

# Chapter 29 – Building Regulations

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### ***BUILDING CODE***

#### **§ 29.001 TITLE; AREA OF APPLICATION.**

This subchapter shall be known as the Building Code and applies to the unincorporated areas of the county.

(‘90 Code, § 9.10.005, 07/01/1998; Ord. 164, passed, 05/11/1978)

#### **§ 29.002 POLICY.**

The Board has determined that it is necessary to provide for the regulation of building construction and administration of standards, including enforcement, of the state building code adopted by the state and that this subchapter is necessary for the protection of the public health, safety and general welfare of the residents of the county. In addition, the Board has determined that certain optional state building code regulations providing standards for fire-flow, fire apparatus means of approach, and alternatives to those standards are necessary to implement ~~Comprehensive Framework Policy 38: Facilities for Comprehensive Plan policies pertaining to fire protection.~~

(Ord. 1049, Amended, 09/16/2004; ‘90 Code, § 9.10.020, 07/01/1998; Ord. 164, passed, 05/11/1978)

#### **§ 29.003 ADOPTION OF STATE BUILDING CODE BY REFERENCE.**

(A) Those portions of the state building code constituting the structural specialty 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.

#### **§ 29.004 FIRE CODE COMPLIANCE**

~~(B)~~ Prior to land use review, the applicant shall demonstrate that the proposed development is in compliance with the most current version of the Oregon Fire Code. Documentation of compliance shall be on forms provided by the Planning Director. Depending on the location of the parcel, the following agency shall review:

~~(1A)~~ A property served by a structural fire service provider shall have the proposed development reviewed by the fire official serving it.

~~(2B)~~ For properties located outside of the boundaries of a structural fire service provider, the property owners shall provide to Land Use Planning, evidence that a request for structural fire service has been made to the appropriate fire district. If structural fire protection is not available, alternative means of fire protection may be authorized by the applicable building official in accordance with the Oregon Fire Code.

(Ord. 1186, Amended, 10/13/2011; Ord. 1049, Amended, 09/16/2004; ‘90 Code, § 9.10.030, 07/01/1998; Ord. 583, passed, 07/21/1988; Ord. 531, passed, 10/09/1986; Ord. 256, passed, 11/06/1980; Ord. 164, passed, 05/11/1978)

#### **~~§ 29.004 BUILDING CODE BOARD OF APPEALS; MEMBERSHIP; DUTIES.~~**

~~—(A) There is created the county building code board of appeals whose function shall be to determine the suitability of alternate materials and types of construction and to provide for reasonable interpretation of this subchapter and §§ 29.200 through 29.207 of this chapter.~~

~~—(B) The board of appeals shall consist of nine members who are qualified by experience and training to pass upon matters pertaining to building construction, which membership shall include the following occupations:~~

~~———(1) State registered professional engineer (civil);~~

~~———(2) State registered professional engineer (mechanical);~~

~~———(3) State registered professional engineer (structural);~~

~~———(4) State registered architect;~~

~~———(5) General contractor;~~

~~———(6) Home builder;~~

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~~(7) Building designer;~~

~~—— (8) Plumber; and~~

~~—— (9) Fire protection specialist.~~

~~—— (C) Members shall be appointed by the Chair with the approval of the Board, and shall serve for the period provided at appointment.~~

~~—— (D) Any member of the board of appeals who fails to attend three consecutive meetings of the board of appeals, whether regular or special, shall, upon recommendation of a majority of the board of appeals members and approval of the Chair, forfeit their office. The Chair shall immediately appoint a successor.~~

~~—— (E) A quorum for the transaction of business shall consist of four members.~~

~~—— (F) The board of appeals shall adopt rules for the conduct of its business and shall render all findings and decisions in writing to the building official for the county, who shall cause a copy of a decision to be delivered to the applicant involved.~~

### ***Cross-reference:***

~~—— *Building code board of appeals to serve as plumbing code board of appeals, see § 29.203*~~  
(‘90 Code, § 9.10.040, 07/01/1998; Ord. 400, passed, 10/13/1983; Ord. 164, passed, 05/11/1978)

### **§ 29.005 — POWERS OF BOARD OF APPEALS.**

~~—— The board of appeals may do the following:~~

~~—— (A) Provide interpretations of this subchapter;~~

~~—— (B) Determine the suitability of proposed alternate methods of construction;~~

~~—— (C) Determine the suitability of proposed alternate materials;~~

~~—— (D) Provide recommendations to the Board for such ordinances and rules as may be consistent with the purposes of this subchapter;~~

~~—— (E) Grant alternatives to provisions of this subchapter in specific instances where the board of appeals has determined to its satisfaction and by unanimous vote that practical difficulties, unnecessary hardship or consequences inconsistent with the general purposes of this subchapter may result from literal interpretation and enforcement of this subchapter. The board of appeals may impose such conditions and safeguards upon approval of alternatives as it determines are consistent with the general purpose, intent and spirit of this subchapter and which assure protection of the public safety and welfare;~~

~~—— (F) Grant temporary permits as provided by this subchapter; and~~

~~—— (G) Perform any other function assigned to it by ordinance, order, resolution or rule.~~

(‘90 Code, § 9.10.050, 07/01/1998; Ord. 164, passed, 05/11/1978)

### **§ 29.006 — DETERMINATION OF BUILDINGS AS UNSAFE.**

Any building or structure which has any of the conditions or defects described in this section shall be considered unsafe, if the conditions or defects are found to endanger the life, health, property or safety of the public or the occupants. Any building or structure found to be unsafe under this subchapter is declared to be a public nuisance and shall be abated by repair, rehabilitation, demolition or removal. A building is unsafe whenever the building official determines:

(A) Any door, aisle, passageway, stairway or other means of exit is not in conformance with the building code effective at the time of construction.

(B) Stress in any structural materials or member or portion of a member, due to all loads, both vertical and lateral, is more than one and one-half times the working stress or stresses allowed by this chapter for new buildings of similar construction, purpose or location.

(C) Any portion has been damaged by fire, earthquake, wind, flood, deterioration or such other

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cause as to result in wracking, warping, buckling or settling of any portion of the structure so as to reduce structural strength or stability 33% or more for supporting members, or 50% or more for nonsupporting members, below the minimum strength requirements of current building code requirements.

(D) Any portion, or any member, appurtenance or ornamentation, either interior or exterior, is not of sufficient strength or stability, or is not anchored, attached or fastened in place securely and is therefore reasonably likely to fall, become detached or dislodged, or collapse and cause injury to persons or damage to property.

(E) Exterior or interior bearing walls or other vertical structural members list, lean or buckle to the extent that a plumb line passing through the center of gravity does not fall within the middle one-third of the base of the vertical component.

(F) Any building or structure used or intended to be used for dwelling purposes, because of inadequate maintenance, dilapidation, decay, damage, faulty construction or arrangement, inadequate light, air or sanitation facility, is determined to be unsanitary, unfit for human habitation or to be in such condition as would likely cause injury, sickness or disease.

### ***Cross reference:***

*Nuisances generally, see §§ 15.225 through 15.236*

(‘ 90 Code, § 9.10.060, 07/01/1998; Ord. 531, passed, 10/09/1986; Ord. 195, passed, 04/26/1979; Ord. 164, passed, 05/11/1978)

### **§ 29.007 NOTICE TO OWNER OF UNSAFE BUILDING; CONTENTS.**

(A) Upon determination by the building official that any building or structure is unsafe as provided in § 29.006 of this subchapter, the building official shall furnish to the owner and the person in charge of the building or structure, written notice of the determination and its basis. The notice shall require repair, improvement, demolition, removal or elimination of the causes creating the unsafe condition, which may include immediate vacation of the building, structure or any portion thereof, and shall also require the commencement within 48 hours of any

work necessary to abate the nuisance and provide a completion date for that work.

(B) Service of the notice provided under division (A) of this section shall be as required for service of process by law, upon the owner of record, and if the owner is not found within the county, notice may be served by registered mail return receipt. If that service is ineffective, service may be had by publication as provided by ORS 15.120. The time prescribed for the unsafe building nuisance to be abated, as provided in division (A) of this section, shall commence to run upon service of notice or, in the case of service by publication, upon the first day of publication.

### ***Cross-reference:***

*Unsafe buildings (electrical code), see § 29.103*

*Unsafe buildings (plumbing code), see § 29.204*

(‘ 90 Code, § 9.10.070, 07/01/1998; Ord. 164, passed, 05/11/1978)

### **§ 29.008 LIMITED USE OF UNSAFE BUILDING.**

(A) Any building, structure or portion thereof vacated upon order of the building official shall not be reoccupied until the required corrections have been completed, inspected and approved by the building official.

(B) Posting of unsafe buildings shall be by appropriate displayed notice, as prescribed by the building official, at the entrance to the building and shall prohibit entry, occupancy or use to such extent as in the judgment of the building official is necessary under the circumstances. The notice shall remain posted until removal is authorized in writing by the building official. The building official may authorize entry by persons the building official considers necessary to effect abatement of the unsafe building nuisance.

(‘ 90 Code, § 9.10.080, 07/01/1998; Ord. 164, passed, 05/11/1978)

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### § 29.009 HEARING; ABATEMENT OF UNSAFE BUILDING NUISANCE.

Upon determination and notice to the owner that an unsafe building nuisance exists and failure or refusal of the owner to abate the nuisance, the building official shall cause the matter to be presented to the Board for the county for a hearing to show cause why an unsafe building nuisance should not be declared to exist and to order abatement of the nuisance. Notice of a hearing shall be served, not less than ten days prior to the hearing, upon the owner of the building and any person in possession in the manner prescribed by § 29.007(B) of this subchapter. After hearing and upon determination by the Board that a nuisance exists, the Board may order abatement of the nuisance and prosecution of the owner for violation of this subchapter. The Board's order shall constitute authority for the building official to proceed to abate the nuisance by performance of any specific act necessary, including entry upon the land and removal of the unsafe structure. Any expense incurred shall be authorized by the Board to be paid by the county, and the costs shall be levied against the real property and charged to its owner in the manner of, and collected as provided for, special assessments under ORS 311.255.

(‘ 90 Code, § 9.10.090, 07/01/1998; Ord. 164, passed, 05/11/1978)

### § 29.010 FEES.

The fees as set by Board resolution shall apply under this subchapter in addition to those provided in the state building code. Where conflicts occur with fees provided in the state building code, the fees in this subchapter shall prevail.

#### ***Cross-reference:***

*Fees for services of Department of Community Services, see Ch. 27*

(Ord. 1061, Amended, 05/26/2005, eff. 7/1/2005; Ord. 978, Amended, 03/07/2002; Ord. 971, Amended, 12/20/2001; Ord. 956, Amended, 01/18/2001; ‘ 90 Code, § 9.10.100, 07/01/1998; Ord. 728, passed, 08/13/1992; Ord. 623, passed, 07/20/1989; Ord. 583, passed, 07/21/1988; Ord. 557, passed, 08/20/1987; Ord. 467, passed, 05/29/1985; Ord. 400, passed, 10/13/1983; Ord. 278, passed, 08/20/1981; Ord. 256, passed, 11/06/1980; Ord. 195, passed, 04/26/1979; Ord. 164, passed, 05/11/1978)

### § 29.011 PERMITS FOR TEMPORARY BUILDINGS OR STRUCTURES.

(A) In addition to those permits provided in section 302 of the Structural Specialty Code and Fire and Life Safety Code, the building official may approve permits for buildings or structures of a temporary nature, not to exceed 90 days. ~~The board of appeals may approve the permits for periods in excess of 90 days, but not to exceed one year.~~

(B) Temporary buildings and structures shall comply with provisions of this subchapter only to the extent required by the building official ~~or board of appeals~~ as may be considered necessary to prevent injury to persons or damage to property and shall be consistent with the intent and purpose of this subchapter.

(‘ 90 Code, § 9.10.110, 07/01/1998; Ord. 164, passed, 05/11/1978)

### § 29.014 CERTIFICATE OF OCCUPANCY.

(A) No building or structure, except single family and duplex dwellings, and no land shall be used or occupied, and no change in the existing occupancy of a building, structure or land or portion thereof shall be made, until a Certificate of Occupancy as required by the Building Code has been issued by the Building Official.

(B) Changes in the use of a building, structure or of land shall not be made except in compliance with the provisions of the Zoning Code.

(C) If it is found that the building, structure or land complies with the provision of the Zoning Code, the Building Official shall issue a Certificate of Occupancy as required by the Building Code.-

(D) A temporary Certificate of Occupancy may be issued by the Building Official for the use of a portion or portions of a building or land prior to the completion or occupation of the entire building or use.

(E) The Certificate of Occupancy shall be posted in a conspicuous place on the premises and shall not be removed except by the Building Official.

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### ***ELECTRICAL CODE***

#### **§ 29.100- TITLE; AREA OF APPLICATION.**

This subchapter shall be known as the Electrical Code and applies to unincorporated areas within the county.

('90 Code, § 9.20.005, 07/01/1998; Ord. 425, passed, 07/05/1984)

#### **§ 29.101 POLICY.**

The Board has determined that it is necessary, for the protection of the public health, safety, and welfare, for the county to adopt, administer and enforce the State Electrical Specialty Safety Code in unincorporated areas of the county.

('90 Code, § 9.20.020, 07/01/1998; Ord. 425, passed, 07/05/1984)

#### **§ 29.102 ADOPTION OF THE STATE OF OREGON ELECTRICAL SPECIALTY SAFETY CODE BY REFERENCE.**

Those portions of the state Building Code constituting the Electrical Specialty Code as authorized by ORS 479.730 and adopted by the Director of the Department of Commerce, pursuant to ORS 183.310 to 183.550, are adopted and by reference incorporated as part of this subchapter. The provisions of this subchapter shall take precedence over any similar provisions of the Electrical Specialty Safety Code.

('90 Code, § 9.20.030, 07/01/1998; Ord. 584, passed, 07/21/1988; Ord. 425, passed, 07/05/1984)

#### **§ 29.103 DETERMINATION OF BUILDING AS UNSAFE.**

(A) Any building, portion, or premises, used in conjunction, which has any of the described conditions or defects, shall be considered unsafe, if the conditions or defects are found to endanger life, health, property or safety of the public or occupants.

(B) A building is unsafe when any electrical wiring, appliance, devices or equipment within the scope of the Electrical Specialty Safety Code are found to exist in a dangerous or unsafe condition



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with the potential for creating electrical shock or fire hazard.

(C) The building official shall take whatever action necessary to cause the abatement of the unsafe condition, in accordance with the rules and procedures set forth in §§ 29.001 through 29.011 of this chapter.

### ***Cross-reference:***

*Abatement of unsafe buildings, see § 29.007 et seq.*

(‘ 90 Code, § 9.20.040, 07/01/1998; Ord. 425, passed, 07/05/1984)

### **§ 29.104 APPLICATION FOR PERMIT.**

To obtain a permit, the applicant shall first file an application in writing on a form furnished for that purpose. Every application shall:

(A) Identify and describe the work to be covered by the permit for which application is made.

(B) Describe the land on which the proposed work is to be done by legal description or street address or similar description that will readily identify and definitely locate the proposed building or work.

(C) Be accompanied by plans, diagrams, computations or specifications and other data as required in this subchapter.

(D) Be signed by a general supervisor electrician, limited supervising manufacturing plant electrician, limited supervisor industrial electrician, or property owner, all who may be required to submit evidence to indicate such authority.

(E) Give such other applicable data and information as may be required by the building official.

(‘ 90 Code, § 9.20.050, 07/01/1998; Ord. 425, passed, 07/05/1984)

### **§ 29.105 PLANS AND SPECIFICATIONS.**

(A) A one-line electrical diagram, load summary and other data shall be submitted in a minimum of two sets with each application for a permit for electrical wiring intended to supply a connected

load of over 200 amperes or for installation of wiring in the following buildings or other development:

(1) A building of more than two stories in height, excluding single-family residences.

(2) Buildings with an aggregate ground area exceeding 10,000 square feet.

(3) Buildings with occupant loads of 300 or more persons.

(4) Trailer parks.

(B) Plans, engineering calculations and other data shall be submitted in two sets with each application for permit for a wiring system over 600 volts.

(C) Plans for installations with service voltage exceeding 600 volts shall bear the signature and seal of a state-registered professional engineer. All other plans shall bear the signature of the supervising electrician, registered for the electrical contractor submitting such plans or the signature and seal of a state-registered engineer.

(D) Exception: The building official may waive the submission of plans, calculations or other data if they find that the nature of the work applied for is such that reviewing of plans is not necessary to obtain compliance with this code.

(‘ 90 Code, § 9.20.060, 07/01/1998; Ord. 425, passed, 07/05/1984)

### **§ 29.106 FEES.**

(A) The fees under this subchapter shall be as set by Board resolution.

(B) *Refunds.*

(1) The building official may authorize the refunding of any fee paid hereunder which was erroneously paid or collected.

(2) The building official may authorize the refunding of not more than 80% of the permit fee paid when no work has been done under a permit issued in accordance with this subchapter.

(3) The building official may authorize the refunding of not more than 80% of the plan review

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fee paid when an application for permit for which a plan review fee has been paid is withdrawn or cancelled before any plan reviewing is done.

(4) The building official shall not authorize the refunding of any fee except upon written application filed by the original permittee not later than 180 days after the date of fee payment.

***Cross-reference:***

*Fees for services of Department of Community Services, see Ch. 27.*

(Ord. 1061, Amended, 05/26/2005, eff. 7/1/2005; Ord. 978, Amended, 03/07/2002; Ord. 971, Amended, 12/20/2001; Ord. 956, Amended, 01/18/2001; ‘ 90 Code, § 9.20.070, 07/01/1998; Ord. 584, passed, 07/21/1988; Ord. 558, passed, 08/20/1987; Ord. 532, passed, 10/09/1986; Ord. 482, passed, 11/07/1985; Ord. 425, passed, 07/05/1984)

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### ***PLUMBING CODE***

#### **§ 29.200- TITLE; AREA OF APPLICATION.**

This subchapter shall be known as the Plumbing Code and applies to unincorporated areas within the county.

(‘ 90 Code, § 9.30.005, 07/01/1998; Ord. 362, passed, 01/13/1983)

#### **§ 29.201 POLICY.**

The Board has determined that it is necessary, for the protection of the public health, safety and general welfare, for the county to adopt, administer and enforce the state Plumbing Specialty Code in unincorporated areas of the county.

(‘ 90 Code, § 9.30.015, 07/01/1998; Ord. 362, passed, 01/13/1983)

#### **§ 29.202 ADOPTION OF THE STATE PLUMBING SPECIALTY CODE BY REFERENCE.**

Those portions of the state Building Code constituting the Plumbing Specialty Code, as authorized by ORS 477.020 and adopted by the Director of the Department of Commerce, pursuant to ORS 183.310 to 183.550 and identified as OAR Chapter 814, are adopted and incorporated as part of this subchapter. The provisions of this subchapter shall take precedence over any similar provisions of the Plumbing Specialty Code.

(‘ 90 Code, § 9.30.030, 07/01/1998; Ord. 585, passed, 07/21/1988; Ord. 362, passed, 01/13/1983)

#### **§ 29.203 ~~PLUMBING CODE BOARD OF APPEALS.~~**

~~—(A) Anyone aggrieved by the final decision of the building official may appeal that decision to the plumbing code board of appeals.~~

~~—(B) The building code board of appeals, established under §§ 29.001 through 29.011 of this chapter, shall also serve as the plumbing code board of appeals.~~

~~—(C) The membership, duties and powers of the plumbing code board of appeals shall be as stated in §§ 29.001 through 29.011 of this chapter.~~

#### ***Cross-reference:***

~~—Building code board of appeals, see § 29.004 et seq.~~

~~(‘ 90 Code, § 9.30.040, 07/01/1998; Ord. 362, passed, 01/13/1983)~~

#### **§ 29.204 DETERMINATION OF BUILDINGS AS UNSAFE.**

(A) Any building, portion, or premises, used in conjunction, which has any of the conditions or defects, hereafter described, shall be considered unsafe, if the conditions or defects are found to endanger life, health, property or safety or the public or occupants.

(B) A building is unsafe whenever unsanitary or dangerous conditions exist, due to improperly installed, poorly maintained, defective, damaged, incomplete, or malfunction of any piping, plumbing or sewage system.

(C) The building official shall take whatever action necessary to cause abatement of the unsafe condition in accordance with the rules and procedures set forth in §§ 29.001 through 29.011 of this chapter.

#### ***Cross-reference:***

*Nuisances, see §§ 15.225 through 15.236*

*Abatement of unsafe buildings, see § 29.007 et seq.*

(‘ 90 Code, § 9.30.050, 07/01/1998; Ord. 362, passed, 01/13/1983)

#### **§ 29.205 OTHER PERMITS REQUIRED.**

(A) Nothing in this subchapter shall affect the necessity of obtaining all applicable permits and paying all fees prescribed by other rules, ordinances or statutes of the county or the state.

(B) Nothing in this subchapter shall affect the powers and duties of county health officials in any respect, and those powers and duties, together with

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all regulations pertaining, shall be capable of exercise and enforcement in addition to this subchapter.

(‘ 90 Code, § 9.30.080, 07/01/1998; Ord. 362, passed, 01/13/1983)

### § 29.206 VIOLATIONS.

A person shall not:

(A) Violate or procure, aid or abet, in the violations of any final order concerning the application of a provision of the State Building Code in a particular case made by the director, an advisory board, a state administrative officer or any local appeals board, building official or inspector.

(B) Engage in or procure, aid or abet any other person to engage in any conduct or activity for which a permit, certificate, label or other formal authorization is required by any specialty code or other regulation without first having obtained such permit, certificate, label or other formal authorization.

(‘ 90 Code, § 9.30.090, 07/01/1998; Ord. 362, passed, 01/13/1983)

### § 29.207 FEES.

Before a permit may be issued for the installation, alteration, renovation or repair of a plumbing or sewage disposal system, fees shall be collected as set by Board resolution. Fees charged in this section relate to individual building or structure systems. Multiple service, private plumbing or sewage disposal systems, included but not limited to planned unit developments, shall be subject to plan review fees as set forth ~~Chapter 7 of this code~~ by Board resolution.

#### ***Cross-reference:***

*Fees for services of Department of Community Services, see Ch. 27.*

(Ord. 1061, Amended, 05/26/2005, eff. 7/1/2005; Ord. 978, Amended, 03/07/2002; Ord. 971, Amended, 12/20/2001; Ord. 956, Amended, 01/18/2001; ‘ 90 Code, § 9.30.100, 07/01/1998; Ord. 800, passed, 10/06/1994; Ord. 775, passed, 09/16/1993; Ord. 729, passed, 08/13/1992; Ord. 625, passed, 07/20/1989; Ord. 585, passed, 07/21/1988; Ord. 559, passed, 08/20/1987; Ord. 533, passed, 10/09/1986; Ord. 467, passed, 05/29/1985; Ord. 362, passed, 01/13/1983)

## Chapter 29 – Building Regulations

### ***GRADING AND EROSION CONTROL*** ***(Excluding West of Sandy River Plan Area)***

(Ord. 1042, Renum29.300&Amd, 07/08/2004)

#### **§ 29.330 — PURPOSES.**

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

~~— (A) Protect human life;~~

~~— (B) Protect property and structures;~~

~~— (C) Minimize expenditures for rescue and relief efforts associated with earth movement failures;~~

~~— (D) Control erosion, production and transport of sediment;~~

~~— (E) Regulate land development actions including excavation and fills, drainage controls and protect exposed soil surfaces from erosive forces; and~~

~~— (F) Control stormwater discharges and protect streams, ponds, and wetlands.~~

~~(Ord. 1042, Renum29.300&Amd, 07/08/2004; \* 90 Code, § 9.40.005, 07/01/1998; Ord. 847, passed, 03/21/1996)~~

#### **§ 29.331 — EROSION CONTROL RELATED DEFINITIONS.**

~~— For the purpose of this subchapter, the following definitions shall apply unless the context requires a different meaning.~~

~~— **CUT.**~~

~~— (1) An excavation;~~

~~— (2) The difference between a point on the original ground surface and the point of lowest elevation on the final grade;~~

~~— (3) The material removed in excavation work.~~

~~— **DISTURBED AREA.** The total area of alteration of the naturally occurring ground surface resulting from construction activities whether permanent or temporary.~~

~~— **DRAINAGE AREA.** The subject property together with the watershed (acreage) contributing water runoff to and receiving water runoff from the subject property.~~

~~— **DRAINAGEWAY.** Any natural or artificial stream, swale, creek, river, ditch, channel, canal or other open watercourse.~~

~~— **EARTH MOVEMENT.** Any type of land surface failure resulting in the downslope movement of material. The term includes, but is not limited to, soil creep, mudflow, rockslides, block failures, and massive landslides.~~

~~— **EROSION.** The wearing away or removal of earth surface materials by the action of natural elements or forces including, but not limited to, wind, water or gravity.~~

~~— **EXCAVATION.** Any act by which earth, sand, gravel, rock or any similar material is dug into, cut, quarried, uncovered, removed, displaced, relocated or bulldozed, including the conditions resulting therefrom.~~

~~— **FILL.**~~

~~— (1) Any act by which earth, sand, gravel, rock or similar material is pushed, placed, dumped, stacked, pulled, transported, or in any way moved to a new location above the existing natural surface of the ground or on the top of a stripped surface, including the condition resulting therefrom.~~

~~— (2) The difference in elevation between a point on the original ground surface and the point of higher elevation on a finished grade.~~

~~— (3) The material used to make a fill.~~

~~— **GRADING.** Any stripping, cutting, filling, stockpiling or any combination thereof, including the land in its cut or filled condition.~~

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~~**GRAVEL.** Aggregate composed of hard and durable stones or pebbles, crushed or uncrushed, more than half of which is retained on a No. 4 sieve (2 mm).~~

~~**GROUND DISTURBING ACTIVITY.** Any activity that exposes soil through the use of motorized equipment.~~

~~**MULCH.** Organic materials, such as straw, bark, jute, coconut fibers, or nut shells spread over the surface of the ground, especially freshly graded or exposed soils, to prevent physical damage from erosive agents such as storm water, precipitation or wind, and which shield soil surfaces until vegetative cover or other stabilization measures can take effect.~~

~~**ORDINARY HIGH WATER MARK.** Features found by examining the bed and banks of a stream and ascertaining where the presence and action of waters are so common and usual, and so long maintained in all ordinary years, as to mark upon the land a character distinct from that of the abutting upland, particularly with respect to vegetation. For streams where such features cannot be found, the channel bank shall be substituted. In braided channels and alluvial fans, the ordinary high water mark shall be measured to include the entire stream feature.~~

~~**SLOPE.**~~

~~(1) Any ground whose surface makes an angle from the horizontal; or~~

~~(2) The face of an embankment or cut section.~~

~~**SPOIL MATERIAL.** Any rock, sand, gravel, soil or other earth material removed by excavation or other grading activities.~~

~~**STREAM.** Areas where surface waters flow sufficient to produce a defined channel or bed. A defined channel or bed is indicated by hydraulically sorted sediments or the removal of vegetative litter or loosely rooted vegetation by the action of moving water. The channel or bed need not contain water year round. This definition is not meant to include irrigation ditches, canals, stormwater runoff devices or other entirely artificial watercourses unless they are used to convey Class 1 or 2 streams naturally~~

~~occurring prior to construction. Those topographic features resembling streams but which have no defined channels (such as, swales) shall be considered streams when hydrologic and hydraulic analyses performed pursuant to a development proposal predict formation of a defined channel after development.~~

~~**STREAM PROTECTION.** Activities or conditions which avoid or lessen adverse water quality and turbidity effects to a stream.~~

~~**TOPOGRAPHIC INFORMATION.** Surveyed elevation information which details slopes, contour intervals and drainageways. Topographic information shall be prepared by a registered land surveyor or a registered professional engineer qualified to provide such information and represented on maps with a contour interval not to exceed ten feet.~~

~~**VEGETATION.** All plant growth, especially trees, shrubs, grasses and mosses.~~

~~**VEGETATIVE PROTECTION.** Stabilization of erosive or sediment producing areas by covering the soil with:~~

~~(1) Permanent seeding, producing long-term vegetative cover;~~

~~(2) Short term seeding, producing temporary vegetative cover;~~

~~(3) Sodding, producing areas covered with a turf or perennial sod-forming grass; or~~

~~(4) Netting with seeding if the final grade has not stabilized.~~

~~**WATER BODY.** Rivers, streams, sloughs, drainages, including intermittent streams and seeps, ponds, lakes, aquifers, wetlands, and coastal waters.~~

~~**WATERCOURSE.** A channel in which a flow of water occurs, either continuously or intermittently with some degree of regularity. Watercourses may be either natural or artificial.~~

~~(Ord. 1042, Renum29.301&Amd, 07/08/2004; Ord. 978, Amended, 03/07/2002; Ord. 971, Amended, 12/20/2001; Ord. 956, Amended, 01/18/2001; '90 Code, § 9.40.050, 07/01/1998; Ord. 847, passed, 03/21/1996)~~

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### ~~§ 29.333 — REQUIREMENTS FOR A MINIMAL IMPACT PROJECT.~~

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

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

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

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

~~— (D) The planning director may take steps to ensure compliance with the requirements of this subsection, including but not limited to, field inspections by County staff, post construction certification of the work, and the posting of a notice providing County contact information in the event that questions arise concerning work occurring on site. (Ord. 1042, Add, 07/08/2004)~~

### ~~§ 29.336 — PERMITS REQUIRED.~~

~~— The following activities require a Grading and Erosion Control permit:~~

~~— (A) All ground disturbing activities where:~~

~~— (1) More than 10,000 square feet of surface area is disturbed (excluding the placement of gravel, or asphalt) at any one time; or~~

~~— (2) Areas disturbed are within 200’ by horizontal measurement from the top of the bank of a water body or from the boundary of National Wetlands Inventory mapped wetlands associated with a water body, whichever distance is greater; or~~

~~— (3) Slopes before development are greater than 10 percent (10 Horizontal: 1 Vertical); or~~

~~— (4) Unsupported finished slopes exceed a 33 percent (3 Horizontal: 1 Vertical) grade and five feet in height.~~

~~— (B) Hydrologic scour attributed to development resulting in visible erosion, turbidity, or sediment deposition within a water body.~~

~~— (C) Development projects subject to a hillside development permit do not require a separate grading and erosion control permit.~~

~~(Ord. 1042, Reenum29.302&Amd, 07/08/2004; ‘90 Code, § 9.40.010, 07/01/1998; Ord. 847, passed, 03/21/1996)~~

### ~~§ 29.339 — EXEMPT LAND USES AND ACTIVITIES.~~

~~— The following are exempt from the provisions of this subchapter:~~

~~— (A) Test pits or borings excavated for purposes of geotechnical evaluation or septic system suitability.~~

~~— (B) Cemetery graves, but not cemetery soil disposal sites.~~

~~— (C) Excavations for wells.~~

~~— (D) Mineral extraction activities as regulated by the county zoning code.~~

~~— (E) Exploratory excavations under the direction of certified engineering geologists or geotechnical engineers.~~

~~— (F) Routine agricultural management practices.~~

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~~—(G) Residential gardening and landscape maintenance at least 100 feet by horizontal measurement from the top of the bank of a watercourse, or the mean high watermark (line of vegetation) of a body of water or wetland.~~

~~—(H) Emergency response activities intended to reduce or eliminate an immediate danger to life, property, or flood or fire hazards.~~

~~—(I) Forest practices as defined by ORS 527 (the State Forest Practices Act) and approved by the state Department of Forestry. ('90 Code § 9.40.020) (Ord. 847, passed 1996)~~

~~—(J) Grading activities attributed to routine road maintenance when undertaken by an organization operating under Limit 10, Section 4d of the Endangered Species Act, (Ord. 1042, Renum29.303&Amd, 07/08/2004; '90 Code, § 9.40.020, 07/01/1998; Ord. 847, passed, 03/21/1996)~~

### **§ 29.342 — APPLICATION INFORMATION REQUIRED.**

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

~~—(A) A map, drawn to scale, showing the property line locations, area of disturbance, ground topography (contours), roads and driveways, existing structures, trees with eight inch or greater caliper or an outline of wooded areas, watercourses and include the location of the proposed development(s), erosion control measures, existing sanitary drain fields, existing drywells, and trees proposed for removal.~~

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

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

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

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

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

~~—(D) Narrative, map or plan information necessary to demonstrate compliance with applicable provisions of the county zoning code. The application shall provide applicable supplemental reports, certifications, or plans relative to: engineering, soil characteristics, stormwater drainage, stream protection, erosion control, and/or replanting. (Ord. 1042, Renum29.304&Amd, 07/08/2004; '90 Code, § 9.40.030, 07/01/1998; Ord. 847, passed, 03/21/1996)~~

### **§ 29.345 — GRADING AND EROSION CONTROL PERMIT STANDARDS.**

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

~~—(A) Design standards for grading and erosion control.~~

~~—(1) Grading standards.~~

~~—(a) Fill materials, compaction methods and density specifications shall be indicated. Fill areas intended to support structures shall be identified on the plan. The director may require additional studies or information or work regarding fill materials and compaction;~~

~~—(b) Cut and fill slopes shall not be steeper than 3:1 unless a geological and/or engineering analysis certifies that steep slopes are safe and erosion control measures are specified;~~

~~—(c) Cuts and fills shall not endanger or disturb adjoining property;~~

~~—(d) The proposed drainage system shall have adequate capacity to handle stormwater attri-~~



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~~buted to development on site for a storm of ten-year frequency and maintain the existing flood-carrying capacity of all watercourses on or adjacent to the property;~~

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

### ~~————— (2) Erosion control standards.~~

~~————— (a) On sites within the Tualatin River Drainage Basin, erosion and stormwater control plans shall satisfy the requirements of OAR 340. Erosion and stormwater control plans shall be designed to perform as prescribed by the currently adopted edition of the “Erosion Prevention & Sediment Control Plans Technical Guidance Handbook (1994)” and the “City of Portland Stormwater Quality Facilities, A Design Manual (1995).” Ground-disturbing activities within the Tualatin Basin shall provide a 100-foot undisturbed buffer from the top of the bank of a stream, or the ordinary high watermark (line of vegetation) of a water body, or within 100 feet of a wetland; unless a mitigation plan consistent with OAR 340 is approved for alterations within the buffer area.~~

~~————— (b) Stripping of vegetation, grading, or other soil disturbance shall be done in a manner which will minimize soil erosion, stabilize the soil as quickly as practicable, and expose the smallest practical area at any one time during construction;~~

~~————— (c) Development plans shall minimize cut or fill operations and ensure conformity with topography so as to create the least erosion potential and adequately accommodate the volume and velocity of surface runoff;~~

~~————— (d) Temporary vegetation and/or mulching shall be used to protect exposed critical areas during development;~~

~~————— (e) Whenever feasible, natural vegetation shall be retained, protected, and supplemented;~~

~~————— 1. A 100-foot undisturbed buffer of natural vegetation shall be retained from the top of the bank of a stream, or from the ordinary high~~

~~watermark (line of vegetation) of a water body, or within 100 feet of a wetland;~~

~~————— 2. The buffer required in subsection (e)1. may only be disturbed upon the approval of a mitigation plan which utilizes erosion and stormwater control features designed to perform as effectively as those prescribed in the currently adopted edition of the “Erosion Prevention & Sediment Control Plans Technical Guidance Handbook (1994)” and the “City of Portland Stormwater Quality Facilities, A Design Manual (1995)” and which is consistent with attaining equivalent surface water quality standards as those established for the Tualatin River Drainage Basin in OAR 340;~~

~~————— (f) Permanent plantings and any required structural erosion control and drainage measures shall be installed as soon as practical;~~

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

~~————— (h) Sediment in the runoff water shall be trapped by use of debris basins, silt traps, or other measures until the disturbed area is stabilized;~~

~~————— (i) Provisions shall be made to prevent surface water from damaging the cut face of excavations or the sloping surface of fills by installation of temporary or permanent drainage across or above such areas, or by other suitable stabilization measures such as mulching or seeding;~~

~~————— (j) All drainage provisions shall be designed to adequately carry existing and potential surface runoff to suitable drainageways such as storm drains, natural watercourses, drainage swales, or an approved drywell system;~~

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

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

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~~1. Energy absorbing devices to reduce runoff water velocity;~~

~~2. Sedimentation controls such as sediment or debris basins. Any trapped materials shall be removed to an approved disposal site on an approved schedule;~~

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

~~(m) Disposed spoil material or stockpiled topsoil shall be prevented from eroding into streams or drainageways by applying mulch or other protective covering; or by location at a sufficient distance from streams or drainageways; or by other sediment reduction measures;~~

~~(n) Such non-erosion pollution associated with construction such as pesticides, fertilizers, petrochemicals, solid wastes, construction chemicals, or wastewaters shall be prevented from leaving the construction site through proper handling, disposal, continuous site monitoring and clean-up activities.~~

### ~~(B) Responsibility.~~

~~(1) Whenever sedimentation is caused by stripping vegetation, regrading or other development, it shall be the responsibility of the person, corporation or other entity causing such sedimentation to remove it from all adjoining surfaces and drainage systems prior to issuance of occupancy or final approvals for the project;~~

~~(2) It is the responsibility of any person, corporation or other entity doing any act on or across a communal stream, watercourse or swale, or upon the floodplain or right of way thereof, to maintain as nearly as possible in its present state the stream, watercourse, swale, floodplain, or right of way during such activity, and to return it to its original or equal condition.~~

### ~~(C) Implementation.~~

~~(1) Performance bond. A performance bond may be required to assure the full cost of any required erosion and sediment control measures. The bond may be used to provide for the installation~~

~~of the measures if not completed by the contractor. The bond shall be released upon determination the control measures have or can be expected to perform satisfactorily. The bond may be waived if the director determines the scale and duration of the project and the potential problems arising therefrom will be minor.~~

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

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

~~(Ord. 1042, Renum29.305&Amd, 07/08/2004; Ord. 931, passed, 04/15/1999; '90 Code, § 9.40.040, 07/01/1998; Ord. 847, passed, 03/21/1996)~~

## **§ 29.348 — PERMIT FEE.**

~~A fee for a grading and erosion control permit is imposed and the amount will be set by Board resolution.~~

~~(Ord. 1042, Renum29.306&Amd, 07/08/2004; Ord. 944, Added, 04/13/2000, Ord. 945 amended Ord. 944 to add effective date of 6/1/2000)~~

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### ~~WEST OF SANDY RIVER GRADING AND EROSION CONTROL~~

(Ord. 1042, Renum29.320\*, 07/08/2004)

#### ~~§ 29.350 — PURPOSES.~~

~~— The purposes of the Grading and Erosion Control ordinance are to promote the public health, safety and general welfare, and minimize erosion and related environmental damage in the West of Sandy River Plan Area of unincorporated Multnomah County, all in accordance with ORS 215, and the County Comprehensive Framework Plan Policies 14 and 37. This subdistrict is intended to:~~

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

~~(Ord. 1042, Renum29.320 & Amd, 07/08/2004; Ord. 996, Added, 10/31/2002, eff. 1/1/2003)~~

#### ~~§ 29.351 — EROSION CONTROL RELATED DEFINITIONS.~~

~~— For the purpose of this subchapter, the following definitions shall apply unless the context requires a different meaning.~~

#### ~~— CUT.~~

- ~~— (1) An excavation;~~
- ~~— (2) The difference between a point on the original ground surface and the point of lowest elevation on the final grade;~~
- ~~— (3) The material removed in excavation work.~~

~~— **DISTURBED AREA.** The total area of alteration of the naturally occurring ground surface resulting from construction activities whether permanent or temporary.~~

~~— **DRAINAGE AREA.** The subject property together with the watershed (acreage) contributing water runoff to and receiving water runoff from the subject property.~~

~~— **DRAINAGEWAY.** Any natural or artificial stream, swale, creek, river, ditch, channel, canal or other open water course.~~

~~— **EARTH MOVEMENT.** Any type of land surface failure resulting in the downslope movement of material. The term includes, but is not limited to, soil creep, mudflow, rockslides, block failures, and massive landslides.~~

~~— **EROSION.** The wearing away or removal of earth surface materials by the action of natural elements or forces including, but not limited to, wind, water or gravity.~~

~~— **EXCAVATION.** Any act by which earth, sand, gravel, rock or any similar material is dug into, cut, quarried, uncovered, removed, displaced, relocated or bulldozed, including the conditions resulting therefrom.~~

#### ~~— **FILL.**~~

~~— (1) Any act by which earth, sand, gravel, rock or similar material is pushed, placed, dumped, stacked, pulled, transported, or in any way moved to a new location above the existing natural surface of the ground or on the top of a stripped surface, including the condition resulting therefrom.~~

~~— (2) The difference in elevation between a point on the original ground surface and the point of higher elevation on a finished grade.~~

~~— (3) The material used to make a fill.~~

~~— **GRADING.** Any stripping, cutting, filling, stockpiling or any combination thereof, including the land in its cut or filled condition.~~

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~~— **GRAVEL.** Aggregate composed of hard and durable stones or pebbles, crushed or uncrushed, more than half of which is retained on a No. 4 sieve (2 mm).~~

~~— **GROUND DISTURBING ACTIVITY.** Any activity that exposes soil through the use of motorized equipment.~~

~~— **MULCH.** Organic materials, such as straw, bark, jute, coconut fibers, or nut shells spread over the surface of the ground, especially freshly graded or exposed soils, to prevent physical damage from erosive agents such as storm water, precipitation or wind, and which shield soil surfaces until vegetative cover or other stabilization measures can take effect.~~

~~— **ORDINARY HIGH WATER MARK.** Features found by examining the bed and banks of a stream and ascertaining where the presence and action of waters are so common and usual, and so long maintained in all ordinary years, as to mark upon the land a character distinct from that of the abutting upland, particularly with respect to vegetation. For streams where such features cannot be found, the channel bank shall be substituted. In braided channels and alluvial fans, the ordinary high water mark shall be measured to include the entire stream feature.~~

~~— **SLOPE.**~~

~~—— (1) Any ground whose surface makes an angle from the horizontal; or~~

~~—— (2) The face of an embankment or cut section.~~

~~— **SPOIL MATERIAL.** Any rock, sand, gravel, soil or other earth material removed by excavation or other grading activities.~~

~~— **STREAM.** Areas where surface waters flow sufficient to produce a defined channel or bed. A defined channel or bed is indicated by hydraulically sorted sediments or the removal of vegetative litter or loosely rooted vegetation by the action of moving water. The channel or bed need not contain water year round. This definition is not meant to include irrigation ditches, canals, stormwater runoff devices or other entirely artificial watercourses unless they are used to convey Class 1 or 2 streams naturally occurring prior to construction. Those topographic~~

~~features resembling streams but which have no defined channels (such as, swales) shall be considered streams when hydrologic and hydraulic analyses performed pursuant to a development proposal predict formation of a defined channel after development.~~

~~— **STREAM PROTECTION.** Activities or conditions which avoid or lessen adverse water quality and turbidity effects to a stream.~~

~~— **TOPOGRAPHIC INFORMATION.** Surveyed elevation information which details slopes, contour intervals and drainageways. Topographic information shall be prepared by a registered land surveyor or a registered professional engineer qualified to provide such information and represented on maps with a contour interval not to exceed ten feet.~~

~~— **VEGETATION.** All plant growth, especially trees, shrubs, grasses and mosses.~~

~~— **VEGETATIVE PROTECTION.** Stabilization of erosive or sediment producing areas by covering the soil with:~~

~~—— (1) Permanent seeding, producing long-term vegetative cover;~~

~~—— (2) Short term seeding, producing temporary vegetative cover;~~

~~—— (3) Sodding, producing areas covered with a turf or perennial sod-forming grass; or~~

~~—— (4) Netting with seeding if the final grade has not stabilized.~~

~~— **WATER BODY.** Rivers, streams, sloughs, drainages, including intermittent streams and seeps, ponds, lakes, aquifers, wetlands, and coastal waters.~~

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**~~WATERCOURSE.~~**—A channel in which a flow of water occurs, either continuously or intermittently with some degree of regularity. Watercourses may be either natural or artificial.

(Ord. 1042, Renum29.321&Amd, 07/08/2004; Ord. 996, Added, 10/31/2002, eff. 1/1/2003)

### **~~§ 29.353 — REQUIREMENTS FOR A MINIMAL IMPACT PROJECT.~~**

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

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

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

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

—(D) The planning director may take steps to ensure compliance with the requirements of this subsection, including but not limited to, field inspections by County staff, post construction certification of the work, and the posting of a notice providing County contact information in the event that questions arise concerning work occurring on site.  
(Ord. 1042, Add, 07/08/2004)

### **~~§ 29.356 — PERMITS REQUIRED.~~**

—The following activities require a Grading and Erosion Control permit:

—(A) All ground disturbing activities where:

—(1) More than 10,000 square feet of surface area is disturbed (excluding the placement of gravel, or asphalt) at any one time; or

—(2) Areas disturbed are within 200’ by horizontal measurement from the top of the bank of a water body or from the boundary of National Wetlands Inventory mapped wetlands associated with a water body, whichever distance is greater; or

—(3) Slopes before development are greater than 10 percent (10 Horizontal: 1 Vertical); or

—(4) Unsupported finished slopes exceed a 33 percent (3 Horizontal: 1 Vertical) grade and five feet in height.

—(B) Hydrologic scour attributed to development resulting in visible erosion, turbidity, or sediment deposition within a water body.

—(C) Development projects subject to a hillside development permit do not require a separate grading and erosion control permit.

(Ord. 1042, Renum29.322&Amd, 07/08/2004; Ord. 996, Added, 10/31/2002, eff. 1/1/2003)

### **~~§ 29.359 — EXEMPT LAND USES AND ACTIVITIES.~~**

—The following are exempt from the provisions of this subchapter:

—(A) Test pits or borings excavated for purposes of geotechnical evaluation or septic system suitability.

—(B) Cemetery graves, but not cemetery soil disposal sites.

—(C) Excavations for wells.

—(D) Mineral extraction activities as regulated by the county zoning code.

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~~(E) Exploratory excavations under the direction of certified engineering geologists or geotechnical engineers.~~

~~—(F) Routine agricultural management practices.~~

~~—(G) Residential gardening and landscape maintenance at least 100 feet by horizontal measurement from the top of the bank of a watercourse, or the mean high watermark (line of vegetation) of a body of water or wetland.~~

~~—(H) Emergency response activities intended to reduce or eliminate an immediate danger to life, property, or flood or fire hazards.~~

~~—(I) Forest practices as defined by ORS 527 (the State Forest Practices Act) and approved by the state Department of Forestry.~~

~~—(J) Grading activities attributed to routine road maintenance when undertaken by an organization operating under Limit 10, Section 4d of the Endangered Species Act.~~

~~(Ord. 1042, Renum29.323&Amd, 07/08/2004; Ord. 996, Add-ed, 10/31/2002, eff. 1/1/2003)~~

### **§ 29.362 — APPLICATION INFORMATION REQUIRED.**

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

~~—(A) A map, drawn to scale, showing the property line locations, area of disturbance, ground topography (contours), roads and driveways, existing structures, trees with eight inch or greater caliper or an outline of wooded areas, watercourses and include the location of the proposed development(s), erosion control measures, existing sanitary drain fields, existing drywells, and trees proposed for removal.~~

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

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

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

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

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

~~—(D) Narrative, map or plan information necessary to demonstrate compliance with applicable provisions of the county zoning code. The application shall provide applicable supplemental reports, certifications, or plans relative to: engineering, soil characteristics, stormwater drainage, stream protection, erosion control, and/or replanting.~~

~~(Ord. 1042, Renum29.324&Amd, 07/08/2004; Ord. 996, Add-ed, 10/31/2002, eff. 1/1/2003)~~

### **§ 29.365 — GRADING AND EROSION CONTROL PERMIT STANDARDS.**

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

~~—(A) Design standards for grading and erosion control.~~

~~—(1) Grading standards.~~

~~—(a) Fill materials, compaction methods and density specifications shall be indicated. Fill areas intended to support structures shall be identified on the plan. The director may require additional studies or information or work regarding fill materials and compaction;~~

~~—(b) Cut and fill slopes shall not be steeper than 3:1 unless a geological and/or engineering analysis certifies that steep slopes are safe and erosion control measures are specified;~~

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~~————— (c) Cuts and fills shall not endanger or disturb adjoining property;~~

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

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

~~————— (2) Erosion control standards.~~

~~————— (a) Stripping of vegetation, grading, or other soil disturbance shall be done in a manner which will minimize soil erosion, stabilize the soil as quickly as practicable, and expose the smallest practical area at any one time during construction;~~

~~————— (b) Development plans shall minimize cut or fill operations and ensure conformity with topography so as to create the least erosion potential and adequately accommodate the volume and velocity of surface runoff;~~

~~————— (c) Temporary vegetation and/or mulching shall be used to protect exposed critical areas during development;~~

~~————— (d) Whenever feasible, natural vegetation shall be retained, protected, and supplemented;~~

~~————— 1. A 100 foot undisturbed buffer of natural vegetation shall be retained from the top of the bank of a stream, or from the ordinary high watermark (line of vegetation) of a water body, or within 100 feet of a wetland;~~

~~————— 2. The buffer required in subsection (d)1. may only be disturbed upon the approval of a mitigation plan which utilizes erosion and stormwater control features designed to perform as effectively as those prescribed in the currently adopted edition of the “Erosion Prevention & Sediment Control Plans Technical Guidance Handbook” and the “City of Portland Stormwater Quality Facili-~~

~~ties, A Design Manual (1995)” and which is consistent with attaining equivalent surface water quality standards as those established for the Tualatin River Drainage Basin in OAR 340;~~

~~————— (e) Permanent plantings and any required structural erosion control and drainage measures shall be installed as soon as practical;~~

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

~~————— (g) Sediment in the runoff water shall be trapped by use of debris basins, silt traps, or other measures until the disturbed area is stabilized;~~

~~————— (h) Provisions shall be made to prevent surface water from damaging the cut face of excavations or the sloping surface of fills by installation of temporary or permanent drainage across or above such areas, or by other suitable stabilization measures such as mulching or seeding;~~

~~————— (i) All drainage provisions shall be designed to adequately carry existing and potential surface runoff to suitable drainageways such as storm drains, natural watercourses, drainage swales, or an approved drywell system;~~

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

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

~~————— 1. Energy absorbing devices to reduce runoff water velocity;~~

~~————— 2. Sedimentation controls such as sediment or debris basins. Any trapped materials shall be removed to an approved disposal site on an approved schedule;~~

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

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~~———— (l) Disposed spoil material or stockpiled topsoil shall be prevented from eroding into streams or drainageways by applying mulch or other protective covering; or by location at a sufficient distance from streams or drainageways; or by other sediment reduction measures;~~

~~———— (m) Such non-erosion pollution associated with construction such as pesticides, fertilizers, petrochemicals, solid wastes, construction chemicals, or wastewaters shall be prevented from leaving the construction site through proper handling, disposal, continuous site monitoring and clean up activities.~~

### ~~—— (B) Responsibility~~

~~———— (1) Whenever sedimentation is caused by stripping vegetation, regrading or other development, it shall be the responsibility of the person, corporation or other entity causing such sedimentation to remove it from all adjoining surfaces and drainage systems prior to issuance of occupancy or final approvals for the project;~~

~~———— (2) It is the responsibility of any person, corporation or other entity doing any act on or across a communal stream, watercourse or swale, or upon the floodplain or right of way thereof, to maintain as nearly as possible in its present state the stream, watercourse, swale, floodplain, or right of way during such activity, and to return it to its original or equal condition.~~

### ~~—— (C) Implementation.~~

~~———— (1) Performance bond. A performance bond may be required to assure the full cost of any required erosion and sediment control measures. The bond may be used to provide for the installation of the measures if not completed by the contractor. The bond shall be released upon determination the control measures have or can be expected to perform satisfactorily. The bond may be waived if the director determines the scale and duration of the project and the potential problems arising therefrom will be minor.~~

~~———— (2) Inspection and enforcement. The director may take steps to ensure compliance with the requirements of this sub-section, including but not li-~~

~~mitted to, inspections, peer review of engineering analysis (at the applicant's expense), post construction certification of work, and the posting of a notice providing County contact information in the event that questions arise concerning work occurring on-site. The requirements of this subdistrict shall be enforced by the planning director. If inspection by county staff reveals erosive conditions which exceed those prescribed by the Grading and Erosion Control Permit, work may be stopped until appropriate correction measures are completed.~~

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

~~(Ord. 1042, Renum29.325&Amd, 07/08/2004; Ord. 996, Added, 10/31/2002, eff. 1/1/2003)~~

## **CONDOMINIUMS**

### **§ 29.400 — APPROVAL OF DECLARATION, PLAT AND FLOOR PLANS.**

~~—— Before the declaration, plat and floor plans for a condominium, or an amendment, may be recorded, it must be approved by the county surveyor that it complies with ORS 92.080 and 94.042.~~

~~(‘90 Code, § 11.20.100, 07/01/1998; Ord. 311, passed, 05/27/1982)~~

### **§ 29.401 — FEE FOR REVIEW AND APPROVAL.**

~~—— The fee for the review and approval of the plat and floor plans for a condominium shall be as set by Board resolution.~~

~~(‘90 Code, § 11.20.200, 07/01/1998; Ord. 680, passed, 05/23/1991; Ord. 378, passed, 04/28/1983; Ord. 311, passed, 05/27/1982)~~



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### ***STREET STANDARDS - PART 1: GENERAL PROVISIONS***

#### **§ 29.500- TITLE.**

This subchapter shall be known as the Street Standards Law, and may be so cited and referred to. ('90 Code, § 11.60.005, 07/01/1998; Ord. 529, passed, 09/25/1986; Ord. 162, passed, 04/20/1978)

#### **§ 29.501 DEFINITIONS.**

For the purpose of this subchapter, the following definitions shall apply unless the context requires a different meaning.

***FUNCTIONAL CLASSIFICATION.*** The various types of local streets, collectors, scenic routes, transit corridor streets, arterials, freeways, and transitways as defined and classified in the adopted county comprehensive framework transportation system plan and its adopted roadway functional classification map (§§ 29.561 through 29.570).

***PLAN.*** The county comprehensive land use plan or any of its component parts, such as the framework transportation system plan, any of the community plans, and the like. ('90 Code, § 11.60.010, 07/01/1998; Ord. 529, passed, 09/25/1986; Ord. 162, passed, 04/20/1978)

#### **§ 29.502 AREA OF APPLICATION.**

The provisions of this subchapter are applicable to every public right-of-way within the unincorporated area of the county, all county roads within incorporated cities, and all easements or accessways which may be required by the county code. ('90 Code, § 11.60.030, 07/01/1998; Ord. 529, passed, 09/25/1986; Ord. 162, passed, 04/20/1978)

#### **§ 29.503 POLICY; POWERS OF DIRECTOR.**

It shall be county policy and the director shall be charged with the responsibility to:

(A) Exercise the county's authority under ORS 368, the county code, and other authorizing statutes to adequately supervise, direct and control the laying out, opening, establishment, changing, alteration, straightening, working, grading, maintaining and keeping in repair the streets and roads, and to

exercise the authority for the improvement, the regulation of use, and the vacation or closure of streets and roads where appropriate.

(B) Promulgate such rules as shall be necessary for the administration and enforcement of this subchapter.

(C) Require the following from property owners, to the extent that they benefit from required or permitted improvements and to the extent that improvements are necessary to implement their share of the plan or protect the public from the undesirable effects of proposed land uses:

(1) Dedication of right-of-way required by county standards.

(2) Improvement of road or street to county standards.

(3) Construction of storm drainage facilities at county standard to serve the drainage basin, abutting property developments and street and road improvements.

(4) Installation of traffic controls, and devices, at county standard, necessary to accommodate circulation and a mix of traffic types.

(5) Construction of pedestrian and bicycle facilities, at county standard, necessary for safe circulation.

(6) Installation of street lighting facilities at county standard.

(7) Payment of all engineering and construction costs for improvements and facilities required in this subsection.

(8) Construction of sanitary sewers, water, and other utilities at the governing jurisdiction standard.

(D) The county may participate in improvements that exceed the requirements of division (C) of this section and where it is in the general public interest it may require payment equivalent to the cost of improvements and facilities rather than actual construction of those facilities and improvements. In such cases the county shall provide at least

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the equivalent improvements and facilities within a specified time period.

(‘ 90 Code, § 11.60.040, 07/01/1998; Ord. 529, passed, 09/25/1986; Ord. 162, passed, 04/20/1978)

### **§ 29.504 ADMINISTRATION AND ENFORCEMENT.**

(A) The director shall be responsible for administering this subchapter and all rules adopted under it.

(B) The director shall have the authority to initiate enforcement proceedings.

(C) Consistent with MCC ~~37.0915~~ 39.1510 and notwithstanding any provision of this subchapter or the rules or manuals adopted hereunder; the director shall enforce this subchapter, and the rules and manuals adopted hereunder as provided in MCC §§ ~~37.0910~~ 39.1515 through ~~37.0970~~ 39.1565.

(Ord. 1107, Amended, 01/17/2008; ‘ 90 Code, § 11.60.050, 07/01/1998; Ord. 162, passed, 04/20/1978)

### **§ 29.505 INSTITUTION OF LEGAL PROCEEDINGS.**

Upon recommendation of the director, the County Attorney, acting in the name of the county, may bring an action or proceeding in a court of competent jurisdiction to compel compliance with or restrain by injunction any violations of this subchapter or the rules adopted under it.

(‘ 90 Code, § 11.60.060, 07/01/1998; Ord. 162, passed, 04/20/1978)

### **§ 29.506 PERMITS REQUIRED.**

A permit or agreement shall be required for any construction within the right-of-way or for any substantial modification of existing construction or use in the right-of-way and for any other matter relating to this subchapter that the director considers appropriate and for which a rule has been adopted. The director may establish, issue, administer and enforce permits necessary to implement this subchapter. Fees may be assessed for permits as set by Board resolution.

#### ***Cross-reference:***

*Plumbing Code, see §§ 29.200 through 29.207*

(‘ 90 Code, § 11.60.070, 07/01/1998; Ord. 529, passed, 09/25/1986; Ord. 162, passed, 04/20/1978)

### **§ 29.507 VARIANCES FROM REQUIREMENTS OF THIS CODE OR ADOPTED RULES.**

(A) The requirements of this subchapter or rules adopted under it may be varied by the director when written information substantiates that such requested variance is in keeping with the intent and purpose of this subchapter and adopted rules, and the requested variance will not adversely affect the intended function of the street or other related facility.

(B) All documents pertaining to the variance action whether approved or denied, shall be filed for future information including the director's action and the reasons.

(‘ 90 Code, § 11.60.080, 07/01/1998; Ord. 529, passed, 09/25/1986; Ord. 162, passed, 04/20/1978)

### **§ 29.508 ACCEPTANCE OF DEEDS AND EASEMENTS FOR ROAD PURPOSES.**

Upon recommendation of the county engineer, the Chair is authorized to accept on behalf of the Board deeds of land for county road or public road purposes and easements required for road improvement or maintenance purposes made by petition or proposal pursuant to ORS 368.073 (1985 edition).

(‘ 90 Code, § 11.60.510, 07/01/1998; Ord. 619, passed, 06/22/1989)

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### ***STREET STANDARDS - PART 2: ADOPTION OF RULES***

#### **§ 29.530- INITIATION OF RULE ADOPTION.**

The director, a member of the planning commission or any member of the Board may propose adoption, amendment or repeal of a rule under this subchapter.

(‘ 90 Code, § 11.60.090, 07/01/1998; Ord. 162, passed, 04/20/1978)

#### **§ 29.531 APPROVAL OF RULE FORM; FILING.**

A proposed rule shall be approved as to form by the County Attorney and filed with the director, the clerk of the Board and with the staff of the planning commission.

(‘ 90 Code, § 11.60.100, 07/01/1998; Ord. 162, passed, 04/20/1978)

#### **§ 29.532 CONTENTS OF NOTICE OF INTENT TO ADOPT.**

Notice of intent to adopt a proposed rule shall contain the following information:

(A) Description of the proposed action, such as, adoption, repeal or amendment.

(B) A summary of the intent, subject and content of the proposed rule.

(C) Complete text of the proposed rule where practicable, or the location, time and contact person for obtaining a copy of the complete text of the proposed rule.

(D) The time limit, location, contact person and format for submitting views and comments on the proposed rule.

(E) The time limit, location, format and contact person for requesting postponement of the action on the proposed rule.

(F) The time limit, location, format and contact person for requesting a public hearing on the proposed rule.

(‘ 90 Code, § 11.60.110, 07/01/1998; Ord. 162, passed,

04/20/1978)

#### **§ 29.533 NOTICE PUBLICATION.**

The notice of intent to adopt a rule shall be filed with the clerk of the Board prior to publication. In addition to such notice as may be required by law, notice of intent to adopt a rule shall be made in the following manner:

(A) Publication in a newspaper of general circulation at least 15 days before the close of the review period.

(B) Posting in a prominent location in the county courthouse at least 15 days before the close of the review period.

(‘ 90 Code, § 11.60.120, 07/01/1998; Ord. 529, passed, 09/25/1986; Ord. 162, passed, 04/20/1978)

#### **§ 29.534 REVIEW AND COMMENT PERIOD.**

The review period for submitting comments shall be 15 days and shall commence with publication of notice of intent to adopt a proposed rule.

(‘ 90 Code, § 11.60.130, 07/01/1998; Ord. 529, passed, 09/25/1986; Ord. 162, passed, 04/20/1978)

#### **§ 29.535 RULE ADOPTION.**

If at the close of the review period there have been no requests for a postponement or a public hearing, the director shall, within ten days of the close of the review period, consider the review comments and either adopt or reject the proposed rule or adopt the rule with modifications. If a proposed rule is to be substantially amended as a result of review comments, it must be considered as a newly proposed rule. The adopted rule shall be filed with the director, the clerk of the Board and with the staff of the planning commission, within ten days of the close of the review period.

(‘ 90 Code, § 11.60.140, 07/01/1998; Ord. 529, passed, 09/25/1986; Ord. 162, passed, 04/20/1978)

#### **§ 29.536 POSTPONEMENT OF RULE ACTION.**

If within the review period an interested person requests postponement of the intended action, the director, if the grounds are judged to be sufficient, shall postpone the intended action, no less than ten days nor more than 90 days to allow the requesting

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person an opportunity to submit data, views or arguments. A request for postponement must be made in writing to the contact person listed in § 29.532(E) of this subchapter and must include a statement of the identity and interest of the requesting person and of the grounds for requesting postponement.

(\* 90 Code, § 11.60.150, 07/01/1998; Ord. 529, passed, 09/25/1986; Ord. 162, passed, 04/20/1978)

### **§ 29.537 REQUEST FOR PUBLIC HEARING.**

If within the review period ten or more persons, or an association with ten or more members or a corporation requests, in writing, a public hearing on the proposed rule, the director shall announce and conduct a public hearing.

(\* 90 Code, § 11.60.160, 07/01/1998; Ord. 529, passed, 09/25/1986; Ord. 162, passed, 04/20/1978)

### **§ 29.538 PUBLIC HEARING NOTICE CONTENTS.**

Notice for a public hearing on a proposed rule shall contain the following information:

(A) Description of the proposed action, such as, adoption, repeal or amendment.

(B) A summary of the intent, subject and content of the proposed rule.

(C) The date, time, place and presiding officer of the public hearing and the manner in which interested persons may present their views.

(D) Complete text of the proposed rule if practicable or the location, time and contact person for obtaining a copy of the complete text of the proposed rule.

(E) The time limit, location, format and contact person for appealing the decision to the Board.

(\* 90 Code, § 11.60.170, 07/01/1998; Ord. 162, passed, 04/20/1978)

### **§ 29.539 PUBLICATION OF NOTICE OF PUBLIC HEARING.**

The notice of a public hearing shall be published in a newspaper of general circulation within the county at least ten days before the hearing. Notice of the public hearing shall also be given by mail to all parties who have submitted comments and to the mailing list of the interested parties.

(\* 90 Code, § 11.60.180, 07/01/1998; Ord. 162, passed, 04/20/1978)

### **§ 29.540 PUBLIC HEARING; ACTION ON RULE; FILING.**

The director shall conduct the public hearing. At the close of the hearing the director shall adopt, reject or amend the proposed rule. No further notice is required for continuation of a hearing to a date certain. The director shall file notice of the action with the clerk of the Board and with the staff of the planning commission, within five days of the public hearing. Filing of the notice of action with the clerk of the Board initiates a ten-day appeal period. If no appeal is made, the action of the director shall take effect at the end of the appeal period.

(\* 90 Code, § 11.60.190, 07/01/1998; Ord. 529, passed, 09/25/1986; Ord. 162, passed, 04/20/1978)

### **§ 29.541 APPEAL TO THE BOARD OF COUNTY COMMISSIONERS.**

Any interested person may appeal the action of the director on a rule after a public hearing on the matter. Any member of the Board may also request review of the action. Appeal must be made in writing and filed with the director within ten days of the filing of the notice of action with the clerk of the Board. Members of the Board must request review within the same period.

(\* 90 Code, § 11.60.200, 07/01/1998; Ord. 529, passed, 09/25/1986; Ord. 162, passed, 04/20/1978)

### **§ 29.542 APPEAL AND REVIEW REQUEST CONTENTS.**

The appeal request shall contain the following information:

(A) An identification of the decision or action being appealed, including its date.

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(B) A statement of the identity and interest of the person making the appeal.

(C) The specific grounds for the appeal.  
(‘ 90 Code, § 11.60.210, 07/01/1998; Ord. 162, passed, 04/20/1978)

### **§ 29.543 COMMISSIONER REQUEST FOR REVIEW.**

A member of the Board may initiate review by requesting that the matter be placed on the agenda for the Board's next regular meeting.  
(‘ 90 Code, § 11.60.220, 07/01/1998; Ord. 162, passed, 04/20/1978)

### **§ 29.544 DATE OF HEARING.**

Upon receipt of a valid appeal, the director shall schedule a hearing by the Board at the Board's next regular meeting for which the agenda has not closed and the date of which permits ten days to publish notice in a newspaper of general circulation.  
(‘ 90 Code, § 11.60.230, 07/01/1998; Ord. 162, passed, 04/20/1978)

### **§ 29.545 NOTICE OF APPEAL HEARING.**

The county shall prepare notice for appeal hearings. The notice shall contain the information described in § 29.538(D) and (E) of this subchapter. Notice shall be published in a newspaper of general circulation in the county least ten days prior to the hearing. The county shall also notify by mail persons who have submitted comments on the proposed rule and to the mailing list of interested parties.  
(‘ 90 Code, § 11.60.240, 07/01/1998; Ord. 162, passed, 04/20/1978)

### **§ 29.546 CONDUCT OF APPEAL HEARING.**

The appeal hearing shall be conducted at a regular meeting of the Board. The Board may adopt, repeal or amend the rule in question. The Board's action shall take the form of a Board order.  
(‘ 90 Code, § 11.60.250, 07/01/1998; Ord. 162, passed, 04/20/1978)

### **§ 29.547 TEMPORARY RULES.**

The county may be confronted with a situation where it is necessary to put a rule into immediate effect in order to protect the public or the interest of particular parties. In that case and where there is not sufficient time to follow the procedural requirements set forth in §§ 29.530 through 29.546 of this subchapter, the county is authorized to adopt temporary rules.

(‘ 90 Code, § 11.60.260, 07/01/1998; Ord. 162, passed, 04/20/1978)

### **§ 29.548 REQUIREMENTS FOR EFFECTIVE TEMPORARY RULE.**

The director may proceed without prior notice or hearing, or upon any abbreviated notice or hearing as practicable, to adopt a rule without the notice otherwise required by this subchapter. In that case, the director shall:

(A) File a certified copy of the rule with the director, the clerk of the Board and with the staff of the planning commission.

(B) File with the rule the director's finding that failure of the county to act promptly will result in serious prejudice to the public interest or to the interest of the parties concerned. Findings shall be supported by a statement of specific facts and reasons.

(C) Take appropriate measures to make the temporary rule known to the persons who may be affected by the temporary rule, including publication in a newspaper of general circulation in the county as promptly after filing the rule as practicable and giving notice of the rule by mail to persons who may be affected by it.

(‘ 90 Code, § 11.60.270, 07/01/1998; Ord. 529, passed, 09/25/1986; Ord. 162, passed, 04/20/1978)

### **§ 29.549 EFFECTIVE DATE OF TEMPORARY RULE.**

A temporary rule adopted in compliance with § 29.547 and this section becomes effective immediately upon filing with the clerk of the Board or at a

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later time which may be designated in the rule itself.  
(‘ 90 Code, § 11.60.280, 07/01/1998; Ord. 162, passed,  
04/20/1978)

### **§ 29.550      DURATION OF TEMPORARY RULE.**

A temporary rule may be effective for a period of not longer than 120 days. No temporary rule may be renewed after it has been in effect 120 days. The director may, however, adopt an identical rule on notice in accordance with the procedure set forth in this subchapter.

(‘ 90 Code, § 11.60.290, 07/01/1998; Ord. 529, passed,  
09/25/1986; Ord. 162, passed, 04/20/1978)

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### ***STREET STANDARDS - PART 3: RULE GUIDELINES***

#### **§ 29.560- GENERAL GUIDELINES.**

(A) The functional classifications, urban boundary map, policies, and access requirements for various land uses, as adopted in the framework county comprehensive plan, or any of its component parts, such as the transportation system plan, and the definitions and standards in this subchapter shall serve as guidelines for requirements, standards and rules adopted under this subchapter.

(B) Under the current county policy which stipulates that urban level services should be provided by municipalities, the municipality standard may be specified where deemed appropriate by the director.  
( ' 90 Code, § 11.60.300, 07/01/1998; Ord. 529, passed, 09/25/1986; Ord. 162, passed, 04/20/1978)

#### **§ 29.561 FUNCTIONAL CLASSIFICATION.**

(A) Functional classification categorizes roads and streets by their operational purpose. Some of the key factors considered when adopting the functional classifications in the plan were the following:

- (1) Relation between street traffic and land use of abutting properties.
- (2) Volume and kinds of traffic.
- (3) Traffic speed.
- (4) Relative origins and destinations of traffic and lengths of trips.

(B) The basic hierarchy of functional classification is local street, collector, scenic route, transit corridor street, arterial, freeway and transitway. The categories in §§ 29.562 through 29.570 of this subchapter define these functional classifications as well as other items necessary for street standards.

(C) The director may change an existing functional classification or designate a functional classification of collector or above for a new roadway, under the provisions of the rule adoption procedure

of this subchapter. Such changes or designations shall be consistent with the general intent of the plan. All new roads are local unless otherwise classified under these provisions.

( ' 90 Code, § 11.60.310, 07/01/1998; Ord. 529, passed, 09/25/1986; Ord. 162, passed, 04/20/1978)

#### **§ 29.562 LOCAL STREETS CATEGORY.**

Local streets provide access to abutting property and do not serve to move through traffic. Local streets will be further categorized by adjacent land use into residential, commercial, and industrial local streets.

( ' 90 Code, § 11.60.320, 07/01/1998; Ord. 529, passed, 09/25/1986; Ord. 162, passed, 04/20/1978)

#### **§ 29.563 LAND USE CATEGORY.**

Within the local street classification, there may be considerable difference between the kind of improvement specified where commercial or industrial land uses access a local street, as compared to the kind of improvement specified for residential access. Generally, a local street classification in a commercial or industrial area will require an improvement equal to that specified for a collector classification.

( ' 90 Code, § 11.60.325, 07/01/1998; Ord. 529, passed, 09/25/1986)

#### **§ 29.564 COLLECTOR STREETS CATEGORY.**

Collector streets category gather area traffic from local streets within a one-half mile radius and connect it to the arterial system. They are not intended to serve through traffic, and they are the lowest order of street designed to carry transit vehicles.

(A) Major collectors have traffic volumes generally in the range of 4,000 to 10,000 vehicles per day.

(B) Neighborhood collectors have traffic volume generally in the range of 1,000 to 4,000 vehicles per day. Abutting land uses are generally residential in character.

( ' 90 Code, § 11.60.330, 07/01/1998; Ord. 529, passed, 09/25/1986; Ord. 162, passed, 04/20/1978)

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### § 29.565 SCENIC ROUTE CATEGORY.

Scenic route category denotes a street which offers unique scenic views and is used as a scenic and recreational drive. Restrictions may be imposed to preserve the scenic character.

(‘ 90 Code, § 11.60.333, 07/01/1998; Ord. 529, passed, 09/25/1986)

### § 29.566 TRANSIT CORRIDOR STREETS CATEGORY.

Transit corridor streets category denotes a street which serves a significant function of carrying high-grade transit service. Its traffic carrying function is secondary to its transit function. Ease of pedestrian movement and pedestrian safety are main considerations on this type of street.

(‘ 90 Code, § 11.60.336, 07/01/1998; Ord. 529, passed, 09/25/1986)

### § 29.567 ARTERIALS CATEGORY.

(A) Arterial streets carry higher volumes of traffic, are often four lanes, and are the main traffic arteries.

(B) Principal arterials are generally four lanes or more and can carry a large volume of traffic, usually in excess of 25,000 vehicles per day. A significant feature of the principal arterial is its function to carry through trips; that is, trips which have not originated in or are not destined for the county area.

(C) Major arterials are generally four lanes which can carry a large volume of traffic, usually in excess of 20,000 vehicles per day. Their function is to serve intracounty trips; that is, trips which have at least one trip end within the county area.

(D) Minor arterials are generally four lanes which can carry traffic volumes usually in excess of 10,000 vehicles per day. Their function is also to serve intracounty trips.

(‘ 90 Code, § 11.60.340, 07/01/1998; Ord. 529, passed, 09/25/1986; Ord. 162, passed, 04/20/1978)

### § 29.568 URBAN AND RURAL STREETS CATEGORY.

Streets may be further categorized by their location within broad land use categories. Urban roads and streets are those within areas designated urban in the ~~framework~~ comprehensive plan. Rural roads and streets are those within areas designated rural or natural resource in the ~~framework~~ comprehensive plan. The same hierarchy applies in both cases, but given the higher traffic volumes of urban areas, there may be considerable difference between the kind of improvement required for urban and rural roads of the same classification.

(‘ 90 Code, § 11.60.350, 07/01/1998; Ord. 529, passed, 09/25/1986; Ord. 162, passed, 04/20/1978)

### § 29.569 FREEWAYS CATEGORY.

Freeways are high speed roadways with grade separated interchanges and no access to abutting properties. Their only function is to move traffic from one area to another and they generally can carry traffic volumes in excess of 60,000 vehicles per day. A sizeable portion of freeway traffic consists of through trips.

(‘ 90 Code, § 11.60.360, 07/01/1998; Ord. 162, passed, 04/20/1978)

### § 29.570 TRANSITWAYS CATEGORY.

Transitways are rights-of-way devoted exclusively for transit use, either bus or rail.

(‘ 90 Code, § 11.60.370, 07/01/1998; Ord. 162, passed, 04/20/1978)

### § 29.571 RIGHT-OF-WAY AND IMPROVEMENT STANDARDS.

The basic standards for right-of-way and improvements shown in Tables 1 and 2 adopted by reference of this subchapter are established by this subchapter. A County Design and Construction Manual will be prepared and maintained by the director which will establish more specific standards, and design and construction criteria. Periodic updating of the manual by written approval of the director is authorized by this subchapter.



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TABLES\*

TABLE 1. BASIC URBAN STANDARDS FOR RIGHT-OF-WAY AND IMPROVEMENTS BY FUNCTIONAL CLASSIFICATION

<i>Functional Classification of Street or Road</i>	<i>Right- of-Way Width (feet)</i>	<i>Pavement Width (feet)</i>	<i>Travel Lanes</i>	<i>Left Turn Lanes</i>	<i>Parking</i>	<i>Curbs</i>	<i>Sidewalks</i>
Local:							
Residential	50	28–32	1	No	Both sides	Yes	Yes
Commercial/industrial	50–60	36–44	2	No	Both sides	Yes	Yes
Collector:							
Neighborhood	50	38	2	No	Both sides	Yes	Yes
Major	60	44	2	Possible	Variable	Yes	Yes
Arterial:							
Principal	80–100	66–78	4	Con- tinuous	Variable	Yes	Yes
Major	89–100	66–78	4	Con- tinuous	Variable	Yes	Yes
Minor	80–90	66–72	4	As needed	Variable	Yes	Yes

TABLE 2. BASIC RURAL STANDARDS FOR RIGHT-OF-WAY AND IMPROVEMENTS BY FUNCTIONAL CLASSIFICATION

<i>Functional Classification of Street or Road</i>	<i>Right- of-Way Width (feet)</i>	<i>Pavement Width (feet)</i>	<i>Travel Lanes</i>	<i>Left Turn Lanes</i>	<i>Parking</i>	<i>Curbs</i>	<i>Sidewalks</i>
Local	50	24	2	No	No	No	No
Collector	60	28	2	No	No	No	No

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(‘ 90 Code, § 11.60.380, 07/01/1998; Ord. 529, passed, 09/25/1986; Ord. 162, passed, 04/20/1978)

### **§ 29.572 RULES FOR STREETS, ROADS AND RIGHTS-OF-WAY.**

Requirements and standards may be established by administrative rule or the County Design and Construction Manual for streets, roads, and rights-of-way under this subchapter, and may include the following subjects:

(A) Criteria for application of functional classifications and variable standards.

(B) Permits, agreements and issuance and improvement procedures.

(C) Dedication procedures.

(D) Plan and profile format and submission procedures.

(E) Horizontal and vertical alignment:

(1) Widths;

(2) Intersections;

(3) Horizontal and vertical curve radii;

(4) Grade.

(F) Standard drawings for typical and structural sections.

(G) Surveying standards.

(H) Location, number, and size of facilities.

(I) Construction details and inspections.

(J) Other matters of design, construction or procedure.

(‘ 90 Code, § 11.60.390, 07/01/1998; Ord. 529, passed, 09/25/1986; Ord. 162, passed, 04/20/1978)

### **§ 29.573 RULES FOR DRAINAGE FACILITIES.**

Requirements and standards for drainage facilities may be established by administrative rule or the

County Design and Construction Manual under this subchapter, and may include the following subjects:

(A) Criteria for determination of need.

(B) Permits, agreements and issuance and improvement procedures.

(C) Plan and profile format and submission.

(D) Design factors, including:

(1) Runoff values;

(2) Capacity;

(3) Diameter;

(4) Grade;

(5) Location;

(6) Alignment;

(7) Separation from sanitary sewers.

(E) Construction details and inspection, including:

(1) Materials;

(2) Manholes;

(3) Joints;

(4) Anchor walls;

(5) Connections to existing buildings and sewers;

(6) Testing;

(7) Easements;

(8) Specifications.

(F) Other matters of design, construction or procedure.

(‘ 90 Code, § 11.60.400, 07/01/1998; Ord. 529, passed, 09/25/1986; Ord. 162, passed, 04/20/1978)

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### § 29.574 RULES FOR TRAFFIC CONTROL AND TRAFFIC CONTROL DEVICES.

Requirements and standards for traffic control and traffic control devices may be established by administrative rule or the County Design and Construction Manual under this subchapter, and may include the following subjects:

(A) Functional classification.

(B) Criteria for establishing need.

(C) Permits, agreements, and issuance and improvement procedures.

(D) Plan and profile format and submission.

(E) Truck and transit routes, including transit stops, noise, weight regulation and environmental and economic impacts on surrounding area.

(F) Location, number and size of facilities.

(G) Other matters pertaining to design, construction, regulation, and procedures.  
(‘ 90 Code, § 11.60.410, 07/01/1998; Ord. 529, passed, 09/25/1986; Ord. 162, passed, 04/20/1978)

### § 29.575 RULES FOR PEDESTRIAN PATHS AND BIKEWAYS.

Requirements and standards for pedestrian paths and bikeways may be established by administrative rule or the County Design and Construction Manual under this subchapter, and may include the following subjects:

(A) Functional classification.

(B) Criteria for establishing need.

(C) Permits, agreements, and issuance and improvement procedures.

(D) Plan and profile format and submission.

(E) Standard drawing, both typical and structural section.

(F) Horizontal and vertical alignment.

(G) Construction details and inspection.

(H) Other matters pertaining to design, construction, relocation or procedure.  
(‘ 90 Code, § 11.60.420, 07/01/1998; Ord. 529, passed, 09/25/1986; Ord. 162, passed, 04/20/1978)

### § 29.576 RULES FOR SANITARY SEWER.

The requirements for sanitary sewer design and construction shall conform to the rules, regulations and standards of the governing jurisdiction:

(A) Relationship to state Department of Environmental Quality Standards.

(B) Plans and profiles.

(C) Specifications.

(D) Separation from drainage.

(E) Capacity and diameter.

(F) Location, grade, depth, alignment and easements.

(G) Materials.

(H) Testing.

(I) Other matters of design, construction and procedure.

#### ***Cross-reference:***

*Sewerage, see §§ 27.750 through 27.794*

*Plumbing Code, see §§ 29.200 through 29.207*

(Ord. 1061, Amended, 05/26/2005, eff. 7/1/2005; ‘ 90 Code, § 11.60.430, 07/01/1998; Ord. 529, passed, 09/25/1986; Ord. 162, passed, 04/20/1978)

### § 29.577 RULES FOR UTILITY LOCATION.

Requirements and standards for the location and installation of utilities in the right-of-way or county controlled easement may be established by administrative rule or the County Design and Construction Manual under this subchapter, and may include the following subjects:

(A) Permits and issuance procedures.

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- (B) Liability, insurance and bonds.
- (C) Construction and location details.
- (D) Maintenance, removal and relocation.
- (E) Inspections.

### ***Cross-reference:***

*Electrical Code, see §§ 29.100 through 29.106*  
(‘ 90 Code, § 11.60.440, 07/01/1998; Ord. 529, passed, 09/25/1986; Ord. 162, passed, 04/20/1978)

### **§ 29.578 RULES FOR RIGHT-OF-WAY USE.**

Requirements and standards for right-of-way use may be established by administrative rule or the County Design and Construction Manual under this subchapter, and may include the following subjects:

- (A) Permits, agreements and issuance, improvement, or use procedures.
- (B) Allocation of costs.
- (C) Location, number and size of facilities.
- (D) Design factors and standards.
- (E) Construction details and inspection.
- (F) Maintenance, removal, and relocation.
- (G) Liability, bonds, and control.
- (H) Special or temporary use of the roads or right-of-way.
- (I) Other matters of design, construction and procedure.  
(‘ 90 Code, § 11.60.450, 07/01/1998; Ord. 529, passed, 09/25/1986; Ord. 162, passed, 04/20/1978)

### **§ 29.579 RULES FOR STREET LIGHTING.**

Requirements and standards for street lighting may be established by administrative rule or the County Design and Construction Manual under this subchapter, and may include the following subjects:

- (A) Need criteria;
- (B) Permits, agreements, and issuance and improvement procedures;
- (C) Design and location details;
- (D) Construction details and inspection;
- (E) Jurisdiction; and
- (F) Other matters of design, construction and procedure.  
(‘ 90 Code, § 11.60.460, 07/01/1998; Ord. 529, passed, 09/25/1986; Ord. 162, passed, 04/20/1978)

### **§ 29.580 RULES FOR STREET TREES.**

Requirements and standards for street trees may be established by administrative rule or the County Design and Construction Manual under this subchapter, and may include the following subjects:

- (A) Permit, agreement and issuance procedures.
- (B) Species and location.
- (C) Maintenance and removal.
- (D) Other matters of design, installation and procedure.  
(‘ 90 Code, § 11.60.470, 07/01/1998; Ord. 529, passed, 09/25/1986; Ord. 162, passed, 04/20/1978)

### **§ 29.581 RULES FOR DEVELOPMENT SUPPORT AND FINANCING.**

Requirements and standards for development support and financing may be established by administrative rule or the County Design and Construction Manual under this subchapter, and may include the following subjects:

- (A) Cost sharing for oversizing:
  - (1) Selection criteria and procedures;
  - (2) Design criteria;
  - (3) Administrative procedures.
- (B) Payment in lieu of construction:

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- (1) Selection criteria and procedures;
- (2) Design criteria;
- (3) Administrative procedures.

(‘ 90 Code, § 11.60.488, 07/01/1998; Ord. 529, passed, 09/25/1986)

(C) Other matters pertaining to development support and financing.

(‘ 90 Code, § 11.60.480, 07/01/1998; Ord. 529, passed, 09/25/1986; Ord. 162, passed, 04/20/1978)

### § 29.582 RULES FOR ACCESSWAYS.

Administrative rules for accessway design and construction under this subchapter may address the following subjects:

- (A) Permits and issuance procedures;
- (B) Plan and profile format and submission procedures;
- (C) Horizontal and vertical alignment;
  - (1) Widths;
  - (2) Intersections;
  - (3) Grades;
- (D) Standard drawings for typical and structural sections; and
- (E) Other matters pertaining to design, construction or procedure.  
(‘ 90 Code, § 11.60.485, 07/01/1998; Ord. 529, passed, 09/25/1986)

### § 29.583 RULES FOR STREET CLOSURE.

Administrative rules for street closure under this subchapter may address the following subjects:

- (A) Procedures;
- (B) Temporary closure;
- (C) Short term closure;
- (D) Permanent closure; and
- (E) Other matters pertaining to policy, standards, and procedures.

## ***FLOOD HAZARD REGULATIONS***

(Ord. 1120, Amended, 10/11/2008; Ord. 931, passed, 04/15/1999)

### **§ 29.600 — PURPOSES.**

~~—The purposes of the Flood Hazard Standards are to promote the public health, safety and general welfare, and to minimize public and private losses due to flood conditions in specific areas and to allow property owners within unincorporated Multnomah County to participate in the National Flood Insurance Program and to comply with Metro Title 3 Requirements.~~

(Ord. 1120, Amended, 10/11/2008; Ord. 931, passed, 04/15/1999)

### **§ 29.601 — DEFINITIONS.**

~~—For the purpose of this subchapter, the following definitions shall apply:~~

~~—**ALTERATION.** To modify, change or make different.~~

~~—**AREAS OF SPECIAL FLOOD HAZARD.** All rural and urban unincorporated lands contained within the 100-year flood boundary as identified on the Flood Boundary and Floodway Maps and the Flood Insurance Rate Maps (FIRM) as published by the Federal Emergency Management Agency (FEMA), and the area of inundation for the February, 1996 flood when located outside of the flood areas identified on the Flood Insurance Rate Maps within the Metro Jurisdictional Boundary.~~

~~—The Areas of Special Flood Hazard identified by the Federal Insurance Administration in the scientific and engineering report entitled “Flood Insurance Study Multnomah County Oregon and Incorporated Areas”, with accompanying Flood Insurance Rate Maps (FIRM) effective December 18<sup>th</sup>, 2009, are hereby adopted by reference for the rural and unincorporated portions of Multnomah County. Maps produced by the Metro Data Regional Center that identify the area of inundation for the February 1996 flood are also adopted by reference. The Flood In-~~

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~~insurance Study is on file at the Multnomah County Planning Office. The best available information for flood hazard area identification as outlined in MCC 29.608 shall be the basis for regulation until a new FIRM is issued.~~

~~— These maps may be periodically revised or modified by FEMA in accordance with prescribed procedures pursuant to Section 206 of the Flood Disaster Protection Act of 1973 (P.L. 92-234). In order to employ the best available information and maintain compliance with Federal Flood Insurance Program regulations, Multnomah County shall adopt any such revisions or modifications.~~

~~— **BASE FLOOD.** The flood having a one percent chance of being equaled or exceeded in any given year. Also referred to as the “100 year flood.” Designation on the FIRM maps always includes the letter A to identify a zone of specified risk. (Zone A is the flood insurance rate zone that corresponds to the 1 percent annual chance floodplains that are determined in the Flood Insurance Study by approximate methods of analysis).~~

~~— **BASEMENT.** Any area of the building having its floor sub-grade (below ground level) on all sides.~~

~~— **BELOW-GRADE CRAWL SPACE.** An enclosed area below the base flood elevation in which the interior grade is not more than two feet below the lowest adjacent exterior grade and the height, measured from the interior grade of the crawlspace to the top of the crawlspace foundation, does not exceed 4 feet at any point.~~

~~— **CRITICAL FACILITY.** A facility for which even a slight chance of flooding might be too great. Critical facilities include, but are not limited to schools, nursing homes, hospitals police, fire and emergency response installations, and installations which produce, use or store hazardous materials or hazardous waste.~~

~~— **DESIGN FLOOD ELEVATION.** The elevation of the base flood elevation, or in areas without maps, the elevation of the 25-year storm, or the edge of mapped flood-prone soils or similar methodologies.~~

~~— **DEVELOPMENT.** Any man-made change to improved or unimproved real estate, including but~~

~~not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials located within the areas shown within 100-year flood boundary as identified on the Flood Boundary and Floodway Maps and the Flood Insurance Rate Maps as published by the Federal Emergency Management Agency (FEMA) or within any watercourse.~~

~~— **ELEVATED BUILDING.** For insurance purposes, a non-basement building which has its lowest elevated floor raised above ground level by foundation walls, shear walls, post, piers, pilings, or columns.~~

~~— **ELEVATION CERTIFICATE.** The document used to certify the FIRM Zone and base flood elevation of the development area of a property, and to determine the required elevation or floodproofing requirements of new and substantially improved structures.~~

~~— **ENCROACHMENT.** To fill, construct, improve, or develop beyond the original bank line of the watercourse. Bank stabilization or restoration of a watercourse which does not protrude beyond the original banks line and does not protrude above the topography at the time the Flood Insurance Rate Map was developed is not considered an encroachment.~~

~~— **FLOOD OR FLOODING.** A general and temporary condition of partial or complete inundation of normally dry land areas from:~~

~~—— (1) The overflow of inland or tidal waters, and/or~~

~~—— (2) The unusual and rapid accumulation of runoff of surface waters from any source.~~

~~— **FLOOD INSURANCE RATE MAP (FIRM).** The official map on which the Federal Insurance Administration has delineated both the areas of the special flood hazards and the risk premium zones applicable to the community.~~

~~— **FLOOD INSURANCE STUDY.** The official report provided by the Federal Insurance Administration that includes flood profiles, the Flood Boun-~~

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dary Floodway Map, and the water surface elevation of the base flood.

— **~~FLOODPROOFING CERTIFICATE.~~** Documentation of certification by an Oregon registered professional engineer or architect that the design and methods of construction of a non-residential building are in accordance with accepted practices for meeting the floodproofing requirements of this subchapter.

— **~~FLOODWAY.~~** The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

— **~~LOWEST FLOOR.~~** The lowest floor of the lowest enclosed area (including basement).

— **~~MANUFACTURED HOME.~~** A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term “manufactured home” does not include a “recreational vehicle.”

— **~~NEW CONSTRUCTION.~~** Structures for which the “start of construction” commenced on or after the effective date of this ordinance.

— **~~RECREATIONAL VEHICLE.~~** A vehicle which is built on a single chassis, 400 square feet or less when measured at the largest horizontal projection, self-propelled or permanently towable by a light duty truck and designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

— **~~START OF CONSTRUCTION.~~** Includes substantial improvement to existing structures, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does

not include the land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement to an existing structure, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

— **~~STATE BUILDING CODE.~~** Means the combined specialty codes.

— **~~STRUCTURE.~~** A walled and/or roofed building including a gas or liquid storage tank that is principally above ground. A building with only one wall and no roof or a building with no walls and a roof, for example, is considered a structure.

— **~~SUBSTANTIAL DAMAGE.~~** Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

— **~~SUBSTANTIAL IMPROVEMENT.~~** Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either:

—— (1) Before the improvement or repair is started; or

—— (2) If the structure has been damaged and is being restored, before the damage occurred. For the purposes of this definition substantial improvement is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The costs to repair must be calculated for full repair to “before damage” condition, even if the owner elects to do less. The total costs to repair include both structural and finish materials and labor including donated labor and materials.

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~~———— (3) The value of these alterations to an existing structure is measured cumulatively to avoid exempting a substantial improvement implemented in phases over time.~~

~~———— (4) Substantial Improvement does not, however, include either:~~

~~———— (a) The portion of any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by local building officials and which are the minimum necessary to assure safe living conditions or~~

~~———— (b) Any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.~~

~~—— **WATERCOURSE.** A channel in which a flow of water occurs, either continuously or intermittently with some degree of regularity. Watereourses may be either natural or artificial. Waterecourse includes a river, stream, creek, slough, ditch, canal, or drainageway.~~

~~(Ord. 1149, Amended, 10/29/2009; Ord. 1120, Amended, 10/11/2008; Ord. 931, passed, 04/15/1999)~~

### **§ 29.602 — AREAS AFFECTED.**

~~—— The provisions of MCC 29.600 – 29.611 shall apply to all areas of special flood hazard, as defined by MCC 29.601. The provisions of 29.609 shall also apply to any relocation, encroachment or alteration of a waterecourse.~~

~~(Ord. 1120, Amended, 10/11/2008; Ord. 931, passed, 04/15/1999)~~

### **§ 29.603 — PERMITS.**

~~—— (A) No structure, dwelling or manufactured home shall be erected, located, altered, improved, repaired or enlarged and no other new development including but not limited to grading, mining, excavation and filling (see “Development” under MCC 29.601) shall occur in areas of special flood hazard unless a Floodplain Development Permit specifically authorizing the proposal has been obtained from Multnomah County. Variances to the Flood Hazard regulations are not allowed.~~

~~———— (1) Improvements to a structure, dwelling or mobile home or other development, which do not~~

~~meet the definition of “Development” under MCC 29.601, are exempted from obtaining a Floodplain Development Permit.~~

~~—— (B) Alterations, modifications or relocations to any waterecourse as defined in MCC 29.601 are subject to a Floodplain Development permit and the Waterecourse Relocation and Alteration standards of MCC 29.609.~~

~~—— (C) Transportation maintenance activities may be evaluated in an annual Flood Hazard permit. This permit will confirm that the typical Best Management Practices used to accomplish routine transportation maintenance projects meet applicable Flood Hazard regulations. Eligible activities include routine cleaning and maintenance of ditches and culverts, replacement culverts, unanticipated emergency response activities and the permitting of new driveway culverts crossing a county maintained ditch. After the fact notification of the location and scope of all transportation maintenance activities is required.~~

~~(Ord. 1120, Amended, 10/11/2008; Ord. 931, passed, 04/15/1999)~~

### **§ 29.604 — EXEMPTION FROM DEVELOPMENT STANDARDS.**

~~—— The following are exempt:~~

~~—— (A) Land may be exempted from the requirements of MCC 29.606 upon review and approval by the Director of an acceptable elevation certificate or survey, certified by a State of Oregon registered land surveyor, which demonstrates that the entire subject parcel is at least one foot above the base flood elevation. This exemption is only possible when flood elevation data is available. If a critical facility is proposed, the entire parcel must be at least three feet above the base flood elevation (or above the 500-year flood elevation, which ever is higher) in order to be considered exempt from the requirements of MCC 29.606.~~

~~—— (B) The reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or the State Historic Sites Inventory may be permitted without regard to the requirements of MCC 29.606 (B) through (D).~~



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~~—(C) Forest practices approved under the Forest Practices Act are not regulated by this subchapter. Forest practice buildings exempt from state building code per ORS Chapter 215 are subject to Flood Hazard Regulations of this subchapter in the same manner as agricultural buildings.~~

~~(D) The following drainage district maintenance activities are not regulated by this subchapter when regulated by an Army Corps of Engineers Nationwide 31 permit—Routine operations, repair, maintenance, alteration, rehabilitation, or replacement of existing drainage, flood control, and related facilities, including any structures, pump stations, water control structures, culverts, irrigation systems, roadways, utilities, accessory uses (such as off load facilities that facilitate water-based maintenance), erosion control projects, levees, soil and bank stabilization projects, dredging and ditch clearing within the hydraulic cross section in existing storm water conveyance drainageways, habitat restoration and enhancement projects, or other water quality and flood storage projects required to be undertaken pursuant to ORS chapters 547 or 554 or Titles 33 or 44 of the Code of Federal Regulations, provided that:~~

~~—(1) The project is consistent with Division of State Lands, five year renewable general authorization permit, five year renewable Army Corps of Engineers Nationwide 31 permit and all other applicable local, regional, county and state laws and regulations. The preconstruction notification and annual reporting required by the Army Corp's Nationwide 31 permit must also be submitted to Multnomah County planning by the drainage districts for review and comment.~~

~~—(2) The project does not encroach closer to a water feature than existing operations and development; and~~

~~—(3) Vegetation native to the metro area is maintained, enhanced and restored, if disturbed; other vegetation is replaced, if disturbed, with non-invasive vegetation; and the planting of native vegetation and the removal of invasive non-native vegetation is encouraged.~~

~~(Ord. 1218, Amended, 05/21/2015; Ord. 1120, Amended, 10/11/2008; Ord. 931, passed, 04/15/1999)~~

### ~~§ 29.605~~ ~~APPLICATION INFORMATION REQUIRED.~~

~~—An application for development subject to a Floodplain Development Permit shall include the following:~~

~~—(A) A map showing the property line locations, the surveyed boundaries of the 100 year floodplain on the parcel, roads, and driveways, existing structures, watercourses and the location of the proposed development(s), topographic elevations for the proposed development and areas of grading or filling required for the project. The FIRM map and panel number shall also be provided on the map.~~

~~—(B) Detailed construction drawings showing compliance with the development standards specified in MCC 29.606. A State of Oregon registered professional engineer or architect shall stamp the plans and include a statement that the plans meet the applicable requirements of MCC 29.606.~~

~~—(C) An elevation certificate based on construction drawings which have been signed by a State of Oregon registered professional land surveyor, or a floodproofing certificate signed by a State of Oregon registered professional engineer or architect, depending on the type of development proposed. The certificate shall be accompanied by a plan of the property which shows the location and elevation of a benchmark on the property.~~

~~—(D) A written narrative specifying building materials and methods that will be utilized to comply with the requirements of the floodplain development permit and this subchapter.~~

~~—(E) Evidence that the applicant has obtained, when necessary, prior approval from those Federal, State and/or local governmental agencies with jurisdiction over the proposed development.~~

~~(Ord. 1120, Amended, 10/11/2008; Ord. 931, passed, 04/15/1999)~~

### ~~§ 29.606~~ ~~DEVELOPMENT STANDARDS.~~

~~—Unless otherwise stated below, the following development standards shall apply within all portions of unincorporated Multnomah County to all new construction, substantial improvement or other development in areas of special flood hazard, as de-~~

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~~fined in 29.601: (The General Development Standards of 29.606(A) are only applicable in the West of Sandy River Rural Plan area and/or within the Metro Jurisdictional Boundary)~~

~~— (A) General Development Standards — Applicable only in the West of Sandy River Rural Plan Area and/or within the Metro Jurisdictional Boundary.~~

~~(1) Development, excavation and fill shall be performed in a manner that maintains or increases flood storage and conveyance capacity and does not increase the design flood elevation.~~

~~— (2) All fill placed at or below the design flood elevation in areas of special flood hazard shall be balanced with at least an equal amount of soil material removal.~~

~~— (3) Excavation shall not be counted as compensating for fill if such areas will be filled with water in non-storm winter conditions.~~

~~— (4) Temporary fills permitted during construction shall be removed and not be allowed in the floodway during the wet weather season.~~

~~— (5) Uncontained areas of hazardous materials as defined by the Oregon Department of Environmental Quality shall be prohibited in areas of special flood hazard.~~

~~— (B) Except as provided in subsection (A) above, this subsection applies to all structures within areas of special flood hazard in unincorporated Multnomah County as defined in 29.601.~~

~~— (1) All new construction and substantial improvement shall:~~

~~— (a) Comply with Oregon State Building Codes.~~

~~— (b) Have the electrical, heating, ventilation, duct systems, plumbing, and air conditioning equipment and other service facilities located a minimum of one foot above the base flood elevation to prevent water from entering or accumulating within the components during conditions of flooding.~~

~~— (c) Use materials and utility equipment resistant to flood damage.~~

~~— (d) Using methods and practices that minimize flood damage.~~

~~— (e) For areas that are fully enclosed below the lowest floor and that are subject to flooding, shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. (Note: this requirement is not applicable for floodproofed nonresidential structures).~~

~~1. Designs for meeting this requirement must be certified by a State of Oregon registered professional engineer or architect and must meet or exceed the following minimum criteria:~~

~~a. A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.~~

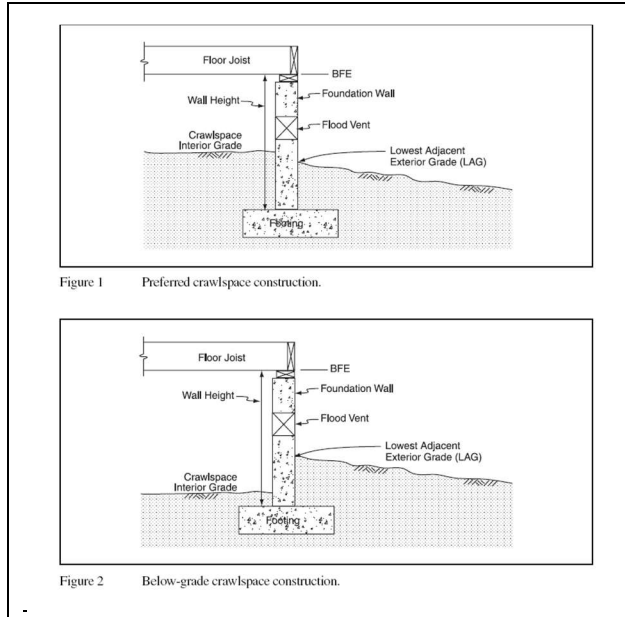
~~b. The bottom of all openings shall be no higher than one foot above the lowest adjacent exterior grade. Openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters and the covering device does not reduce the minimum required total net area of the opening.~~

~~(2) Adequate drainage paths are required around structures on slopes to guide floodwaters around and away from proposed structures. Positive drainage away from a structure's foundation shall also be provided to avoid ponding of water adjacent to the foundation after floodwaters recede.~~

~~(3) Below grade crawlspace construction (see figure 2 below).~~

~~In addition to meeting the previous development standards for all structures, all below-grade crawlspaces shall meet the following standards. Below grade crawlspace construction in accordance with the requirements listed below will not be considered a basement.~~

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~~(a) The interior grade of a crawlspace below the base flood elevation shall not be more than two feet below the lowest adjacent exterior grade.~~

~~(b) The height of the below grade crawlspace, measured from the interior grade of the crawlspace to the top of the crawlspace foundation wall must not exceed four feet at any point.~~

~~(c) There must be an adequate drainage system that removes floodwaters from the interior area of the crawlspace. Drainage examples include natural drainage through porous well drained soils, perforated pipes, drainage tiles, or gravel/crushed stone drainage by gravity or mechanical means.~~

~~(d) The velocity of floodwaters shall not exceed five feet per second for any proposed below grade crawlspace location. The Multnomah County Flood Insurance Study contains Floodway Data Tables presenting information on mean floodway velocities at each cross section along the river or stream. Other types of foundations, such as open pile or column foundations, that allow floodwaters to flow freely beneath the building, are recommended for areas exceeding five feet per second flood velocities.~~

~~(e) The below grade crawlspace area should be designed so that it is easily accessible for~~

~~physical post flood clean up and ventilation. The land owner must record a notice acknowledging below grade crawlspace construction is not recommended by the Federal Emergency Management Agency and that this type of construction can increase flood insurance premiums for homeowners.~~

~~(4) When applicable, the horizontal line of the base flood elevation shall be surveyed and clearly marked and labeled, by a State of Oregon registered professional land surveyor, on an inside wall of any structure or inside foundation wall when a crawlspace is proposed to provide a visual reference for the building inspector. This reference line is not intended to be permanent and can be removed, covered or painted over at the conclusion of all building inspections. This marking is not applicable when the entire structure, including above grade foundation walls, will be elevated above the base flood elevation.~~

### ~~(C) Residential Structures.~~

~~New construction and substantial improvement of any residential structure, including manufactured homes not considered a Critical Facility, shall:~~

~~(1) Have the lowest floor, including basement, elevated to at least one foot above the base flood elevation. All manufactured homes to be placed or substantially improved shall be elevated on a permanent foundation such that the finished floor of the manufactured home is elevated to a minimum of 18 inches above the base flood elevation. The top of the dwelling stand for all manufactured homes subject to this provision shall be at least 12 inches above the base flood elevation (see 2002 Oregon Manufactured Dwelling and Parks Specialty Code, Chapter 3). Floating dwellings do not need to be elevated but must be able to rise with flood waters to the design flood elevation required by this section. This will require consideration of the piling heights. The lowest floor, including basement, shall be elevated to at least two feet above the base flood elevation where flood elevation data is not available either through the Flood Insurance Study, FIRM, or from another authoritative federal, state or other source. Where flood elevation data is not available, a State of Oregon registered professional engineer or architect shall also verify that the proposed construction will be reasonably safe from flooding.~~

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~~A garage attached to a residential structure can be constructed with the garage floor slab below the base flood elevation but must be designed to allow for the automatic entry of flood waters. Openings must meet the requirements of 29.606(B) and are required in two different exterior walls of the garage (two different walls or one wall and one garage door).~~

~~————— In addition to allowing the automatic entry of flood waters, the areas of the garage below the base flood elevation must be constructed with flood resistant materials. Garage doors without openings specifically designed to allow for the free flow of floodwaters do not meet these opening requirements. Gaps that may be present between the door segments and between the garage door and the garage door jam do not guarantee the automatic entry and exist of floodwaters. The human intervention necessary to open garage doors is not an acceptable means of meeting the opening requirements.~~

~~————— (2) Be placed on a permanent foundation and shall be anchored to prevent flotation, collapse and lateral movement by providing tie downs (anchor bolts, seismic tie downs) and anchoring as specified in OAR 814 23 005 through 080 and State of Oregon 1 and 2 Family Dwelling Specialty Code, as appropriate to the construction type.~~

~~————— (3) Have structural components capable of withstanding hydrostatic and hydrodynamic loads, effects of buoyancy, flood depths, pressures, velocities and other factors associated with the base flood.~~

~~————— (4) Conduct a finished construction elevation survey of the lowest floor. This survey shall be completed by a State of Oregon registered land surveyor and must certify that the structure's lowest floor was elevated to at least one foot above the base flood elevation. The lowest floor, including basement, shall be elevated to at least two feet above the base flood elevation where flood elevation data is not available either through the Flood Insurance Study, FIRM, or from another authoritative federal, state or other source. Where flood elevation data is not available, a State of Oregon registered professional engineer or architect shall also verify that the proposed construction will be reasonably safe from flooding.~~

~~————— (a) The finished construction elevation certificate and stamped documentation certifying that the structure has been built in compliance with the applicable provisions of 29.606 shall be submitted to Multnomah County Land Use Planning prior to occupancy of the structure.~~

~~————— (b) Prior to issuance of a building permit or start of development, a performance bond or cash deposit of \$1000.00 shall be required to assure that the finished construction elevation certificate is submitted. The deposit/bond may be used to obtain the elevation certificate, without notice, if it is not completed and submitted prior to occupancy of the dwelling. The performance bond or cash deposit shall be released upon submittal of the finished construction elevation certificate, unless utilized to obtain compliance.~~

~~————— (D) Nonresidential Structures.~~

~~————— New construction and substantial improvement of any commercial, industrial or other non-residential structure, including a detached garage, shall:~~

~~————— (1) Have the lowest floor including basement, elevated at least one foot above the base flood elevation and be anchored to prevent flotation, collapse, or lateral movement of the structure. Floating nonresidential structures do not need to be elevated but must be able to rise with flood waters to the design flood elevation required by this section. This will require consideration of the piling heights. The lowest floor, including basement, shall be elevated to at least two feet above the base flood elevation where flood elevation data is not available either through the Flood Insurance Study, FIRM, or from another authoritative federal, state or other source. Where flood elevation data is not available, a State of Oregon registered professional engineer or architect shall also verify that the proposed construction will be reasonably safe from flooding; or, together with attendant utility and sanitary facilities, shall:~~

~~————— (a) Be floodproofed such that the structure, including the attendant utility and sanitary facilities, shall be substantially impermeable to the passage of water to an elevation at least one foot above the base flood elevation; and~~

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~~\_\_\_\_\_ (b) Have structural components capable of withstanding hydrostatic and hydrodynamic loads, effects of buoyancy, flood depths, pressures, velocities and other factors associated with the base flood; and~~

~~\_\_\_\_\_ (c) Be certified by a State of Oregon registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting provisions of this subsection based on their development and/or review of the structural design, specifications and plans.~~

~~\_\_\_\_\_ (2) The applicant shall provide either a finished construction elevation certificate prepared by a State of Oregon land surveyor for an elevated non-residential structure or a flood proofing certificate prepared by a State of Oregon registered professional engineer or architect for a non-elevated, non-residential structure.~~

~~\_\_\_\_\_ (a) The finished construction elevation certificate/floodproofing certificate and stamped documentation certifying the structure has been built in compliance with the applicable provisions of MCC 29.606 shall be submitted to Multnomah County Land Use Planning prior to occupancy of the structure.~~

~~\_\_\_\_\_ (b) Prior to issuance of a building permit or start of development, a performance bond or cash deposit of \$1000.00 shall be required to assure that the finished construction elevation certificate and stamped documentation is submitted. The bond/deposit may be used to obtain the elevation certificate or documentation, without notice, if it is not completed and submitted prior to occupancy or use of the structure or development. The performance bond or cash deposit shall be released upon submittal of the finished construction elevation certificate or stamped documentation, unless utilized to obtain compliance.~~

~~\_\_\_\_\_ (E) On Site Waste Disposal Systems, Wells, Water Systems and Sewer Systems.~~

~~\_\_\_\_\_ All new and replacement water and sewer systems, including on-site waste disposal systems, shall be designed to:~~

~~\_\_\_\_\_ (1) Minimize infiltration of floodwaters into the system;~~

~~\_\_\_\_\_ (2) Minimize discharge from systems into floodwaters;~~

~~\_\_\_\_\_ (3) Avoid impairment or contamination during flooding.~~

~~\_\_\_\_\_ (F) Recreational Vehicles~~

~~\_\_\_\_\_ Recreational vehicles utilized on sites within Zones A1-A30, AH and AE on the community's FIRM shall either:~~

~~\_\_\_\_\_ (1) Be on the site for fewer than 180 consecutive days, or~~

~~\_\_\_\_\_ (2) Be fully licensed and ready for highway uses, on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions; or~~

~~\_\_\_\_\_ (3) Meet the requirements of section 29.606(B) and (C).~~

~~\_\_\_\_\_ (G) Critical Facilities~~

~~\_\_\_\_\_ Construction of new critical facilities shall be, to the extent possible, located outside the limits of the areas of special flood hazard. Construction of new critical facilities shall be permissible within the special flood hazard area if:~~

~~\_\_\_\_\_ (1) No feasible alternative is available;~~

~~\_\_\_\_\_ (2) The lowest floor is elevated three feet above the base flood elevation, or to the elevation of the 500-year flood, whichever is higher;~~

~~\_\_\_\_\_ (3) At least one access route to the critical facility shall be either located or elevated at or above the flood elevation referenced above to assure the route will remain passable during flood events.~~

~~\_\_\_\_\_ (4) Floodproofing and sealing measures must be taken to ensure that toxic substances will not be displaced or released into floodwaters;~~

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~~— (5) The construction meets the requirements of MCC 29.606(D) except the lowest floor elevation shall meet (G)(2) above.~~

### ~~— (H) Land Division Proposals~~

~~— County review of proposed land divisions are subject to separate criteria in the county zoning code titled “Land Divisions” which are designed to minimize flood damage.~~

~~(Ord. 1149, Amended, 10/29/2009; Ord. 1120, Amended, 10/11/2008; Ord. 931, passed, 04/15/1999)~~

### **§ 29.607 FLOODWAY REQUIREMENTS.**

~~— In areas identified as a floodway in MCC 29.602, the following restrictions, in addition to the requirements of MCC 29.606, shall apply:~~

~~— (A) No development shall be permitted that would result in any measurable increase in base flood levels.~~

~~— (1) Encroachment into the floodway, including fill, new construction, substantial improvements and other development, is prohibited, unless a detailed step backwater analysis and conveyance compensation calculations, certified by a State of Oregon registered professional engineer, are provided which demonstrates that the proposed encroachment will cause no measurable increase in flood levels (water surface elevations) during a base flood discharge.~~

~~— (2) If Section (A) above is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of MCC 29.606.~~

~~— (B) In areas where a regulatory floodway has not been designated, no new construction, substantial improvements, or other development (including fill) shall be permitted within Zones A1-30 and AE on the communities FIRM, unless:~~

~~— (1) It is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the community, and~~

~~— (2) The applicable requirements of 29.606 are met.~~

~~— (C) New manufactured dwellings are prohibited in the floodway. An existing, lawfully established manufactured dwelling located in the floodway may be replaced with either a manufactured dwelling, or a dwelling of traditional construction.~~

~~— (D) A proposed structure accessory to a manufactured dwelling shall have the finished floor elevated a minimum of 18 inches above the base flood elevation.~~

~~(Ord. 1149, Amended, 10/29/2009; Ord. 1120, Amended, 10/11/2008; Ord. 931, passed, 04/15/1999)~~

### **§ 29.608 PROCEDURE WHEN BASE FLOOD ELEVATION DATA IS NOT AVAILABLE.**

~~— (A) For the purposes of administering MCC 29.606 in areas where detailed base flood elevation data has not been provided by FEMA, the Land Use Planning Division shall obtain, review and utilize any base flood elevation and floodway data available from federal, state or local sources to assure that the proposed construction will be reasonably safe from flooding and may exercise local judgment based on historical data.~~

~~— (B) In areas where detailed base flood elevation data has not been provided by FEMA, all proposals for subdivisions or other new developments greater than 50 lots or five acres, whichever is less, shall provide detailed base flood elevation data and floodway data.~~

~~(Ord. 931, passed, 04/15/1999)~~

### **§ 29.609 WATERCOURSE RELOCATION AND ALTERATION.**

~~— Prior to approving any relocation, encroachment or alteration of a watercourse, the Land Use Planning Division shall provide mailed notice of the proposal to adjoining communities and to the Department of Land Conservation and Development Floodplain Coordinator. Copies of such notice shall also be provided to the Federal Insurance Administration.~~

~~— (A) No relocation, encroachment or alteration of a watercourse shall be permitted unless a detailed~~

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~~hydraulic analysis, certified by a State of Oregon Registered Professional Engineer, is provided which demonstrates that:~~

~~—— (1) The flood carrying capacity for the altered or relocated portion of the watercourse will be maintained;~~

~~—— (2) The area subject to inundation by the base flood discharge will not be increased;~~

~~—— (3) The alteration or relocation will cause no measurable increase in base flood levels.  
(Ord. 1120, Amended, 10/11/2008; Ord. 931, passed, 04/15/1999)~~

### **~~§ 29.610 — COUNTY RECORDS.~~**

~~—— Multnomah County or its designee shall obtain and maintain on file the final construction elevation (in relation to the National Geodetic Vertical Datum (NGVD) 1929 or NAVD 1988) of the lowest floor, including basement, of all new or substantially improved structures in areas subject to the provisions of this Section.~~

~~—— (A) For all new or substantially improved floodproofed structures in areas subject to the provisions of this Section, Multnomah County shall obtain and maintain on file the actual elevation (in relation to NGVD 1929 or NAVD 1988) to which the structure was floodproofed and shall also maintain the floodproofing certifications required pursuant to MCC 29.606.~~

~~(Ord. 1120, Amended, 10/11/2008; Ord. 931, passed, 04/15/1999)~~

### **~~§ 29.611 — REVIEW AND APPROVAL FEE.~~**

~~—— A fee for a flood plain review is imposed and the amount will be set by Board resolution.~~

~~(Ord. 944, Added, 04/13/2000, Ord. 945 amended Ord. 944 to add effective date of 6/1/2000)~~

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### ***BRIDGE SPECIAL EVENTS***

#### **§ 29.701 TITLE.**

This subchapter will be known as the Bridge Special Events Ordinance.

(Ord. 1008, Added, 02/27/2003, eff. 03/29/2003)

#### **§ 29.702 FINDINGS.**

(A) Multnomah County operates and maintains six bridges over the Willamette River, known as the Broadway, Burnside, Hawthorne, Morrison, Sellwood, and Sauvie Island. These bridges are a crucial part of the regional transportation system for vehicular, bicycle and pedestrian traffic; this is their primary use. Although the bridges are extensions of streets and roads on the ground, they are probably best considered as limited public fora for activities and events outside of the primary use, as they have not traditionally been used to the same extent as parks and streets for public expression purposes. Moreover, the closure of a bridge to pedestrian, bicycle and/or vehicle traffic has a substantially greater impact to the community than the closure of streets and roads on the ground, as the areas served by the bridges do not have as many or sometimes any alternative routes. Additionally, the drawbridges are subject to the needs of river traffic as mandated by federal law.

(B) The critical transportation role also gives the bridges unique symbolic and commercial significance for the metropolitan area. For example, the unique, solitary presence of a bridge may highlight a public demonstration, provide a filmmaking location, or accommodate a parade crossing the water. The county maintains each of these bridges and must coordinate necessary maintenance work, repairs and renovation with the ongoing river and deck traffic and any proposed activity outside of these main functions.

(C) The section of the Willamette River these bridges cross is subject to the National Marine Fisheries Service (NMFS) listing under the Federal Endangered Species Act (ESA) to protect salmon and steelhead fish. If the county authorizes activities in this protected area, they must be undertaken in full compliance with the ESA. Further, all activities in the regulated area must be undertaken in compliance with any other applicable local, state or fed-

eral environmental protection or hazardous substance law, regulation or code including but not limited to the Clean Water Act; the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA); the Hazardous Materials Transportation Act of 1975; Hazardous Materials Transportation Uniform Safety Act; and the Resource Conservation and Recovery Act.

(D) The county coordinates the day to day operation of the passage of river traffic below deck with bridge traffic on deck. The county is subject to federal maritime law mandates to open the bridges upon demand for river traffic. In most instances the City of Portland or the State of Oregon have jurisdiction over the streets and highways that directly connect to the bridges.

(E) The Broadway Bridge carries four lanes of traffic with an average daily volume of thirty thousand vehicles and more than one thousand pedestrians and bicyclists. Drawbridge openings are necessary about twenty-five times per month mainly to accommodate grain terminal traffic. Additionally, the unique double-leaf Rall-bascule design causes openings to last twenty minutes or longer in duration; over three times longer than the other county drawbridges.

(F) The five-lane Burnside Bridge is a major link between downtown Portland and the east side. The bridge has two bike lanes and two sidewalks. About 40,000 vehicles and more than 1,000 pedestrians and bicyclists cross the bridge daily. Burnside Street and bridge are designated as an official emergency transportation route under the regional Emergency Management Plan. The bridge, as part of this “lifeline corridor,” is the one non-freeway river crossing which emergency vehicles and suppliers are asked to use. Burnside Bridge drawbridge openings are necessary about 40 times per month with average opening times running from five to eight minutes.

(G) The Hawthorne Bridge is a vertical lift drawbridge located farthest upriver of the other three drawbridges. It has a limited vertical clearance that makes openings for river traffic necessary about 200 times per month and 300 times in the summer months, with average opening times running from five to eight minutes. On the deck, over 30,000 vehicles including more than 750 public bus trips tra-



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verse the Hawthorne's four lanes every day. The sidewalks flanking the roadway accommodate several thousand daily pedestrian and bicycle trips.

(H) The Morrison Bridge carries six lanes of traffic that includes access to Interstates 5 and 84, making it a major highway corridor. With links to two interstate freeways, the Morrison Bridge carries the most traffic of the county bridges at 50,000 vehicles daily and 600 pedestrians and bicyclists daily. Drawbridge openings are necessary about 30 times per month with average opening times running from five to eight minutes. There is a sidewalk on the north and south side of the bridge.

(I) The Sauvie Island Bridge is the only road access to the island. The two-lane bridge sees about 4,000 vehicles daily and is also a popular bicycle crossing. The bridge also serves many commercial conveyances: during the harvest season, hundreds of truckloads of corn, cucumbers and other produce cross the bridge to the mainland from the island's farms. Commercial traffic also includes trucks and employees commuting to an industrial area on the island's southern tip. There is a sidewalk on the north and south side of the bridge. Because of the compelling and overriding community need for access to the Island this bridge is not suitable for a complete closure event.

(J) The Sellwood Bridge has a daily volume of over 30,000 vehicles. This narrow bridge is Oregon's most heavily traveled two-lane bridge. This heavy roadway traffic is further complicated by only one, narrow four foot, three-inch sidewalk on the north side. Given the Sellwood Bridge's dimensions, a bridge use permit requesting the Sellwood Bridge would have to be at most a one vehicle lane closure. The Sellwood Bridge is the only bridge serving south metropolitan Multnomah County; the nearest bridge to the south is over ten miles away in Oregon City. Like the Sauvie Island Bridge this bridge provides unique and limited access to the area served and therefore is also not suitable for a complete closure event.

(K) Each bridge is a vital link to its service area, some obviously more than others. When a bridge is closed to pedestrian or vehicle traffic it can create bottlenecks at the other available routes and frustration and inconvenience to the community. Unlike most city streets that may be closed for an event

there is not a bridge just around the block to use. In this regard, it is important to note that for any event that would seek to close the bridge, there are ample streets and roads and other public spaces on either side of the river where such events can be held.

(L) Bridge sidewalks where available provide exposure to a greater number of bridge users than would a roadway event that merely excludes traffic. The use of bridge sidewalk gives visibility to an event and access to the symbolic nature of the bridge while preserving the public need for a clear roadway. For permit applications requesting a roadway closure, the sidewalk is a viable alternative that does not interfere with public order or safety. A non-exclusive sidewalk or vehicle lane use may not even require a permit be obtained.

(M) Under this ordinance any party seeking to close or restrict in any way a bridge to vehicle and/or pedestrian/bicycle access must obtain written consent from the City of Portland or the State as well as the written consent of the county as evidenced by a duly executed county permit. Due to the amount of daily traffic and the unique role the bridges play, there must be a minimum number of participants to qualify for a complete closure event. Although a filming event may involve less people than other events, they usually do involve several individuals, equipment, plus the need to control the areas in the shoot and on occasion curious onlookers, such that the cumulative impact is similar.

(N) This ordinance establishes a permit procedure and criteria that will provide for a systematic and objective review of bridge use permit applications. The review criteria are content-neutral and are used to evaluate the permit applications, most notably for the impact on river and road traffic, the structural integrity of the bridges and the cost to the county of accommodating proposed bridge events. The permit criteria for using county bridges will preserve the primary transportation duty of the bridges while accommodating public activities on the bridges.

(O) An event using one of the four drawbridges (Burnside, Broadway, Hawthorne, or Morrison) is subject to the rights of prevailing river traffic. The two fixed-span bridges (Sellwood or Sauvie Island) have only two vehicle lanes while the drawbridges have at least four vehicular traffic lanes. A permit

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application must address the physical attributes of the requested bridge to assess the traffic impacts of a proposed use. The permit review criteria address separately the use of the sidewalk and roadway for activities.

(P) The permit review criteria address time of a proposed bridge use for traffic impacts. The five metropolitan bridges' proximity to downtown Portland makes rush-hour time periods, roughly 6:30AM until 9AM and 4PM until 6:30PM, a time of critical need for bridge access. Conversely, Sundays from 3am until noon are times of less bridge traffic use that are more readily available for bridge events. All approved Events will involve mitigation plans for traffic impacts to the extent necessary.

(Q) The permit review procedure begins with a permit application filed with the Multnomah County ~~Land Use and~~ Transportation Program. The application will request use of a specific bridge(s), area (sidewalk/roadway), time of day, event duration, expected event size, applicant contact information, secondary applicant contact information, special needs, and a detailed description of the proposed event including mitigation of any traffic impacts.

(R) The permit will be subject to review and approval by the Board, the Chair or the Director of the Department of Community Services depending on factors such as the size of the event, the time of the event or whether alcohol is to be used during the event.

(S) The county will establish the fees and rates for implementing this permit program by resolution. (Ord. 1061, Amended, 05/26/2005, eff. 7/1/2005; Ord. 1008, Added, 02/27/2003, eff. 03/29/2003)

### § 29.703 DEFINITIONS.

For the purpose of this subchapter, the following definitions will apply unless the context requires a different meaning:

**ANNUAL EVENT.** A recurring event that has previously complied with requirements for a permit as set forth in this ordinance.

**BRIDGE.** One of the Willamette River Bridges operated and maintained by Multnomah County, namely the Sellwood, Broadway, Burnside, Hawthorne, Morrison or the Sauvie Island.

**COMPLETE CLOSURE OF LANE OR SIDEWALK:** The exclusion of the public from any vehicle or sidewalk for any period of time.

**COMPLETE CLOSURE EVENT.** Any special event that will require complete closure to the public of motor vehicle access on any bridge surface right-of-way for a period of time that is either:

(A) A continuous 30 minutes or longer in length; or

(B) Any proposed combination or series of intermittent complete public motor vehicle access closures, which in the judgment of the county bridge manager pose a significant risk of substantial public inconvenience or disruption.

**COUNTY CHAIR.** The Chair of the Multnomah County Board of Commissioners or the Chair's designee.

**DIRECTOR.** The Director of the County's Department of Community Services or the Director's designee.

**EVENT MONITOR.** Persons provided by the sponsor who are stationed at the location of the special event to assist in the safe and orderly staging of the event.

**FILMING USE.** A special event, which uses a bridge for the production of a film, video, or any other visual or audio recording.

**PRIMARY BRIDGE USE.** The provision of pedestrian, bicycle and vehicle access on the

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bridge's surface right-of-way; and the county's maintenance and operation of the bridge including the coordination of river traffic under the bridge with the surface use in compliance with all applicable maritime laws and regulations.

***SIDEWALK.*** Any multi-use pathway designed for both bicycle and pedestrian use or a sidewalk.

***SPECIAL EVENT or EVENT.*** Any temporary activity held on a bridge, which significantly interferes with the normal operation and maintenance of the structure or the normal vehicular or pedestrian traffic; or which employs a bridge in a use outside of its primary use. PROVIDED any small temporary pedestrian, bicycle or motor vehicle parade or procession conducted and contained solely within a bridge sidewalk or vehicle lane, and which does not otherwise exclude the public's access to those areas and does not require consent of the US Coast Guard, is not a special event under this subchapter and does not require a permit.

***SPECIAL EVENT PERMIT.*** A permit issued by the county to a sponsor to conduct a special event.

***SPECIAL EVENT VENUE.*** The confines of a special event as defined in a special event permit.

***SPONSOR.*** The person, entity or authorized agent thereof, responsible for all aspects and liability of planning, organizing and conducting the special event including applying for, canceling, or requesting changes to the event.

***UNDUE HARDSHIP.*** Is established where the event requires a protracted complete closure or several intermittent or peak hours complete closures of a bridge, that would subject residents, businesses and property owners within a designated radius of the bridge to unreasonable inconvenience or disruption of their regular travel routes.

***UNDUE INTERFERENCE WITH PRIMARY USE.*** Is established where the event requires a protracted complete closure of the bridge, vehicle lane or sidewalk; or several intermittent or peak traffic hours complete closures of those areas such that the event would unreasonably disrupt the operation of the bridge for its primary use.

(Ord. 1061, Amended, 05/26/2005, eff. 7/1/2005; Ord. 1008,

Added, 02/27/2003, eff. 03/29/2003)

### § 29.704 SPECIAL EVENT PERMIT REQUIRED.

(A) Except as provided in this subchapter, a special event permit is required to stage and conduct a special event.

(B) No special event permit which requires the closure or use of the roadway or sidewalks on a bridge will be effective unless the sponsor obtains written authorization from the City of Portland or the state to close or use the city or state streets, highways, bike lanes, sidewalks or ramps as appropriate that directly access the bridge.

(C) It is unlawful for any person to promote or manage any pending special event for which a special event permit has not been issued, unless such person engaging in those activities clearly indicates in any advertising, promotional materials, media releases or any other similar communication whether oral, written, or visual, that the event is still pending approval by the county.

(Ord. 1008, Added, 02/27/2003, eff. 03/29/2003)

### § 29.705 CATEGORIES OF SPECIAL EVENTS, CONDITIONS.

(A) Non-exclusive sidewalk or vehicle lane use for a celebration, procession, athletic event or other use, is not a special event and does not require a permit, deposit or cost recovery or insurance, if:

- (1) Held and fully contained on the sidewalk or vehicle lane;
- (2) 200 people or less or for a filming use;
- (3) All traffic control laws obeyed;
- (4) No county support or services required;
- (5) No closure of bridge to river traffic;
- (6) No exclusion of the general public from sidewalk or the lane; and
- (7) No attachment of banners, signs, equipment or other objects to the bridge; or place-

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ment of people or equipment to exceed bridge load ratings; or any alteration of any kind to the bridge.

Provided that, should the proposed non-exclusive use under this subsection not comply with one or more of the above conditions, a permit, deposit, cost recovery and insurance may be required.

(B) Complete sidewalk closure event for a celebration, procession, athletic event or other use; requires a permit and is subject as applicable to the following conditions:

(1) Must be held and fully contained within area designated on sidewalk;

(2) More than 200 people or for a filming use;

(3) Minimal county support and services may be required dependent upon size of the event, no alcohol service or consumption allowed;

(4) Plans for crowd control including event monitors, security, fire safety and emergency medical services may be required dependent upon size of the event;

(5) Deposit, cost recovery, liability insurance and indemnification may be required dependent upon size of the event;

(6) U.S. Coast Guard's consent required for closure of bridge to river traffic;

(7) Any proposed use of the bridge involving any of the following must comply with all county requirements relating to traffic control, traffic safety and bridge integrity including but not limited to load rating limits:

(a) The attachment of banners, signs, equipment or other objects to the bridge, or any alteration to the bridge; or

(b) The placement or grouping of people, animals, vehicles, equipment or any other objects on the bridge;

(C) Complete closure of vehicle lane(s) but not all vehicle lanes, for a celebration, procession, ath-

letic event or other use; requires a permit and is subject as applicable to the following conditions:

(1) Must be held and fully contained within designated traffic lane(s);

(2) More than 200 people or a filming use;

(3) County support required, no alcohol service or consumption allowed;

(4) Plans for: crowd control including event monitors, security, traffic control, fire safety and emergency medical services are required;

(5) Dependent on size of event a deposit and cost recovery may be required;

(6) Liability insurance and indemnification required;

(7) U.S. Coast Guard's consent required for closure of bridge to river traffic;

(8) Any proposed use of the bridge involving any of the following must comply with all county requirements relating to traffic control, traffic safety and bridge integrity including but not limited to load rating limits:

(a) The attachment of banners, signs, equipment or other objects to the bridge, or any alteration to the bridge;

(b) The placement or grouping of people, animals, vehicles, equipment or any other objects on the bridge;

(D) Complete closure event for a celebration, procession, athletic event or other use requires a permit and is subject as applicable to the following conditions:

(1) Must be contained within area designated on permit;

(2) 300 or more people or for a filming use;

(3) County support required;

(4) Plans as necessary for: crowd control including event monitors, security, traffic control,

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fire safety and emergency medical services are required;

(5) Deposit, cost recovery, liability insurance and indemnification required;

(6) U.S. Coast Guard's consent required for closure of bridge to river traffic;

(7) Service and consumption of alcohol is subject to county Board approval at its discretion;

(8) Any proposed use of the bridge involving any of the following must comply with all county requirements relating to traffic control, traffic safety and bridge integrity including but not limited to load rating limits:

(a) The attachment of banners, signs, equipment or other objects to the bridge or any alteration to the bridge; or

(b) The placement or grouping of people, animals, equipment, vehicles or any other objects on the bridge,

(9) The Sellwood and the Sauvie Island Bridges are not available for complete closure events.

(Ord. 1008, Added, 02/27/2003, eff. 03/29/2003)

### **§ 29.706 SPECIAL EVENT PERMIT APPLICATION DEADLINES.**

(A) Except as otherwise provided in subsection (B), a completed permit application for a special event must be submitted to the county ~~Land Use and Transportation Program (LUTP)~~ as follows:

(1) Annual event applications that require US Coast Guard consent must be filed with the county no later than January 31 of the event year, or 45 days before the event, whichever date is earlier.

(2) Any other special event applications that require US Coast Guard consent must be filed with the county no later than 45 days prior to the event.

(3) For any other annual event subject to Board review under MCC 29.707, applications must be filed with the county no later than January 31 of

the event year, or no later than 30 days prior to the event, whichever is earlier.

(4) For any other special event subject to Board review under MCC 29.707, applications must be filed with the county no later than 30 days prior to the event.

(5) For all other special events, applications must be submitted no later than 15 days prior to the event.

(B) The county may accept late applications for special event permits, where good cause is shown for the expedited review; there is no conflict with river use requirements under federal law and the county has the available staff and resources to perform the review in a shorter time than as set forth in subsection (A).

(Ord. 1008, Added, 02/27/2003, eff. 03/29/2003)

### **§ 29.707 PERMIT APPLICATION REVIEW PROCEDURE.**

(A) All permits for proposed special events that involve either:

(1) A complete closure event of four hours or longer in length, except any such closure during the hours of 3 AM to 12 PM on a Sunday; or

(2) The sale or consumption of alcoholic beverages on the bridge;

will be reviewed by the Board.

(B) All permits for a complete closure event outside the hours of 3 AM to 12 PM (noon) on a Sunday and less than 4 hours in length or for an event that requests the complete closure of a lane or sidewalk during peak traffic hours (i.e. weekdays: 6:30 AM to 9 AM and 4 PM to 6:30 PM), will be reviewed by the Chair.

(C) Any special event permit application not covered under subsections (A) and (B) will be reviewed by the Director.

(D) Upon the receipt of a complete application as provided in § 29.708, the ~~LUTP~~ Transportation Program will:

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(1) Within two working days, determine whether the proposed event, based on the category of the event under § 29.705, requires a deposit under § 29.712 to cover the additional costs; and

(2) If a deposit is necessary, contact the sponsor by telephone or fax no later than the next working day and request the amount from the sponsor. Upon receipt of the deposit or determination it is not necessary:

(a) Schedule the permit application on the Board's regular agenda for deliberation at its next available regularly scheduled public meeting,

(b) Forward the permit application to the Chair's office for review; or

(c) Forward the permit application to the Director's office for review,

(3) Contact the U.S. Coast Guard to initiate the consent review if the permit application requests bridge closure to river traffic, and

(4) On any pending completed special event application prepare a written report to the Board, the Chair or the Director as applicable, regarding the proposed special event and its potential impact on the structural integrity of the bridge and any foreseen conflicts with previously scheduled activities or construction projects.

(E) If the sponsor does not submit the deposit within five working days of the date the county initially requested the deposit, all further review of the application will cease and the application will be deemed denied.

(F) The sponsor of the proposed special event to be heard by the Board is required to attend the Board meeting to explain the event and to answer any questions of the Board and or the public regarding the event. If the sponsor does not attend the meeting, the Board may summarily deny the application without further review.

(G) The Board by resolution will approve, approve with contingencies, amend or deny any permit. The Chair or the Director, by a written decision will approve, approve with contingencies, amend or deny any permit.

(H) The Board, the Chair or the Director as applicable will review the permit and the proposed special event for compliance with all the criteria as set forth in § 29.708.

(I) No complete closure event of either the Sauvie Island Bridge or the Sellwood Bridge will be authorized under this subchapter.

(J) The Chair or the Director will complete review of a permit within three working days of receipt from the LUTP County Transportation Program.

(K) Notwithstanding subsection 29.707 (A), the special event held every June and commonly known as the "Rose Festival Grand Floral Parade" will not be subject to prior Board approval under this section to obtain a permit.

(L) Any decision to approve, deny, amend or revoke any permit application or permit made by the Director, the Chair or the Board, is a final county decision and any further review must be to the State Circuit Court.

(Ord. 1008, Added, 02/27/2003, eff. 03/29/2003)

### **§ 29.708 PERMIT APPLICATION REVIEW CRITERIA.**

(A) The sponsor must submit a completed special event permit application to the county LUTP transportation program no later than the date required by § 29.706 for an application to be accepted by the county. The county will issue a special event permit if the county determines that the application establishes compliance with all requirements and applicable criteria as set forth in subsection (B) and (C) respectively.

(B) Each permit application must be submitted with the application fee and must contain:

(1) The sponsor's name, address, telephone number and if available, the sponsor's facsimile number or email address;

(2) The identification of the bridge(s) to be used, including a description of the portion of the bridge, including traffic lanes and sidewalks, that is to be used for the special event;

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(3) The date, starting and ending time of the proposed special event, including an estimate of time necessary for set up and take down of equipment used in the event;

(4) The date the application is received by the LUTP County Transportation Program;

(5) Identification of other government agencies if any, who must be notified or consent to the special event.

(C) In addition to the requirements set forth in subsection (B), the application will be reviewed for compliance with the following criteria to the extent applicable:

(1) The event will be conducted in compliance with all applicable laws in a safe and orderly manner, will not damage county owned or maintained real or personal property; and is in compliance with county requirements relating to traffic control, traffic safety and bridge integrity including but not limited to load rating limits.

(2) County resources, if required, are available to stage and conduct the event;

(3) The event will not conflict with previously scheduled or approved construction, maintenance or other activities;

(4) The event will not cause undue interference with the bridge for its primary use or cause undue hardship to those residences, businesses and property owners within a one mile radius of the bridge;

(5) The sponsor has agreed to defend, hold harmless and indemnify the county and has adequate insurance to cover all potential liability to honor that obligation;

(6) The sponsor has provided adequate plans for crowd control, traffic control, security, fire safety and emergency medical services;

(7) The sponsor has paid the requisite fee and if applicable the deposit;

(8) The event will not cause or contribute to a violation of any applicable federal, state or local environmental protection law or regulation, including but not limited to the Endangered Species Act or the Clean Water Act, as established by a comprehensive environmental analysis of the proposed event and its impact on the river if appropriate;

(9) That any hazardous substances, hazardous materials or hazardous waste used, stored or released in any way in connection with the event will be handled in a manner consistent with any applicable laws and regulations; including but not limited to any local, state or federal law or regulation relating to the storage, release, spill or discharge of hazardous substances, hazardous material or hazardous waste, as defined under any applicable local, state or federal law or regulation.

(D) The county may deny the issuance of a special event permit if at any time the county determines that:

(1) The sponsor fails to provide all the information required under § 29.708 (B);

(2) The special event cannot be conducted in compliance with one or more of the applicable criteria set forth at § 29.708 (C);

(3) The sponsor fails to comply with the terms and conditions of the permit application;

(4) The sponsor within the past 24 months has failed to conduct a previously authorized special event in accordance with the law or the terms of a permit;

(5) If the sponsor was to obtain the written approval of any other public agency whose jurisdiction includes or is impacted by the special event in advance of the county issuing the permit and has not obtained the approval or the previously granted approval of the other public agency has been withdrawn or revoked; or

(6) An emergency has been declared pursuant to MCC §§ 27.300 et seq. that will impact the use of the bridge; or the bridge is subject to unforeseen emergency repair or has been declared unsafe for any reason by the county bridge manager.

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(E) (1) Following receipt of a completed permit application for a four hour or longer complete closure event outside the hours of 3 AM to 12 PM (noon) on a Sunday or a peak traffic hours event as provided under § 29.707, the county's Public Affairs Office will notify by electronic mail, neighborhood and business associations sanctioned by the City of Portland or otherwise recognized and located within a one mile radius of the east and west side terminus of the specified bridge. This notice will include the dates and hours of the requested closure, explanation of how to submit comments or other participation before the Board or the Chair, prior to the decision on the application, and the phone number and name of a county contact person for more information.

(2) Following a final decision to approve a complete closure event or a peak traffic hours event as provided under § 29.707, the county's Public Affairs Office will notify by electronic mail, neighborhood and business associations sanctioned by the City of Portland or otherwise recognized and located within a one mile radius of the specified bridge of the decision. This notice will include the dates and hours of the approved closure, the bridge to be closed, and the phone number and name of a county contact person for more information.

(3) Prior to the complete closure event, the Public Affairs Office will issue a news release to local news media and emergency services, including the dates and hours of the closure and the bridge to be closed

(Ord. 1061, Amended, 05/26/2005, eff. 7/1/2005; Ord. 1008, Added, 02/27/2003, eff. 03/29/2003)

### **§ 29.709 CONTENTS OF SPECIAL EVENT PERMIT.**

A special event permit will contain the following information, terms or conditions, as applicable:

(A) Identification of the bridge; including a description of the portion of the bridge, including traffic lanes and sidewalks, that is to be used for the special event

(B) The date, starting time and ending time of the special event;

(C) The time required for any and all set up, break down, and clean up related to the special event;

(D) The name, address and phone number of at least one person authorized to act for or on behalf of the sponsor.

(E) The number of persons, number and type of animals, and vehicles, the number of bands, other musical units and equipment capable of producing sound, if any, and limitation thereon pertaining to noise abatement;

(F) The plans for traffic control, crowd control, security, fire safety and emergency medical services, each subject to approval by the county;

(G) Approval from the United States Coast Guard for the closure of the bridges to river traffic;

(H) The specifications, plans and location of any temporary structures, equipment, signs or banners to be located on or attached in an authorized manner to the bridges;

(I) The conditions and restrictions relating to the use, storage and disposition of hazardous substances, hazardous materials or hazardous waste as those terms are defined in any applicable local, state or federal law or regulation;

(J) The number and location of event monitors and other support personnel to be provided by the sponsor;

(K) The conditions or restrictions on the use of alcoholic beverages and authorization for and conditions of the exclusive control or regulation of vendors and related sales activity by the sponsor during the special event;

(L) Confirmation that county has received any and all fees as required by § 29.712.

(M) Any and all environmental protection assessments, plans, reports or similar documents for which the sponsor was required by the county or other government agency to obtain to conduct the Event.



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(N) Adequate provisions for clean-up and maintenance costs.

(O) Any and all written consents or permits as required by the City of Portland, or any other government agency with regulatory authority over the special event location or activities;

(P) A copy of written notice sent to Tri-met;

(Q) Indemnification of county by sponsor with respect to any claims, liabilities, suits, damages, losses, expenses or costs, including but not limited to attorney fees and other legal costs relating to or arising out of the special event or activities of the sponsor in connection with the special event.

(R) Proof of public liability insurance.  
(Ord. 1008, Added, 02/27/2003, eff. 03/29/2003)

### **§ 29.710 INSURANCE REQUIREMENTS.**

(A) The sponsor of a complete closure event must provide public liability insurance coverage for the special event and sponsor's activities, including volunteers and all other participants in connection with the special event. Sponsors of other events may be required to provide insurance based on the category and size of the event as provided under § 29.705. Such insurance must name Multnomah County, its officers, employees, and agents, as an additional insured. Insurance coverage must be maintained for the duration of the special event. Notice of cancellation must be provided immediately to the county and with a minimum of 30 days notice prior to the termination of the policy.

(B) The sponsor's current effective insurance policy, or copy, along with necessary endorsements, must be filed with the county at least 15 calendar days before the start of the special event, unless the county for good cause modifies the filing requirement.  
(Ord. 1008, Added, 02/27/2003, eff. 03/29/2003)

### **§ 29.711 REVOCATION OF SPECIAL EVENT PERMIT.**

(A) The Board may revoke a special event permit if at any time it is determined:

(1) That one or more of the grounds for denial of issuance of a permit as set forth at § 29.708 (D) (1)-(6) is or are applicable;

(2) The event is being conducted in violation of any condition of the special event permit, including but not limited to any discontinuance for any reason of insurance coverage for the event;

(3) The event sponsor has failed to obtain any other permit, written consent or similar formal approval as required by another government agency with jurisdiction over the event location or activities;

(4) The special event permit was issued in error or contrary to law, or

(5) The sponsor has failed to pay upon reasonable demand any additional county costs incurred pursuant to the permit as provided under § 29.712.

(B) Except as provided in § 29.711(C), notices of revocation will be in writing and specifically set forth the reasons for the revocation.

(C) If there is an emergency requiring immediate revocation of a special event Permit, the county may notify the sponsor orally of the revocation, but will issue a notice of revocation as provided in § 29.711 (B) as soon as reasonably practical thereafter.

(D) The Chair or the Director are authorized to act in lieu of the Board to revoke any previously approved permit pursuant to subsections (A)-(C) of this section.  
(Ord. 1008, Added, 02/27/2003, eff. 03/29/2003)

### **§ 29.712 SPECIAL EVENT PERMIT APPLICATION FEE, DEPOSIT AND COST RECOVERY.**

(A) The Board by resolution will establish a permit application fee and a minimum deposit amount. The county will draw from the deposit to cover the costs identified in this section on an actual cost incurred basis.

(B) The deposit will be required if the LUTP County Transportation Program estimates, based

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upon initial review of the permit application, that the event is likely to require any of the following:

(1) More than 10 hours of county administrative services in preparation for and during the event, including but not limited to costs incurred for: document drafting, contacting and or meeting with the U.S. Coast Guard or other government agencies; providing expanded public notice; legal services; reviewing plans for traffic control, crowd control, fire safety, security or emergency medical services; conducting or attending special community meetings or similar activities;

(2) County personnel will need to be involved or its equipment used in the set-up or the operation of the event;

(3) County personnel will need to be involved or its equipment used in the removal of alterations or attachments; clean-up, or repair of county facilities because of the special event; or

(4) Any other extraordinary costs directly attributable to the staging and conducting of the special event.

(C) If at any time the county determines any deposit previously submitted is inadequate to cover the county's charges or costs, any additional funds required, or a reasonable estimate thereof, will be billed and collected from the sponsor. The county reserves the right to stop any further review of an application, deny the issuance of the permit or revoke an existing permit if the sponsor fails to deposit any outstanding costs and charges identified and billed to sponsor under this section.

(D) If the sponsor fails to comply with any obligations imposed upon it under this subchapter and the county incurs any costs or expenses, directly relating to sponsor's failure to comply, the sponsor will be billed for actual county costs incurred to remedy or mitigate sponsor's failure to comply.

(E) If after the special event has occurred or is cancelled, there is a surplus in the sponsor's deposit account and the county determines that there are no further costs to be billed or charged to the sponsor in connection with the special event, the county will refund to the sponsor, subject to any administrative

processing fees the remaining balance of the deposit account.

(Ord. 1008, Added, 02/27/2003, eff. 03/29/2003)

### **§ 29.713 INTERFERENCE WITH A SPECIAL EVENT PROHIBITED.**

It is unlawful for any person to interfere with a permitted special event. The following acts, among others, are prohibited by this section, when done with the intent to cause interference or without the permission of the sponsor:

(A) Blocking, obstructing or impeding the passage of participants, vehicles or animals in the special event route.

(B) Walking or running; driving a vehicle; riding a bicycle or skateboard through, between, with or among participants, vehicles or animals.

(C) Dropping, throwing, rolling or flying any object toward, among or between participants, vehicles or animals.

(D) Throwing, squirting, dumping or dropping any liquid or gaseous substance on, toward, among or between participants vehicles or animals.

(E) Grabbing at; taking hold of; hitting, pulling or pushing any participant, vehicle or animal or anything in the possession of any participant.

(F) Vending or offering for sale any food or merchandise within the special event area of the bridge during the time the event is to be conducted without first having obtained the written permission of the sponsor.

(Ord. 1008, Added, 02/27/2003, eff. 03/29/2003)

### **§ 29.714 CANCELLATION, RECOVERY OF COSTS.**

If an event is cancelled or postponed by the sponsor, all costs the county has incurred in connection with the event are collectible from the sponsor and may be deducted from the deposit.

(Ord. 1008, Added, 02/27/2003, eff. 03/29/2003)

### **§ 29.999 PENALTY.**

No person shall violate any requirement of Bridge Special Events §§ 29.700 et. seq. or rule adopted

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under it. Each violation is subject to a civil penalty not to exceed \$500.00. It is a separate violation for each day during any portion of which a violation of any provision of this subchapter or rule adopted under it occurs.

(Ord. 1126, Amended, 12/11/2008; Ord. 1008, Amended, 02/27/2003, eff. 03/29/2003; ‘ 90 Code, § 11.60.990, 07/01/1998; Ord. 162, passed, 04/20/1978

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