



MULTNOMAH COUNTY
LAND USE AND TRANSPORTATION PROGRAM
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Land Use & Transportation Planning Planning Commission Agenda

DATE/TIME: May 3, 2010 @ 6:30 p.m.

**PLACE: Multnomah County Building, Room 100
501 SE Hawthorne Blvd., Portland, OR**

1. Call to Order
2. Roll Call
3. Approval of Minutes from April 5, 2010 meeting.
4. Opportunity for Public Comment on Non-Agenda Items.
5. Work Session: CFU Zone Updates PC-10-004
6. Work Session: Chapter 29 Amendments for Consistency with Oregon Fire Code. PC-10-007
7. Hearing: Zoning Code Updates Related to Variances and Adjustments PC-10-002
8. Hearing: Chapter 37 Amendments to Incorporate Conflict of Interest Rules for Planning Commissioners.
9. Director's comments.

If bringing written materials to the meeting, please give the Commission staff twelve copies for the Commission members, staff and permanent record.

INDIVIDUALS WITH DISABILITIES PLEASE CALL THE PLANNING OFFICE AT (503) 988-3043, OR MULTNOMAH COUNTY TDD PHONE (503) 988-5040, FOR INFORMATION ON AVAILABLE SERVICES AND ACCESSIBILITY.

The next Planning Commission meeting is scheduled for June 7, 2010.

DEPARTMENT OF COMMUNITY SERVICES
LAND USE AND TRANSPORTATION PROGRAM
MULTNOMAH COUNTY PLANNING COMMISSION

MINUTES OF APRIL 5, 2010

- I. Call to Order-** Chair John Ingle called the meeting to order at 6:30 p.m. on Monday, April 5, 2010 at the Multnomah Building, Room 101, located at 501 S.E. Hawthorne Blvd., Portland, OR.
- II. Roll Call-** Present- Chair Ingle, Vice-Chair Chris Foster, Michelle Gregory, Katharina Lorenz, Bill Kabeiseman, John Rettig
Absent- Patrick Brothers, Greg Strebin, Julie Cleveland

III. Approval of Minutes of March 1, 2010.

Ingle said they needed a majority of the people who were present at the prior meeting to approve the minutes. Commissioner Kabeiseman said his understanding was, even if one wasn't present at the meeting, that person could still vote on the minutes if they had reviewed them. County Counsel concurred.

Motion to approve March 1, 2010 minutes by Commissioner Gregory; seconded by Commissioner Foster. Motion passed unanimously.

IV. Opportunity to Comment on Non-Agenda Items.

None from the public. Chair Ingle mentioned to the Commissioners that the Statement of Economic Interest is due by April 15, 2010. He also questioned whether the Commission was still obligated to submit the Quarterly Public Official Disclosure, and County Counsel Sandy Duffy said they were not.

V. Hearing: Amendments to the County Framework Plan and Zoning Map to Implement Urban and Rural Reserves in Multnomah County - PC-08-010

Chair Ingle read into the record the Legislative Hearing Process for the Planning Commission for a public hearing, and the process to present public testimony. Commissioners present at that time were Kabeiseman, Lorenz, Gregory, and Foster, constituting a quorum for the purpose of conducting business. The Commissioners disclosed no actual or potential financial or other interests which would lead to a member's bias or partiality. Multnomah County Code prohibits commission members from participating in any proceedings in which they, a relative, or business partner have a direct or substantial financial interest. Commissioner Kabeiseman noted for the record that his firm represents some clients whose property is going to be affected by this. Commissioner Foster noted that some Commissioners are residents of the affected area. There were no objections to the Planning Commission hearing the matter.

Commissioner Rettig joined the group.

Chuck Beasley, Senior Planner said the purpose of the hearing was to hear public testimony, then consider and recommend to the Board a county plan to implement the Multnomah County portion of the Reserves Intergovernmental Agreement (IGA) with Metro. Both the County and Metro approved the IGA at public hearings on February 25, 2010, in which the County agreed to adopt policies in proposed Policy 6A Urban and Rural Reserves, and a map (Exhibit 1). The

second exhibit is a draft set of findings of the reasons for designating areas in Multnomah County as urban or rural. Exhibit 3 is a table of the actual Factors Evaluation that the CAC provided as a base of their decisions. You will also find the IGA, and the Oregon Administrative Rules (OAR) Division 27.

In Policy 6A, staff said there were minor changes to the document that had been presented at the March 1 worksession, an additional policy, and some changes to the strategy section. In terms of policy, we ended at Policy 6. This incorporates what the counties want in their codes to allow new uses or higher density than when the reserves are designated.

In subsection A(1) of the Strategies Section, we spell out the responsibilities that Multnomah County has to designate rural reserves and Metro has to designate urban reserves. We have agreed to show both urban and rural reserves on our map. In subsection B, we removed the language specifying Gresham as the concept plan partner for our one urban reserve area, as it was thought to be overly specific for this type of plan document. We broadened the language in (g) to minimize conflicts between urban areas and rural areas. This broadens the scope to directing future concept planning efforts to include such issues as transportation, water, etc.

Exhibit 2 describes why the Board chose the designations in the IGA shown on the map, the process the County used to evaluate and designate reserves, and explains the rationale for the proposed reserves, and the information that was relied upon to reach those conclusions. These should help in understanding the basis of the decisions, and why some of the trade-offs were made.

Because of the scale of Reserves, we don't always have a chance to look at all the edges, so we could end up with an anomalous situation where some parcels outside the UGB have a Rural Center (RC) zone. Although the effect would be minimal because all of the properties are residential, and would retain their existing uses and procedures for new uses, it results in a little different outcome.

One of the things we were cognizant of, as we went through this planning process, was to look for edges on the East side so we wouldn't be setting up conflicts between future Urban Reserve Areas and the Rural Reserve Areas. The best edge is a landscape scale, where it wouldn't make sense to continue. In this area, the CAC recognized that there aren't many good landscape edges, especially East/West, because it is a consistent topography interspersed with streams. They chose 302nd as that edge, because you have a right-of-way gap there. The alternative would be to go to the East side and include all those parcels, but the parcels are so large, that would encompass a lot of acreage. We didn't want to split tax lots, and wanted to keep a gap between Johnson Creek and future urban growth, so that's where the line is drawn.

Ingle then called for public testimony.

Jerry Grossnickle - 13510 NW Old Germantown Rd, Portland OR. I am the new President of the Forest Park Neighborhood Association (FPNA), taking over from Jim Emerson. I have participated, to a greater or lesser degree, in four consecutive UGB expansions that have either directly or indirectly affected FPNA, and have witnessed firsthand some of the problems of the UGB process. Without an active and substantive role in decision making, Multnomah County and the City of Portland were not always pleased with the results. As property owners in Multnomah County and rural Multnomah County, we did not feel we had an effective advocate for

maintaining the County's rural area plan, so we were pleased with the passage of AB 1011, and generally very pleased with the results of the Reserves process. I would like to add my voice to those who agree with the amended zoning map, and believe it should be adopted as recommended. Carol Chesarek will be presenting some clarifying language of Policy 6A, which I have reviewed and agree with. I think it makes sense to align the language of the introduction and policy statement as much as possible with the wording of the Administrative Rules and SB 1011. In section B of the Strategy Section, I recommend you accept the recommendation contained in (g); the concept plans shall be designed to avoid or minimize adverse effects on farm and forest practices, and on important natural landscape features on nearby rural land. I think that is very important. We have had some experience with recent concept planning development, and we found this directive worked quite well and was very helpful. Thank you.

Rettig asked if this was also the opinion of the Forest Park Neighborhood Association.

Mr. Grossnickle said I am not representing FPNA in this particular recommendation, but in general, the Association has taken a strong position towards rural designation for the entire Forest Park Neighborhood boundaries. But yes, the FPNA supports the map.

Jim Emerson, 13900 NW Old Germantown Rd, Portland, OR, currently the Vice-President of Forest Park Neighborhood Association. Mr. Emerson submitted written testimony that was entered into the record, then read the testimony submitted. He requests that this Urban and Rural Reserves package be approved.

Joe Rayhawk, 15248 NW Germantown Rd., Portland OR. Mr. Rayhawk also submitted written testimony into the record, which he read before the Commission.

Carol Chesarek, 13300 NW Germantown Rd, Portland, OR 97231. Ms. Chesarek served on the CAC and also testified a number of times throughout this process. She submitted written testimony in support of the Urban and Rural Reserves map for Multnomah County, which is very close to the recommendations of the CAC. In addition to the CAC, she followed the development of SB 1011 and the Administrative Rules. The task force that developed the Administrative Rules spent many hours carefully crafting the working of the Purpose and Objective section, and she is concerned about the rewording of the draft Introduction section. She thinks important meaning may be lost to future policy makers who might rely on this document when applying this new policy. She submitted a revised draft for consideration.

She also supports the County's decision to designate all of the West Hills as Rural Reserves and submitted a high resolution version of the Willamette Valley Synthesis Map developed by the Nature Conservancy (in consultation with ODF&W), along with a CD. The map synthesizes all of Willamette Valley conservation maps into one place. Most of the West Hills and Sauvie Island are thought to be conservation opportunity areas, and includes a large part of Area 9B, which is one of the most controversial pieces in the Reserves decision.

She presented her written submission, intended to clarify and revise some of the language in the proposed Framework Plan Policy changes. She believes that, if the wording veers away from what is in the Administrative Rules, it could be cause for concern in the future. She presented suggestions to more clearly align this document with the information from the Administrative Rules and SB 1011.

There are some minor suggestions for clarity, and thinks the current wording of Policy 6 implies that we are refusing to comply. It might be advantageous to reword it to make it clear that we are trying to comply with the state rules. Strategy A includes the words “Growth Management”, which could be potentially misleading. She believes it implies that we are trying to manage the number of people who move here, which is not the intent of the policy. As written, Strategy B(a) could be taken to mean only enumerated Urban Reserves could be planned separately and at different times, when actually, the region could choose to concept plan any portion of an Urban Reserve separately and at different times, so slightly different wording might be helpful.

And we should leave open the possibility that more than one city may be involved in concept planning. It also might be helpful to echo some points from Metro about concept planning under Strategy B, such as details about livable communities, including components for trails and greenways and open spaces, etc.

To clarify some things Joe Rayhawk was concerned about, Ms. Chesarek stated that the idea of revisiting reserves in 20 years will not be a problem because they would only be talking about undesignated areas. Once areas have been designated rural or urban, the law does not allow significant changes within that 50 year period, only within undesignated areas.

Ingle closed public testimony.

Foster said it is difficult to listen and read at the same time to determine if these are viable suggestions, but believes there is always an opportunity to improve the language. He asks staff if they have time to tweak this a bit; change words here and there.

Beasley said there is some opportunity to do that. The Commission would need to ask staff to consider these comments and make some appropriate changes, because we won't have an opportunity to bring it back.

Foster believes there isn't disagreement with what's been said, rather, it would clarify some points.

Ingle said his perception was there wasn't anything presented that changes the direction or conclusions; it would only fine tune the document.

Kabeiseman said although we have not had a chance to study the changes, it does appear that some of the suggestions may make sense. Perhaps, if we approve it, it would be with instruction of staff to look at, and consider making changes, from Ms. Chesarek's document.

Rettig said I think we could incorporate the first, fourth and fifth bullets without much controversy, but perhaps some of the others need some more analysis.

Gregory asked if it would be possible to request that staff do a review of recommended changes, on balance of what they've presented. Assuming nothing is substantive to the intent of what was presented, anything staff and council thought of as worthy refinements, we would feel comfortable endorsing forward.

Sandy Duffy, Multnomah County Counsel, suggested a motion to approve, with Commissioner Gregory's concept to give staff discretion to make non-substantive changes for purposes of clarifying the language.

Kabeiseman moved to adopt the recommendation to the County staff with instructions to review the proposed changes, and at Staff's discretion, amend as necessary to clarify the intent of the document. Rettig seconded.

Ingle said it has been moved and seconded to adopt the amendments and the document as a whole. Motion passed unanimously.

VI. Director's Comments.

Karen Schilling, Planning Director, said at the February PC meeting, we talked about some open houses in the rural area plans, but we didn't have all of the details at that time. We now have dates and locations, and the announcements will go out this week. The first open house will be Tuesday, April 20 at 5:30pm, at Corbett High School. It will open as a general open house, then at 7pm, will transition into the first kick-off meeting for the Springdale Community Plan.

On Tuesday, April 22, we will be at Sauvie Island School from 5:30 to 7:00 pm for a general open house. On Tuesday April 27, there will be a general open house from 5:30 to 7:00pm at the Skyline Grange with a kick-off meeting for the Burlington Community plan from 7-8:30pm. The last meeting is Thursday April 29 at Barlow High School with the open house format. You are all invited to attend any or all of them.

Rettig requested an email notification as well.

Beasley said May is a chance for us to get caught up on some of the work we've been doing on the housekeeping amendments. We hope to bring you a hearing for Chapter 37 and Variances and Adjustments. Work Sessions for you to review the Commercial Forest Use and Chapter 29 Fire Code updates together, as you requested. In June, we will be bringing the results of our County wide Community Outreach efforts, and the results of the Burlington and Springdale kick-off meetings, and July you get off.

The meeting was adjourned at 7:30 p.m.

The next Planning Commission meeting will be May 3, 2010.

Recording Secretary,

Kathy Fisher



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**STAFF REPORT TO THE PLANNING COMMISSION
FOR THE
SECOND WORK SESSION ON MAY 3, 2010**

**COMMERCIAL FOREST USE HOUSEKEEPING AMENDMENTS
CASE FILE PC 10-004**

PART I. INTRODUCTION

Land Use Planning staff is bringing these housekeeping amendments before the Planning Commission for a second work session as requested in conjunction with the work session for updating the Building Code, Fire Apparatus Access standards. We are bringing these proposed amendments the Planning Commission because we have found inconsistency, items missing in the Commercial Forest Use code sections and to provide consistency with fire access standards. Our goal is to reconcile our codes and practices, clarify the code for items that have caused confusion and to provide consistency.

Staff is proposing four categories of amendments to the Commercial Forest Use (CFU) codes sections of the Zoning Codes and adding a definition related to these changes to the Rural Plan Area Zoning Codes. Following is a brief description of the proposed changes to the code:

1. Reconciling "Allowed Uses" and "Review Uses" in the CFU Districts to match the procedure Land Use Planning processes these permits through the CFU Form A (Type I) and Form B (Type II) reviews. Amend the CFU codes to permit as an allowed use, expansion, replacement or restoration of an existing dwelling if located within 100 feet of the existing dwelling location. Amend the code to include as review use replacement or restoration of an existing dwelling if located more than 100 feet from the existing dwelling location.
2. Amendments to Forest Setbacks and Fire Safety Zones Table 1 to further clarify setbacks and safety zones for accessory buildings, and to allow existing nonconforming setbacks for additions to existing accessory buildings.
3. Amend the CFU Forest Development Standards to delete access standards. Access standards will be moved to Chapter 29 Building Code, Fire Apparatus Access. Amend the Development standards for new dwellings and restored or replacement dwellings located more than 100 feet from the existing dwelling.
4. Add the Lot of Exception to the Review Uses in the CFU-3 Zone District.
5. Add definition for "access easement" to all the Rural Plan Area Zoning Codes (except the National Scenic Area code).

PART II. PROPOSED CHANGES

A. Summaries of proposed changes

1. Currently we review expansion, restoration, and replacement dwellings within 100 feet of the existing dwelling and some dwellings more than 100 feet from the existing dwelling that meet certain development standards as Type I reviews. A Type I review is a building permit type of review and because there are no discretionary standards involved, this is not a land use decision and it is not noticed.

We are proposing to limit the Type I review to expansion, restoration, and replacement dwellings within 100 feet of the existing dwelling and to move these uses from the Review Uses category to the Allowed Uses category.

We are also proposing an amendment to the Review Uses category so that restored or replacement dwellings located more than 100 feet from the existing dwelling will require a Type II review demonstrating the discretionary standards are met. Because the Type II review has discretionary components, a land use decision and notice are required.

We are also proposing to move accessory structures that are reviewed as a Type I from Review Uses to the Allowed Uses. Again these are a Type I review which is nondiscretionary. An accessory structure that doesn't meet the standard to allow it to be reviewed as Type I will be reviewed as a Type II review, under which the applicant must demonstrate the applicable CFU Development Standards are met.

2. We are proposing to allow nonconforming setbacks to be maintained for additions to existing accessory buildings and establishing setbacks for accessory uses located more than 100 feet from the dwelling.
3. We are proposing amendments to the Forest Development Standards to eliminate access standards and move the access standards to Chapter 29, Building Code, Fire Apparatus Access. We are proposing to apply the same access standards to all properties in our jurisdiction.

We are proposing to amend the Forest Development Standards to eliminate the Option 1, Type I review for restoration or replacement dwellings more than 100 feet from the existing dwelling. Instead we are proposing two options as a Type II review. The first option is a less rigorous, less discretionary review demonstrating standards under number 1 and 3 are met. The second option 2 is a more rigorous, more discretionary review demonstrating the proposed building location minimizes impacts on forest and farming practices (standards under number 2 and 3).

4. We are proposing to add a Lot of Exception option to the CFU-3 Zone District. The Lot of Exception option, while in all the other CFU District codes, was left out of the CFU-3 District. We are proposing to correct that error by adding the same language found in the other CFU District codes to the CFU-3. The Lot of Exception option allows a property owner that has more than one lawfully established habitable dwelling to divide the property, with a dwelling on each lot.

5. We are proposing to add definitions for “access easement” When we amended transportation definitions recently we did not include access easements. We have found that because easements are a type of access to properties, we need to define that term and include access easement along with private roads and driveways.

B. Proposed Amendments.

In this section you will find the proposed amendments to the code. Please note that the proposed amendments are shown as follows:

- Single underlined text is existing language moved to different section
- Double underlining is for entirely new text.
- Crossed out text is proposed to be deleted.

1. AMENDMENTS TO ALL OF THE COMMERCIAL FOREST USE DISTRICT CODES (Chapters 33, 35, and 36)

Following are uses that are currently listed in CFU Review Uses, which we are proposing to amend or move to Allowed Uses.

§ 33.2020 (§ 33.2220, § 33.2420, § 35.2020 § 35.2220, & § 36.2020) ALLOWED USES.

(E) Expansion, replacement or restoration of an existing lawfully established habitable dwelling, within 100-feet from an existing dwelling subject to standards of this district.

(1) In the case of a replacement dwelling, the existing dwelling is shall be removed, demolished or converted to an allowable nonresidential use within three months of the completion or occupancy of the replacement dwelling.

(2) Restoration or replacement due to fire, other casualty or natural disaster shall commence within one year from the occurrence of the fire, casualty or natural disaster.

§ 33.2025 (§ 33.2225, § 33.2420 § 35.2025, § 35.2225, & § 36.2025) REVIEW USES.

(E) ~~Expansion,~~ Replacement or restoration of an existing lawfully established habitable dwelling more than 100 feet from the existing dwelling subject to standards of this district.

(1) In the case of a replacement dwelling, the existing dwelling is shall be removed, demolished or converted to an allowable nonresidential use within three months of the completion or occupancy of the replacement dwelling.

(2) Restoration or replacement due to fire, other casualty or natural disaster shall commence within one year from the occurrence of the fire, casualty or natural disaster.

§ 33.2020 (§ 33.2220, § 33.2420, § 35.2020, § 35.2220, & § 36.2020) ALLOWED USES

(T) Accessory Structures:

(1) Other structures or uses listed below when customarily accessory or incidental to any use permitted or approved in this district located within 100 feet of the dwelling.

§ 33.2025 (§ 33.2225, § 33.2420, § 35.2025, § 35.2225, & § 36.2025) REVIEW USES.

(L) Structures or uses customarily accessory or incidental to any use permitted or approved in this district, which do not meet the “accessory structures” standard in MCC 33.2020 Allowed Uses subject to standards of this district.

2. AMENDMENTS TO CFU FOREST PRACTICES SETBACKS AND FIRE SAFETY ZONES (Chapters 33, 35, and 36)

Proposed amendments to Forest Practice Setbacks and Fire Safety Zones Table 1.

§ 33.2056 (§ 33.2256, § 33.2456, § 35.2056, § 35.2256§ 36.2056, &) FOREST PRACTICES SETBACKS AND FIRE SAFETY ZONES

The Forest Practice Setbacks and applicability of the Fire Safety Zones is based upon existing conditions, deviations are allowed through the exception process and the nature and location of the proposed use. The following requirements apply to all structures as specified:

| Table 1 Use | Forest Practice Setbacks | | | Fire Safety Zones |
|--|---|---|---------------------------|--|
| Description of use and location | Nonconforming Set-backs | Front Property Line Adjacent to County Maintained Road (feet) | All Other Setbacks (feet) | Fire Safety Zone Requirements (FSZ) |
| Replaced or restored dwelling in same location &/or less than 400 sq. ft. additional ground coverage; Alteration and maintenance of dwelling | May maintain current nonconforming set-back(s) if less than 30 ft. to property line | 30 | 30 | Property owner is encouraged to establish Primary to the extent possible |
| Replaced or restored dwelling in same location & greater than 400 sq. ft. additional ground coverage; Alteration and maintenance of dwelling | May maintain current nonconforming set-back(s) if less than 30 ft. to property line | 30 | 30 | Primary is required to the extent possible within the existing set-backs |

| | | | | |
|--|--|-----------|------------|---|
| At least a portion of the replaced or restored dwelling is within 100 ft. of existing dwelling | May maintain current nonconforming set-back but shall increase to 30 ft. if less than 30 ft. | 30 | 30 | Primary required; Maintenance of vegetation in the Secondary is required to the extent possible |
| Replaced or restored dwelling over 100 ft. from existing dwelling | Meet current setback standards | 30 | 130 | Primary & Secondary required |
| At least a portion of the Temporary Health Hardship Dwelling is within 100 ft. of existing dwelling | N/A | 30 | 30 | Primary required |
| Temporary Health Hardship farther than 100 ft. from existing dwelling | N/A | 30 | 130 | Primary and Secondary required |
| At least a portion of the mobile home during construction or reconstruction of a residence is within 100 ft. of dwelling | N/A | 30 | 30 | Primary required |
| Mobile home during construction or reconstruction of a residence farther than 100 ft. of dwelling | N/A | 30 | 130 | Primary and Secondary required |
| Large Acreage Dwelling | N/A | 30 | 130 | Primary & Secondary required |
| Accessory structures <u>buildings</u> within 100 ft. of the dwelling | N/A | 30 | 30 | Primary required |
| <u>Accessory buildings located more than 100 ft. from of the dwelling.</u> | <u>NA</u> | <u>30</u> | <u>130</u> | <u>Primary & Secondary required</u> |
| <u>Addition to an existing accessory structure.</u> | <u>May maintain current nonconforming setback(s) if less than 30 ft. to property line</u> | <u>30</u> | <u>30</u> | <u>Primary is required to the extent possible within the existing setbacks</u> |
| Other Accessory structures | N/A | 30 | 130 | Primary & Secondary required |
| Other Structures | N/A | 30 | 130 | Primary & Secondary required |

3. AMENDMENTS TO CFU DEVELOPMENT STANDARD (Chapters 33, 35, and 36)

We are proposing to delete access standards and amend the amend the Option 1, Non-discretionary Type 1 Permit for new dwellings and buildings more that 100 feet from the existing dwelling and to allow two Type II options review options for these buildings.

§ 33.2061 (§ 33.2261, § 33.2461, § 35.2061, § 35.2261 and § 36.2061) DEVELOPMENT STANDARDS FOR DWELLINGS AND STRUCTURES

All dwellings and structures shall comply with the approval criteria in (B) through (E) below except as provided in (A):

(A) For the uses listed in this subsection, the applicable development standards are limited as follows:

- (1) Expansion of existing dwelling.
 - (a) Expansion of 400 square feet or less additional ground coverage to an existing dwelling: Not subject to development standards of MCC 33.2061;
 - (b) Expansion of more than 400 square feet additional ground coverage to an existing dwelling: Shall meet the development standards of MCC 33.2061(C);
- (2) Replacement or restoration of a dwelling.
 - (a) Replacement or restoration of a dwelling that is within the same foot-print of the original dwelling and includes less than 400 square feet of additional ground coverage: Not subject to development standards of MCC 33.2061;
 - (b) Replacement or restoration of a dwelling that is within the same foot-print of the original dwelling with more than 400 square feet of additional ground coverage: Shall meet the development standards of MCC 33.2061(C);
 - (c) Replacement or restoration of a dwelling that is not located within the footprint of the original dwelling but it is located where at least a portion of the replacement dwelling is within 100 feet of the original dwelling: Shall meet the development standards of MCC 33.2061(C) and the applicable drive-way/road requirements of 33.2061(E);
- (3) Accessory buildings.
 - (a) Accessory buildings within 100 feet of the existing dwelling: Shall meet the development standards of MCC 33.2061(C);
 - (b) Accessory buildings located farther than 100 feet from the existing dwelling: Shall meet the development standards of MCC 33.2061(B)&(C);
- (4) Temporary dwellings.
 - (a) A temporary health hardship mobile home located within 100 feet of the existing dwelling: Not subject to development standards of MCC 33.2061;
 - (b) A temporary health hardship mobile home located farther than 100 feet from the existing dwelling: Shall meet the development standards of MCC 33.2061(B)&(C);
 - (c) A temporary mobile home used during construction or reconstruction of a dwelling located within 100 feet of the dwelling under construction: Not subject to development standards of MCC 33.2061;
 - (d) A temporary mobile home used during construction or reconstruction of a dwelling located farther than 100 feet of the dwelling under construction: Shall meet the development standards of MCC 33.2061(B)&(C);

(B) New dwellings shall meet the following standards in (1) and (3) or (2) and (3); restored, replacement dwellings greater than 100 feet from an existing dwelling, and accessory buildings (or similar structures) greater than 100-feet from a the existing dwelling shall meet the following standards in (1) and-(1) and (3) or (2) and (3):

(1) The structure shall satisfy the following ~~Option 1, Non-discretionary Type 1 Permit~~ requirements:

- (a) To meet the Forest Practices Setback, the structure shall be located a minimum of 30-feet from a front property line adjacent to a county maintained road and 130-feet from all other property lines;
- (b) The structure shall be located in a cleared area of at least 10,000 square feet that meets the tree spacing standards of a primary fire safety zone;
- (c) The entirety of the development site is less than 30,000 square feet in total cleared area, not including the drive-way;
- (d) The structure is sited within 300-feet of frontage on a public road and the driveway from the public road to the structure is a maximum of 500-feet in length;
- (e) The local Fire Protection District verifies that their fire apparatus are able to reach the structure using the pro-prosed driveway; or

(2) The structure shall satisfy the following ~~Option 2, Discretionary Type 2 Permit~~ requirements:

- (a) It has the least impact on nearby or adjoining forest or agricultural lands and satisfies the standards in MCC 33.2056;
- (b) Adverse impacts on forest operations and accepted farming practices on the tract will be minimized;
- (c) The amount of forest land used to site the dwelling or other structure, access road, and service corridor is minimized;
- (d) Any access road or service corridor in excess of 500 feet in length is demonstrated by the applicant to be necessary due to physical limitations unique to the property and is the minimum length required; and

(3) The risks associated with wildfire are minimized. Provisions for reducing such risk shall include:

- (a) The proposed dwelling will be located upon a tract within a fire protection district or the dwelling shall be provided with residential fire protection by contract;
- (b) Access for a pumping fire truck to within 15 feet of any perennial water source of 4,000 gallons or more within 100 feet of the driveway or road on the lot. The access shall meet the driveway standards of MCC 33.2061(E) with permanent signs posted along the access route to indicate the location of the emergency water source;

(C) The dwelling or structure shall:

- (1) Comply with the standards of the applicable building code or as prescribed in ORS 446.002 through 446.200 relating to mobile homes;
- (2) If a mobile home, have a minimum floor area of 600 square feet and be attached to a foundation for which a building permit has been obtained;
- (3) Have a fire retardant roof; and
- (4) Have a spark arrester on each chimney.

* * *

4. ADDITION TO COMMERCIAL FOREST USE -3 DISTRICT

We are proposing to add the Lot of Exception option to the CFU-3 Zone District.

§35.2025 REVIEW USES

(K) Lots of Exception pursuant to all applicable approval criteria, including but not limited to MCC 35.2065, 35.2073 and 35.7700 et seq.

§35.2065 LOTS OF EXCEPTION

An exception to permit the creation of a lot of less than the minimum specified in MCC 35.2263(A) may be authorized as provided in (A) or (B) below, subject to the following:

(A) A small parcel for an existing dwelling may be established subject to the following:

- (1) The Lot of Record to be divided exceeds the area requirements of MCC 35.2063(A);
- (2) The Lot of Exception will contain a dwelling which existed prior to January 25, 1990;
- (3) The Lot of Exception will be no larger than 5 acres, except as necessary to recognize physical factors such as roads or streams, in which case the parcel shall not be larger than 10 acres;
- (4) The division will create no more than one lot which is less than the minimum area required in MCC 35.2063(A);
- (5) The division complies with the dimensional requirements of MCC 35.2056; and
- (6) The parcel not containing the dwelling is not entitled to a dwelling. A condition of approval shall require that covenants, conditions and restrictions which preclude future siting of a dwelling on the parcel shall be recorded with the county Division of Records. The covenants, conditions and restrictions are irrevocable, unless a statement of release is signed by an authorized representative of Multnomah County. That release may be given if the parcel is no longer subject to protection under Statewide Planning Goals for forest or agricultural lands.

(B) A parcel that contains two dwellings may be divided provided that:

- (1) Two dwellings lawfully existed on the lot or parcel prior to November 4, 1993;
- (2) Each of the dwellings complies with the criteria for a replacement dwelling under ORS 215.283 (1)(s);
- (3) One of the parcels created is between two and five acres in size;
- (4) At least one dwelling is located on each parcel created;
- (5) The new property line proposed to divide the existing parcel shall be located such that:
 - (a) Forest Practices Setback dimensional requirements in MCC 35.2056 are met as nearly as possible considering parcel size and location of existing dwellings and other structures;
 - (b) Adverse impacts on forest practices will be minimized. Factors to consider in that evaluation include the location of: existing and potential logging access roads, existing and potential log landing areas, steep topography, and the size of the respective timber management areas.
- (6) The development standards for dwellings and structures in MCC 35.2061, the exception standards for secondary fire safety zones in MCC 35.2110, and the land division requirement that "the tentative plan complies with the area and dimensional requirements of the underlying

zoning district” shall not apply as approval criteria. The land division shall be reviewed as either a Category 1 or 3 land division, as applicable;

(7) The landowner of a lot or parcel created under this subsection provides evidence that a restriction prohibiting the landowner and the landowner's successors in interest from further dividing the lot or parcel has been recorded with the Multnomah County Recorder. A restriction imposed under this subsection shall be irrevocable unless a statement of release is signed by the County Planning Director indicating that the Comprehensive Plan or land use regulations applicable to the lot or parcel have been changed so that the lot or parcel is no longer subject to statewide planning goals protecting forestland or unless the land division is subsequently authorized by law or by a change in a statewide planning goal for land zoned for forest use.

(C) The County Planning Director shall maintain a record of parcels that do not qualify for the siting of a new dwelling under restrictions imposed by (A) and (B) above. The record shall be readily available to the public.

(D) Land Divisions for Park and Open Space.

(1) The governing body of a county or its designee may approve a proposed division of land in a forest zone or a mixed farm and forest zone to create two parcels if the pro-posed division of land is for the purpose of allowing a provider of public parks or open space, or a non-for-profit land conservation organization, to purchase one of the resulting parcels as provided in this section.

(2) A parcel created by the land division that is not sold to a provider of public parks or open space or to a not-for-profit land conservation organization must comply with the following:

(a) If the parcel contains a dwelling or another use allowed under ORS chapter 215, the parcel must be large enough to support continued residential use of other allowed use of the parcel; or

(b) If the parcel does not contain a dwelling, the parcel is eligible for siting a dwelling as may be authorized under ORS 195.120 or as may be authorized under ORS 215.705 to 215.750, based on the size and configuration of the parcel.

(3) Before approving a proposed division of land under this section, the governing body of a county or its designee shall require as a condition of approval that the provider of public parks or open space, or the not-for-profit land conservation organization, present for recording in the deed records for the county in which the parcel retained by the provider or organization is located an irrevocable deed restriction prohibiting the provider or organization and their successors in interest from:

(a) Establishing a dwelling on the parcel or developing the parcel for any use not authorized in a forest zone or mixed farm and forest zone except park or conservation uses; and

(b) Pursuing a cause of action or claim of relief alleging an injury from farming or forest practices for which a claim or action is not allowed under ORS 30.936 or 30.937.

(4) If a proposed division of land under this section results in the disqualification of a parcel for a special assessment described in ORS 308A.718 or the withdrawal of a parcel from designation as riparian habitat under ORS 308A.365, the owner must pay additional taxes as provided under ORS 308A.371 or 308A.700 to 308A.733 before the county may approve the division.

(E) A landowner allowed a land division under this section shall sign a statement that shall be recorded with the Multnomah County Recorder, declaring that the landowner and the land-owner's successors in interest will not in the future complain about accepted farming or forest practices on nearby lands devoted to farm or forest use.

5. CHANGES TO DEFINITIONS (Chapters 33, 34, 35, and 36)

Add the following definitions in all the Rural Area codes (except the NSA):

§ 33.0005 (§34.005, §35.0005, & §36.0005) DEFINITIONS.

Access Easement – An easement granted for the purpose of ingress and egress which crosses a property or properties owned by others.

PART III. RECOMMENDATION

Staff recommends that the Planning Commission pass these proposed amendments and any changes on to the May 3, 2010 Planning Commission Hearing for public hearing.



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STAFF REPORT TO THE PLANNING COMMISSION
FOR THE WORK SESSION ON MAY 3, 2010
CHAPTER 29 AMENDMENTS FOR CONSISTENCY WITH THE OREGON FIRE CODE
CASE FILE: PC 10-007

PART I. INTRODUCTION

Currently, the County's Fire Flow and Fire Access Standards in Multnomah County Code (MCC) 29.003 & 29.012 are not consistent with the Oregon Fire Code (OFC) amended in 2007. The revised statewide fire code has established basic fire flow and fire apparatus access for urban and rural fire districts. In addition, the OFC has been updated to ensure roadways are adequate for heavier fire vehicles. This work program item will consider removing the fire flow standards from Chapter 29 and modifying the Fire Apparatus Access Road requirement to general access standards for all County zones for vehicle access & life/safety purposes. The changes will streamline the County code and improve efficiency in implementation by the Fire Districts.

In PC 02-006, the County adopted standards for Fire Flow requirements and Fire Apparatus Access Roads. These standards were based on an optional section of the 1997 Uniform Building Code (UBC) and Uniform Fire Code (UFC). The fire flow requirements applied to the cities, but not unincorporated municipalities. A fire chief from one of our rural fire districts recommended to the County that we adopt these optional standards. After researching the fire flow requirements and discussing them with the various fire districts, the County adopted customized fire flow standards for our rural areas. In addition, planning staff took the opportunity to create fire apparatus access standards for all zoning districts as part of the code update. The County and the Fire Districts administer these standards jointly.

The current development process requires a property owner wanting to construct a new or replacement dwelling, an addition to a dwelling or accessory building, to take their plans to the appropriate fire district and have them reviewed for Fire Flow (Exhibit A) and Fire Access (Exhibit B) requirements. The fire official completes the form and returns it to the applicant. Once they receive approval, the applicant brings the application to the County for review and submits the fire forms. If conditions or modifications were required by the fire district, the planner must verify that the plans show these changes as part of the building permit plan set. If sprinklers are required, sprinkler plans must be included in the building plans.

With the adoption of the latest version (2007) of the Oregon Fire Code (OFC) by the State, these codes have become mandatory for all fire districts. A new update to the OFC will take effect on July 1, 2010. The OFC is updated every three years. The County's current Fire Flow and Fire Apparatus Access requirements in Chapter 29 contain outdated titles and references. These outdated titles and references misdirect individuals wanting to investigate further the current OFC standards. This work task relates to the Commercial Forest Use (CFU) housekeeping amendments proposed under PC 10 – 004 and will affect current access standards in the CFU zones and modify access road standards for all base zones in the County. As part of this work task, planning staff desires to:

- Clarify under whose authority the County's Access Road standards can be modified;
- Determine whether fire flow standards should remain in Chapter 29 or remove them as they duplicate standards in the Oregon Fire Code (OFC).
- Consolidate access standards for driveways, private roads, access easements into a single section of the code and update these standards to comply with 2010 OFC.
- Determine whether the County should maintain its own access road standards or defer to the Oregon Fire Code

PART II. PROPOSED CHANGES

1. Delete Fire Flow Standards. Since the State of Oregon has adopted its own Fire Code, planning staff does not believe that the Fire Flow requirements of MCC 29.003(B) & (C) are still needed within our Building Regulations chapter. All fire districts within the State are required to adopt and apply the Oregon Fire Code (OFC) directly. Our fire districts may also adopt fire flow and access standards that exceed the minimum fire code requirements. Planning staff is proposing to delete the out-of-date fire flow language of MCC 29.003(B) & (C) and insert a generic statement that requires development to comply with the OFC. The following is the proposed language for MCC 29.003(B) "All development shall comply with the most current version of the Oregon Fire Code as implemented by the appropriate fire district."

2. Delete the Access Standards from the CFU Development Standards. Currently, the CFU zones have access standards within MCC XX.2261(E). The CFU access standards are more restrictive in some sections than the Access Requirements of MCC 29.012. Property owners within the CFU zones have to meet the more restrictive of the two codes. Planning staff is proposing to remove the access standards from the CFU zones and establish a single set of access standards in MCC 29.012. The new access standards will incorporate the changes from the 2010 Oregon Fire Code so that all zones will have sufficient access standards. Planning staff will coordinate with the various fire service providers in our jurisdiction, and with the Oregon Department of Forestry, to gain input from them on access and fire flow changes prior to bringing this item to hearing. Planning staff has discussed the changes to the Oregon Fire Code with Tualatin Valley Fire & Rescue and Gresham Fire Dept #10 in addition to the State Fire Marshall's office.

3. Adopt language requiring property to have service from a fire district. Properties located within the far reaches of the County are not always located within a fire district. Undeveloped lands in Dodson/Warrendale or in the far reaches of the West Hills are protected by Oregon Department of Forestry. When a person comes in to develop in Dodson/Warrendale they must enter into a contract with the Cascade Locks fire district for fire service. In the West Hills, similar conditions exist requiring a property owner to contract with a Fire District willing to serve their proposed development. Planning staff recommend adopting code language within Chapter 29, Building Regulations requiring that prior to approval for development, the applicant and/or property owner must show that they have fire service.

Accessory Buildings. Current County Access Standards in Chapter 29 and the CFU zones only apply to dwellings. Accessory building of any type not connected to a dwelling are not required to have access to them. The Oregon Fire Code states that an "Approved fire apparatus access road shall be provided for every facility, building or portion of a building hereafter constructed or moved into or within the jurisdiction [Oregon Fire Code 503.1.1]." While these buildings oftentimes use the existing access road to the dwelling, sometimes a property owner may choose to site a building away from the dwelling for

various reasons. The County could require an access road be constructed to these buildings to allow fire apparatus access for fire fighting purposes. Another option would be to require an access road be built to accessory buildings with habitable space. The building code defines "Habitable Space" as "A space in a building for living, sleeping, eating or cooking. Bathrooms, toilet rooms, closets, halls, storage or utility spaces and similar areas are not considered habitable spaces." Planning staff is recommending that an access road be required to an accessory building with habitable space.

5. Local Access Road Standards. A Local Access Road is a roadway located in a public right-of-way that is not County maintained. Property owners using a Local Access Road must construct and maintain the road surface. No County money can be spent on these roads. The Transportation Department has authorized designs for Local, Collector, Arterial, etc. roads within the public right-of-way. They have developed sliding standards based on the number of dwellings served for Local Access Roads, but these design standards have not been adopted formally by the County. Land Use & Transportation Planning believe that authorizing the Local Access Road standards will allow the Transportation Department to establish standards that are appropriate and proportional to the level of development being proposed.

ORS 368.039 states "Road standards adopted by local government supersede standards in fire codes; consultation with fire agencies.

(1) When the governing body of a county or city adopts specifications and standards, including standards for width, for roads and streets under the jurisdiction of the governing body, such specifications and standards shall supersede and prevail over any specifications and standards for roads and streets that are set forth in a uniform fire code adopted by the State Fire Marshal, a municipal fire department or a county firefighting agency.

(2) This section applies to specifications and standards for roads and streets adopted by the governing body of a county or city in a charter, acknowledged comprehensive plan or ordinance adopted pursuant to ORS chapter 92, 203, 221 or 368.

(3) Before adopting or amending any comprehensive plan, land use regulation or ordinance that establishes specifications and standards for roads and streets, a governing body of a county or city shall consult with the municipal fire department or other local firefighting agency concerning the proposed specifications and standards. The county or city governing body shall consider the needs of the fire department or firefighting agency when adopting the final specifications and standards."

PART III. PROPOSED CODE LANGUAGE

In this section, you will find the proposed modifications to the Multnomah County Code. Please note that the proposed changes are shown as follows:

CODE = PROPOSED CODE LANGUAGE

~~DELETE~~ = DELETED CODE LANGUAGE

A. ZONING CHAPTERS 33, 34, 35, 36, 38 & 11.15

§ 33.0005 DEFINITIONS.

Habitable Space – A space in a building for living, sleeping, eating or cooking. Bathrooms, toilet rooms, closets, halls, storage or utility spaces and similar areas are not considered habitable spaces.

CFU-1: § 33.2073 ACCESS

(A) All lots and parcels in this district shall abut a ~~street~~ public road, 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 33.2075(C).

(1) All new and replacement dwellings and accessory buildings with habitable areas shall have access pursuant to MCC 29.012.

CFU-2: § 33.2273 ACCESS

(A) All lots and parcels in this district shall abut a ~~street~~ public road, 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).

(1) All new and replacement dwellings and accessory buildings with habitable areas shall have access pursuant to MCC 29.012.

CFU-5: § 33.2473 ACCESS

(A) All lots and parcels in this district shall abut a ~~street~~ public road, 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).

(1) All new and replacement dwellings and accessory buildings with habitable areas shall have access pursuant to MCC 29.012.

EFU: § 33.2690 ACCESS

(A) All lots and parcels in this district shall abut a ~~street~~ public road, 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).

(1) All new and replacement dwellings and accessory buildings with habitable areas shall have access pursuant to MCC 29.012.

MUA-20: § 33.2885 ACCESS

(A) All lots and parcels in this district shall abut a ~~street~~ public road, 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 33.2870(B).

(1) All new and replacement dwellings and accessory buildings with habitable areas shall have access pursuant to MCC 29.012.

RR: § 33.3185 ACCESS

(A) All lots and parcels in this district shall abut a ~~street~~ public road, 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 33.3170(B).

(1) All new and replacement dwellings and accessory buildings with habitable areas shall have access pursuant to MCC 29.012.

RC: § 33.3385 ACCESS

(A) All lots and parcels in this district shall abut a ~~street~~ public road, 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).

(1) All new and replacement dwellings and accessory buildings with habitable areas shall have access pursuant to MCC 29.012.

B. Chapter 29 BUILDING REGULATIONS

§ 29.003 ADOPTION OF STATE BUILDING CODE BY REFERENCE.

(A) Those portions of the state building code constituting the structural specialty code, fire and life safety code, mechanical specialty code, and the one- and two-family dwelling specialty code, are adopted and by this reference incorporated as part of this subchapter. The provisions of this subchapter shall take precedence over the similar provisions of the state specialty codes.

(B) All development shall comply with the most current version of the Oregon Fire Code as implemented by the appropriate fire district.

(C) Land associated with development shall be located within a fire service district or the property owner shall enter into a contract with the appropriate fire district to provide fire service for the proposed development.

(B) Except as modified in (C) below, the optional portion of the 1997 Uniform Building Code constituting the Division II Fire Flow standards in Appendix Chapter 9 are adopted and by reference incorporated as part of this subchapter as the requirements for determining fire flow for buildings constructed under a building permit issued after October 16, 2004, or for those portions of buildings constructed under a building permit issued after October 16, 2004, that are “substantial improvements” to existing buildings. “Substantial improvements” mean the addition of more than 50 percent of the floor area to buildings that existed on October 16, 2004. For one and two-family dwellings the floor area in “substantial improvements” does not include garages or attic spaces.

(1) As provided in Section 910 of Division II—Fire Flow, fire flow requirements may be modified downward or upward only upon approval by both the building official and the fire chief. The building official shall be the official currently under contract for providing building permit issuance services. The fire chief shall be the current chief, or delegate, of the fire district or city that provides fire services to the property.

(2) As referenced in Section 913 of Division II—Fire Flow, standards for fire department access and required fire hydrants shall be the applicable fire codes in the unincorporated area of the county, except as modified by the fire apparatus means of approach standards in § 29.012 and the alternate methods of fire protection in § 29.013.

(3) For properties within fire protection service districts that have adopted more stringent fire-flow standards than contained in Division II—Fire Flow, Appendix Chapter 9, of the Uniform Building Code, the more stringent standards shall be utilized. In that circumstance, the fire chief's authority for administering the fire flow standard shall be as given in the district's ordinances.

(4) In recognition that Section 910 allows for fire flow modifications, particularly in rural areas or small communities, section § 29.003(C) below is a less restrictive modification of those fire-flow standards that is appropriate for and shall apply to the unincorporated areas of Multnomah County that are outside of any city limits where a greater fire flow standard has not been adopted by the local fire protection provider.

(C) Notwithstanding any other fire flow requirement in Division II—Fire Flow, Appendix Chapter 9, the fire flow requirement and exception in subsection 912.1 “One and Two family Dwellings” shall be modified to require a minimum 500 gallons per minute for dwellings that are less than

3,600 square feet in floor area (excluding garages and attic spaces) and accessory buildings and garages that are less than 3,000 square feet in floor area (either detached or attached to the dwelling).

The continuous fire flow standard of 500 gallons per minute at the dwelling may be met by water flow and volume available from public water lines or by other water supply sources in conformance with standards in the 1999, or most current edition, "NFPA 1142, Standard on Water Supplies for Suburban and Rural Fire Fighting" manual. If the 500 gallons per minute fire flow standard cannot be met from public water lines or other water supply sources, then the alternative provisions in (C)(1) through (C)(7) below shall be used in combination to meet a credit total that equals or exceeds 100% of the 500 gallons per minute standard.

| Summary of methods to meet 100% of the Fire Flow Requirement of 500 gal. per min. | |
|--|---|
| I. | 500 gallons per minute fire flow is available from public water lines or other sources in compliance with NFPA 1142 standards [100%]; or |
| II. | Utilize the tanker truck credit in (C)(1) [50%] and any two of the following alternative credits: <ul style="list-style-type: none">• Monitored alarm in (C)(2) [25%];• Roof materials in (C)(3) [25%];• Defensive space in (C)(4) [25%];• Special approval by the Fire Chief in (C)(5) [25%]; or |
| III. | Use all the following alternative credits: <ul style="list-style-type: none">• Monitored alarm in (C)(2) [25%];• Roof materials in (C)(3) [25%];• Defensive space in (C)(4) [25%];• Special approval by the Fire Chief in (C)(5) [25%]; or |
| IV. | Utilize the sprinkler system in (C)(6) [75%] and any one of the following alternative credits: <ul style="list-style-type: none">• Tanker truck credit in (C)(1) [50%];• Monitored alarm in (C)(2) [25%];• Roof materials in (C)(3) [25%];• Defensive space in (C)(4) [25%];• Special approval by the Fire Chief in (C)(5) [25%]. |

(1) An alternative credit of 50% shall be given upon verification by the local fire protection service provider that a water tanker truck of at least 3,000 gallon capacity is available to serve the property;

(2) Where fire protection services are available, an alternative credit of 25% shall be given for the use of a central station monitored smoke alarm system and the posting of a clearly visible rural address marker where the private driveway or private road intersects with the public road;

(3) An alternative credit of 25% shall be given for the installation of Class A or non-combustible roofing shingles and the boxing in of all eaves, fascias, and soffits with fire resistant materials;

(4) An alternative credit of 25% shall be given for the creation of "defensible space" against wildfire around the dwelling. On ground slopes of less than 20 percent, "defensible space" is an area 30 feet from the outside walls of a dwelling that is owned by or controlled by the homeowner. On ground slopes of 20 percent or greater, "defensible space" is an area 100 feet from the outside walls of a dwelling that is owned by or controlled by the homeowner. Prior to issuance of the building permit, verification shall be required that within the "defensible space":

(a) Low-hanging branches of existing trees have been pruned and removed within 8 feet of the proposed dwelling; and

(b) Low-hanging branches of existing trees have been pruned and removed within 8 feet of the ground as the maturity of the tree and accepted silviculture practices may allow; and

(c) Existing trees are spaced with greater than 15 feet between crowns; and

(d) All other vegetation is less than 2 feet in height;

(5) In conjunction with meeting the requirements of (C)(2) above, the Fire Chief of the local fire protection provider may approve an additional credit of 25% when particular circumstances warrant the credit. Such circumstances include, but are not limited to, specific fire prevention, fire containment, or fire suppression attributes of the proposed building site, building materials, or additional fire detection and/or suppression features.

(6) An alternative credit of 75% shall be given with the installation of a fire sprinkler system in conformance with the standards in the 1999 Edition, or the most current version, of the NFPA 13-D, Standard for the Installation of Sprinkler Systems in One and Two-Family Dwellings and Manufactured Homes (NFPA is the National Fire Protection Association, Inc.).

§ 29.012 RESIDENTIAL FIRE APPARATUS AND AMBULANCE MEANS OF APPROACH - STANDARDS FOR ACCESS ROADS PRIVATE STREETS AND PRIVATE DRIVEWAYS SERVING NEW AND REPLACEMENT ONE- AND TWO-FAMILY DWELLINGS AND ACCESSORY BUILDINGS WITH HABITABLE AREAS.

(A) The purpose of these standards is to establish minimum criteria for evaluating the adequacy of access during the review of a land use application and building permit for life and safety issues.

(1) The standards in this section implement the requirements in OAR 918-480-0100 through 918-480-0120, appropriate use of alternate methods of construction in the One and Two-Family Specialty Code.

(2) A building permit and land use application for a new or replacement one- or two-family dwelling and/or accessory building with habitable areas shall include sufficient information to determine compliance with the standards of § 29.012. An Access Review form evaluating the proposal and signed by the appropriate Fire Code Official shall be submitted with the appropriate permit application to Land Use Planning and Building Department.

(3) Review and determination of compliance with the standards in § 29.012, or more stringent standards adopted by the fire protection service provider, shall be made by the Fire Code Official of that service district.

(a) For those fire protection service districts that have adopted more stringent standards than given in (D) below, the more stringent standards shall prevail.

(b) If the Fire Code Official of the appropriate Fire District fails to review and make a determination of compliance with these standards, then the property owner or their representative shall have the Oregon State Fire Marshall office, make a determination of compliance.

(B) An access road includes fire apparatus access roads, driveways, accessways, access easements and private roads as defined in Chapters 33, 34, 35, 36 & 38, as appropriate. Private streets and private driveways. Access roads shall meet the following standards in this section (C) for fire apparatus vehicle access to new and replacement one- and two-family dwellings and accessory buildings with habitable areas (accessory building). The purpose of these standards is to establish minimum criteria for evaluating the adequacy of fire apparatus access during the review of building permit applications for proposed one- and two-family dwellings.

(1) Review and determination of compliance with the standards in § 29.012, or more stringent standards adopted by the fire protection service provider, shall be made by the Fire Marshal or designated fire official of that service district. If the Fire Marshal, or designee, fails to review and make a determination of compliance, then the building official shall, after consultation with the appropriate fire official, make a determination of compliance.

(2) The standards in this section implement the requirements in OAR 918-480-0100 through 918-480-0120 (2002), appropriate use of alternate methods of construction in the One and Two Family Specialty Code.

(3) An alternative to the minimum requirements of (D) below may be allowed by the building official, after consultation with the fire official, subject to the requirements of § 29.013.

(B) As used in § 29.012, "private street" and "private driveway" shall have the meanings given in the land division definition parts of the applicable Zoning Code Chapter of the Multnomah County Code.

(C) A building permit application for a new or replacement one- or two-family dwelling shall include sufficient information to determine compliance with the standards of § 29.012. A review form evaluating the proposal and signed by the applicable fire official shall also be submitted with the permit application.

(1) For those fire protection service districts that have adopted more stringent standards than given in (D) below, the more stringent standards shall prevail. The signed review by a fire district official shall state if the proposal is in compliance with the most stringent standards, either the district or those in (D) below.

(2) Where there may be a conflict between the standards of this section and development standards in the county Zoning Code, the more stringent standard shall be utilized. The Planning Director shall provide this information to the building official with copies of any land use decision.

~~(D)~~(C) Fire apparatus access Access requirementsRequirements. The following standards shall apply to private streets and private driveways:

(1) Vehicle weight: Access roads shall Be be built and maintained with an all weather driving surface that supports a gross vehicle weight of 50,00060,000 pounds or the weight of the heaviest commonly used apparatus used by the fire protection service provider serving the subject property, whichever is greater. Bridges, culverts and other structures shall also be

required to meet this requirement. Written verification of compliance with the Gross Vehicle Weight standard shall be required for all structures and may be required for the driving surface from an Oregon Professional Engineer.

(2) Curve radius: Access roads shall Have have an outside radius that is no less than 48 feet and inside radius that is no less than 28 feet on all curves along the driveway or private street.

[Graphic]

(3) Vertical clearance: Access roads shall Have have a vertical clearance of no less than 13 feet 6 inches.

(4) Width: Access roads shall Be be built and maintained from the public road to the end turnaround near the dwelling or accessory buildings with habitable rooms to a minimum unobstructed width, (including gate opening widths), of:

(a) 12 feet wide with an unobstructed width of 20 feet for an private driveway to a single dwelling; access road serving one or two dwellings or accessory building(s);

(b) 12 feet for a private street to two dwellings;

(c) (b) 20 feet wide* for an access road serving three or more dwellings; and

(d) 20 feet for all "accessways," regardless of the number of dwellings served. An "accessway" is a private street that is a separate tract of land that is owned in common by the abutting property owners for access and was approved under the provisions of the land division code after October 19, 1978.

(e) The Fire Marshal, or designee, may approve an off-site built and maintained width of less than 20 feet, but not less than 12 feet in width, for a private street as given in (c) above. That approval, however, may not be applied to a required improvement width that is part of a Multnomah County land use decision.

(5) Turnaround: Private streets and private driveways Access roads with lengths greater than 150 feet shall be built and maintained with a turnaround at or near the end of it. The turnaround shall have a minimum outside turning radius of not less than 48 feet feet outside turning radius and an inside radius that is no less than 28 feet. Turnarounds may be circular or one of the variations of the hammerhead design (such as "T," one-sided, or "Y").

[Graphic]

(6) Turnouts: No turnouts are required on private streets and private driveways that are improved to 20 feet or more in width as required by (D)(1) above. On private streets and private drive ways that are improved to less than 20 feet in width, that are also greater than 200 feet in length, turnouts shall be built and maintained to When an access road exceeds 400 feet in length, turnouts 10 feet by 30 feet long shall be provided in addition to the required access road width and shall be placed no more than 400 feet apart, unless otherwise approved by the fire code official. These distances may be adjusted based on visibility and light distances.

[Graphic]

(a) Measure 20 feet in width for a length of 40 feet with adequate transitional curve radii at each end;

(b) Have a maximum spacing of one half the driveway length or 400 feet, whichever is less; and

(ea) Where visibility is limited, the minimum number of turnouts shall be increased and the maximum-spacing requirement reduced between turnouts ~~shall be reduced~~ appropriately.

(7) Grades: Access roads shall not exceed an overall average grade of 12 1/2 percent with a maximum grade of 15 percent for lengths of no more than 200 feet. Intersections and turnarounds shall be level (maximum 5 percent) with the exception of crowning for water run-off.

(a) Exception: Grades up to 15 percent may be approved by the Fire Code Official when residential fire sprinklers are installed in accordance with the provisions of ORS 455.610(5).

1. The local building official is authorized to enforce the conditions of an approved alternate method of construction when it is part of the building construction; and

2. The residential fire sprinkler system shall meet the most current version, of NFPA 13-D, Standard for the Installation of Sprinkler Systems in One- and Two-Family Dwellings and Manufactured Homes (NFPA is the National Fire Protection Association, Inc).

3. A deed restriction shall be recorded on the property deed stating that an exception to the grade standards for the access road has been granted and that a residential fire sprinkler system in compliance with the most current version of the NFPA 13-D must be install and maintained for the dwelling and any other habitable areas.

(8) Distance to House Building: Access roads shall reach to within 150 feet of all portions of the exterior wall of the first story of the dwelling or accessory building as measured by an approved route around the exterior.

(9) An existing, lawfully established access road currently being utilized by the habitable dwelling may be extended to a replacement dwelling without bring the existing portion of the access road into compliance with the above standards. The extension of the access road shall be constructed to the above standards. However, nothing in this exemption overrides the appropriate fire district's enforcement of the Oregon Fire Code.

§ 29.013 ALTERNATE METHOD OF FIRE PROTECTION - ONE- AND TWO-FAMILY DWELLINGS.

Pursuant to OAR 918-480-0100 through 918-480-0120 (2002), the building official may allow an alternate to the minimum requirements of the One- and Two-Family Dwelling Specialty Code as authorized by ORS 455.610, which may include, but is not limited to, installation of an automatic residential fire sprinkler system. That decision may be made where it is determined the fire apparatus means of approach to a property or the fire fighting water supply serving a property, does not meet the local standards adopted in accordance with the applicable fire code and state building code requirements. Before allowing the use of an alternative method of fire protection, the building official shall ensure the following criteria have been met:

(A) The alternate, such as an automatic fire sprinkler system, shall be at the request of the applicant;

(B) For lots of record created before January 1, 2002, the building official shall, prior to authorizing an alternate allowing the development of a parcel that could not otherwise be developed because it cannot meet adopted fire apparatus access standards or fire fighting water supply standards pursuant to § 29.012 and § 29.003(B), consult with the fire official having authority to approve an alternate;

~~(C) For lots of record created on or after January 1, 2002, the building official shall confirm the fire official having authority has:~~

~~(1) Approved the alternate to adopted fire apparatus access standards for shared private roads, private driveways or fire fighting water supply standards pursuant to § 29.012 and § 29.003(B), during the land use approval process; and~~

~~(2) The approved alternate has been recorded on the property deed or on a recorded deed restriction as a requirement for future construction.~~

~~(D) Providing the requirements of this rule are met, the local building official is authorized to enforce the conditions of an approved alternate method of construction when it is part of the building construction; and~~

~~(E) When the approved alternate is a fire sprinkler system, the minimum standard for installation within one and two family dwellings shall be the 1999 Edition, or the most current version, of NFPA 13-D, Standard for the Installation of Sprinkler Systems in One and Two Family Dwellings and Manufactured Homes (NFPA is the National Fire Protection Association, Inc).~~

PART IV. EXHIBITS

The attached documents contain information that is intended to assist the Planning Commission in their evaluation of the proposed code changes to Chapter 29, Building Regulations and Chapters 33, 34, 35, 36, 38 & 11.15.

Exhibit 1: Fire Code Applications Guide

Exhibit 2: Current Fire Flow Form

Exhibit 3: Fire District Access Review Form

Oregon Fire Code Metro Code Committee

Fire Code Applications Guide

This guide is intended to provide assistance in the application of the fire code in the following jurisdictions:

**Banks Fire District
Boring Fire District
Canby Fire District
Clackamas County Fire District #1
Colton Fire District
Cornelius Fire Department
Estacada Fire District
Forest Grove Fire & Rescue
Gaston Fire District
Gladstone Fire Department**

**Gresham Fire & Emergency Services
Hillsboro Fire Department
Hoodland Fire District
Lake Oswego Fire Department
Molalla Fire District
Portland Fire & Rescue
Sandy Fire District
Silverton Fire District
Tualatin Valley Fire & Rescue
Washington Co. Fire District #2**

Notes to Users

Local Development Codes

Check the local city or county development code to determine the applicability of roadway standards as it relates to conflicts with this guide and/or the adopted fire code.

ORS 368.039 Road standards adopted by local government supersede standards in fire codes; consultation with fire agencies.

(1) When the governing body of a county or city adopts specifications and standards, including standards for width, for roads and streets under the jurisdiction of the governing body, such specifications and standards shall supersede and prevail over any specifications and standards for roads and streets that are set forth in a uniform fire code adopted by the State Fire Marshal, a municipal fire department or a county firefighting agency.

(2) This section applies to specifications and standards for roads and streets adopted by the governing body of a county or city in a charter, acknowledged comprehensive plan or ordinance adopted pursuant to ORS chapter 92, 203, 221 or 368.

(3) Before adopting or amending any comprehensive plan, land use regulation or ordinance that establishes specifications and standards for roads and streets, a governing body of a county or city shall consult with the municipal fire department or other local firefighting agency concerning the proposed specifications and standards. The county or city governing body shall consider the needs of the fire department or firefighting agency when adopting the final specifications and standards.

Dispute Resolution Process

The Office of State Fire Marshal's (OSFM), Dispute Resolution Process allows an aggrieved party to dispute inspection findings of the local fire marshal. This process allows the aggrieved party to ask for a "second opinion" but does not supersede the local or State Fire Marshal's appeal process. The local fire marshal, through the OSFM, arranges a conference call with the aggrieved party and on-call code experts from other jurisdictions and industry. The on-call group discusses the case and the local fire marshal takes the group's second opinion into consideration when rendering a decision in writing to the aggrieved party. The goal of the OSFM is to conduct the conference call within 48 hours (two business days) for new construction and no more than seven business days for maintenance issues of the notice of dispute. Aggrieved parties who are not satisfied with the findings can appeal the decision to a local appeals board, if available, otherwise to the OSFM.

Preamble/Authority and Scope

The above jurisdictions have elected to administer and enforce the Oregon Fire Code under the authority granted to them by ORS 476.030 or ORS 476.060. The Oregon Fire Code is the International Fire Code, 2003 Edition, as published and copyrighted by the International Code Council, which has been amended and adopted by the Oregon State Fire Marshal's Office. In order to further the Oregon State Fire Marshal's goal of promoting fire code consistency throughout the state, the above jurisdictions have agreed to reduce local amendments.

Nevertheless, the above jurisdictions have prepared this Applications Guide to provide good faith guidance to building officials, contractors, business owners, the public, and fire marshals on local interpretations and practices that are considered to be in compliance with the Oregon Fire Code. The intent is to clarify aspects of the code that are vague or non-specific by addressing selected issues under normal conditions. This Applications Guide does not create or replace code provisions, and is not an adopted policy of the above jurisdictions. The reader is cautioned that the guidance detailed in this Applications Guide may or may not apply to their specific situation, and that the designated authority for each jurisdiction retains final authority to determine compliance.

Jurisdiction Contact Information

Banks Fire District

300 Main Street
Banks, OR 97106
Ph. 503.324.6262
Fax 503.324.0523
www.banksfire.org

Boring Fire District

PO Box 85
Boring, OR 97009
Ph. 503.663.4638
Fax 503.663.5792
www.boringfire.com

Canby Fire District

P.O. Box 909
221 S. Pine St.
Canby, OR 97013
Ph. 503.266.5851
Fax 503.266.1320
www.canbyfire.org

Clackamas Co. Fire District #1

2930 S.E. Oak Grove Blvd.
Milwaukie, Oregon 97267
Ph. 503.742.2660
Fax 503.742.2860
www.clackamasfire.com

Colton Fire District

PO Box 71
20987 S. Hwy 211
Colton, OR
Ph. 503.824.2545
Fax 503.824.2546

Cornelius Fire Department

1355 N. Barlow Street
Cornelius, OR 97113
Ph. 503.357.3840
Fax 503.357.7545
www.ci.cornelius.or.us

Estacada Rural Fire District

PO Box 608
Estacada, OR 97023
Ph. 503.630.7712
Fax 503.630.7757
www.estacadafire.com

Forest Grove Fire & Rescue

1919 Ash St.
Forest Grove, OR
Ph. 503.992.3240
Fax 503.992.3243
www.ci.forest-grove.or.us

Gaston Fire District

102 E. Main
Gaston, OR 97119
Ph. 503.985.7575
Fax 503.985.7382

Gladstone Fire Department

555 Portland Ave.
Gladstone, OR 97027
Ph. 503.557.2775
Fax 503.656.4256
www.ci.gladstone.or.us

Gresham Fire & Emergency Services

1333 NW Eastman Pkwy.
Gresham, OR 97030
Ph. 503.618.2355
Fax 503.666.8330
www.ci.gresham.or.us

Hillsboro Fire Department

240 S. 1st Avenue
Hillsboro, OR 97123
Ph. 503.681.6166
Fax 503.681.6208
www.ci.hillsboro.or.us

Hoodland Fire District

69634 E. Hwy 26
Welches, OR 97067
Ph. 503.622.3256
Fax 503.622.3125
www.hoodlandfire.org

Lake Oswego Fire Department

P.O.Box 369
Lake Oswego, OR 97034
Ph. 503.635.0275
Fax 503.635.0376
www.ci.oswego.or.us

Molalla RFPD

320 N. Molalla Ave
Molalla, OR 97038
Ph. 503.829.2200
Fax 503.829.5794
www.molallafire.org

Office of State Fire Marshal

4760 Portland Rd NE
Salem, Or 97305
(503) 373-1540
www.oregon.gov/OOHS/SFM/

Portland Fire & Rescue

55 SW Ash St.
Portland, Oregon 97204
Ph. 503.823.3700
Fax 503.823.3710
<http://www.portlandonline.com/fire>

Sandy Fire District

17460 Bruns Ave.
Sandy OR 97055
Ph. 503.668.8093
Fax 503.668.7941
www.sandyfire.com

Silverton Fire District

819 Rail Way NE
Silverton, OR 97381
Ph. 503.873.5328
Fax 503.873.2805

Tualatin Valley Fire & Rescue

7401 SW Washo Ct. Ste 101
Tualatin, OR 97062
Ph. 503.612.7000
Fax 503.612.7003
www.tvfr.com

Washington Co. Fire District #2

31370 NW Commercial St.
North Plains, OR 97133
Ph. 503.647.9900
Fax 503.647.9351

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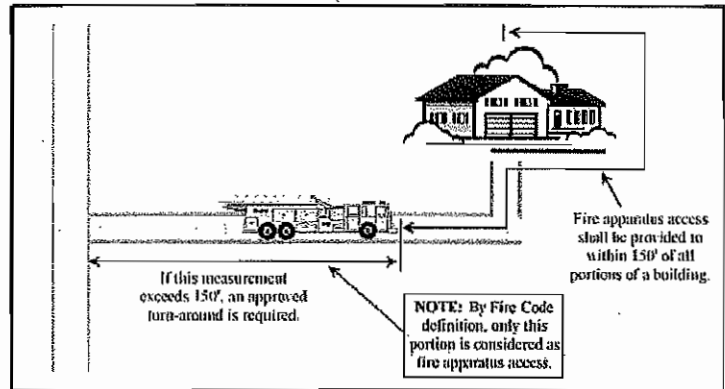
Fire Apparatus Access

FIRE APPARATUS ACCESS ROAD EXCEPTIONS: The requirements for fire apparatus access may be modified as approved by the fire code official where any of the following apply: (OFC 503.1.1 Exception)

- 1) Buildings are equipped throughout with an approved automatic fire sprinkler system (the approval of this alternate method of construction shall be accomplished in accordance with the provisions of ORS 455.610(5)).
- 2) Fire apparatus access roads cannot be installed because of location on property, topography, waterways, nonnegotiable grades or other similar conditions, and an approved alternative means of fire protection is provided.
- 3) There are not more than two Group R-3 or Group U occupancies.

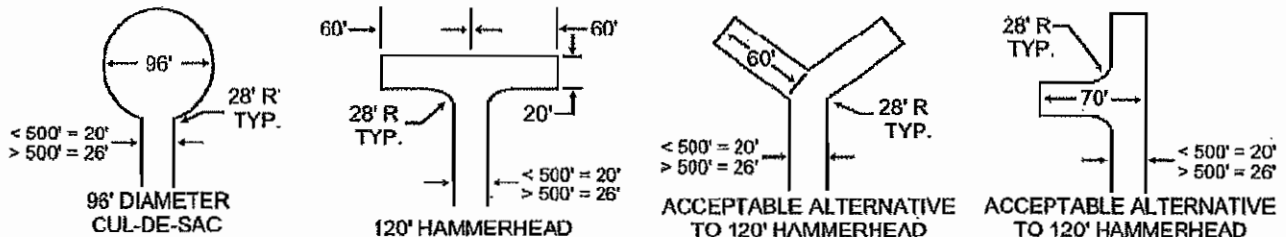
FIRE APPARATUS ACCESS ROAD DISTANCE FROM BUILDING AND TURNAROUNDS:

Access roads shall be within 150 feet of all portions of the exterior wall of the first story of the building as measured by an approved route around the exterior of the building. An approved turnaround is required if the remaining distance to an approved intersecting roadway, as measured along the fire apparatus access road, is greater than 150 feet. (OFC 503.1.1)

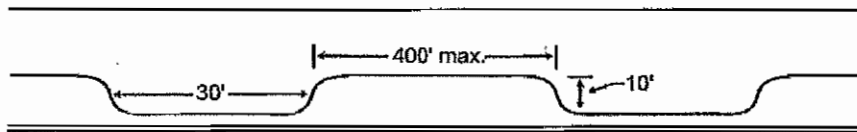


DEAD END ROADS: Dead end fire apparatus access roads in excess of 150 feet in length shall be provided with an approved turnaround. Dead end fire apparatus access roads in excess of 500 in length shall have a driving surface width of not less than 26 feet. Diagrams of approved turnarounds are shown below: (OFC 503.2.5)

⊕ Within the boundaries of Portland Fire & Rescue, the distance is 300 feet.



TURNOUTS: When a fire apparatus access road exceeds 400 feet in length, turnouts 10 feet wide and 30 feet long shall be provided in addition to the required road width and shall be placed no more than 400 feet apart, unless otherwise approved by the fire code official. These distances may be adjusted based on visibility and sight distances. (OFC Chapter 5)

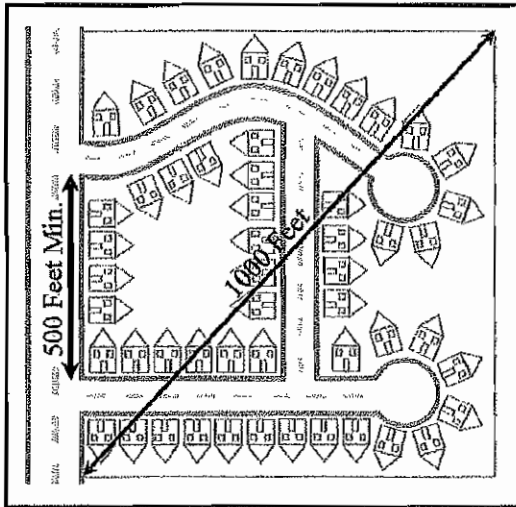


MULTIPLE ACCESS ROADS: Developments of one- and two-family dwellings where the number of dwelling units exceeds 30, multiple-family residential projects having more than 100 dwelling units and where vehicle congestion, adverse terrain conditions or other factors that could limit access, as determined by the fire code official, shall be provided with not less than two approved means of access. Exceptions may be allowed for approved automatic sprinkler system. The approval of fire sprinklers as an alternate shall be accomplished in accordance with the provisions of ORS 455.610(5). (OFC D106 & D107)

GRADE: Fire apparatus access roadway grades shall not exceed 10 percent. Intersections and turnarounds shall be level (maximum 5%) with the exception of crowning for water run-off. When fire sprinklers are installed, a maximum grade of 15% may be allowed. The approval of fire sprinklers as an alternate shall be accomplished in accordance with the provisions of ORS 455.610(5). (OFC D103.2)

⊕ This standard does not apply within the boundaries of Portland Fire & Rescue.

MULTIPLE ACCESS ROADS SEPARATION: Where two access roads are required, they shall be placed a distance apart equal to not less than one half of the length of the maximum overall diagonal dimension of the property or area to be served, measured in a straight line between accesses. (OFC D104.3 & D107.1)



FIRE APPARATUS ACCESS ROAD WIDTH AND VERTICAL CLEARANCE: Fire apparatus access roads shall have an unobstructed driving surface width of not less than 20 feet (26 feet adjacent to fire hydrants (OFC D103.1)) and an unobstructed vertical clearance of not less than 13 feet 6 inches. (OFC 503.2.1 & D103.1)

Note: When serving two or less dwelling units and accessory buildings, the driving surface may be reduced to 12 feet, although the unobstructed width shall be 20 feet. Turning radii for curves and turnarounds on reduced width roads shall be not less than 28 feet and 48 feet respectively, measured from the same center point.

AERIAL FIRE APPARATUS ROAD WIDTH: Buildings more than 30 feet in height shall have fire apparatus access roads constructed for use by aerial apparatus with an unobstructed driving surface width of not less than 26 feet. (OFC D105.2)

⊕ This standard does not apply within the boundaries of Portland Fire & Rescue.

SURFACE AND LOAD CAPACITIES: Fire apparatus access roads shall be of an all-weather surface that is easily distinguishable from the surrounding area and is capable of supporting not less than 12,500 pounds point load (wheel load) and 75,000 pounds live load (gross vehicle weight). Documentation from a registered engineer that the final construction is in accordance with approved plans or the requirements of the Fire Code may be requested. (OFC D102.1)

BRIDGES: Private bridges shall be designed and constructed in accordance with the State of Oregon Department of Transportation and American Association of State Highway and Transportation Officials *Standard Specification for Highway Bridges*. A building permit shall be obtained for the construction of the bridge if required by the building official of the jurisdiction where the bridge is to be built. The design engineer shall prepare a special inspection and structural observation program for approval by the building official. The design engineer shall give in writing final approval of the bridge to the fire district after construction is completed. Maintenance of the bridge shall be the responsibility of the party(ies) that use(s) the bridge for access to their property(ies). The fire district may at any time, for due cause, ask that a registered engineer inspect the bridge for structural stability and soundness at the expense of the property owner(s) the bridge serves. (OFC 503.2.6)

TURNING RADIUS: The inside turning radius and outside turning radius shall be not less than 28 feet and 48 feet respectively, measured from the same center point. (OFC 503.2.4 & Appendix D)

⊕ Within the boundaries of Portland Fire & Rescue, radii dimensions shall be 25 feet and 45 feet.

GATES: Gates securing fire apparatus roads shall comply with all of the following: (OFC D103.4)

- ◆ Minimum unobstructed width shall be 16 feet, or two 10 foot sections with a center post or island.
- ◆ Gates serving one- or two-family dwellings shall be a minimum of 12 feet in width.
- ◆ Gates shall be set back at minimum of 30 feet from the intersecting roadway.
- ◆ Gates shall be of the swinging or sliding type
- ◆ Manual operation shall be capable by one person
- ◆ Electric gates shall be equipped with a means for operation by fire department personnel
- ◆ Locking devices shall be approved.

NO PARKING SIGNS: Where fire apparatus roadways are not of sufficient width to accommodate parked vehicles and 20 feet of unobstructed driving surface, "No Parking" signs shall be installed on one or both sides of the roadway and in turnarounds as needed. Roads 26 feet wide or less shall be posted on both sides as a fire lane. Roads more than 26 feet wide to 32 feet wide shall be posted on one side as a fire lane.

Signs shall read "NO PARKING - FIRE LANE" and shall be installed with a clear space above grade level of 7 feet. Signs shall be 12 inches wide by 18 inches high and shall have red letters on a white reflective background. (OFC D103.6)



PAINTED CURBS: Where required, fire apparatus access roadway curbs shall be painted red and marked "NO PARKING FIRE LANE" at approved intervals. Lettering shall have a stroke of not less than one inch wide by six inches high. Lettering shall be white on red background. (OFC 503.3)

Firefighting Water Supplies

FIREFIGHTING WATER SUPPLY EXCEPTIONS: The requirements for firefighting water supplies may be modified as approved by the fire code official where any of the following apply: (OFC 503.1.1 Exception)

- 1) Buildings are equipped throughout with an approved automatic fire sprinkler system (the approval of this alternate method of construction shall be accomplished in accordance with the provisions of ORS 455.610(5)).
- 2) There are not more than two Group R-3 or Group U occupancies.

COMMERCIAL BUILDINGS - FIRE FLOW: The minimum fire flow and flow duration for buildings other than one- and two-family dwellings shall be determined according to OFC Appendix B. The required fire flow for a building shall not exceed the available GPM in the water delivery system at 20 psi.

- ⊕ Within the boundaries of Lake Oswego Fire Department and Tualatin Valley Fire & Rescue the maximum allowed fire flow is 3,000 gpm @ 20 psi.
- ⊕ Within the boundaries of Gresham Fire Dept. the maximum allowed fire flow is 3,500 gpm @ 20 psi.

SINGLE FAMILY DWELLINGS - REQUIRED FIRE FLOW: The minimum available fire flow for one and two-family dwellings served by a municipal water supply shall be 1,000 gallons per minute. If the structure(s) is (are) 3,600 square feet or larger, the required fire flow shall be determined according to OFC Appendix B. (OFC B105.1)

RURAL BUILDINGS - REQUIRED FIRE FLOW: Required fire flow for rural and suburban areas in which adequate and reliable water supply systems do not exist may be calculated in accordance with National Fire Protection Association Standard 1142, 2001 Edition, when approved by the fire code official. Please contact the Fire Marshal's Office for special assistance and other requirements that may apply. (OFC B103.3)

ACCESS AND FIRE FIGHTING WATER SUPPLY DURING CONSTRUCTION: Approved fire apparatus access roadways and fire fighting water supplies shall be installed and operational prior to any combustible construction or storage of combustible materials on the site. (OFC 501.4)

PREMISE IDENTIFICATION: Buildings shall have address numbers or approved identification placed in a position that is plainly legible and visible from the access road fronting the property. Numbers shall contrast with their background and shall be a minimum of 4 inches high with a minimum stroke width of ½ inch. (OFC 505.1)

- ⊕ Check the local city or county development code for additional or alternative requirements.

Fire Hydrants

FIRE HYDRANTS – COMMERCIAL BUILDINGS: Where a portion of the building is more than 400 feet from a hydrant on a fire apparatus access road, as measured in an approved route around the exterior of the building, on-site fire hydrants and mains shall be provided. (OFC 508.5.1)

Note: This distance may be increased to 600 feet for buildings equipped throughout with an approved automatic sprinkler system.

FIRE HYDRANTS – ONE- AND TWO-FAMILY DWELLINGS & ACCESSORY STRUCTURES: Where a portion of a structure is more than 600 feet from a hydrant on a fire apparatus access road, as measured in an approved route around the exterior of the structure(s), on-site fire hydrants and mains shall be provided. (OFC 508.5.1)

FIRE HYDRANT NUMBER AND DISTRIBUTION: The minimum number and distribution of fire hydrants available to a building shall not be less than that listed in Table C 105.1. See page 9 for hydrant proximity to FDC. (OFC Appendix C)

- ⊕ Within the boundaries of Forest Grove Fire & Rescue the average fire hydrant spacing shall be 400 feet.

**TABLE C105.1
NUMBER AND DISTRIBUTION OF FIRE HYDRANTS**

| FIRE-FLOW REQUIREMENT (gpm) | MINIMUM NUMBER OF HYDRANTS | AVERAGE SPACING BETWEEN HYDRANTS ^{a,b,c} (feet) | MAXIMUM DISTANCE FROM ANY POINT ON STREET OR ROAD FRONTAGE TO A HYDRANT ^d |
|--------------------------------|-------------------------------|--|--|
| 1,750 or less | 1 | 500 | 250 |
| 2,000-2,250 | 2 | 450 | 225 |
| 2,500 | 3 | 450 | 225 |
| 3,000 | 3 | 400 | 225 |
| 3,500-4,000 | 4 | 350 | 210 |
| 4,500-5,000 | 5 | 300 | 180 |
| 5,500 | 6 | 300 | 180 |
| 6,000 | 6 | 250 | 150 |
| 6,500-7,000 | 7 | 250 | 150 |
| 7,500 or more | 8 or more ^a | 200 | 120 |

For SI: 1 foot = 304.8 mm, 1 gallon per minute = 3.785 L/m.

a. Reduce by 100 feet for dead-end streets or roads.

b. Where streets are provided with median dividers which can be crossed by fire fighters pulling hose lines, or where arterial streets are provided with four or more traffic lanes and have a traffic count of more than 30,000 vehicles per day, hydrant spacing shall average 500 feet on each side of the street and be arranged on an alternating basis up to a fire-flow requirement of 7,000 gallons per minute and 400 feet for higher fire-flow requirements.

c. Where new water mains are extended along streets where hydrants are not needed for protection of structures or similar fire problems, fire hydrants shall be provided at spacing not to exceed 1,000 feet to provide for transportation hazards.

d. Reduce by 50 feet for dead-end streets or roads.

e. One hydrant for each 1,000 gallons per minute or fraction thereof

Considerations for placing fire hydrants may be as follows: (OFC C104)

- ⊕ Existing hydrants in the area may be used to meet the required number of hydrants as approved. Hydrants that are up to 600 feet away from the nearest point of a subject building that is protected with fire sprinklers may contribute to the required number of hydrants. (OFC 508.5.1)
- ⊕ Hydrants that are separated from the subject building by railroad tracks shall not contribute to the required number of hydrants unless approved by the fire code official.
- ⊕ Hydrants that are separated from the subject building by divided highways or freeways shall not contribute to the required number of hydrants. Heavily traveled collector streets only as approved by the fire code official.
- ⊕ Hydrants that are accessible only by a bridge shall be acceptable to contribute to the required number of hydrants only if approved by the fire code official.
- ⊕ When evaluating the placement of hydrants at apartment or industrial complexes the first hydrant(s) to be placed shall be at the primary access and any secondary access to the site. After these hydrants have been placed other hydrants shall be sited to meet the above requirements for spacing and minimum number of hydrants.

FIRE HYDRANT NON-THREADED QUICK CONNECTORS: Non-threaded quick connectors shall be installed on all newly installed fire hydrants in the following jurisdictions:

Boring Fire District (4"); Sandy Fire District (4"); Forest Grove Fire & Rescue (4"); Lake Oswego Fire Dept.; Canby Fire District

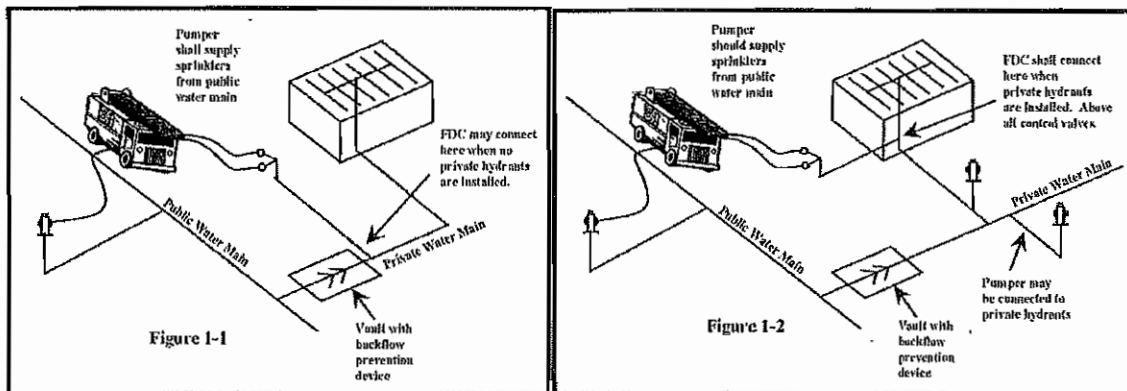
FIRE HYDRANT DISTANCE FROM AN ACCESS ROAD: Fire hydrants shall be located not more than 15 feet from an approved fire apparatus access roadway unless approved by the fire code official. (OFC C102.1)

REFLECTIVE HYDRANT MARKERS: Fire hydrant locations shall be identified by the installation of reflective markers. The markers shall be blue. They shall be located adjacent and to the side of the centerline of the access road way that the fire hydrant is located on. In case that there is no center line, then assume a centerline, and place the reflectors accordingly. (OFC 508.5.4)

FIRE HYDRANT/FIRE DEPARTMENT CONNECTION: A fire hydrant shall be located within 100 feet of a fire department connection (FDC). Fire hydrants and FDC's shall be located on the same side of the fire apparatus access roadway. (OFC C102.1 & NFPA 14)

FDCs shall normally be remote except when approved by the fire code official.

- ⊕ Within the boundaries of Portland Fire & Rescue, the maximum distance to a hydrant shall be 150 feet.

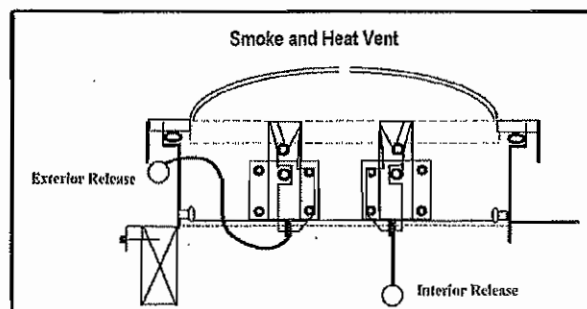


Key Boxes

KEY BOX: A key box for building access may be required. Please contact the appropriate jurisdiction for location requirements or for an order form and instructions regarding installation and placement. (OFC 506)

Smoke and Heat Vents

MANUAL RELEASE: Manual releases shall be provided for use during fire suppression operations. Individual exterior release mechanisms shall be provided for each vent.



Fire Watch

FIRE WATCH: Whenever a *required* fire alarm, detection or suppression system is out-of-service and a life hazard and or distinct fire hazard is present, the fire code official and/or the property owner or manager shall initiate a fire watch. A fire watch is defined as a temporary measure intended to ensure continuous and systematic surveillance of a building or portion thereof by one or more qualified individuals for the purposes of identifying and controlling fire hazards, detecting early signs of unwanted fire, raising an alarm of fire and notifying the fire department. Each affected area or building must be patrolled hourly and documented on a written log. Individuals assigned to fire watch duty must be provided with a means of communication such as a cell phone or two-way radio and their only duties shall be to perform constant patrols. The watch must remain in effect until repairs are made and the system(s) are back in-service. *When in doubt if a system is required or if a fire watch is needed, contact the local jurisdiction for consultation and or response.* (OFC, Section 901.7 & Section 202)

EXAMPLES:

The automatic smoke detection system in the Family Birth Center at the local Hospital is taken off-line due to unwanted false alarms and an alarm technician has been dispatched to evaluate the system. This is a required detection system and the patients occupy the floor. A fire watch is required and could be conducted by nursing and or security personnel.

The manual fire alarm system at a local Elementary School is initiating false alarms and is taken off line by school district personnel; the automatic smoke detection and fire sprinkler system are operational. It's Saturday afternoon and the building is not occupied. Although this is a required system, a fire watch is not required as the building is vacant.

The water main that serves a local apartment complex is damaged in a construction accident rendering the fire hydrants and residential fire sprinkler systems out-of-service. It's Sunday night and nearly all of the apartments are occupied. Both systems are required and a continuous fire watch is needed.



MULTNOMAH COUNTY
LAND USE & TRANSPORTATION PROGRAM
1600 SE 190TH AVE, SUITE 116
PORTLAND, OREGON 97233-5910
503-988-3043 FAX: 503-988-3389
www.co.multnomah.or.us/landuse

FIRE DISTRICT ACCESS REVIEW

TO THE APPLICANT

The Oregon Uniform Fire Code Section 10.207 and the Multnomah County Code Chapter 29.012 require safe access to a proposed dwelling site prior to issuance of a building permit. **These requirements apply only to dwellings, not to accessory structures.** These requirements are to ensure that fire protection equipment can reach the site during the construction phase and after the occupancy of the structure. Take this form to the Fire District that serves the property, along with a site plan of the development that also shows driveway information. After the fire official signs this form, include it with your application. See the reverse side of this form for a list of fire-related access standards.

Address of Site: _____

Map & Tax Lot: _____ R Number: _____

Description of Proposed Use: _____

If Residential Use, Total Number of Units: _____

Applicant Name: _____ Phone: _____

Address: _____

City: _____ State: _____ Zip Code: _____

FIRE APPARATUS MEANS OF APPROACH (ACCESS) REVIEW

Site plan must be attached.

Choose one of the three options below.

1. The proposal is in compliance with the adopted Fire District standards for access or the standards of Multnomah County Code Section 29.012 (on the following pages), **which ever is more stringent.**

(Fire official's initials)

OR

2. Access improvements will be required.
The following improvements must be completed prior to issuance of a building permit:

A re-inspection must occur prior to occupancy. _____ Yes _____ No

(Fire official's initials)

OR

3. The proposal is **not** in compliance with the adopted Fire District standards for access or the standards of Multnomah County Code Section 29.012 (on the following pages), **which ever is more stringent.** The proposed new dwelling is required to have a water sprinklering fire suppression system installed.

(Fire official's initials)

Site plan is attached and verified

Name of Official

Fire District

Title

Date

IF YOUR PROJECT IS LOCATED IN A "COMMERCIAL FOREST USE ZONING DISTRICT" (CFU), YOU MAY HAVE ADDITIONAL ACCESS REQUIREMENTS. PLEASE CHECK THE DEVELOPMENT STANDARDS CONTAINED IN THE CFU ZONE THAT APPLIES TO YOUR PROJECT.

**MULTNOMAH COUNTY CODE (MCC) CITATIONS FOR
ZONES WITH ADDITIONAL ACCESS REQUIREMENTS**

WEST OF SANDY RIVER PLAN AREA

CFU See MCC 36.2105(D)

EAST OF SANDY RIVER PLAN AREA

CFU-3 See MCC 35.2105(D)

CFU-4 See MCC 35.2305(D)

WEST HILLS PLAN AREA

CFU-1 See MCC 33.2105(D)

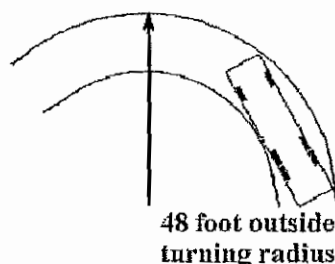
CFU-2 See MCC 33.2305(D)

CFU-5 See MCC 33.2505(D)

BUILDING CODE MINIMUM ACCESS STANDARDS FOR NEW AND REPLACEMENT DWELLINGS

MCC 29.012(D) Fire apparatus access requirements. The following standards shall apply to private streets and private driveways:

- (1) **Vehicle weight:** Be built and maintained with an all weather driving surface that supports a gross vehicle weight of 50,000 pounds or the weight of the heaviest commonly used apparatus used by the fire protection service provider serving the subject property, whichever is greater. Bridges, culverts and other structures shall also be required to meet this requirement. Written verification of compliance with the Gross Vehicle Weight standard may be required from an Oregon Professional Engineer.
- (2) **Curve radius:** Have an outside radius that is no less than 48 feet on all curves along the driveway or private street.



- (3) **Vertical clearance:** Have a vertical clearance of no less than 13 feet 6 inches.
- (4) **Width:** Be built and maintained from the public road to the end turnaround near the dwelling to a minimum unobstructed width, (including gate opening widths), of:
 - (a) 12 feet for a private driveway to a single dwelling;
 - (b) 12 feet for a private street to two dwellings;
 - (c) 20 feet for a private street to three or more dwellings; and
 - (d) 20 feet for all "accessways," regardless of the number of dwellings served. An "accessway" is a private street that is a separate tract of land that is owned in

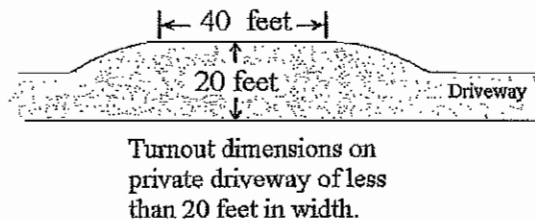
common by the abutting property owners for access and was approved under the provisions of the land division code after October 19, 1978.

(e) The Fire Marshal, or designee, may approve an off-site built and maintained width of less than 20 feet, but not less than 12 feet in width, for a private street as given in (c) above. That approval, however, may not be applied to a required improvement width that is part of a Multnomah County land use decision.

(5) Turnaround: Private streets and private driveways with lengths greater than 150 feet shall be built and maintained with a turn-around at or near the end of not less than 48 foot outside turning radius. Turnarounds may be circular or one of the variations of the hammerhead design (such as "T," one-sided, or "Y").

(6) Turnouts: No turnouts are required on private streets and private driveways that are improved to 20 feet or more in width as required by (D)(1) above. On private streets and private driveways that are improved to less than 20 feet in width, that are also greater than 200 feet in length, turnouts shall be built and maintained to:

(a) Measure 20 feet in width for a length of 40 feet with adequate transitional curve radii at each end;



(b) Have a maximum spacing of one-half the driveway length or 400 feet, whichever is less; and

(c) Where visibility is limited, the maximum spacing between turnouts shall be reduced appropriately.

(7) Grades: Shall not exceed an overall average grade of 12 percent with a maximum grade of 15 percent for lengths of no more than 200 feet.

(8) Distance to House: Shall reach to within 150 feet of all portions of the exterior wall of the first story of the dwelling as measured by an approved route around the exterior.
(Ord. 1049, Add, 09/16/2004)



MULTNOMAH COUNTY
LAND USE & TRANSPORTATION PROGRAM
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PORTLAND, OREGON 97233-5910
503-988-3043 FAX: 503-988-3389
www.co.multnomah.or.us/landuse

FIRE DISTRICT REVIEW

Fire Flow Requirements

TO THE APPLICANT

Multnomah County Code Chapter Section 29.003 requires a fire official review of proposed building plans for new structures and substantial additions to existing structures, including dwellings and accessory structures. The review is for either determining that adequate water amount and pressure (fire flow) is available at the building site or the building permit applicant will use an approved alternative to meeting the fire flow requirement. Take this form to the Fire District that serves the property, along with the building plans of the development. After the fire official reviews the plans for meeting the fire flow standards and signs this form, then include the form with your building permit application. See the code standards and the alternative credits on the pages following the fire official signature blocks.

Address of Site: _____

Tax Roll Description: _____

Description of Proposed Use: _____

If Residential Use, Total Number of Units: _____

Applicant Name: _____ Phone: _____

Address: _____

City: _____ State: _____ Zip Code: _____

FIRE FLOW REVIEW

The fire official will sign the appropriate initials and signature lines confirming which of the standards in either parts A, B or C below are met. Fire flow requirements may be modified only upon approval by both the fire chief and the building official. This form is to stay with all building plans through the permit review process.

A. The structure is exempt from the fire flow standards in MCC Chapter 29 because:

- The structure is an "exempt farm structure" which qualifies as a farm building that is exempt from building permit requirements by meeting the requirements of ORS 455.315(2).
- The structure or portion of the structure is a residential garage and attic.
- The structure is an addition to an existing house that adds 50 percent or less floor area to an existing house.

Signature of fire official verifying compliance of this standard

OR

B. New houses of less than 3,600 square feet in floor area and additions to an existing house of more than 50 % of floor area are required to meet 1 of the following 3 alternate methods of fire prevention or suppression:

1. There is 500 gallons per minute of fire-flow available from public water lines.

Signature of fire official verifying compliance of this standard

OR

2. The fire protection service provider has available for use a water tanker truck of at least 3,000 gallon capacity and at least 2 of the following are a condition of permit approval (clearly shown on the site plan and building plans):

- A monitored alarm will be installed. _____ Fire official initials
- Class A or non-combustible roof materials will be installed. _____ Fire official initials
- Defensible space of 30 feet around the house (100 feet on slopes of 20% or greater).
_____ Fire official initials
- Fire official recognition of other particular circumstances that warrant alternative credit, due to attributes of site, building materials, or fire detection or suppression features not listed. This must be in conjunction with a monitored alarm installation. _____ Fire official initials
Fire official's description of feature: _____

Signature of fire official verifying compliance of this standard

OR

3. A sprinklering fire suppression system will be installed and at least 1 of the following are an additional condition of approval (clearly shown on the site plan or building plans):

- A monitored alarm will be installed. _____ Fire official initials
- Class A or non-combustible roof materials will be installed. _____ Fire official initials
- Defensible space of 30 feet around the house (100 feet on slopes of 20% or greater).
_____ Fire official initials
- Fire official recognition of other particular circumstances that warrant alternative credit, due to attributes of site, building materials, or fire detection or suppression features not listed. This must be in conjunction with a monitored alarm installation. _____ Fire official initials
Fire official's description of feature: _____

- Fire protection provider has a tanker truck of at least 3,000 gallon capacity.
_____ Fire official initials

Signature of fire official verifying compliance of this standard

OR

C. All new houses of 3,600 square feet or more in floor area, all additions of 3,600 square feet or more to existing houses, and all other non-residential structures not exempted above are required to meet the fire flow requirements of Division II, Appendix Chapter 9, to the Uniform Building Code. For houses that will most often require the installation of a water sprinklering system. All structural features required to meet the standards of Division II shall be a condition of approval and be shown clearly on all building plans.

Signature of fire official verifying compliance of this standard

BUILDING CODE FIRE FLOW STANDARDS

MULTNOMAH COUNTY CODE § 29.003 ADOPTION OF STATE BUILDING CODE BY REFERENCE.

- (A) Those portions of the state building code constituting the structural specialty code, fire and life safety code, mechanical specialty code, and the one- and two-family dwelling specialty code, are adopted and by this reference incorporated as part of this subchapter. The provisions of this subchapter shall take precedence over the similar provisions of the state specialty codes.
- (B) Except as modified in (C) below, the optional portion of the 1997 Uniform Building Code constituting the Division II-Fire Flow standards in Appendix Chapter 9 are adopted and by reference incorporated as part of this subchapter as the requirements for determining fire flow for buildings constructed under a building permit issued after October 16, 2004, or for those portions of buildings constructed under a building permit issued after October 16, 2004, that are "substantial improvements" to existing buildings. "Substantial improvements" mean the addition of more than 50 percent of the floor area to buildings that existed on October 16, 2004. For one- and two-family dwellings the floor area in "substantial improvements" does not include garages or attic spaces.
- (1) As provided in Section 910 of Division II – Fire Flow, fire-flow requirements may be modified downward or upward only upon approval by both the building official and the fire chief. The building official shall be the official currently under contract for providing building permit issuance services. The fire chief shall be the current chief, or delegate, of the fire district or city that provides fire services to the property.
 - (2) As referenced in Section 913 of Division II – Fire Flow, standards for fire department access and required fire hydrants shall be the applicable fire codes in the unincorporated area of the county, except as modified by the fire apparatus means of approach standards in § 29.012 and the alternate methods of fire protection in § 29.013.
 - (3) For properties within fire protection service districts that have adopted more stringent fire-flow standards than contained in Division II—Fire Flow, Appendix Chapter 9, of the Uniform Building Code, the more stringent standards shall be utilized. In that circumstance, the fire chief's authority for administering the fire-flow standard shall be as given in the district's ordinances.
 - (4) In recognition that Section 910 allows for fire-flow modifications, particularly in rural areas or small communities, section § 29.003(C) below is a less restrictive modification of those fire-flow standards that is appropriate for and shall apply to the unincorporated areas of Multnomah County that are outside of any city limits where a greater fire-flow standard has not been adopted by the local fire protection provider.
- (C) Notwithstanding any other fire-flow requirement in Division II—Fire Flow, Appendix Chapter 9, the fire-flow requirement and exception in subsection 912.1 "One- and Two-family Dwellings" shall be modified to require a minimum 500 gallons per minute for dwellings that are less than 3,600 square feet in floor area (excluding garages and attic spaces) and accessory buildings and garages that are less than 3,000 square feet in floor area (either detached or attached to the dwelling).

The continuous fire-flow standard of 500 gallons per minute at the dwelling may be met by water flow and volume available from public water lines or by other water supply sources in conformance with standards in the 1999, or most current edition, "NFPA 1142, Standard on Water Supplies for Suburban and Rural Fire Fighting" manual. If the 500 gallons per minute fire flow standard cannot be met from public water lines or other water supply sources, then the alternative provisions in (C)(1) through (C)(7) below shall be used in combination to meet a credit total that equals or exceeds 100% of the 500 gallons per minute standard.

| Summary of methods to meet 100% of the Fire-Flow Requirement of 500 gal. per min. | |
|--|--|
| I. | 500 gallons per minute fire-flow is available from public water lines or other sources in compliance with NFPA 1142 standards [100%]; or |
| II. | Utilize the tanker truck credit in (C)(1) [50%] and any two of the following alternative credits: <ul style="list-style-type: none">• Monitored alarm in (C)(2) [25%]; |

| | |
|-----|---|
| | <ul style="list-style-type: none"> • Roof materials in (C)(3) [25%]; • Defensive space in (C)(4) [25%]; • Special approval by the Fire Chief in (C)(5) [25%]; or |
| III | Use all the following alternative credits: <ul style="list-style-type: none"> • Monitored alarm in (C)(2) [25%]; • Roof materials in (C)(3) [25%]; • Defensive space in (C)(4) [25%]; • Special approval by the Fire Chief in (C)(5) [25%]; or |
| IV | Utilize the sprinkler system in (C)(6) [75%] and any one of the following alternative credits: <ul style="list-style-type: none"> • Tanker truck credit in (C)(1) [50%]; • Monitored alarm in (C)(2) [25%]; • Roof materials in (C)(3) [25%]; • Defensive space in (C)(4) [25%]; • Special approval by the Fire Chief in (C)(5) [25%]. |

- (1) An alternative credit of 50% shall be given upon verification by the local fire protection service provider that a water tanker truck of at least 3,000 gallon capacity is available to serve the property;
- (2) Where fire protection services are available, an alternative credit of 25% shall be given for the use of a central station monitored smoke alarm system and the posting of a clearly visible rural address marker where the private driveway or private road intersects with the public road;
- (3) An alternative credit of 25% shall be given for the installation of Class A or non-combustible roofing shingles and the boxing in of all eaves, facias, and soffits with fire resistant materials;
- (4) An alternative credit of 25% shall be given for the creation of "defensible space" against wildfire around the dwelling. On ground slopes of less than 20 percent, "defensible space" is an area 30 feet from the outside walls of a dwelling that is owned by or controlled by the homeowner. On ground slopes of 20 percent or greater, "defensible space" is an area 100 feet from the outside walls of a dwelling that is owned by or controlled by the homeowner. Prior to issuance of the building permit, verification shall be required that within the "defensible space":
 - (a) Low-hanging branches of existing trees have been pruned and removed within 8 feet of the proposed dwelling; and
 - (b) Low-hanging branches of existing trees have been pruned and removed within 8 feet of the ground as the maturity of the tree and accepted silviculture practices may allow; and
 - (c) Existing trees are spaced with greater than 15 feet between crowns; and
 - (d) All other vegetation is less than 2 feet in height;
- (5) In conjunction with meeting the requirements of (C)(2) above, the Fire Chief of the local fire protection provider may approve an additional credit of 25% when particular circumstances warrant the credit. Such circumstances include, but are not limited to, specific fire prevention, fire containment, or fire suppression attributes of the proposed building site, building materials, or additional fire detection and/or suppression features.
- (6) An alternative credit of 75% shall be given with the installation of a fire sprinkler system in conformance with the standards in the 1999 Edition, or the most current version, of the NFPA 13-D, Standard for the Installation of Sprinkler Systems in One- and Two-Family Dwellings and Manufactured Homes (NFPA is the National Fire Protection Association, Inc.).

RETURN THIS FORM TO THE APPLICANT

✱ For the Gresham Service District Only

Multnomah County Fire Flow Review Form Information Requirements

Please have the top portion of the sheet completed along with:

a site map showing fire hydrant locations (if any), street location, other buildings on site, North arrow, and

Include:

- 1) Total square footage of house (building) plus attached garage;
- 2) Distance, in feet, from nearest fire hydrant to the house;
- 3) Clear width of driveway;
- 4) If a fire hydrant is available, what is the fire flow? (Max. gpm at 20 psi) Contact your water service provider for this information.

Allow Gresham Fire Marshal's Office 2-5 working days to complete this review. You will be contacted via the phone number left on the form when the review is complete and ready for you to pick up.

If there are any questions by the Deputy Fire Marshal, you will be contacted.

Thank you.

✱ Gresham Fire Marshal's Office
503-618-2572



MULTNOMAH COUNTY
LAND USE AND TRANSPORTATION PROGRAM
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**STAFF REPORT TO THE PLANNING COMMISSION
FOR THE
PUBLIC HEARING ON MAY3, 2010

PROPOSED ZONING CODE AMENDMENTS TO
VARIANCES AND ADJUSTMENTS
CASE FILE # PC 10-002**

PART I. INTRODUCTION

This work program task examines the location of structures or buildings relative to property lines within overlay zones and when adjustments or variances are allowed. The current adjustment and variance regulations contain provisions that are intended to clarify which standards are appropriate to modify on a case by case basis, and the approval criteria that apply to those requests. The relationship between variance/adjustment remedies and the SEC and WRG resource protection areas is ambiguous in the code as currently written.

Variances, Adjustments and SEC/WRG Overlays

Zoning codes for the different rural plan areas are not clear whether or not adjustments or variances can be applied for within a Significant Environmental Concern (SEC) or Willamette River Greenway (WRG) overlay. A strict reading of the code would prohibit an adjustment or variance request in either overlay.

A good example would be when an SEC-wr buffer pushes a proposed dwelling away from a stream, but into the required setback from the property line. Under the Scope section for the adjustment and variance, it lists what dimensional requirements may be modified, including a yard or setback. In addition, it states:

*“except for the following: Reduction of yards/setback/buffer requirements within the Significant Environmental Concern (SEC) and Willamette River Greenway (WRG) overlay districts and the Commercial Forest Use fire safety zone are not allowed under the Adjustment process;”
(Underline added by staff for effect).*

The intention of the code was not to prohibit a property owner from requesting a reduction in the setback or yard for a structure to a property line, but rather to prohibit the property owner from requesting a reduction to a buffer required by the overlay zone for the protection of a significant resource. In order for the adjustment and variance codes to read as they were intended and be clear to customers and staff alike, changes need to occur.

Staff presented two options to the Planning Commission to remedy the situation:

1. Modify the language of the code to clearly delineate that adjustments and variances are allowed on properties with the SEC or WRG overlay, but the adjustment or variance can not be to reduce a buffer required to protect a resource.
2. Clarify the language for when an adjustment or variance is allowed on a property with the SEC or WRG overlay. Also, incorporate new code language in the overlay zones that would administer adjustment/variance requests that resulted from development avoiding the resource buffers. The adjustment/variance requests would then no longer need to be processed through a separate permit application.

The Planning Commission decided on Option 1. Section II contains the proposed new code language to be considered.

An additional issue was brought up after the work session by staff about the inclusion of 'height' in the scope section for variances. It was not clear why height was included as eligible for a variance since it was excluded from being eligible for an adjustment. Additionally, sign height was included as a separate category being eligible for a variance and other structures that typically exceed zone height restrictions already have built in exceptions – such as chimneys, silos, cell towers etc. It would seem that height should be stricken from being eligible for a variance and staff has proposed striking it as part of the language to be adopted.

PART II. AMENDMENTS TO THE ADJUSTMENTS AND VARIANCE CODE SECTIONS

The four Zoning Code Chapters that are proposed to be amended in this staff report are:

- Chapter 33, West Hills Rural Plan Area
- Chapter 34, Sauvie Island and Multnomah Channel Rural Plan Area
- Chapter 35, East of the Sandy River Rural Plan Area
- Chapter 36, West of the Sandy River Rural Plan Area

Proposed code changes are shown by the following:

- Language shown by ~~Strikethrough~~ is proposed to be deleted
- **Underlined and bold** language is proposed to be added
- Staff comments, if needed, are noted by indentation and ***bold italic font***.
- Three asterisks * * * show where code parts are left out.

MCC 33.7606 Scope

(A) Dimensional standards that may be modified under an Adjustment review (modified no more than 40 percent) are yards, setbacks, forest practices setbacks, resource protection setbacks, minimum front lot line length, flag lot pole width, cul-de-sac length, ~~cul-de-sac turnaround radius, and dimensions of a private street, except the following that:~~

(1) Reduction of ~~yards/setback/-resource~~ **buffer protection setback** requirements within the Significant Environmental Concern (SEC) and Willamette River Greenway (WRG) overlay districts **are prohibited. Additionally, reductions to the fire safety zones in** and the Commercial Forest Use ~~fire safety zones~~ are not allowed under the Adjustment process; and

(2) Reduction of ~~buffer~~ **resource protection setback** requirements within the Hillside Development **overlay shall only be reviewed as a Variance; and Large Fills, Mineral Extraction, and Radio and Television Transmission Towers Code Sections and any increase to the maximum building height shall only be reviewed as Variances; and**

(3) Reduction of yards/setback/-buffer resource protection setback requirements within the Large Fills, Mineral Extraction, and Radio and Television Transmission Towers Code Sections and any increase to the maximum building height shall only be reviewed as Variances; and

~~(3)~~ **(4) Minor modification of yards/setbacks/-buffer resource protection setbacks specifically called out** in the off-street parking and design review standards are allowed only through the "exception" provisions in each respective Code section.

(B) Dimensional standards that may be modified under a Variance review are yards, set-backs, forest practices setbacks, buffers, minimum front lot line length, ~~height~~, sign height, flag lot pole width, and cul-de-sac length, ~~cul-de-sac turnaround radius, and dimensions of a private street~~, except the following:

(1) Reduction of ~~yards/setback/-resource~~ **buffer protection setback** requirements within the Significant Environmental Concern (SEC) and Willamette River Greenway (WRG) overlay districts.

(2) Modification of fire safety zone standards given in Commercial Forest Use districts; and

(3) Increase to any billboard height or any other dimensional sign standard.

(C) The dimensional standards listed in (A) and (B) above are the only standards eligible for Adjustment or Variance under these provisions. Adjustments and Variances are not allowed for any other standard including, but not limited to, minimum lot area, modification of a threshold of review (e.g. cubic yards for a Large Fill), modification of a definition (e.g. 30 inches of unobstructed open space in the definition of yard), modification of an allowed density in a Planned Development or houseboat moorage, or to allow a land use that is not allowed by the Zoning District.



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**STAFF REPORT TO THE PLANNING COMMISSION
FOR THE
PUBLIC HEARING ON MAY 3, 2010**

**CHAPTER 37 AMENDMENTS TO INCORPORATE CONFLICT OF INTEREST RULES
FOR PLANNING COMMISSIONERS
CASE FILE # PC 10-001**

PART I. INTRODUCTION

The script template that is used by the Chair of the Planning Commission for a Legislative Hearing includes this language:

“At this time I would ask any commission members to disclose any actual or potential financial or other interest which could lead to a member’s bias or partiality.”

The question has been raised as to the source of the legal requirement for disclosure of “bias.”

A search of ORS Chapters 197 and 215 reveal only two statutes that use the word “bias.” The first is ORS 197.835 regarding the scope of review for LUBA. The relevant portion of that statute is subsection (12), which provides:

“The board may reverse or remand a land use decision under review due to ex parte contacts or bias resulting from ex parte contacts with a member of the decision-making body, only if the member of the decision-making body did not comply with ORS 215.422(3) or 227.180(3) [relating to cities], whichever is applicable.”

ORS 215.422(3) relates to the review of land use decisions of a hearings officer or other county decision-making authority. The relevant portion of the statute provides:

“(3) No decision or action of a planning commission or county governing body shall be invalid due to ex parte contact or bias resulting from ex parte contact with a member of the decision-making body, if the member of the decision-making body receiving the contact:

- (a) Places on the record the substance of any written or oral ex parte communications concerning the decision or action; and
- (b) Has a public announcement of the content of the communication and of the parties’ right to rebut the substance of the communication made at the first hearing following the

communication where action will be considered or taken on the subject to which the communication related.”

Both of these statutes related to quasi-judicial hearings, not legislative actions, and are, therefore, not applicable to legislative actions.

MCC 37.07.0710(B)(3)(d) is the legal authority for requiring disclosure of “bias” by Planning Commission members. The relevant portion of the code is:

“(3) At the beginning of the initial public hearing authorized under these procedures, a statement describing the following shall be announced to those in attendance: ... (d) That the decision maker shall call for any ex parte contacts, conflicts of interest or bias before the beginning of each item.”

Ex parte contacts are only relevant to quasi-judicial matters. State land use statutes, by their terms, limit the requirement to disclose bias to quasi-judicial matters. For example, ORS 215.422(3) (quoted above) relates to review of a Hearings Officer decision or other decision-making authority. “Decisions” are limited to quasi-judicial matters. Legislative matters are referred to as legislation or an adoption of a law or code.

However, government ethics statutes apply to both quasi-judicial and legislative actions. ORS 244.120 requires all public officials (defined in ORS 244.020(13)) to disclose actual conflicts of interest or potential conflicts of interest when they make either quasi-judicial decisions or take legislative actions. ORS 244.020 (1) defines an “actual conflict of interest” and ORS 244.020(11) defines a “potential conflict of interest.” The county code should be amended to conform to state law, but not impose additional requirements. The proposed zoning code amendments are set out in Section II, below.

PART II. PROPOSED ZONING CODE AMENDMENTS

This section contains proposed changes to the provisions of Chapter 37. The code is structured such that amendment of both legislative and quasi-judicial procedures is needed to effect this change. The legislative provisions are grouped into what the reviewing body does at hearing (37.0710), definitions and rules of procedure (37.0780), and the process to challenge procedures followed at hearings (37.0790). A minor change to incorporate the definitions and rules of procedure is recommended for quasi-judicial proceedings.

*Language underlined is proposed to be added and strikethrough is to be deleted. * * * shows where there is a “jump” to a following section, (leaving out unchanged code parts).*

The quasi-judicial provisions are amended at (6) below to incorporate the rules governing decision maker participation.

§ 37.0610 Hearings Process - Type II Appeals, Type III Or Type IV Applications.

All public hearings on Type II, Type III, or Type IV applications shall be quasi-judicial and comply with the procedures of this section.

* * *

(E) At the beginning of the initial public hearing authorized under these procedures, a statement shall be announced to those in attendance, that:

- (1) Lists the applicable substantive criteria;
- (2) The hearing will proceed in the following general order: staff report, applicant's presentation, testimony in favor of the application, testimony in opposition to the application, rebuttal, record closes, deliberation and decision;
- (3) That all testimony and evidence submitted, orally or in writing, must be directed toward the applicable approval criteria. If any person believes that other criteria apply in addition to those addressed in the staff report, those criteria must be listed and discussed on the record. The decision maker may reasonably limit oral presentations in length or content depending upon time constraints. Any party may submit written materials of any length while the public record is open;
- (4) Failure to raise an issue on the record, with sufficient specificity and accompanied by statements or evidence sufficient to afford the County and all parties to respond to the issue, may preclude appeal on that issue to the Land Use Board of Appeals;
- (5) Any party wishing a continuance or to keep open the record must make that request while the record is still open;
- (6) That the decision maker shall disclose any ex parte contacts, conflicts of interest or bias before the beginning of each hearing item and provide an opportunity for challenge. Advised parties must raise challenges to the procedures of the hearing at the hearing and raise any issue relative to ex parte contacts, conflicts of interest or bias, prior to the start of the hearing. Also see the provisions of MCC 37.0780 Exparte Contact, Conflict of Interest, and Bias.

* * *

The section below contains provisions in sections A and B for legislative Planning Commission proceedings, and in section C for Board hearings. The recommended change to (3)(d) incorporates the definitions and rules of procedure in 37.0780 Ex Parte Contact, Conflict of Interest, and Bias. The change in (C) to incorporate the procedures for Board of County Commission hearings.

§ 37.0710 (PC) Legislative Hearing Process.

(A) Purpose. Legislative actions involve the adoption or amendment of the County's land use regulations, comprehensive plan, map inventories and other policy documents that affect the entire County or large portions of it. Legislative actions which affect land use must begin with a public hearing before the Planning Commission.

(B) Planning Commission Review:

(1) Hearing required. The Planning Commission shall hold at least one public hearing before recommending action on a legislative proposal. Recommendations by the Planning Commission shall be by majority vote of the entire Planning Commission.

(2) Planning Director's report. Once the Planning Commission's hearing has been scheduled and notice provided under MCC 37.0720, the Planning Director shall prepare and make available a staff report on the legislative proposal at least 7 days prior to the hearing.

(3) At the beginning of the initial public hearing authorized under these procedures, a statement describing the following shall be announced to those in attendance:

(a) That the hearing will proceed in the following general order: staff report, public testimony, record closes, deliberation and decision;

(b) That all testimony and evidence submitted, orally or in writing, must be directed toward the relevant issues. If any person believes that other issues apply in addition to those addressed in the staff report, those issues must be listed and discussed on the record. The decision maker may reasonably limit oral presentations in length or content depending upon time constraints. Any party may submit written materials of any length while the public record is open;

(c) That failure to raise an issue on the record, with sufficient specificity and accompanied by statements or evidence sufficient to afford the County and all parties to respond to the issue, may preclude appeal on that issue to the Land Use Board of Appeals;

(d) That the decision maker shall call for any ~~ex parte contacts~~, conflicts of interest or bias before the beginning of each hearing item pursuant to the applicable provisions of MCC 37.0780 Ex Parte Contact, Conflict of Interest, and Bias.

(C) Board of Commissioners review:

(1) Board of Commissioners action. Upon a recommendation from the Planning Commission on a legislative action, the Board of Commissioners shall hold at least one public hearing on the proposal. The provisions for staff report availability and opening statement applicable to Planning Commission proceedings under (B)(2) and (3) are also applicable to Board proceedings, as are the provisions for conflict of interest and objections in MCC 37.0780 and 37.0790. Any interested person may provide written or oral testimony on the proposal at or prior to the hearing. At the conclusion of the hearing,

the Board of Commissioners may adopt, modify or reject the legislative proposal, or it may remand the matter to the Planning Commission for further consideration. If the decision is to adopt at least some form of the proposal, and thereby amend the County's land use regulations, comprehensive plan, official zoning maps or some component of any of these documents, the Board of Commissioners decision shall be enacted as an ordinance and final upon signing. The Board of Commissioner's decision is appealable to LUBA in accordance with OAR Chapter 661, Division 10 and ORS 197.830 or current applicable state statutes.

(2) Notice of final decision. Not later than 5 days following the Board of Commissioner's final decision, the Planning Director shall mail notice of the decision to DLCD in accordance with ORS 197.615 or current applicable state statutes.

* * *

The definitions and rules of procedure section below is amended at subsection (B) to incorporate requirements updated to conform to current statute. In addition, the "challenges" concept is deleted in this section because it is the topic of the procedural objections section that follows it in 37.0790. The provisions for challenging hearings procedure in 37.0790 are amended as shown below to incorporate requirements to conform to state statute.

§ 37.0780 Ex Parte Contact, Conflict Of Interest And Bias.

The following rules shall govern any challenges to a decision maker's participation in a quasi-judicial or legislative action:

(A) Ex parte contacts. Any factual information obtained by a decision maker by anyone other than staff outside the context of a quasi-judicial hearing shall be deemed an ex parte contact. Prior to the close of the record in any particular matter, any decision maker that has obtained any material factual information through an ex parte contact shall declare the content of that contact and allow any interested party to rebut the substance of that contact. This rule does not apply to legislative proceedings or contacts between county staff and the decision maker.

(B) Conflict of interest. ~~Whenever a decision maker, or any member of a decision maker's immediate family or household, has a financial interest in the outcome of a particular quasi-judicial or legislative matter, that decision maker shall not participate in the deliberation or decision on that matter.~~

All provisions for conflict of interest on the part of a decision maker apply to both quasi-judicial and legislative proceedings.

(1) In compliance with ORS 244.135(1), a member of the Planning Commission shall not participate in any commission proceeding or action in which any of the following has a direct or substantial financial interest:

a. The Planning Commission member or the spouse, brother, sister, child parent, father-in-law, mother-in-law of the member;

- b. Any business in which the member is then serving or has served within the previous two years; or
- c. Any business with which the member is negotiating for or has an arrangement or understanding concerning prospective partnership or employment.

(2) In compliance with ORS 244.135(2), any actual or potential interest shall be disclosed at the meeting of the commission where the action is being taken.

(C) Bias. All decisions in quasi-judicial matters shall be fair, impartial and based on the applicable approval standards and the evidence in the record. Any decision maker who is unable to render a decision on this basis in any particular matter shall refrain from participating in the deliberation or decision on that matter. This rule does not apply to legislative proceedings.

§ 37.0790 Procedural Objections.

(1) Any party who objects to the procedure followed in any particular matter, including bias, conflict of interest and undisclosed ex parte contacts, must make a procedural objection prior to the County's rendering a final decision. Procedural objections may be raised at any time prior to a final decision, after which they are deemed waived. In making a procedural objection, the objecting party must identify the procedural requirement that was not properly followed and identify how the alleged procedural error harmed that person's substantial rights.

(2) The Planning Commissioners are appointed public officials subject to ORS 244.010 et. seq., and are required to notify, in writing, the Chair of the Board of County Commissioners, as the person who appointed the public official to the Planning Commission, of the nature of the actual or potential conflict of interest and request that the appointing authority dispose of the matter giving rise to the conflict. (ORS244.120(1)(c)) In compliance with that statutory provision, upon receipt of the request, the appointing authority shall designate, within a reasonable time, an alternate to dispose of the matter, or shall direct the official to dispose of the matter in a manner specified by the appointing authority.

(3) In making a procedural objection, the objecting party must identify the procedural requirement that was not properly followed and identify how the alleged procedural error harmed that person's substantial rights. No decision or action of the Planning Commission or county governing body shall be invalid solely by reason of the failure of a public official to disclose an actual or potential conflict of interest. (ORS 244.130(2))