

RESOLUTION NO. 21-22

**A RESOLUTION ADOPTING THE UNDERGROUNDING PRIVATE UTILITIES STANDARD
OPERATING POLICY**

WHEREAS, Oregon City Municipal Code 16.12.095.G. requires all new utilities to be placed underground; and

WHEREAS, Oregon City Municipal Code 16.12.095.G. requires all existing utilities to be relocated underground; and

WHEREAS, Ordinance No. 21-1007 proposed Oregon City Municipal Code amendments provides exemptions for the relocation of existing utilities to be relocated underground; and

WHEREAS, the Public Works Department has proposed a policy to implement Oregon City Municipal Code 16.12.095.G.; and

WHEREAS, the Public Works Department implements Oregon City Municipal Code by requiring the undergrounding of utilities.

NOW, THEREFORE, OREGON CITY RESOLVES AS FOLLOWS:

Section 1. That the City Commission, by this Resolution, adopts the standard operating policy for Undergrounding Private Utilities attached as Exhibit A.

Section 2. That the City Commission may revoke this Resolution at any time it deems in the best interest of the public to do so.

Section 3. This resolution shall take effect immediately upon its adoption by the City Commission.

Approved and adopted at a regular meeting of the City Commission held on the 21st day of April 2021.



RACHEL LYLES SMITH, Mayor

Attested to this 21st day of April 2021:



Kattie Riggs, City Recorder

Approved as to legal sufficiency:



City Attorney



OREGON CITY PUBLIC WORKS POLICIES & PROCEDURES

City Code and Public Works Standards References: OCMC 13.24, OCMC 13.34, OCMC 17.04, OCMC 17.44, OCMC 16.12, Beavercreek Cooperative Agreement Ordinance 99-1024, Comcast (TCI) Agreement Ordinance 97-1013, Electric Lightwave Agreement Ordinance 11-1007, Level 3 Communications Agreement Ordinance 11-1005, Lightspeed Networks Resolution 13-08, NW Natural Agreement Ordinance 98-1021, PGE Agreements Ordinance 05-1001, 11-1001, 93-1001 and Resolution 13--04

Subject: *Undergrounding Private Utilities* - Standard Operating Policy

Effective Date: 04/21/2021

Prepared By: Josh Wheeler, P.E.

Approved: CC/DW

I. PURPOSE

Explains the adopted applicable criteria and standards in place for the City of Oregon City Public Works Department staff regarding the requirement to place new or existing private utilities underground for private development.

The goal of this document is to outline the process and provide uniform standards for underground line location, private utility easements, and undergrounding requirements for new and existing utilities.

II. GENERAL INFORMATION

It is the intent of the City to place utilities underground whenever possible, but where reasonable. This provides the City with potentially fewer outages due to storms and natural disasters, improved safety due to the lack of overhead lines that could fall to the ground, improved sight lines and barriers for the traveling public which increases safety, and general aesthetic improvements to these areas which could improve property values.

With a City at the age of 175 years old, several factors need to be considered whether or not the policies for siting utilities should be flexible or set forth with clear and predictable standards. Some neighborhoods were created decades ago when certain technology did not exist and the City maintained few, if any, standards of utility separations or depth. Other neighborhoods are newer and improved using current modern-day standards. Other development is new but is infill within those older neighborhoods. The City must consider the policy and equity implications of changing the City's approach. Lastly, all obligations to dedicate land or make certain improvements must be proportional to the impacts resulting from the development that is proposed.

Public utilities including storm sewer, sanitary sewer, and water mains have always been placed underground within the City's right-of-way or within a public utility easement when placed on private property.

Gas lines have always been placed underground as well.

Private utilities such as franchise utility electric, telephone, cable, and fiberoptic are the utilities covered under this policy, as well as City and County provided fiberoptic services.

Electric, telephone, cable, and fiberoptic have been placed both above ground as well as underground over the years.

In recent years, the extension of most new private utility lines has been located within a private utility easement (PUE).

Historically, PUE's were required within the first 10 feet of all property lines. In recent years, however, the requirement has been to require PUEs within the first 10 feet of all property lines that border right-of-way that fronts a public or private roadway. The PUE is always placed on private property. In certain situations, the City Engineer can waive or adjust the PUE requirement as provided in OCMC 16.12.085.

Conversion or relocation of existing overhead utilities to be moved underground has been a general requirement of land development in recent years but imposing this requirement has varied depending on the extent of development proposed.

III. CURRENT LIST OF PRIVATE UTILITY PROVIDERS*

**This list is a summary of the most common providers, but it is not an extensive list of every single provider within the City.*

ATT Local Services (TCG Oregon) – Telecommunications provider

Beaver Creek Telephone – Telecommunications and Cable provider

Canby Telephone – Telephone provider

Century Link (Level 3 Communications, CTLQL) – Telecommunications provider

Clackamas County – Fiberoptic provider

Clackamas River Water – Drinking water supplier

Comcast – Telecommunications and Cable provider

Electric Lightwave (Integra) – Telecommunications provider

Lightspeed Networks – Telecommunications provider

Northwest Natural (NW Natural) – Natural Gas provider

Portland General Electric – Electricity provider

Qwest Communications (US West) – Telecommunications provider

TW Telecom – Telecommunications provider

Verizon (MCI Metro) – Mobile Phone provider

Wavedivision VII, LLC – Cable provider

IV. POLICY AND PROCEDURES

A. Pre-Application Meetings

The Engineering Division shall explain to applicants in the pre-application meeting and within the pre-application notes whether existing overhead utilities shall be placed underground, where they should be placed (PUE and/or ROW), and what limits are appropriate for the relocation including which power poles should remain or be removed.

Staff should rely on maps of the Electric system to determine if any high transmission lines exist adjacent to the development.

B. Land Use Decisions and Conditions of Approval

The Engineering Division shall condition appropriate developments with the relocation(undergrounding) requirement in the Conditions of Approval providing specific direction within OCMC Section 16.12.85 and 16.12.95.

C. Civil Engineering Permit Plans

The conduits and/or vaults as well as above ground amenities (transformers, pedestals, etc.) for undergrounding of overhead existing utilities shall be shown on the civil engineering plans. This will confirm to the contractor where these utilities can be installed. It is the applicant's responsibility to provide designs. It is also the applicant's responsibility to request these improvements from the various utilities.

D. Construction

Undergrounding of overhead existing utilities is required prior to the Engineering Division recommending the recording of a plat or recommending occupancy of a building.

E. Policy

1. New utilities

All new utilities (mains and services) shall be placed underground within a Public Utility Easement (PUE) or the right-of-way (when approved by the City Engineer). The utilities shall always be placed in the PUE unless requested to and approved by the City Engineer as defined in OCMC 16.12.85 and 16.12.095

2. Existing underground utilities

All existing underground utilities shall remain underground. Existing underground utilities may never be relocated above ground unless approved by the City Engineer.

3. Existing overhead utilities

Whenever a land use or land division permit is required for development, the developer shall relocate all existing overhead utilities which are located adjacent to the development to a location underground as approved by the City Engineer and as stated in City Code 16.12.85 and 16.12.095.

No new poles should be added to the right of way; however, a relocation of an existing pole to the edge of the property is acceptable.

Exceptions:

- a. This requirement is not applicable when the requirements conflict with Chapter 17.44 or 17.49 of the City Code; OR
- b. This requirement is not applicable for development occupying less than 1.0 acre lot or parcel except when the development is within the same block of existing developments whereby the undergrounding of existing overhead utilities was required previously; OR
- c. This requirement is not applicable for developments with less than 200 feet of a property line accommodating or abutting an existing overhead utility except when the development is within the same block of existing developments whereby the undergrounding of existing overhead utilities was required previously; OR
- d. For Land divisions: This requirement is not applicable for developments with five single family lots or less which are not further divisible except when the development is within the same block of existing developments whereby the undergrounding of existing overhead utilities was required previously; OR
- e. This requirement is not applicable for high transmission lines abutting the property (see Exhibit A); however, in that situation, the other utilities including low voltage electric lines shall be placed underground unless one of the other exemptions apply. High transmission lines are defined in OCMC 13.34.090 as greater than 35,000 volts.

- f. In no case shall construction of one single family structure be required to relocate overhead existing utilities underground; however, if an existing house is to remain as part of a larger development exceeding five single family lots, the service line to the house shall be relocated underground.
- g. This requirement does not apply to publicly funded capital improvement projects.

VI.EXHIBITS

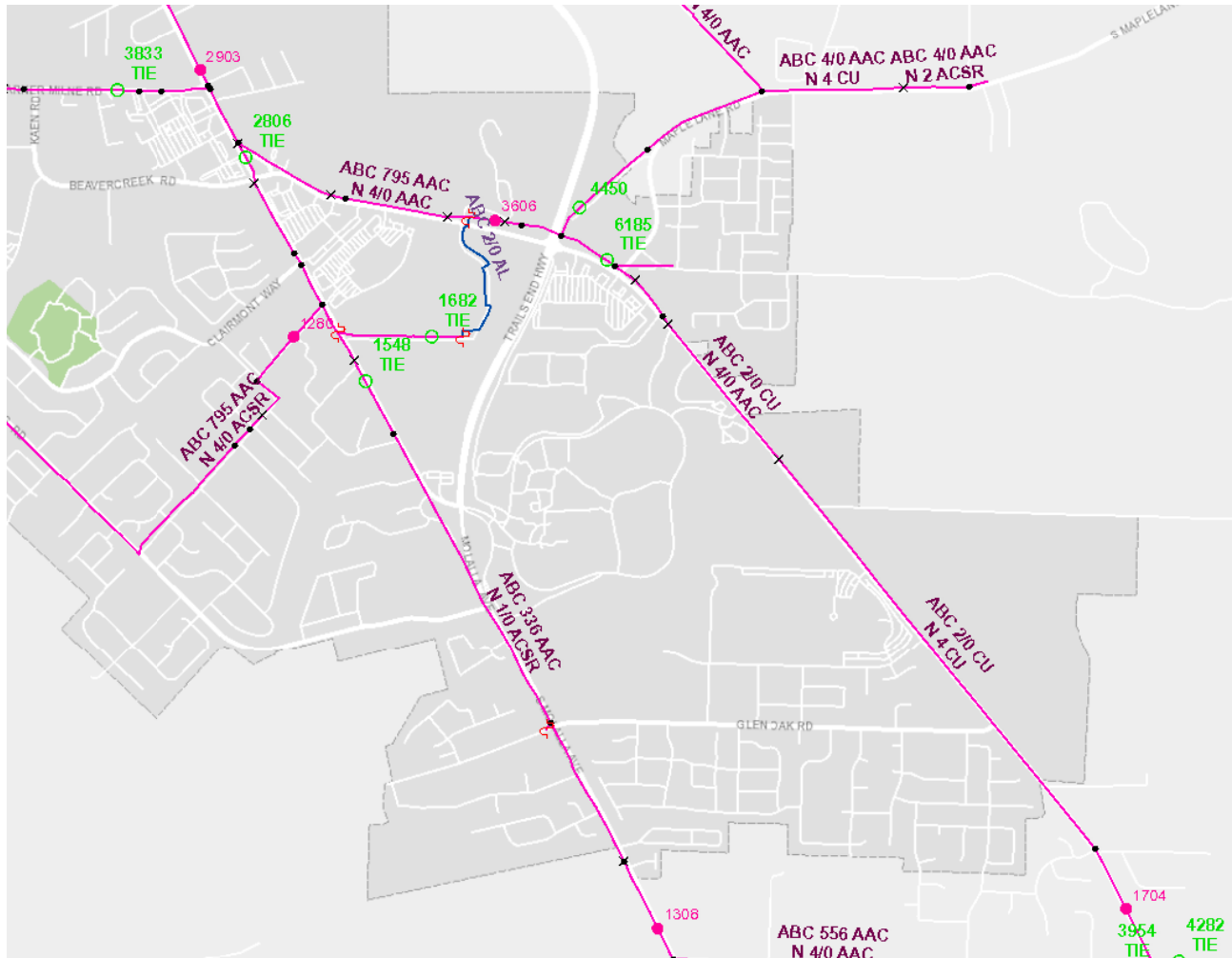
Exhibit A Portland General Electric (PGE) Feeder Line Map

EXHIBIT A

The map displays the proposed alignment for the Portland-Sherlock Expressway, a major transportation project in the City of Portland, Oregon. The alignment is shown as a pink line with various segments and labels. Key features include:

- Major Roads:** Highway 99E, Highway 100, Highway 101, and various local streets like Main St, 5th St, and Taylor Rd.
- Waterways:** The Willamette River and its tributaries.
- Project Segments:** Labeled with codes such as ABC 795 AAC N 40 AAC, ABC 556 AAC N 40 AAC, ABC 210 CU N 2 CU, and ABC 410 AAC N 10 ACSR.
- Infrastructure:** Bridges, rail lines, and existing infrastructure are shown in grey.
- Legend:** Includes 'Open' (green circle) and 'Caution 2 Feeders' (red circle).
- Other Labels:** 'CD' (Construction Delay), 'TIE' (Tie-in), and 'N 40 AAC' (North 40 AAC).

Oregon City: Southeast PGE Map



Oregon City: Southwest PGE Map

