listed in county tax records) is responsible for paying water charges. Another person may accept responsibility for water charges, but the owner of the property is responsible for any unpaid bills." This revision modernizes Portland City Code to reflect the benefit provided to the landlord for utility services, whereas water and sewer services are considered essential services. Properties cannot be rented by law (ORS 90), therefor the owner remains responsible for City utility billings in order to ensure that the property remains habitable per Oregon State Law. This Code revision also brings the City up to date with Oregon State Law ORS 91.255 (3). This statute allows the City to bill owners for unpaid delinquent City utility charges.	No	9.4.2020
21.16.030	The Comment: "Responsibility for payment if a property is unoccupied. … The owner of the property is responsible for all water charges, even if the property is vacant." The proposed code change authorizes the PWB to transfer unpaid service balances from the user of the service to the property owner. BES requests the PWB to provide data on tenant accounts with a vacancy status that have past due balances to estimate the potential financial impact on property owners and the utility bureaus.	Eli Rosborough, BES	K. Koch	8.28.2020	9.4.2020	There has been no effective change in the Code for this section. The Bureau has held owners responsible for vacant property in the past. Language has been improved to make this section clearer and more understandable.		

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Section of Title 21	Comment	Commenter	PWB Lead to Review/Provide Response	Date Submitted to PWB Lead for Comment or Revision	Date Returned by PWB Lead	Response	Any additional item to address?	Closed Comment, Responded or Made Edit
21.16.030	"Responsibility for payment on a property with multiple units. When one meter serves multiple units, the owner of the property is responsible for payment. A person other that the owner of the property may accept responsibility for payment, but the owner of the property is still responsible for any unpaid bills." Currently, the PWB allows individual unit occupants to assume responsibility for payment. The proposed code change makes the property owner responsible for payment when there is one meter serving multiple units. Further, the code change reiterates that the PWB is authorized to transfer unpaid balances from the user of the service to the property owner. BES requests the PWB to provide data on past due balances for accounts with Multifamily Residential (MFR) occupancy to determine the potential financial impact on property owners and the utility bureaus.	Eli Rosborough, BES	K. Koch	8.28.2020	9.4.2020	There has been no effective change in the Code for this section. The Bureau has held owners responsible for multifamily properties (one meter serving multiple units) in the past. Language has been improved to make this section clearer and more understandable.		
21.16.030	"Responsibility for water service on a rental property. The owner of the property is responsible for all water charges if the tenant has not accepted responsibility, or if bills are unpaid…If the Water Bureau determines that it is vacant, the Water Bureau must start billing water charges to the owner or the person responsible for the bill on the date of the visit. The owner of the property is responsible for these charges and any unpaid bills." The proposed code change authorizes the PWB to transfer the payment responsibility from a nonpaying renter to the property owner. BES requests the PWB to provide an analysis of the anticipated financial impact on the property owners and utility bureaus based on a recent history of tenant collection efforts and write off activities.	Eli Rosborough, BES	K. Koch	8.28.2020	9.4.2020	This revision modernizes Portland City Code to reflect the benefit provided to the landlord for utility services, whereas water and sewer services are considered essential services. Properties cannot be rented by law (ORS 90), therefor the owner remains responsible for City utility billings in order to ensure that the property remains habitable per Oregon State Law. **This Code revision also brings the City up to date with Oregon State Law ORS 91.255 (3). This statute allows the City to bill owners for unpaid delinquent City utility charges.**		

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21.16.030	"Delinquent bills and credits follow ratepayers. If a ratepayer has an outstanding balance on an account, the Water Bureau may apply this balance to any of the other ratepayer' s accounts the Water Bureau serves. If a ratepayer has a credit at a property they no longer own, the Water Bureau must apply the credits." BES suggests that this code reference rule (ADM-14.01) for a description of the process of transferring unpaid balances and applying credits to other active accounts under the same account name and/or property ownership. BES asks the PWB to specify in rule the timeframes for transferring charges and credits from one account to another and the timeframes for processing refunds or collections and assessments.	Eli Rosborough, BES	K. Koch	8.28.2020	9.4.2020	The Bureau prefers to not include Code or Administrative Rule references within the Code itself. We have found that these links tend to be missed when updates to one or the other are submitted. Both the Code and Rules should be able to stand on their own. The Administrative Rules do provide timelines and time limits Both customers and the City can refer to both.		
21.12.190, 21.16.030	If the base charges have not been continuously paid from the previous owner and that is why there is a curb service and no active meter, do those unpaid base charges stay with the property and become the current owner's responsibility? There may be a crimped service unknown to the current property owner, or information was not divulged to buyer.	K. Calvert	T. Elliott	9.3.2020	9.3.2020	Not in scope of rewrite. This is a policy issue.	No	9.5.2020

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Section of Title 21	Comment	Commenter	PWB Lead to Review/Provide Response	Date Submitted to PWB Lead for Comment or Revision	Date Returned by PWB Lead	Response	Any additional item to address?	Closed Comment, Responded or Made Edit
						Comment: "Correcting billing errors. The Water Bureau may authorize an adjustment (a charge or credit) after a billing error. The Water Bureau may only adjust bills within three years after the Water Bureau became aware of the error. An account is eligible for this kind of adjustment as long as it is active, or for 6 months after the Water Bureau issues a final bill. The Annual Rates Ordinance describes the threshold for refunds." BES suggests moving the timeframes from code and into rule (ADM-14.03). Response While in general I agree with this statement – in this case we are leaving it in code because it is basic information yet key information for this process.		

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Section of Title 21	Comment	Commenter	PWB Lead to Review/Provide Response	Date Submitted to PWB Lead for Comment or Revision	Date Returned by PWB Lead	Response	Any additional item to address?	Closed Comment, Responded or Made Edit
21.16.120 Collections, Adjustments and Refunds	"Correcting billing errors. The Water Bureau may authorize an adjustment (a charge or credit) after a billing error. The Water Bureau may only adjust bills within three years after the Water Bureau became aware of the error. An account is eligible for this kind of adjustment as long as it is active, or for 6 months after the Water Bureau issues a final bill. The Annual Rates Ordinance describes the threshold for refunds." **Comment:** suggests moving the timeframes from code and into rule (ADM-14.03). "Bureau of Environmental Services charge adjustments. The Water Bureau may create administrative rules with the Bureau of Environmental Services regarding adjustments, refunds or waivers of sanitary sewer and stormwater management charges." **Comment:** BES suggests moving the above language from "Collections, Adjustments, Refunds" to PCC 21.16.220 under which PWB states its authority for the billing and collection of sewer user charges. "The Bureau may bill and collect for user fees and services provided by other public and private entities as established by contracts approved by City Council."	Eli Rosborough, BES	K. Koch	8.28.2020	9.4.2020	Comment: "Bureau of Environmental Services charge adjustments. The Water Bureau may create administrative rules with the Bureau of Environmental Services regarding adjustments, refunds or waivers of sanitary sewer and stormwater management charges." BES suggests moving the above language from "Collections, Adjustments, Refunds" to PCC 21.16.220 under which PWB states its authority for the billing and collection of sewer user charges. "The Bureau may bill and collect for user fees and services provided by other public and private entities as established by contracts approved by City Council." Response Thank you for you suggestion. We are fine with the way it currently is.		
21.16.130	"Bill adjustments after leaks. The Water Bureau may reduce a bill that was high because of a leak. To get a leak adjustment, the ratepayer must take the following steps after being notified of high usage: A) Find the leak and start repairs within 30 days; or shutoff water to the leak area; and, B) Finish repairs within 90 days; or keep water shutoff to the leak area." **Comment**: The PWB and BES recently concluded rule revisions that include the timeframes for identifying a leak and completing repairs to qualify for a bill adjustment. BES suggests moving items A) and B) out of code and into rule (ADM-14.03).	Eli Rosborough, BES	K. Koch	8.28.2020	9.4.2020	While in general I agree with this statement – in this case we are leaving it in code because it is basic information yet key information for this process.	No	9.4.2020
21.16.080	Dev serves sometimes get water bill payments, and although we are PWB, we are not responsible for this. Any clarification?	K. Calvert	T. Elliott	9.3.2020	9.3.2020	See revision.	No	9.5.2020

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Section of Title 21	Comment	Commenter	PWB Lead to Review/Provide Response	Date Submitted to PWB Lead for Comment or Revision	Date Returned by PWB Lead	Response	Any additional item to address?	Closed Comment, Responded or Made Edit
21.16.160	if cost is higher applicant must pay, if lower PWB must refund. The Chief Eng determines the amount, and there is an appeal process, but how is even brought to light? Only when the applicants ask? Or is it the responsibility of the PWB ?	K. Calvert	T. Elliott	9.3.2020	9.3.2020	If it is paid on actual cost basis then some are; engineering tracks and calculates the costs after installation and then works with Finance to either bill or refund.	No	9.5.2020
21.16.160 paragraphs 1 - 6	I think this might need some re-writing - we use Site Specific estimates, which are firm, when the Rate Ord. does not list a particular service **or** when the project is different than the Rate Ord. assumes. The Time and Materials option is almost never used and I don't think it should be presented as an equal option. Also, the decision as to when to use the T & M option should be described better - is it the WB deciding, or the applicant? If it's both, as written, what if they disagree?	K. Calvert	T. Elliott	9.3.2020	9.3.2020	No change.	No	9.5.2020
21.16.170	Listing all of these as services that are not charged an SDC - it seems inaccurate to say that most of these are "not charged an SDC", because the SDC's are technically charged and then waived (except fire protection, when it really isn't charged). Also, what if some of those waivers change? Couldn't we just say that fire services are not charged an SDC and there are other situations where waivers might apply?	K. Calvert	T. Elliott	9.3.2020	9.3.2020	See revision.	No	9.5.2020
21.16.180	We don't have any water connection assistance. I am not aware that the Rate Ord. describes this in any way whatsoever. Can this be removed? Also, the second paragraph seems like it should go under 21.16.170?	K. Calvert	T. Elliott	9.3.2020	9.3.2020	Policy issue. No change.	yes	9.5.2020
21.16.200	How the billing happens really needs to be spelled out - Customer Service thinks Dev. Services and Dev. Services things Customer Service should have this responsibility.	K. Calvert	T. Elliott	9.3.2020	9.3.2020	No change. Technically this is a Customer Service; this is not a code issue.	No	9.5.2020

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Project: **Title 21 Review and Update**
CHAPTER 21.20 - TURNING ON OR SHUTTING OFF

Section of Title 21	Comment	Commenter	PWB Lead to Review/Provide Response	Date Submitted to PWB Lead for Comment or Revision	Date Returned by PWB Lead	Response	Any additional item to address?	Closed Comment, Responded or Made Edit
21.20.030 & 21.20.040	We really need enforcement abilities (Inspections, consequences, how penalties are charged and collected) for this violation. And the other violations described in Title 21.	K. Calvert	T. Elliott	9.3.2020	9.3.2020	This is a policy issue, not addressed in this code rewrite	No	9.5.2020

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Project: Title 21 Review and Update

Chapter 21.24 - RULES AND REGULATIONS

Section of Title 21	Comment	Commenter	PWB Lead to Review/Provide Response	Date Submitted to PWB Lead for Comment or Revision	Date Returned by PWB Lead	Response	Any additional item to address?	Closed Comment, Responded or Made Edit
21.24.020, E.1	The Water Bureau may let a contractor or developer install a fire hydrant, as long as the contractor or developer meets Water Bureau construction standards. The contractor or developer installs the fire hydrant at their own expense. The contractor or developer then transfers ownership to the Water Bureau when the water main and appurtenances are accepted by the City as part of the public water system. **Comment**: *This one talks about installing a Fire hydrant in a the public R/W as if it were a stand alone installation, (but only the Water Bureau can connect to the live system), but then mentions a water main and appurtenances and acceptance as if we are talking about a subdivision, or main installation in a private street, etc. It is not clear by what mechanism this is authorized, or items talked about connected to the live system and generally seems somewhat and under what circumstances this is allowed, as it also seems amiss with the declaration that only the Water Bureau does water system installation work in the R/W earlier in Title 21? This ambiguity could cause issues as there have been several times I know of where the WB authority to do water system work in the R/W has been challenged by developers. (email 8.13.2020 from J. Inman)*	J. Inman	J. Inman, T. Elliott, K. Calvert	8.28.2020	9.4.2020	*Revised section to read:* *E.Who is responsible for fire hydrants.* *1.On public property in the City of Portland: The Water Bureau installs and maintains fire hydrants (this could be in a right-of-way or an easement).* *2.Outside city limits: If a person wants to connect a fire hydrant to Portland's water system outside city limits, they must pay for installation. The Water Bureau will connect the hydrant to the water system, own and maintain it.* *3.On private property: The owner of the property installs and maintains any private fire hydrant and fire systems. The owner of the property must meet Portland Fire & Rescue and plumbing code requirements.*	no	9.4.2020
21.24.080	When are Admin Rules required? Need to check over-arching city title and this is an area the inter-agency development managers have highlighted as a resounding need for the City to have collective agreement as to what and when Admin rules are required and to all follow same protocol. When we have new standards or old that have never had the benefit of public review, are they still valid without an Admin Rule?	E. Mick	T. Elliott	9.3.2020	9.3.2020	They are never required, they are optional. Each bureau has different requirements and authorities. There is no requirement nor does there need to be public review of engineering standards. The decision is up to the Chief Engineer as it has been for 120 plus years. And yes they are just as valid. No change.	No	9.5.2020
21.24.090	Who are these enforcers? Which department do they work for? How can we get ahold of them?	E. Mick	T. Elliott	9.3.2020	9.3.2020	Policies reflect this information, City and employees that are assigned this duty, managers, bureau Directors.	No	9.5.2020
21.24.090 C	"mailed"? Is that still appropriate? Is e-mail not accepted now?	E. Mick	T. Elliott	9.4.2020	**9.4.2020**	yes, mailing is still appropriate and would be certified to be official	No	9.5.2020

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Project: Title 21 Review and Update

Chapter 21.28 - OUTSIDE CITY SERVICES AND WHOLESALE DISTRIBUTORS

Section of Title 21	Comment	Commenter	PWB Lead to Review/Provide Response	Date Submitted to PWB Lead for Comment or Revision	Date Returned by PWB Lead	Response	Any additional item to address?	Closed Comment, Responded or Made Edit
21.28.010	Being in dev serves, this is not well defined for us when people reach out for water services. For example there have been addresses near Sandy, OR that say PWB district on PDX maps, but there aren't any services out there that aren't from a wholesale, and there is just the Bull Run dist. main. maybe i would just like to know how to go about moving forward with out of district installs...	K. Spoon	T. Elliott	9.4.2020	9.5.2020	No change	No	9.5.2020

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Project: **Title 21 Review and Update**

Chapter 21.32 - WATER CURTAILMENT POLICY

Section of Title 21	Comment	Commenter	PWB Lead to Review/Provide Response	Date Submitted to PWB Lead for Comment or Revision	Date Returned by PWB Lead	Response	Any additional item to address?	Closed Comment, Responded or Made Edit
21.32.010 A	I think there's a typo here, proofread first sentence.	K. Spoon	T. Elliott	9.4.2020	9.5.2020	see revision	No	9.5.2020

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Project: Title 21 Review and Update
Chapter 21.35 - WELLHEAD PROTECTION

Section of Title 21	Comment	Commenter	PWB Lead to Review/Provide Response	Date Submitted to PWB Lead for Comment or Revision	Date Returned by PWB Lead	Response	Any additional item to address?	Closed Comment, Responded or Made Edit
21.35.080	All applications for City building permit or other permit for site alterations, construction, building alterations, repairs or other work involving or affecting the storage, handling, use, transportation or containment of hazardous materials must be reviewed and approved by the Water Bureau or other City bureau(s) to whom this function has been designated through interagency agreements, prior to issuance. The Water Bureau may approve permits when finding that the activity proposed conforms with this Chapter and rules adopted under this Chapter. Such Plan reviews are conducted per City of Portland rules and practices for development review. **Comment**: Need more information.	Adena Long, Director, PP&R	E. Campbell, T. Elliott	8.21.2020	9.3.2020	This section and provision is for the protection for the groundwater supply system and to make sure that development does not impede or contaminate it. This has not bearing on Parks. No recommended change.	No	9.3.2020

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Project: Title 21 Review and Update
CHAPTER 21.36 BULL RUN WATERSHED PROTECTION

Section of Title 21	Comment	Commenter	PWB Lead to Review/Provide Response	Date Submitted to PWB Lead for Comment or Revision	Date Returned by PWB Lead	Response	Any additional item to address?	Closed Comment, Responded or Made Edit
21.36.050, F	On Page 69, F. Riparian Protection 2. "National Hydrology Database" should be changed to "National Hydrography Dataset".	A. Buckley	Sara Petrocine	8.3.2020	8.3.2020	Revision endorsed by Lead	No	8.3.2020
21.36.050, J	On Page 75, J. Fire Prevention. "Industrial Fire Protection Level" should be changed to "Industrial Fire Precaution Level"	A. Buckley	Sara Petrocine	8.3.2020	8.3.2020	Revision endorsed by Lead	No	8.3.2020
	Regards to Bull Run Watershed Protection. Email states: We appreciate that this ordinance would establish Riparian Reserves, etc. on COP lands that would approximate (why not mirror?) reserves on adjacent federal lands. While there are several issues of concern to us in the draft, we feel that the ordinance is definitely not ready for prime time primarily for the reason that we raised when first facing the issue of land trade with the USFS - the loss of NEPA protections. Here we see no draft text that would approximately mirror that type of protections. We see no language regarding citizen engagement/participation in decision-making or a route to challenge controversial projects, inadequate analysis and/or inadequate mitigation. The number and type of exceptions to the draft protections are substantial and, in our opinion, could easily be used to justify actions of a future PWB staff moving ahead with any project. For example, future PWB staff could decide to increase the number and type of roads or add firebreaks in the BRMU to bolster fire suppression capabilities. What if those projects threatened old-growth trees and habitat and clear raw water? We are also interested in understanding how the section on Land Use provides meaningful protections with use of the following draft language:					The Water Bureau is working to develop additional draft code language in response to these comments that would create a new public review, comment, and appeal process for projects on city-owned lands within the Bull Run Watershed Closure Area not otherwise covered by federal NEPA. The bureau will also review and clarify exemption language based on these stakeholder comments. The bureau will develop new language by mid-September, as that timing is critical to allowing the new proposed approach to be considered along with the rest of the proposed updates to Title 21 of the code before the end of the year.	No	9.4.2020

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Project: Title 21 Review and Update
CHAPTER 21.36 BULL RUN WATERSHED PROTECTION

Section of Title 21	Comment	Commenter	PWB Lead to Review/Provide Response	Date Submitted to PWB Lead for Comment or Revision	Date Returned by PWB Lead	Response	Any additional item to address?	Closed Comment, Responded or Made Edit
21.36.050	B. Specific Land Use Limitations City lands in the Closure Area must not be developed or used for residential, industrial or commercial purposes, except if necessary, to protect, enhance, operate or maintain the water supply and electrical power generation and transmission systems and facilities. City lands in the Closure Area must not be developed or used for recreational purposes. We are also concerned by the discretionary power of the administrator to grant exceptions to the High Hazard activities prohibited in the wet season and would suggest more restrictive language. A colleague reminded us that in 1972 an ice jam blew out Lake Boody on the North Fork. The resulting flood turned the reservoir water turbid for weeks. The PWB hurried stabilization efforts, did not secure large enough rocks, and straightened the North Fork, which would increase water velocity in another high water event. Several years later they went back and restored the curves. But the red clay lens in the Rhododendron formation a mile and half above Lake Ben Morrow is still there. The point is that bureaucratic panic can set in when something bad happens. The temptation is to do something, sometimes quickly, to demonstrate that the PWB is on top of the problem. That tells us that there must be some check on administrative discretion, more restrictive language and/or independent oversight. (The Portland Utility Board would not serve the purpose of providing independent oversight.)	Regna Merritt and Bob Salinger, Portland Utility Board	E. Campbell	8.18.2020	8.19.2020	The specific land use limitations language excerpted in this comment is from the plain language rewrite of the existing City Code language. The existing code language was derived from the timber cutting exceptions provided in federal Bull Run protection legislation, PL95-200 excerpted here: •"for the protection or enhancement of water quality" •"for the protection, enhancement, or maintenance of water quantity" •"for the construction, expansion, protection or maintenance of municipal water supply facilities" •"for the construction, expansion, protection or maintenance of facilities for the transmission of energy through and over the unit or previously authorized hydroelectric facilities or hydroelectric projects associated with municipal water supply facilities"	No	9.4.2020
21.36.050, C	Tree Protection. Trees must not be cut or removed, including salvage, on City lands within the Closure Area, with the following exceptions: 1. Protection or enhancement of water quality; 2. Protection, enhancement or maintenance of water quantity for City use; 3. Construction, expansion, protection or maintenance of municipal water supply facilities; 4. Construction, expansion, protection or maintenance of facilities for the transmission of energy through and over the Closure Area, hydroelectric facilities or hydroelectric Projects associated with municipal water supply facilities; or, 5. Protection of human life, safety or infrastructure. **Comment**: Include Urban Forestry tree removal review in this paragraph.	Adena Long, Director, PP&R	E. Campbell, T. Elliott	8.21.2020		The Bull Run Watershed is not under Urban Forestry Commission's purview. We are subject to rules and regulations from USEPA, Clackamas County and US Forest Service. It would be a policy issue to include Urban Forestry review. No code change	No	9.4.2020

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CHAPTER 21.36 BULL RUN WATERSHED PROTECTION

Section of Title 21	Comment	Commenter	PWB Lead to Review/Provide Response	Date Submitted to PWB Lead for Comment or Revision	Date Returned by PWB Lead	Response	Any additional item to address?	Closed Comment, Responded or Made Edit
21.36	Refer to letter submitted to Eddie Campbell via email dated August 21, 2020	Oregon Physicians for Social Responsibility (OPSR), Audubon Society of Portland and Oregon Wild	E. Campbell	8.21.2020	8.21.2020	Comments on public draft of Bull Run Protections. Janet, Liane, Sara and I will work on and update draft language to the Bull Run Protection sections based on comments that we can share with Engineering and other bureau stakeholders prior to September 15th.	No	9.4.2020
21.36.050	"Note: City staff are developing and evaluating a public review and comment process for proposed projects on City-owned land in the Bull Run Watershed to add to the Bull Run Watershed Protection section of Title 21. The need for this addition was identified during early public review of the proposed code updates. New code language defining this process will be available prior to City Council consideration of the Title 21 comprehensive update." **Comment:** BES requests the opportunity to review proposed code language related to the Bull Run Watershed Protection Policy.	Eli Rosborough, BES	E. Campbell	9.28.2020	9.3.2020	The Bull Run Watershed is not under BES purview. We are subject to rules and regulations from USEPA, Clackamas County and US Forest Service. Including BES is the review is a policy decision, not a code issue. Proposed code language has been provided. No code change	No	9.4.2020

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Chapter 21.37 – EMERGENCY RESPONSE

Section of Title 21	Comment	Commenter	PWB Lead to Review/Provide Response	Date Submitted to PWB Lead for Comment or Revision	Date Returned by PWB Lead	Response	Any additional item to address?	Closed Comment, Responded or Made Edit
21.37	"Sections: 21.37.010 Water Served on an Emergency Basis. 21.37.020 Emergency Loan of Materials and Equipment. 21.37.030 Giving and Receiving Mutual Aid and Intergovernmental Agreements." **Comment**: BES requests the opportunity to review proposed code language related to Emergency Response.	Eli Rosborough, BES	T. Elliott	8.28.2020	8.28.2020	Revision provided during public comment period is the proposed change to Title 21. There is nothing else to review	No	8.28.2020

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Project: **Title 21 Review and Update**
Miscellaneous Comments

Section of Title 21	Comment	Commenter	PWB Lead to Review/Provide Response	Date Submitted to PWB Lead for Comment or Revision	Date Returned by PWB Lead	Response	Any additional item to address?	Closed Comment, Responded or Made Edit
Titles 11, 17, and 33	PP&R requests that PWB review and report on the interface of proposed Title 21 updates to other key City infrastructure codes, including Titles 11, 17, and 33. Such a review would identify and communicate potential conflicts, so they may be addressed during the review period and prior to City Council consideration of the updated Title 21.	Adena Long, Director, PP&R	T. Elliott	8.21.2020	8.21.2020	This is a policy request and is not in scope of the proposed code change	yes	
All sections	Throughout Title 21 be sure to check will vs. shall and must. If the action being directed is to the City, change "must" to "will. If the action is something that someone else does or is required to do , use "must" For instance, 21.08.020 uses PWB or the Chief Engineer must do x. Change those to "will"	T. Elliott	A. Dabashinsk	9.3.2020	9.7.2020	Done	No	9.7.2020
21	This revision feels rather substantial since there hasn't been a significant re-write for a while. Considering the scenario I feel that there should have been an larger internal review by all PWB staff, and potentially other City staff before being sent for external review as noted in the announcements for the public review.	B. Kersens	T. Elliott	9.3.2020	9.4.2020	This is an opinion. Internal staff including Dev Serv spent almost 2 years reviewing and re-writing. We have been telling external city partners about parts of the rewrite for over a year. According to stakeholders responsible for rewriting, most changes are administrative. The only substantial changes are in 21.12 and 21.36.	No	9.4.2020
21	Is there a history of revisions that could be included right after the index?	B. Kersens	T. Elliott	9.3.2020	9.4.2020	Since we are doing a complete replacement of the title, the Auditor does not want the history	No	9.4.2020