



MULTNOMAH COUNTY
LAND USE AND TRANSPORTATION PROGRAM
1600 SE 190TH Avenue Portland, OR 97233
PH: 503-988-3043 FAX: 503-988-3389
<http://www.multco.us/landuse>

**STAFF REPORT TO THE PLANNING COMMISSION
FOR THE
PUBLIC HEARING ON SEPTEMBER 12, 2011
ZONING AND DEVELOPMENT CODE IMPROVEMENTS
CASE FILE: PC 2011-1400**

PART I. INTRODUCTION

This staff report discusses proposed amendments to improve the County zoning and development codes. These “housekeeping amendments” were identified in the 2011 work program and are generally technical amendments to refine zoning and development code administration. Each of these changes is not significant enough to be its own long range planning action and have been grouped to allow efficient use of the Planning Commission’s time. At the August 1, 2011 meeting, the Planning Commission provided direction to planning staff and requested additional research to assist the Commission in their recommendations to the Board of County Commissioners.

This report proposes the following amendments and includes detailed discussion of each in Part II:

1. Adds the exemption to fencing standards for utility facilities in West of Sandy River Plan areas designated SEC-h to the other Multnomah County Code Chapters 33, 34, & 35. This allows for installation of security fencing needed to protect these facilities.
2. Clarify the Code Compliance and Application restriction in MCC 37.0560 that limits processing of permits where a code violation is unresolved so as to allow processing of land use decisions that do not authorize development.
3. Update the access requirement in the general zones for consistency with the County’s Land Division codes and definitions that were added by PC 08-004.
4. Clarify that stormwater control is required when 500 sq. ft. of new impervious surface is proposed regardless of whether there is associated ground disturbing activity, and that replacement of existing structures >500 sq. ft. requires stormwater control. Amends MCC 29.333 and .334.
5. Define “camp” or “campground” to include the use of recreational vehicles. Clarify time limits for campground length of stay. Delete “Recreational Vehicle Park”.

PART II. TEXT AMENDMENT DISCUSSION

The following discussion considers each of the proposed amendments in detail and identifies the relevant sections of the zoning codes.

Code = Existing Code Language
Code = Proposed Code Language

~~Code~~ = Deleted Code Language

1. Fencing Exemption for utility facilities

The Significant Environmental Concern for wildlife habitat criteria includes development standards for the construction of fences within a required setback from a public road. These fencing standards limit the height, design and materials used for fencing along a right-of-way to prevent animals from being trapped when attempting to cross a road [MCC 33.4560(B)(6)]. The West of Sandy River zoning ordinance includes an exemption from these standards for utility facilities to allow security fencing where service providers see a need. The proposed text amendment would add this exemption to Chapters 33 (West Hills), 34 (Sauvie Island/Multnomah Channel) and Chapter 35 (East of Sandy River). The fencing development standards would be amended as follows:

§ 33.4570 CRITERIA FOR APPROVAL OF SEC-H PERMIT -WILDLIFE HABITAT

[The same changes are proposed for 34.4570 & 35.4570.]

(B) Development standards:

(6) Fencing within a required setback from a public road shall meet the following criteria:

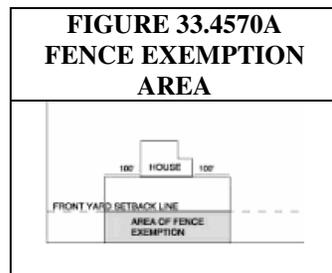
(a) Fences shall have a maximum height of 42 inches and a minimum 17 inch gap between the ground and the bottom of the fence.

(b) Wood and wire fences are permitted. The bottom strand of a wire fence shall be barbless. Fences may be electrified, except as prohibited by County Code.

(c) Cyclone, woven wire, and chain link fences are prohibited.

(d) Fences with a ratio of solids to voids greater than 2:1 are prohibited.

(e) Fencing standards do not apply in an area on the property bounded by a line along the public road serving the development, two lines each drawn perpendicular to the principal structure from a point 100 feet from the end of the structure on a line perpendicular to and meeting with the public road serving the development, and the front yard setback line parallel to the public road serving the development.



(f) Fencing standards do not apply where needed for security of utility facilities.

2. Code Compliance & Applications

At present, the language in MCC 37.0560 Code Compliance and Applications is unclear regarding the circumstances in which land use approvals are to be withheld pending resolution of land use or building code violations. Staff has found these provisions to be an effective tool to efficiently bring properties into compliance. This provision was added to Chapter 37 in 2001 and was last amended in 2004. MCC 37.0560 currently reads as follows:

§ 37.0560 CODE COMPLIANCE AND APPLICATIONS.

Except as provided in subsection (A), the County shall not make a land use decision or issue a building permit approving development, including land divisions and property line adjustments, for any property that is not in full compliance with all applicable provisions of the Multnomah County Land Use Code and/or any permit approvals previously issued by the County.

(A) A permit or other approval, including building permit applications, may be authorized if:

- (1) It results in the property coming into full compliance with all applicable provisions of the Multnomah County Code. This includes sequencing of permits or other approvals as part of a voluntary compliance agreement; or**
- (2) It is necessary to protect public safety; or**
- (3) It is for work related to and within a valid easement over, on or under an affected property.**

(B) For the purposes of this section, Public Safety means the actions authorized by the permit would cause abatement of conditions found to exist on the property that endanger the life, health, personal property, or safety of the residents or public. Examples of that situation include but are not limited to issuance of permits to replace faulty electrical wiring; repair or in-install furnace equipment; roof repairs; replace or repair compromised utility infrastructure for water, sewer, fuel, or power; and actions necessary to stop earth slope failures.

The County Attorney's office advised planning staff that the language may not allow a land use decision that involves a determination (Lot of Record, Planning Director Interpretation, and/or Verification of Nonconforming Use) without the property coming into complete compliance with land use laws or use of a voluntary compliance agreement (VCA). Planning staff has researched the intent of the 2004 code amendment that established the current language and found that it was intended to allow for determinations or interpretations that do not approve any new development. The 2004 staff report to the Planning Commission states:

“Revising the first sentence of this section to include language stating “The County shall not make a land use decision or issue a building permit approving development, including land divisions and property line adjustment ...” clarifies the types of actions to which this code provision is targeted. Existing language is far reaching in its reference to all permits and is ambiguous as to what constitutes an approval, putting into question whether or not the County can make non-development related decisions which are defined under the code as permits (e.g. Planning Director Interpretations, Lot of Record Determinations, Address Changes, etc.). While the Planning Director and Hearings Officers have interpreted existing language to allow issuance of certain “non-development” permits reasoning that they do not constitute an “approval”, this change removes ambiguity, making it clear that the County can take action on these types of applications....”

Planning staff and Assistant County Attorney Jed Tomkins have work together to craft the proposed language below to clarify that determinations, interpretations and address assignments/changes can be reviewed without the need for a voluntary compliance agreement or other land use approvals at the same time. The need for lot of record determinations and verifications of a nonconforming use are often created by a code compliance inquiry and are excellent tools to clarify issues associated with a property. An amendment to clarify that decisions which do not authorize development are allowed is proposed:

MCC 37.0560 Code Compliance and Applications [The same changes are proposed for 38.0560.]

Except as provided in subsection (A), the County shall not make a land use decision approving development, including land divisions and property line adjustments or issue a building permit ~~approving development, including land divisions and property line adjustments~~, for any property that is not in full compliance with all applicable provisions of the Multnomah County Land Use Code and/or any permit approvals previously issued by the County.

* * *

3. Access Housekeeping.

In 2009, the County amended the definitions for transportation facilities in the zoning code where possible to improve consistency with frequently used Transportation definitions. In updating these definitions, there was an unintended change to the general zones (CFU, EFU, RR, RC, MUA-20, etc) requirement for *Access*. Up until January 2009, the definition for *Street* was “A public way which provides vehicular and pedestrian access to adjacent properties....” After January 2009, the definition for *Street* was changed to mean “a public or private way which provides ingress & egress to a property.” Staff has included an example of the full code section to continue the discussion further.

CFU-1: MCC 33.2073 ACCESS.

All lots and parcels in this district shall ~~abut~~ a street, or shall have other access deemed by the approval authority to be safe and convenient for pedestrians and for passenger and emergency vehicles, except as provided for Lots of Record at MCC 33.2475(C).

The Access standard is used when new parcels are being created.

Previously, the use of a private road or other non-public access needed to be deemed safe by the approval authority pursuant to MCC 33.2073 Access. Since the definition of “street” now includes a public or private way, private streets are not held to the safety requirement. The proposed change to “access” returns the code to the prior intent:

CFU-2: MCC 33.2273 ACCESS [The same changes are proposed for § 33.2073, § 33.2473, § 33.2885, § 33.3185, § 34.2690, 34.2885, § 34.3185, § 34.3385, § 35.2690, § 35.2073, § 35.2273, 35.2885, § 35.3185, § 35.3385, § 36.2073, § 36.2690, § 36.2885, § 36.3185, § 36.3385, § 36.3485, § 36.3585.]

All new lots and parcels in this district shall ~~abut~~ a public street, or shall have other access deemed by the approval authority to be safe and convenient for pedestrians and for passenger and emergency vehicles, ~~except as provided for Lots of Record at MCC~~

33.2275(C). This access requirement does not apply to a pre-existing lot and parcel that constitutes a Lot of Record described in MCC 33.2275 (C).

MCC 33.2275 LOT OF RECORD....*

(C) A Lot of Record which has less than the minimum lot size for new parcels, less than the front lot line minimums required, or which does not meet the access requirements of MCC 33.2273, may be occupied by any allowed use, review use or conditional use when in compliance with the other requirements of this district.

*Language for MCC 33.2275(C) included for reference purposes only.

4. Stormwater Review Clarification

The proposed amendments in this section address drainage/stormwater control provisions in the County Framework Plan that are not fully implemented in the Multnomah County Code (MCC) as currently organized leaving a gap in our regulations. A second element clarifies applicability of storm water regulations in Chapter 36.

Storm water regulation is presently integrated into the Grading and Erosion Control ordinance (MCC 29.330 – MCC 29.365). Regulation of stormwater is intended to implement Comprehensive Plan Policy 37 – Drainage.

Comprehensive Plan Policy 37 - Drainage

- E. Shall have adequate capacity in the storm water system to handle the run-off; or**
- F. The water run-off shall be handled on the site or adequate provisions shall be made; and**
- G. The run-off from the site shall not adversely affect the water quality in adjacent streams, ponds, lakes or alter the drainage on adjoining lands.**

At present, the Grading and Erosion Control (GEC) ordinance (MCC 29.330 – MCC 29.365) is triggered when a person proposes ground disturbance that involves machinery. Review of potential impacts caused by stormwater runoff is required by the GEC ordinance when new impervious surfaces 500 sq. ft or more are created. The County adopted the 500 sq. ft. threshold in 2004 when the last major code rewrite was completed. The 500 sq. ft. threshold was determined to be the appropriate trigger via research conducted in 2003 & 2004 during the GEC update and is based on soil permeability of County soil types. Staff research concluded that a 1,000 sq. foot threshold didn't allow adequate margin for error and therefore chose the 500 sq. ft. standard. At the time, various other jurisdictions such as Lake Oswego and the City of Portland used the 500 sq. ft. threshold for their trigger. Portland continues to have a basic threshold of 500 sq. ft before storm water needs to be addressed via their management program. The Planning Commission at the time found consistency with the City of Portland's threshold was appropriate.

Since the GEC code's purpose is to prevent erosion and environmental damage, its permit threshold is triggered by mechanical ground disturbance. A "gap" exists in the County's storm water requirements when no ground disturbance is required in order to pave an existing area or

erect a pole barn. Chapter 29 is not directly applicable in these cases and the result is that more than 500 sq. ft. impervious service can be established without storm water runoff impacts being considered.

At the August work session, the Commissioners requested planning staff research how building codes (plumbing, structural, mechanical) work in relation to storm water control. The Oregon State Structural Code requires that water be plumbed away from the building, its foundation and impervious surfaces within 5 feet of the structure. The Structural Code does not talk about what happens after it comes out of the pipe, except to be disposed of properly. The Plumbing Code provides direction for rain drains, footing drains and roof drains (gutters and downspouts), and paved areas within 5 feet of the structure. The drainage is to be directed to a place of disposal satisfactory to the authority having jurisdiction (Multnomah County). The authority must adopt an ordinance that regulates the disposal/dispersal of the water from these drains. Once the jurisdiction adopts the requirements, the building officials enforce the building codes and the County's storm water ordinance at the time of construction.

The second question from the work session was whether the County could adopt methodology or design standards so that an engineer would not have to be hired by property owners wanting to construct new impervious surfaces. In 2007, the Planning Commission requested that Land Use Planning investigate the viability of standard designs. It was determined that we do not have the technical staff to adopt and utilize standard designs and the responsibility it entails. In addition, both Portland and Gresham were using the 500 sq. ft. threshold for their stormwater management. The Planning Commission felt it was an appropriate threshold for our jurisdiction at the time.

Planning staff contacted the Cities of Gresham and Portland to discuss their storm water regulations and programs. The City of Gresham has storm water designs available for its applicants but requires the sizing to be calculated by a professional. Gresham also has a separate professional agency (Stormwater Division, Department of Environmental Services) to evaluate the design of and inspect installation of stormwater systems within the City. Both Cities have technical staff to administer their storm water programs and verify the information provided by an individual. The County's Intergovernmental Agreements do not include either of these agencies for technical assistance or inspections. For the County to adopt standardized designs or program, it would require engineering expertise not available to our agency. The current process that provides for a private engineer to design and attest to the suitability of the system based on site conditions fulfills this technical function.

The City of Portland has developed via public/private work group, a program with three alternative approaches:

- Simplified Approach** Minimum threshold of 500 sq. ft. before a property owner must address storm water. Development must involve less than 10,000 sq. ft. of new impervious area, be located on flat land, & the on-site soils must have good drainage. No professional needed for infiltration test. Property owners must use City designs.
- Presumptive Approach** Development will create more than 10,000 sq. ft. of new impervious area or multiple catch basins. Professional required for infiltration test. Property owners use City provided calculator to design system.
- Performance Approach** Development involves a unique circumstances or property owner does not want to use City designs. Licensed engineer must

investigate the site and then design the storm water system appropriate for the site.

The City's engineers and a private consultant developed the designs for the east side and west side after investigating high ground water, well protection zones, soil infiltration rates, etc. and are limited to their jurisdiction. The County is not able to use either of the cities' designs without first adopting them. The cities' designs are not part of the State building codes, but a separate program initiative to pick up where the building codes leave off. The City of Portland administers their storm water via the Environmental Services Bureau. The proposed Storm Water Management ordinance will be the County's code to handle storm water where the building codes stop.

4.A. Planning staff is proposing to separate the storm water requirements from the Grading and Erosion Control ordinances and create a separate Storm Water Management ordinance so that storm water has a separate, clear permit trigger in Chapter 29 when impervious surfaces are created. Planning staff have provided the applicable sections from the GEC ordinance that was used to craft the proposed language for the Storm Water Management code. The existing GEC language is highlighted in text boxes above the proposed code. Where no box exists, the proposed language codifies current practices and policies.

4.A.1 The proposed Purpose Statement for the new Stormwater Management ordinance was drafted using the Grading and Erosion Control's purpose statement.

Grading and Erosion Control Ordinance

§ 29.330- PURPOSES.

The purposes of the Grading and Erosion Control Subdistrict are to promote the public health, safety and general welfare, and minimize public and private losses due to earth movement hazards in specified areas and minimize erosion and related environmental damage in unincorporated areas of the county, all in accordance with ORS 215, OAR 340-41-455 for the Tualatin River Basin, and the County Comprehensive Framework Plan Policy No. 37. This subdistrict is intended to:

- (A) Protect human life;**
- (B) Protect property and structures;**
- (C) Minimize expenditures for rescue and relief efforts associated with earth movement failures;**
- (D) Control erosion, production and transport of sediment;**
- (E) Regulate land development actions including excavation and fills, drainage controls and protect exposed soil surfaces from erosive forces; and**
- (F) Control stormwater discharges and protect streams, ponds, and wetlands.**

MCC Chapter 29 will be amended to create a new Storm Water Management ordinance at MCC 29.300.

§ 29.300 STORM WATER MANAGEMENT

(A) The purpose of the storm water management requirements is to promote the public health, safety and general welfare, and minimize public and private losses due to the improper handling of storm water generated from impervious surfaces, altered soil conditions and increased stream flows.

4.A.2 The storm water section MCC 29.300(B) proposes to use the definitions contained in the Grading and Erosion Control (GEC) ordinance where appropriate. The GEC ordinance does not have a definition for *Impervious Surfaces*. In addition, the GEC code exempts the placement of gravel, asphalt & concrete provided no ground disturbance is required. With the creation of the Storm Water Management ordinance, the GEC ordinance will no longer deal with impervious surfaces, so it is more appropriate to place the new definition within the Storm Water code.

At the August work session, Planning Commissioners expressed concern about the inclusion of specific examples in the definition as some materials can be designed to be porous, such as asphalt & concrete. The following are definition examples from the cities of Gresham & Portland:

Gresham's Water Quality Manual Definition: Impervious Surface: Any structures or surface improvements that prevent or retard infiltration of water into the surface of the soil or that cause water to run off the surfaces in greater quantity or at an increased rate of flow compared to the natural condition of the property before development. Common impervious surfaces include, but are not limited to rooftops, concrete or asphalt sidewalks, walkways, patio areas, driveways, parking lots or storage areas, oiled or macadam surfaces, or other surfaces that similarly impede the natural infiltration or increase runoff patterns.

Portland's Stormwater Management Manual: Impervious Surface/Area: Any surface that has a runoff coefficient greater than 0.8 (as defined in the City's 2006 Sewer and Drainage Facilities Design Manual). Types of impervious surface include rooftops, traditional asphalt and concrete parking lots, driveways, roads, sidewalks, and pedestrian plazas. Note: Slatted decks are considered pervious. Gravel surfaces are considered pervious unless they cover impervious surfaces or are compacted to a degree that causes their runoff coefficient to exceed 0.8.

Planning staff is recommending we adopt Gresham's definition for "Impervious Surface" as it better defines what an impervious surface is. We are not recommending Portland's definition as we do not have the technical expertise to calculate a run-off coefficient.

MCC 29.300(B) adds a definition for "Impervious Surfaces" for the Storm Water Management ordinance and will utilize existing definitions from the GEC code.

§ 29.300 STORM WATER MANAGEMENT

(B) Definitions.

Unless otherwise noted, the words and their derivations for Storm Water Management shall have the meanings contained in § 29.331:

Work Session Definition: Impervious Surfaces – a man-made structure that utilizes a tightly packed or impenetrable material such as gravel, asphalt, concrete, brick, stone, or all types of roof materials.

Proposed Definition: Impervious Surfaces – Any structures or surface improvements that prevent or retard infiltration of water into the surface of the soil or that cause water to run off the surfaces in greater quantity or at an increased rate of flow compared to the natural condition of the property before development. Common impervious surfaces include, but are not limited to rooftops, concrete or asphalt sidewalks, walkways, patio areas, driveways, parking lots or storage areas, oiled or macadam surfaces, or other surfaces that similarly impede the natural infiltration or increase runoff patterns.

4.A.3 The proposed storm water section, MCC 29.300(C) establishes the threshold language for the ordinance. It was crafted using a combination of the GEC stormwater trigger language (MCC 29.333(C) with the Application Information Required section (MCC 29.342(C)(1).

Grading and Erosion Control

§ 29.333 REQUIREMENTS FOR A MINIMAL IMPACT PROJECT.

The following are the minimum erosion control requirements for all ground disturbing activities where a permit is not otherwise required or exempt under this subchapter:

(C) Persons creating new impervious surfaces exceeding 500 square feet shall install a stormwater drainage system. The system shall be designed to ensure that the rate of runoff for the 10 year 24 hour storm event is no greater than that which existed prior to development at the property line or point of discharge into a watercourse.

§ 29.342 APPLICATION INFORMATION REQUIRED.

An application for development subject to the requirements of this Subdistrict shall include two copies of the following:

(C) Documents stamped by an Oregon licensed Professional Engineer demonstrating that:

(1) Stormwater runoff attributed to the development will be managed on-site for a storm of ten-year, 24 hour design frequency or, is to be discharged to a watercourse in or adjacent to the property at pre-developed rates;

MCC 29.300(C) establishes the threshold for storm water review in the proposed ordinance.

§ 29.300 STORM WATER MANAGEMENT

(C) Review Required.

(1) Persons creating either new or replacement impervious surfaces that are 500 square feet or greater shall have an Oregon Licensed Professional Engineer (engineer) review the existing and proposed development and determine whether a storm water drainage control system is required. If the rate of storm water runoff from the parcel for a 10-year/24 hour storm event as measured from the property lines will be greater than before development, a storm water drainage control system shall be required and shall meet the Development Standards listed in (D) below.

4.A.4 The current policy for replacement of impervious surfaces is to require that the storm water being generated from the replaced impervious surfaces be managed, if necessary, along with any increase in new impervious surfaces. Existing impervious surfaces that are not being altered or replaced are allowed to continue without storm water management review.

MCC 29.300(D)(1) codifies the existing County policy for areas of impervious surfaces being replaced.

§ 29.300 STORM WATER MANAGEMENT

(D) Development Standards

(1) The area of replaced impervious surfaces shall be included in the calculations and determinations for the sizing of the storm water drainage control system.

4.A.5 The proposed storm water section, MCC 29.300(D)(2) establishes the engineering specifications for the storm water drainage control system. The proposed criterion uses the standard from the Grading and Erosion Control ordinance.

§ 29.333 REQUIREMENTS FOR A MINIMAL IMPACT PROJECT.

The following are the minimum erosion control requirements for all ground disturbing activities where a permit is not otherwise required or exempt under this subchapter:

(C) Persons creating new impervious surfaces exceeding 500 square feet shall install a stormwater drainage system. The system shall be designed to ensure that the rate of runoff for the 10 year 24 hour storm event is no greater than that which existed prior to development at the property line or point of discharge into a watercourse.

MCC 29.300(D)(2) adds engineering specifications for the storm water drainage control system.

§ 29.300 STORM WATER MANAGEMENT

(D) Development Standards

(2) A storm water drainage control system shall be designed by the engineer to ensure that the rate of storm water runoff from the parcel is no greater than that which existed prior to development as measured from the property lines for a 10-year/24-hour storm event. The storm water drainage control system shall, at a minimum, be designed and installed to manage the storm water derived from a 10-year/24-hour storm event.

4.A.6 The proposed storm water section, MCC 29.300(D)(3) takes the existing language from the Grading and Erosion Control ordinance in MCC 29.345 (A)(2)(g) and uses it without alteration in the proposed Storm Water Management ordinance.

§ 29.345 GRADING AND EROSION CONTROL PERMIT STANDARDS.

Approval of development plans on sites subject to a grading and erosion control permit shall be based on findings that the proposal adequately addresses the following standards.

Conditions of approval may be imposed to assure the design meets the standards:

(A) *Design standards for grading and erosion control.*

(2) *Erosion control standards.*

(g) Provisions shall be made to effectively accommodate increased runoff caused by altered soil and surface conditions during and after development. The rate of surface water runoff shall be structurally retarded where necessary;

MCC 29.300(D)(3) adds provisions to manage the runoff where necessary.

§ 29.300 STORM WATER MANAGEMENT

(D) Development Standards

(3) Provisions shall be made to effectively accommodate increased runoff caused by altered soil and surface conditions during and after development. The rate of surface water runoff shall be structurally retarded where necessary.

4.A.7 The proposed storm water section, MCC 29.300(D)(4) is a small modification to the language from MCC 29.342 (C)(3) to convert it from information that must be submitted as part of the application package to a development standard. While documentation must be provided, it should actually be an approval criterion.

§ 29.342 APPLICATION INFORMATION REQUIRED.

An application for development subject to the requirements of this Subdistrict shall include two copies of the following:

(C) Documents stamped by an Oregon licensed Professional Engineer demonstrating that:

(3) Any new discharges into public right-of-ways have complied with the governing agencies discharge review process;

MCC 29.300(D)(4) adds a criterion that an applicant demonstrate that he has authorization from Transportation or ODOT to discharge water to the public right-of-way.

§ 29.300 STORM WATER MANAGEMENT

(D) Development Standards

(4) No discharge into a public right-of-way shall be permitted unless authorized in writing by the governing agency.

4.A.8 The proposed storm water section, MCC 29.300(D)(5) adds the language from MCC 29.342 (C)(2) to convert it from information that must be submitted as part of the application package to a development standard. While documentation must be provided, it should actually be an approval criterion.

§ 29.342 APPLICATION INFORMATION REQUIRED.

An application for development subject to the requirements of this Subdistrict shall include two copies of the following:

(C) Documents stamped by an Oregon licensed Professional Engineer demonstrating that:

(2) Surcharges to sanitary drainfields have been reviewed by the City of Portland Sanitarian or other agencies authorized to review waste disposal systems; and

MCC 29.300(D)(5) adds a criterion that applicants demonstrate that they have authorization from the Sanitarian to prevent surcharging of the drainfield on the site or adjacent properties.

§ 29.300 STORM WATER MANAGEMENT

(D) Development Standards

(5) The storm water drainage control system shall not surcharge sanitary system drainfields unless authorized in writing by the City of Portland Sanitarian or other agencies authorized to review waste disposal systems.

4.A.9 The proposed storm water section, MCC 29.300(D)(6) regulates the discharge or overflow from the storm water drainage control system so as to prevent soil erosion or environmental damage to a drainageway.

§ 29.342 APPLICATION INFORMATION REQUIRED.

An application for development subject to the requirements of this Subdistrict shall include two copies of the following:

(C) Documents stamped by an Oregon licensed Professional Engineer demonstrating that:

(1) Stormwater runoff attributed to the development will be managed on-site for a storm of ten-year, 24 hour design frequency or, is to be discharged to a watercourse in or adjacent to the property at pre-developed rates;

§ 29.345 GRADING AND EROSION CONTROL PERMIT STANDARDS.

Approval of development plans on sites subject to a grading and erosion control permit shall be based on findings that the proposal adequately addresses the following standards.

Conditions of approval may be imposed to assure the design meets the standards:

(A) *Design standards for grading and erosion control.*

(2) *Erosion control standards.*

(1) Erosion and sediment control devices shall be required where necessary to prevent polluting discharges from occurring. Control devices and measures which may be required include, but are not limited to:

1. Energy absorbing devices to reduce runoff water velocity;

3. Dispersal of water runoff from developed areas over large undisturbed areas.

MCC 29.300(D)(6) adds a criterion to regulate how the outflow from a storm water system may be directed to a drainage way to prevent down-stream flooding.

§ 29.300 STORM WATER MANAGEMENT

(D) Development Standards

(6) Storm water runoff attributed to the development that is to be directed to a drainageway in or on adjacent property shall be discharged to the drainageway at pre-development rate. The storm water shall not be piped directly into the drainageway. The discharge outflow shall be setback from the ordinary high water line or property line and transitioned back into a sheet-flow condition before crossing the ordinary high water line or property line. The outflow velocity shall be reduced via an energy absorbing device.

4.A.10 The proposed storm water section, MCC 29.300(D)(7) establishes a criterion so that adjacent properties are not harmed by concentrated flow from the storm water system. While neighbors must accept water from an adjacent property if the property previously flowed on to the site in a natural condition, they do not have to accept channelized or piped water at a single point. It is important that stormwater is not piped to an adjacent right-of-way or property unless the effected property owner grants an easement.

§ 29.345 GRADING AND EROSION CONTROL PERMIT STANDARDS.

Approval of development plans on sites subject to a grading and erosion control permit shall be based on findings that the proposal adequately addresses the following standards. Conditions of approval may be imposed to assure the design meets the standards:

(A) *Design standards for grading and erosion control.*

(2) *Erosion control standards.*

(1) Erosion and sediment control devices shall be required where necessary to prevent polluting discharges from occurring. Control devices and measures which may be required include, but are not limited to:

- 1. Energy absorbing devices to re-duce runoff water velocity;**
- 2. Sedimentation controls such as sediment or debris basins. Any trapped materials shall be removed to an approved disposal site on an approved schedule;**
- 3. Dispersal of water runoff from developed areas over large undisturbed areas.**

MCC 29.300(D)(7) adds a criterion that an applicant demonstrate that their system will leave the site in a natural sheet flow condition or that they have received authorization from a neighbor.

§ 29.300 STORM WATER MANAGEMENT

(D) Development Standards

(7) Outflow of any stormwater discharge from the subject property shall leave the site in a sheet-flow or dispersed condition unless authorization from the property owner receiving

the water is granted. Dispersal of water runoff from the developed areas over large undisturbed areas is allowed.

4.A.11 The proposed storm water section, MCC 29.300(D)(8) is to protect water quality and prevent erosion.

§ 29.345 GRADING AND EROSION CONTROL PERMIT STANDARDS.

Approval of development plans on sites subject to a grading and erosion control permit shall be based on findings that the proposal adequately addresses the following standards. Conditions of approval may be imposed to assure the design meets the standards:

(A) *Design standards for grading and erosion control.*

(2) *Erosion control standards.*

(k) Where drainage swales are used to divert surface waters, they shall be vegetated or protected as required to minimize potential erosion;

MCC 29.300(D)(8) establishes a similar criterion to 29.345(A)(2)(k) to ensure that drainage swales are vegetated to improve or protect water quality on a site.

§ 29.300 STORM WATER MANAGEMENT

(D) Development Standards

(8) Where drainage swales or soakage trenches are used as part of the storm water drainage control system, they shall be vegetated or protected to minimize erosion.

4.A.12 The proposed storm water section, MCC 29.300(E)(1) specifies that the storm water system be installed prior to final approval of the development. This is to ensure that it is inspected by our building officials and constructed according to the engineer's design. It is also to make it clear to an applicant that it must be installed and not just designed.

§ 29.345 GRADING AND EROSION CONTROL PERMIT STANDARDS.

Approval of development plans on sites subject to a grading and erosion control permit shall be based on findings that the proposal adequately addresses the following standards. Conditions of approval may be imposed to assure the design meets the standards:

(D) *Final approvals.* A certificate of occupancy or other final approval shall be granted for development subject to the provisions of this subdistrict only upon satisfactory completion of all applicable requirements

MCC 29.300(E)(1) codifies that a property owner must install the storm water drainage system.

§ 29.300 STORM WATER MANAGEMENT

(E) Implementation & Maintenance.

(1) A required storm water drainage control system shall be installed and in working order prior to final approval for development subject to these provisions.

4.A.13 The proposed storm water section, MCC 29.300(E)(2) allows the County to inspect storm water systems that are at issue and if necessary require a property owner to gain additional review from an engineer for a failing system. The proposed code is based on the Implementation and Enforcement language in the GEC code.

§ 29.345 GRADING AND EROSION CONTROL PERMIT STANDARDS.

Approval of development plans on sites subject to a grading and erosion control permit shall be based on findings that the proposal adequately addresses the following standards. Conditions of approval may be imposed to assure the design meets the standards:

(C) Implementation.

***(2) Inspection and enforcement.* The director may take steps to ensure compliance with the requirements of this subsection, including but not limited to, inspections, peer review of engineering analysis (at the applicant's expense), post construction certification of the work, and the posting of a notice providing County contact information in the event that questions arise concerning work occurring on-site. The requirements of this subdistrict shall be enforced by the planning director. If inspection by county staff reveals erosive conditions which exceed those prescribed by the Grading and Erosion Control Permit, work may be stopped until appropriate correction measures are completed.**

MCC 29.300(E)(2) codifies the ability for the County to ensure compliance with our codes and to seek additional professional review when needed.

§ 29.300 STORM WATER MANAGEMENT

(E) Implementation & Maintenance.

(2) Inspection and enforcement. The Planning Director may take steps to ensure compliance with the requirements of this subsection, including but not limited to, inspections, peer review of engineering analysis (at the applicant's expense), post construction certification of the work, and the posting of a notice providing County contact information in the event that questions arise concerning work occurring on-site.

4.A.14 The proposed storm water section, MCC 29.300(E)(3) establishes the requirement that a storm water system be maintained by a property owner after it is installed. Research and discussions with different agencies has highlighted the need to maintain these systems. The City of Portland actually requires a property owner to record an Operation and Maintenance form with detailed maintenance steps so that future homeowners know what steps must be taken for each type of system. Without maintenance a storm water system can fail and impact adjacent properties or the public right-of-way.

MCC 29.300(D)(1) codifies that storm water drainage systems must be maintained.

§ 29.300 STORM WATER MANAGEMENT

(E) Implementation & Maintenance.

(3) The property owner shall maintain the completed storm water drainage control system in working order and shall restore or replace failed components at the direction of an Oregon Licensed Professional Engineer as necessary to ensure its operation continues to handle storm water from a 10-year/24-hour storm event on the subject parcel.

- 4.B. Staff proposes a small technical correction to Chapter 36’s Rural Residential (RR) zone. At present, the RR zone requires storm water review at 400 sq. ft. of new impervious surface. The other code sections in the West of Sandy River area are silent on the threshold point and Planning Director’s policy is the creation of 500 sq. ft of new impervious surfaces trigger review. Planning staff would like to alter the RR code to be consistent with the remaining Chapter 36 code sections.

Rural Residential

MCC 36.3155 DIMENSIONAL STANDARDS AND DEVELOPMENT REQUIREMENTS.

All development proposed in this district shall comply with the applicable provisions of this section.

(F) On-site sewage disposal, storm water/drainage control, water systems unless these services are provided by public or community source, required parking, and yard areas shall be provided on the lot.

....

(2) Stormwater/drainage control systems are required for new impervious surfaces ~~that are greater than 400 square feet in area.~~ The system shall be adequate to ensure that the rate of runoff from the lot for the 10 year 24-hour storm event is no greater than that before the development.

- 4.C. With the creation of a Storm Water Management section, some modifications to the Grading and Erosion Control ordinance will be necessary. At present, planning staff have identified the following changes to separate the two code requirements.
- 4.C.1 The term “subdistrict” as used in the purpose section is a holdover from when the Grading and Erosion Control ordinance was a subdistrict in the zoning code. Previously, the Grading and Erosion Control used to be part of the Hillside Development ordinance which still remains as a subdistrict in our zoning chapters. When it was separated out and converted to a non-discretionary permit the wording should have been changed.

§ 29.330- PURPOSES. [The same changes are proposed for MCC 29.350.]

The purposes of the Grading and Erosion Control ~~Subdistrict~~ ordinance are to promote the public health, safety and general welfare, and minimize public and private losses due to earth movement hazards in specified areas and minimize erosion and related environmental damage in unincorporated areas of the county, all in accordance with ORS 215, OAR 340-41-455 for the Tualatin River Basin, and the County Comprehensive Framework Plan Policy No. 37. This subdistrict is intended to: ...

4.C.2 MCC 29.333(C) will be moved to the Storm Water Management ordinance. It will no longer be a part of the Grading and Erosion Control ordinance. The two changes below are a reflection of the new Storm Water Management section.

§ 29.333 REQUIREMENTS FOR A MINIMAL IMPACT PROJECT. [The same changes are proposed for § 29.353.]

The following are the minimum erosion control requirements for all ground disturbing activities where a permit is not otherwise required or exempt under this subchapter:

(A) Prior to initiating work, persons proposing ground disturbing activities shall provide to the County two copies of a map, drawn to scale, showing the property line locations, area of disturbance, ground topography (contours), roads and driveways, existing structures, trees with eight-inch or greater caliper or an outline of wooded areas, watercourses and include the location of the proposed development(s), storm water drainage control system, erosion control measures, existing sanitary drainfields, existing drywells, and trees proposed for removal.

(B) Persons conducting ground disturbing activities are to utilize erosion control measures prescribed in the current edition of the “Erosion Prevention & Sediment Control Plans Technical Guidance Handbook.” Measures are to be installed prior to commencement of grading work and are to be maintained, in working order, through all phases of development.

~~**(C) Persons creating new impervious surfaces exceeding 500 square feet shall install a stormwater drainage system. The system shall be designed to ensure that the rate of runoff for the 10 year 24 hour storm event is no greater than that which existed prior to development at the property line or point of discharge into a watercourse.**~~

~~**(D)**~~ **(C) The planning director may take steps to ensure compliance with the requirements of this sub-section, including but not limited to, field inspections by County staff, post construction certification of the work, and the posting of a notice providing County contact information in the event that questions arise concerning work occurring on-site.**

4.C.3 Subsections MCC 29.342(C)(1) through (3) have been moved to the Storm Water Management section. Section (C) is used to add the information required under MCC 29.345(A)(1)(d) to ensure altered drainageways do not have its carrying capacity reduced which could cause upstream flooding. The language to be added to MCC 29.342(A) is to coordinate the Storm Water Management codes with Grading and Erosion Control permits. MCC 29.342(C) helps to coordinate with the Flood Development code in Chapter 29.

§ 29.342 APPLICATION INFORMATION REQUIRED. [The same changes are proposed for § 29.362.]

An application for development subject to the requirements of this Subdistrict shall include two copies of the following:

(A) A map, drawn to scale, showing the property line locations, area of disturbance, ground topography (contours), roads and driveways, existing structures, trees with

eight-inch or greater caliper or an outline of wooded areas, watercourses and include the location of the proposed development(s), erosion control measures, existing sanitary drainfields, existing and proposed storm water drainage control drywells, and trees proposed for removal.

(B) Calculations estimating the volume of all proposed cuts and fills.

(C) Documents stamped by an Oregon licensed Professional Engineer demonstrating ~~that:~~ the existing flood carrying capacity for any altered drainageway is maintained.

~~(1) Stormwater runoff attributed to the development will be managed on-site for a storm of ten-year, 24 hour design frequency or, is to be discharged to a watercourse in or adjacent to the property at pre-developed rates;~~

~~(2) Surcharges to sanitary drainfields have been reviewed by the City of Portland Sanitarian or other agencies authorized to review waste disposal systems; and~~

~~(3) Any new discharges into public right-of-ways have complied with the governing agencies discharge review process;~~

4.C.4 The proposed modification to MCC 29.345(A)(1)(d) is to ensure that a channel that carries water will not have its carrying capacity reduced. MCC 29.331 defines a “Drainageway” as “Any natural or artificial stream, swale, creek, river, ditch, channel, canal or other open watercourse.” The term is more inclusive. The change in (e) is just a clarification as the code language currently uses three different terms – watercourse, constructed channel and stream. As discussed above, “Drainageway” is a more inclusive term.

§ 29.345 GRADING AND EROSION CONTROL PERMIT STANDARDS. [The same changes are proposed for § 29.365.

Approval of development plans on sites subject to a grading and erosion control permit shall be based on findings that the proposal adequately addresses the following standards. Conditions of approval may be imposed to assure the design meets the standards:

(A) Design standards for grading and erosion control.

(1) Grading standards.

(d) The proposed drainage system shall have adequate capacity to handle stormwater attributed to development on-site for a storm of ten-year frequency and maintain the existing flood carrying capacity of all ~~watereourses~~ drainageways on or adjacent to the property;

(e) Fills shall not encroach on natural watercourses or constructed channels unless measures are approved which will adequately handle the existing flood carrying capacity for the altered portion of the ~~stream~~ drainageway.

5. Camp & Campground Use Clarification

Community Services are a type of conditional use that by reason of their public convenience, necessity, unusual character or effect on the neighborhood, may be appropriate to allow in a zone after a public hearing. One of the allowed community service uses is Camp, Campground or

Recreational Vehicle Park [MCC 33.6015(A)(2)]. Camp or Campground is not defined in the zoning code. The existing definition for “Recreational Vehicle Park” is

“Any place where two or more vehicles designed and used for temporary human occupancy are located within 500 feet of each other on a lot, parcel or tract which is rented or kept for rent for periods of one month or less.”

Since the adoption of this definition in July 1979 by the County, the State of Oregon has removed the 180 day time limitation for living in a recreational vehicle and has used the term, “Recreational Vehicle Park” to mean a type of manufactured/ mobile home park and not a campground operation. The use of the term “Recreational Vehicle Park” for a permanent housing situation within an urban setting as allowed in ORS 197.493 has caused confusion for people operating campgrounds within our rural jurisdiction. This housekeeping amendment will define the terms “Campground”, “Camp”, and “Campsite” and remove the term “Recreational Vehicle Park” from the community service uses listed in MCC 33.6015(A)(2).

In addition to the need to clarify the terms discussed above, staff proposes an amendment to clarify the temporary occupancy requirement for camp, campsite and campground uses. At present, the 30 day time limit does not set a time period in which a person can return to the campground for an additional stay resulting in ambiguity. The code can be read that you can stay 30 days and never return to this facility (strict interpretation) or stay 30 days, leave for 1 day and then return for another 30 days, over and over again without limit (lax interpretation). Since the intent of the code is to create a vacation, recreational or emergency overnight temporary use of the site, and not increase the dwelling density allowed within the rural areas, clarification is needed so that all parties know the terms of the use.

For exception zone districts (MUA-20, RR, and all RC districts), planning staff is proposing for all camps and campgrounds that the temporary use may occur for 60 days during any consecutive 12 month period. The proposed time limit will be consistent with camping time limits in the National Scenic Area (NSA), which is 60 days in a consecutive 12 month period. In the resource districts (EFU & CFU), the time limit restriction will be maintained in compliance with OAR 660-033-130(19) and be limited to 30 days during any consecutive 6 month period. Staff has modified the proposal for exception zone districts to allow 60 days in a consecutive 12 month period consistent with the NSA provision allows for a longer vacation.

At the August work session, Planning Commissioners were interested in the permitted length of stay in other jurisdictions’ campgrounds.

Columbia County:

Resource zones: 30 days in six months

RR-5/RR-2: Campgrounds are not permitted

Rural Community: Determined through Conditional Use Permit process

Clackamas County:

Resource Zones: 30 days in six months

Non-resource Zones: Where allowed, the length of stay is established during the conditional use process by the hearings officer. Recreational Vehicles do not qualify as a dwelling.

Washington County:

Inside/Outside UGB: a total of thirty (30) days during any consecutive six (6) month period.

Oregon State Parks:

You can stay 14 consecutive nights in a regular campsite, yurt or cabin in a single campground, and may return after spending at least three nights out of the park (it can be another state park campground; in fact, we recommend you DO select another state park campground). The maximum time allowed within any Oregon State Park is 14 nights within any 17-night period. The maximum stay for hiker/biker sites is 3 consecutive days in a 7 day period per campground.

Federal Campgrounds:

Camping longer than 14 consecutive days is generally not allowed. At Corps of Engineers campsites only, camping at one or more campsites at any one water resource project (lake) for a period longer than 14 days during any 30-consecutive day period is prohibited.

A second question was regarding the State & Federal Campgrounds' Camp Host programs. Federal campgrounds are under Federal jurisdiction and do not have to comply with County or State land use laws. The Host Program in Oregon State Parks began in 1979. Planning staff is unsure that the program was lawfully established in our jurisdiction unless each park went through a conditional use permit in the past and was granted the use. Camp hosts are considered as a volunteer employee with Oregon Park and Recreation. They complete certain acts or chores for their campsite. Minimum stay is one month. Length of stay is highly variable based upon the volunteer's plans.

Since the August work session, planning staff has continued to refine the proposed definitions for Campground and Campsite. Code Compliance had some issues regarding the definitions and how they would apply to an individual using land as a residence versus a weekend camping trip. The proposed definitions are not intended to prohibit the personal use of a person's property for camping, but to ensure that the use remains recreational and does not become permanent or a residential use.

Proposed Definitions:

MCC 33.0005 Definitions. [The same changes are proposed for MCC 34.0005, MCC 35.0005, MCC 36.0005, MCC 11.15.0010]

*Work Session Definition: **Campground*** – An area improved with a campsite or overnight temporary use for vacation, recreational or emergency purposes that may be occupied by a tent, travel trailer or recreational vehicle or other similar piece of equipment, but not for residential purposes. The overnight temporary use by an individual, group or family shall not exceed a total of 30 days during any consecutive 6 month period.

Proposed Definition: Campground – An area improved with a campsite and/or used for an overnight temporary stay for vacation, recreational or emergency purposes that may be occupied by a tent, travel trailer or recreational vehicle or other similar piece of equipment, but not for residential purposes.

Camp – See Campground.

*Work Session Definition: **Campsite*** - An area improved for the purpose of locating a tent, travel trailer or recreational vehicle or other similar piece of equipment used for overnight temporary use and may include a picnic bench, water, electrical & sewage hook-ups or as otherwise allowed in the general zone. The overnight temporary use by an individual, group or family shall not exceed a total of 30 days during any consecutive 6 month period.

Proposed Definition: Campsite - An area improved for the purpose of locating a tent, travel trailer or recreational vehicle or other similar piece of equipment used for vacation, recreational or emergency purposes, but not for residential purposes. A campsite may include such improvements as picnic benches, water, electrical & sewage hook-ups, grills, fire rings, etc. or as otherwise allowed in the general district.

In the EFU and CFU districts, the use is listed in various forms (Private Park and Private Campground, & Campgrounds) as a conditional use. In resource districts, the Community Service use must be listed in the zone or it cannot be authorized. For non-resource districts, campground use is a listed Community Service use under the provisions of MCC 33.6000 through 33.6230. At present, the use allowed is Camp, Campground or Recreational Vehicle Park. As discussed above, the term “Recreational Vehicle Park” is proposed to be deleted and the use re-described as “Campground or Camp”.

COMMUNITY SERVICE – CS

MCC 33.6015 USES [The same changes are proposed for MCC 34.6015, 35.6015, 36.6015, 11.15.7020]

(A) Except as otherwise limited in the EFU, CFU-1, CFU-2, and CFU-5 districts, the following Community Service Uses and those of a similar nature, may be permitted in any district when approved at a public hearing by the approval authority.

Allowed Community Service Uses in the EFU, CFU-1, CFU-2, and CFU-5 districts are limited to those uses listed in each respective district.

- (1) Boat moorage, marina or boathouse moorage.**
- (2) ~~Camp, campground or recreational vehicle park.~~ Campground or camp.**
- (3) Cemetery, crematory, mausoleum, mortuary or funeral home.**

At the August work session, the time limit for staying in a campground was contained in the proposed definitions for “Campground” and “Campsite” as it was under the current definition for “Recreational Vehicle Park”. Generally, planning staff does not like to have code restrictions within a definition, so we have looked to move the time limit provision to an appropriate code section. At present, the time limit for resource districts is contained in the EFU and CFU codes. For non-resource districts, planning staff is proposing to place the time limit within the Community Service Restrictions section (MCC 33.6020).

§ 33.6020 RESTRICTIONS [The same changes are proposed for 11.15.7025.]

A building or use approved under MCC 33.6015 through 33.6050 shall meet the following requirements:

(F) In the MUA-20, RR, and BRC districts, the length of stay by a person or vehicle in a camp, campground or campsite shall not exceed a total of 60 days during any consecutive 12 month period by an individual, group or family.

(FG) Other restrictions or limitations of use or development not required under this subsection shall be provided in the district.

The final change for “Campground” uses is to modify the Off-Street Parking ordinance so that the use referenced is “Campground” and not “Recreational Vehicle Park”.

OFF-STREET PARKING AND LOADING - OP

MCC 33.4205 MINIMUM REQUIRED OFF-STREET PARKING SPACES [The same changes are proposed for § 11.15.6142.]

(A) Residential Uses

~~(4) Recreational Vehicle Park—One space for each vehicle site.~~

~~(5-4) Group Care Facility, Home for Aged, or Children's Home – One space for each four beds.~~

(B) Public and Semi-Public Buildings and Uses

~~(9) Campground – One space for each campsite.~~

PART III. PROPOSED CODE WITHOUT DISCUSSION.

Code = Existing Code Language

Code = Proposed Code Language

~~Code~~ = Deleted Code Language

§ 33.4570 CRITERIA FOR APPROVAL OF SEC-H PERMIT -WILDLIFE HABITAT

[The same changes are proposed for 34.4570 & 35.4570.]

(B) Development standards:

(6) Fencing within a required setback from a public road shall meet the following criteria:

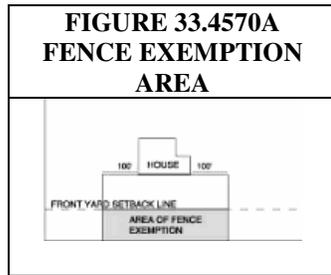
(a) Fences shall have a maximum height of 42 inches and a minimum 17 inch gap between the ground and the bottom of the fence.

(b) Wood and wire fences are permitted. The bottom strand of a wire fence shall be barbless. Fences may be electrified, except as prohibited by County Code.

(c) Cyclone, woven wire, and chain link fences are prohibited.

(d) Fences with a ratio of solids to voids greater than 2:1 are prohibited.

(e) Fencing standards do not apply in an area on the property bounded by a line along the public road serving the development, two lines each drawn perpendicular to the principal structure from a point 100 feet from the end of the structure on a line perpendicular to and meeting with the public road serving the development, and the front yard setback line parallel to the public road serving the development.



(f) Fencing standards do not apply where needed for security of utility facilities.

* * *

MCC 37.0560 Code Compliance and Applications

[The same changes are proposed for 38.0560.]

Except as provided in subsection (A), the County shall not make a land use decision approving development, including land divisions and property line adjustments or issue a building permit ~~approving development, including land divisions and property line adjustments~~, for any property that is not in full compliance with all applicable provisions of the Multnomah County Land Use Code and/or any permit approvals previously issued by the County.

* * *

MCC 33.2273 ACCESS [The same changes are proposed for § 33.2073, § 33.2473, § 33.2885, § 35.2073, § 35.2273, & § 36.2073]

All new lots and parcels in this district shall abut a public street, or shall have other access deemed by the approval authority to be safe and convenient for pedestrians and for passenger and emergency vehicles, ~~except as provided for Lots of Record at MCC 33.2275(C)~~. This access requirement does not apply to a pre-existing lot and parcel that constitutes a Lot of Record described in MCC 33.2275(C).

§ 33.2690 ACCESS [The same changes are proposed for § 34.2690, § 35.2690, & § 36.2690]

All new lots and parcels in this district shall abut a public street, or shall have other access determined by the approval authority to be safe and convenient for pedestrians and for passenger and emergency vehicles, ~~except as provided for Lots of Record at MCC 33.2675(C)~~. This access requirement does not apply to a pre-existing lot and parcel that constitutes a Lot of Record described in MCC 33.2675 (C).

MCC 33.3385 ACCESS [The same changes are proposed for § 36.2885, § 36.3185, § 36.3385, § 36.3485, § 36.3585, § 35.2885, § 35.3185, § 35.3385, § 34.2885, § 34.3185, § 34.3385, & § 33.3185]

All new lots and parcels in this district shall abut a public street, or shall have other access determined by the approval authority to be safe and convenient for pedestrians and passenger and emergency vehicles, ~~except as provided for Lots of Record at MCC 33.3370(B)~~. This access requirement does not apply to a pre-existing lot and parcel that constitutes a Lot of Record described in MCC 33.3370(B).

§ 29.300 STORM WATER MANAGEMENT

(A) The purpose of the storm water management requirements is to promote the public health, safety and general welfare, and minimize public and private losses due to the improper handling of storm water generated from impervious surfaces, altered soil conditions and increased stream flows.

(B) Definitions.

Unless otherwise noted, the words and their derivations for Storm Water Management shall have the meanings contained in § 29.331:

Impervious Surfaces – Any structures or surface improvements that prevent or retard infiltration of water into the surface of the soil or that cause water to run off the surfaces in greater quantity or at an increased rate of flow compared to the natural condition of the property before development. Common impervious surfaces include, but are not limited to rooftops, concrete or asphalt sidewalks, walkways, patio areas, driveways, parking lots or storage areas, oiled or macadam surfaces, or other surfaces that similarly impede the natural infiltration or increase runoff patterns.

(C) Review Required.

(1) Persons creating either new impervious surfaces that are 500 square feet or greater or replacing existing impervious surfaces that are 500 square feet or greater shall have an Oregon Licensed Professional Engineer (engineer) review the existing and proposed development and determine whether a storm water drainage control system is required. If the rate of storm water runoff from the parcel for a 10-year/24 hour storm event as measured from the property lines will be greater than before development, a storm water drainage control system shall be required and shall meet the Development Standards listed in (D) below.

(D) Development Standards

(1) No storm water credit shall be given for existing impervious surfaces that are being replaced with new impervious materials such as gravel to asphalt, asphalt to concrete, or paved area to a building addition. . The area of replaced impervious surfaces shall be included in the calculations and determinations for the sizing of the storm water drainage control system.

(2) A storm water drainage control system shall be designed by the engineer to ensure that the rate of storm water runoff from the parcel is no greater than that which existed prior to development as measured from the property lines for a 10-year/24-hour storm event. The storm water drainage control system shall, at a minimum, be designed and installed to manage the storm water derived from a 10-year/24-hour storm event.

(3) Provisions shall be made to effectively accommodate increased runoff caused by altered soil and surface conditions during and after development. The rate of surface water runoff shall be structurally retarded where necessary.

(4) No discharge into a public right-of-way shall be permitted unless authorized in writing by the governing agency.

(5) The storm water drainage control system shall not surcharge sanitary system drainfields unless authorized in writing by the City of Portland Sanitarian or other agencies authorized to review waste disposal systems.

(6) Storm water runoff attributed to the development that is to be directed to a drainageway in or on adjacent property shall be discharged to the drainageway at pre-development rate. The storm water shall not be piped directly into the drainageway. The discharge outflow shall be setback from the ordinary high water line or property line and transitioned back into a sheet-flow condition before crossing the ordinary high water line or property line. The outflow velocity shall be reduced via an energy absorbing device.

(7) Outflow of any stormwater discharge from the subject property shall leave the site in a sheet-flow or dispersed condition unless authorization from the property owner receiving the water is granted. Dispersal of water runoff from the developed areas over large undisturbed areas is allowed.

(8) Where drainage swales or soakage trenches are used as part of the storm water drainage control system, they shall be vegetated or protected to minimize erosion.

(E) Implementation & Maintenance.

(1) A required storm water drainage control system shall be installed and in working order prior to final approval for development subject to these provisions.

(2) Inspection and enforcement. The director may take steps to ensure compliance with the requirements of this subsection, including but not limited to, inspections, peer review of engineering analysis (at the applicant's expense), post construction certification of the work, and the posting of a notice providing County contact information in the event that questions arise concerning work occurring on-site.

(3) The property owner shall maintain the completed storm water drainage control system in working order and shall restore or replace failed components at the direction of an Oregon Licensed Professional Engineer as necessary to ensure its operation continues to handle storm water from a 10-year/24-hour storm event on the subject parcel.

* * *

Rural Residential

MCC 36.3155 DIMENSIONAL STANDARDS AND DEVELOPMENT REQUIREMENTS.

All development proposed in this district shall comply with the applicable provisions of this section.

(F) On-site sewage disposal, storm water/drainage control, water systems unless these services are provided by public or community source, required parking, and yard areas shall be provided on the lot.

....

(2) Stormwater/drainage control systems are required for new impervious surfaces ~~that are greater than 400 square feet in area.~~ The system shall be adequate to ensure that the

rate of runoff from the lot for the 10 year 24-hour storm event is no greater than that before the development.

* * *

§ 29.330- PURPOSES. [The same changes are proposed for MCC 29.350.]

The purposes of the Grading and Erosion Control ~~Subdistrict~~ ordinance are to promote the public health, safety and general welfare, and minimize public and private losses due to earth movement hazards in specified areas and minimize erosion and related environmental damage in unincorporated areas of the county, all in accordance with ORS 215, OAR 340-41-455 for the Tualatin River Basin, and the County Comprehensive Framework Plan Policy No. 37. This subdistrict is intended to: ...

§ 29.333 REQUIREMENTS FOR A MINIMAL IMPACT PROJECT. [The same changes are proposed for § 29.353]

The following are the minimum erosion control requirements for all ground disturbing activities where a permit is not otherwise required or exempt under this subchapter:

(A) Prior to initiating work, persons proposing ground disturbing activities shall provide to the County two copies of a map, drawn to scale, showing the property line locations, area of disturbance, ground topography (contours), roads and driveways, existing structures, trees with eight-inch or greater caliper or an outline of wooded areas, watercourses and include the location of the proposed development(s), storm water drainage control system, erosion control measures, existing sanitary drainfields, existing drywells, and trees proposed for removal.

(B) Persons conducting ground disturbing activities are to utilize erosion control measures prescribed in the current edition of the “Erosion Prevention & Sediment Control Plans Technical Guidance Handbook.” Measures are to be installed prior to commencement of grading work and are to be maintained, in working order, through all phases of development.

~~(C) Persons creating new impervious surfaces exceeding 500 square feet shall install a stormwater drainage system. The system shall be designed to ensure that the rate of runoff for the 10 year 24 hour storm event is no greater than that which existed prior to development at the property line or point of discharge into a watercourse.~~

~~(D)~~ (C) The planning director may take steps to ensure compliance with the requirements of this sub-section, including but not limited to, field inspections by County staff, post construction certification of the work, and the posting of a notice providing County contact information in the event that questions arise concerning work occurring on-site.

§ 29.342 APPLICATION INFORMATION REQUIRED. [The same changes are proposed for § 29.362]

An application for development subject to the requirements of ~~this Subdistrict~~ shall include two copies of the following:

(A) A map, drawn to scale, showing the property line locations, area of disturbance, ground topography (contours), roads and driveways, existing structures, trees with eight-inch or greater caliper or an outline of wooded areas, watercourses and include the location of the

proposed development(s), erosion control measures, existing sanitary drainfields, existing and proposed storm water drainage control drywells, and trees proposed for removal.

(B) Calculations estimating the volume of all proposed cuts and fills.

(C) Documents stamped by an Oregon licensed Professional Engineer demonstrating that: the existing flood carrying capacity for any altered drainageway is maintained.

~~**(1) Stormwater runoff attributed to the development will be managed on-site for a storm of ten-year, 24 hour design frequency or, is to be discharged to a watercourse in or adjacent to the property at pre-developed rates;**~~

~~**(2) Surcharges to sanitary drainfields have been reviewed by the City of Portland Sanitarian or other agencies authorized to review waste disposal systems; and**~~

~~**(3) Any new discharges into public right-of-ways have complied with the governing agencies discharge review process;**~~

§ 29.345 GRADING AND EROSION CONTROL PERMIT STANDARDS. [The same changes are proposed for §29.365]

Approval of development plans on sites subject to a grading and erosion control permit shall be based on findings that the proposal adequately addresses the following standards. Conditions of approval may be imposed to assure the design meets the standards:

(A) Design standards for grading and erosion control.

(1) Grading standards.

(d) The proposed drainage system shall have adequate capacity to handle stormwater attributed to development on-site for a storm of ten-year frequency and maintain the existing flood carrying capacity of all watereourses drainageways on or adjacent to the property;

(e) Fills shall not encroach on natural watercourses or constructed channels unless measures are approved which will adequately handle the existing flood carrying capacity for the altered portion of the stream drainageway.

* * *

MCC 33.0005 Definitions. [[The same changes are proposed for MCC 34.0005, MCC 35.0005, MCC 36.0005, MCC 11.15.0010]

Campground – An area improved with a campsite and/or used for an overnight temporary stay for vacation, recreational or emergency purposes that may be occupied by a tent, travel trailer or recreational vehicle or other similar piece of equipment, but not for residential purposes.

Camp – See Campground.

Campsite - An area improved for the purpose of locating a tent, travel trailer or recreational vehicle or other similar piece of equipment used for vacation, recreational or emergency purposes, but not for residential purposes. A campsite may include such improvements as picnic benches, water, electrical & sewage hook-ups, grills, fire rings, etc. or as otherwise allowed in the general district.

~~Recreational Vehicle Park—Any place where two or more vehicles designed and used for temporary human occupancy are located within 500 feet of each other on a lot, parcel or tract which is rented or kept for rent for periods of one month or less.~~

* * *

COMMUNITY SERVICE – CS

MCC 33.6015 USES [The same changes are proposed for MCC 34.6015, 35.6015, & 36.6015]

(A) Except as otherwise limited in the EFU, CFU-1, CFU-2, and CFU-5 districts, the following Community Service Uses and those of a similar nature, may be permitted in any district when approved at a public hearing by the approval authority.

Allowed Community Service Uses in the EFU, CFU-1, CFU-2, and CFU-5 districts are limited to those uses listed in each respective district.

- (1) Boat moorage, marina or boathouse moorage.
- (2) ~~Camp, campground or recreational vehicle park.~~ Campground or camp.
- (3) Cemetery, crematory, mausoleum, mortuary or funeral home.

MCC 11.15.7020 Uses

A. Except as otherwise provided in MCC 11.15.2008 through .2012 and MCC 11.15.2048 through .2050, the following Community Service Uses and those of a similar nature, may be permitted in any district when approved at a public hearing by the approval authority.

1. Boat moorage, marina or boathouse moorage.
2. ~~Camp, campground or recreational vehicle park.~~ Campground or camp.
3. Cemetery, crematory, mausoleum, mortuary or funeral home.

MCC 33.6020 RESTRICTIONS [The same changes are proposed for MCC 34.6020, 35.6020, & 36.6020]

A building or use approved under MCC 33.6015 through 33.6050 shall meet the following requirements:

(F) In the MUA-20, RR, and BRC districts, the length of stay by a person or vehicle in a camp, campground or campsite shall not exceed a total of 60 days during any consecutive 12 month period by an individual, group or family.

(FG) Other restrictions or limitations of use or development not required under this subsection shall be provided in the district.

MCC 11.15.7025 Restrictions

A building or use approved under MCC .7020 through .7030 shall meet the following requirements:

~~G. Other restrictions or limitations of use or development not required under this subsection shall be provided in the district.~~ The length of stay by an individual, group or family in a camp,

campground or campsite shall not exceed a total of 60 days during any consecutive 12 month period by an individual, group or family.

H. Other restrictions or limitations of use or development not required under this subsection shall be provided in the district.

* * *

OFF-STREET PARKING AND LOADING - OP

MCC 33.4205 MINIMUM REQUIRED OFF-STREET PARKING SPACES [The same changes are proposed for MCC 34.4205, 35.4205, & 36.4205]

(A) Residential Uses

~~(4) Recreational Vehicle Park — One space for each vehicle site.~~

~~(5) Group Care Facility, Home for Aged, or Children's Home — One space for each four beds.~~

(B) Public and Semi-Public Buildings and Uses

(9) Campground — One space for each campsite.

MCC 11.15.6142 Minimum Required Off-Street Parking Spaces

A. Residential Uses

~~7. Recreational Vehicle Park One space for each vehicle site.~~

~~87. Group Care Facility, Home for Aged, or Children's Home One space for each four beds.~~

~~98. A residential development designed and used exclusively for low income, elderly persons One space for each eight dwelling units.~~

B. Public and Semi-Public Buildings and Uses

12. Campground One space for each campsite.