MULTNOMAH COUNTY ROAD RULES

Prepared By:

Transportation Division

Public Comment Draft

2018 - MULTNOMAH COUNTY ROAD RULES

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1.000 Legal Authority

These rules are promulgated under the Director's authority contained in Multnomah County Code 29.500. et seq.

2.000 Purpose Statement

The purpose of these rules is to govern the administration of roads under the jurisdiction of Multnomah County in accordance with MCC 29.500 through 29.999 and in keeping with Policies 32, 33, 34, 35, 36, 37 and 38 of the County Comprehensive Framework Plan.

These rules provide the link between the County Code provisions of MCC 29.500, et seq and the Design and Construction Manual adopted under the provisions of these rules pursuant to MCC 29.571. In addition, these rules are the "Street Standards Rules" referenced in the Land Division Code parts of the Multnomah County Zoning Code Chapters and are therefore one of the implementation tools for establishing standards for street design and improvements.

As used in these Rules the designation "Multnomah County" or "County" shall mean Multnomah County, Oregon, a Political Subdivision of the State of Oregon, unless the context clearly indicates otherwise.

3.000 Glossary of Terms

AASHTO: American Association of State Highway and Transportation Officials.

ADA: Americans with Disabilities Act.

Access: Any point of permitted ingress or egress from a site to a public road.

Access Spacing: The measured distance between the center of one driveway and the center of the next adjacent driveway on the same street. The next adjacent driveway can be on the opposite side of the street.

Arterial: Arterials are County Roads that comprise the regional transportation network and provide for travel between communities within the County as well as between counties. Arterials are typically three to five lanes in width and serve a high volume of through traffic. Minor, Major, Principal and Rural are sub-categories of the Arterial Classification.

Banner: For the purposes of these rules, a "banner" means a decoration or public notice of any kind placed within the public right-of-way of a County Road including but not limited to notices or other flyers attached to posts or other structures; or posters or other banners that span across or hang, within the right-of way.

Board: Board of County Commissioners of Multnomah County, Oregon.

Boulevard: A design overlay of a County Road that can include amenities such as wide sidewalks, street trees, on-street parking pedestrian scale lighting and landscaped medians.

Collector: Collectors are County Roads that distribute traffic between local streets and the Arterial network. Collectors are typically two to three lanes in width, and serve more local trips and fewer through trips than Arterials. Neighborhood, Major, and Rural are sub-categories of the Collector classification.

County Engineer: Multnomah County Engineer, or designee. The County Engineer serves as the County Road Official, in accordance with ORS 368.046.

County Road: A public road under the jurisdiction of Multnomah County, that is maintained by the County and has been designated as a county road under ORS 368.016.

County Road Official: See County Engineer.

Design and Construction Manual (DCM): Multnomah County Design and Construction Manual, includes the engineering standards and specifications to be followed for new and improved roadways under Multnomah County jurisdiction.

Director: Director of the Multnomah County Department of Community Services (and all successor Departments), or designee.

Discharge: means any disposal, injection, dumping, spilling, pumping, emitting, emptying, leaching, leaking or placing of any material so that such material enters or is likely to enter a waterbody, groundwater, or a public sewer and drainage system.

Driveway: Shall mean the same thing as a "Private Driveway".

Extended Temporary Closure: A temporary closure of the road for authorized roadwork purposes for a period of thirty (30) days or longer.

Functional Classification: Hierarchy of County roads based upon the traffic volumes and land uses that they serve, as adopted in Multnomah County Comprehensive Framework Policy 34.

Half-Street Improvement: Improvements to the right–of-way along the entire length of a property's frontage necessitated by Transportation Impact from development or as otherwise required in the County Design and Construction Manual based upon the functional classification of the road, usually limited to improvements constructed to the centerline from the abutting property.

Highway: For purposes of these Rules, "Highway" means every public way, road, street, thoroughfare and place including bridges, viaducts and other structures within the boundaries of the State of Oregon, open, used or intended for the use of the general public for vehicles or vehicular traffic as a matter of right.

Green Street: A right-of-way design that incorporates storm water management and treatment within the right-of-way, using natural elements such as swales, trees and other vegetation.

Land Division: A subdivision or partition.

Local Access Road: A public road under Multnomah County jurisdiction that is outside a city and is not a county road, state highway or federal road. The County is not responsible to maintain, repair or improve a local access road unless the Board finds an emergency or public need as required under ORS 368.031.

Lot, Parcel, Property or Tract: The terms "Lot", "Parcel", "Property", and "Tract" as used in these Rules shall refer to a legal lot of record, unless otherwise clear in context to mean something different.

Non-Conforming Condition: An existing condition within the public right of way, including but not limited to any construction, installation, alteration or encroachment of any kind, which is not in compliance with these Rules and the DCM, but such condition was present in the public right of way prior to the adoption of these Rules and the DCM (March 23, 2004), and further provided said condition was expressly approved as a part of a lawful, prior land use decision of record.

Off-Site Improvements: Any required public improvements not within or directly adjacent to a development site necessitated by of the Transportation Impact of a development.

Private Driveway: A private means of access, connecting one or more lots to the local public road system. A private driveway may be a private access easement that connects properties to the local public road system but is not a Private Road.

Private Road Is a road for the private use of more than one lot and that is located on a separate lot from the lots it serves, connecting said lots to the local public road system and each lot using the private road has a right of record to use the private road for ingress and egress.

Pro-Rata Share: A proportional share of road improvements based upon road frontage and/or Transportation Impact.

Public road: A road over which the public has a right of use that is a matter of public record. County roads, city streets, state highways, federal roads and local access roads are all public roads.

Regional Transportation Plan: The Metro region's 20 year capital improvement plan.

Right of Way: Real property that the public has a right to use for transportation and transportation related purposes.

Road: Any public or private way that provides ingress to or egress from property or that provides for travel between properties. "Road" includes, but is not limited to:

(a) Ways described as streets, highways, throughways or alleys;
(b) Road related structures that are in the right of way such as tunnels, culverts or similar structures; and
(c) Structures that provide for continuity of the right of way such as bridges.

Rural: The unincorporated area outside the urban growth boundary as designated on the most current map maintained by Metro, the regional government with responsibility for the boundary.

State Highway: Means any road or highway designated as such by law or by the Oregon Transportation Commission pursuant to law and includes both primary and secondary state highways.

Special Event: Any sponsored activity held on a County road or bridge, which significantly interrupts the normal operation and maintenance of the facility or the normal vehicular or pedestrian traffic; or any such activity, which employs a road or bridge in a use outside of its primary use.

Stormwater: means water that originates as precipitation on a particular site, basin, or watershed

Transportation Demand Management (TDM): A policy tool as well as any action that seeks to reduce single-occupant vehicle trips, especially during peak travel demand periods. Refers to actions which are designed to change travel behavior in order to improve performance of transportation facilities and to reduce need for additional road capacity. Methods may include subsidizing transit for the journey to work trip, charging for parking, starting a van or car pool system, promoting bicycling and walking through programs and incentives, or instituting flexible work hours.

Transportation Impact: The affect of any new construction or alteration which will increase the number of trips generated by a site by more than 20 percent, by more than 100 trips per day or by more than 10 trips in the peak hour shall be found to have a Transportation Impact. A minimum increase of 10 new trips per day is required to find a Transportation Impact.

Trip: A one-way vehicular movement. A vehicle entering a property and later exiting that property has made two trips. "Trip" can also be applied to bicycle or pedestrian movements in the same way.

Urban: The area inside the urban growth boundary as designated on the most current map maintained by Metro, the regional government with responsibility for the boundary.

Vegetation: All plant growth, including, but not limited to, trees, shrubs, bushes, hedges and grasses.

4.000 Access to County Roads

4.100 *Application for New or Reconfigured Access*: Applicants for a new, altered, or reconfigured access onto a road under County Jurisdiction are required to submit a site plan. Applicants may be required, to provide all or some of the following

A. Traffic Study-completed by a registered traffic engineer;

B. Access Analysis-completed by a registered traffic engineer;

C. Sight Distance Certification from a registered traffic engineer; and

D. Other site-specific information requested by the County Engineer including a survey.

4.150 *Transportation Review of Existing Access:* The alteration, expansion, or other change in use of any building, structure or land will require review by the County Engineer to ensure that access is consistent with these and other County rules and standards. A property owner or other party proposing an altered, expanded or other change in use of any building, structure or land may be required, to provide all or some of the following:

A. Traffic Study-completed by a registered traffic engineer;

B. Access Analysis-completed by a registered traffic engineer;

C. Sight Distance Certification from a registered traffic engineer; and

D. Other site-specific information requested by the County Engineer including a survey.

4.200 *Number of Accesses Allowed:* Reducing the number of existing and proposed access points on Arterials and Collectors and improving traffic flow and safety on all County roads will be the primary consideration when reviewing access proposals for approval. One driveway access per property is the standard for approval pursuant to the Multnomah County Code. Double frontage lots will be limited to access from the lower classification street. Shared access may be required in situations where spacing standards cannot be met or where there is a benefit to the transportation system. If more than one access is desired, a land use application must be submitted in compliance with applicable Multnomah County Codes.

4.300 *Location:* All new access points shall be located so as to meet the access spacing standards laid out in the Design and Construction Manual.

4.400 *Width:* Driveway, Private Road and Accessway widths shall conform to the dimensions laid out in the Design and Construction Manual.

4.500 *Sight Distance:* All new or altered access points to roads under the County's jurisdiction must have a minimum sight distance equal to the standards in the Design and Construction Manual and AASHTO's A Policy on Geometric Design of Highways and Streets.

4.600 *County Road Projects:* When the County conducts a public works project that includes frontage or other improvements to a County Road, the following conditions are applicable:

A. Driveway drops will be in their existing location, or in an alternative location that can be constructed to meet the standards of the Design and Construction Manual unless the permit specifies a non-standard improvement.

B. Only one driveway drop per frontage will be constructed by the County unless permits for multiple driveways exist or a Variance Request for an additional driveway is granted by the County Engineer. The location of consolidated access points will be determined by the County Engineer. Undeveloped parcels will not have any driveway drops

constructed by the County unless an access is already permitted or a Variance Request for a driveway is granted by the County Engineer.

C. Driveway drops will be constructed to meet the standards of the Design and Construction Manual unless the permit specifies a non-standard improvement.

4.700 *Existing Nonconforming Accesses:*

A. Access locations that were previously approved through a prior land use decision but for which there is no record of an access permit having been granted by the County, are accepted as Existing Non-Conforming Accesses (ENCA). An ENCA is treated as any other accepted non-conforming use and may be subject to waiver of right if the non-conforming use is disrupted for a period of two (2) years or longer.

B. It is the burden of the applicant to show prior land use approval for the ENCA, including the final approved decision of the requisite land use jurisdiction; the following must be met for a valid ENCA:

1. Does not qualify for any alteration, replacement or expansion of the existing conditions.
2. Must be reviewed and approved for potential stormwater impacts.
3. Must be reviewed and approved by the local fire district.

C. An ENCA must obtain an access permit once it is determined to meet these provisions.

5.000 Transportation Impact

5.100 To determine if a Transportation Impact is caused by a proposed development, the County Engineer will determine the number of new trips generated by a site by one of the following methods:

A. Calculations from the most recent edition of the Institute of Transportation Engineers' Trip Generation (ITE); or

B. A site development transportation impact study conducted by a professional engineer registered in the State of Oregon and accepted by the County.

5.200 The County Engineer will use the information obtained pursuant to sub-section 5.100 and/or the frontage length of the subject property to determine the pro-rata share of the requirements set forth in Section 6.000. The County Engineer determination of pro-rata share of improvements will expire six months from the date of the County Engineer's determination or after the associated land use permit is granted or closed. If expired, a review process and new determination will be required.

5.300 Except where special circumstances require the County Engineer to make an alternate determination, any new construction or alteration which will increase the number of trips generated by a site by more than 20 percent, by more than 100 trips per day or by more than 10 trips in the peak hour shall be found to have a Transportation Impact. A minimum increase of 10 new trips per day is required to find a Transportation Impact.

6.000 Improvement Requirements

6.100 *Site Development:* All subject parties with respect to any property proposed for development, including but not limited to the owner of the site and the applicant (if different than the owner), will be responsible for improvements to the right-of-way for any said development of the property which is found to cause a Transportation Impact, those improvements shall include:

A. Dedication of Right of Way Requirement: The subject parties are responsible for a pro-rata share, as determined by the County Engineer, of right-of-way and easement dedications necessary to bring the affected, existing, created or planned public streets and other facilities within and abutting the development to the current County standard. The dedication of the required easements and right-of-way may be conditions of approval of Design Review or any other development permit related to the proposal.

B. Frontage Improvement Requirements: In addition to easement and right-of-way dedication requirements, a pro-rata share may include half-street improvements along all of the site's County Road frontage(s). Right of Way improvements shall satisfy the standards of the County Design and Construction Manual based upon the functional classification of the road(s). The commitment to improve the affected streets or other facilities to the required standards shall be conditions of approval of Design Review or any other development permit related to the proposal. Half-street improvements can include all of the following:

1. Street widening/improvement
2. Utility cut restoration
3. Curb and sidewalk
4. Driveway relocation/replacement/removal
5. Traffic controls
6. Drainage facilities
7. Lighting facilities
8. Bicycle facilities
9. Signal conduit facilities
10. Street trees
11. Other appropriate facility or right of way requirements as required by applicable statutes, codes and regulations.

C. Required Submissions by Subject Parties. Subject parties shall submit to the County Engineer the following: engineered plans, traffic studies, traffic analysis, reports, surveys or similar documents as requested or required by the County Engineer under this Subsection 6.100 or as may additionally be required under Section 18.

D. Transportation Demand Management Options that address strategies to reduce travel demand generated by the proposed development.

6.200 *Land Division:*

A. Right-of-way and easement dedications needed to meet County standards may be required as a condition of all land divisions, whether by partition or subdivision.

B. To the extent a land division has been lawfully approved through a land use decision of the appropriate jurisdiction, and such land division impacts a Public Road under County jurisdiction, and there was no assessment in the record of said decision regarding a Transportation Impact caused by the decision or the potential development of any affected parcel in a partition or lot in a subdivision, and further provided the County will not have the opportunity as a part of the Right of Way Use Permit Approval Process under Section 18 of these Rules to review the proposed development, the County will require improvements because of the land division as a part of the Section 18 Permit. Land Divisions that create flag lots will be required to make frontage improvements along the entire length of the parent lot.

C. The County Engineer may allow deferral of this improvement requirement until development of the flag lot(s) occurs. When further reviews or approvals will be necessary before development can occur, the County Engineer may allow deferral of those improvement requirements and not apply them to land division proposals.

6.250 *Lot-Line Adjustments:* Right-of-way and easement dedications needed to meet County standards may be required as a condition of a lot-line adjustment. Lot-line adjustments that would result in a reduction of the County road frontage of a lot planned for development or redevelopment may be conditioned to provide right-of-way and easement dedications, as well as deed restrictions committing the owner to improve the reconfigured lot's frontage to County standards.

6.300 *Zone Change:* A Transportation impact study over the 20-year planning horizon will be required for all zone changes that would allow more intensive use of a site than allowed by the site's existing zoning. Improvement requirements for zone changes will be based upon, but not bound by, the needs identified in the transportation impact study.

6.400 *Exceptions:* Not withstanding 6.100 through 6.300, improvement requirements will not exceed the limits set by applicable state and federal law.

6.500 *Expiration of Comments*: Applicants cannot rely on County Engineer comments about improvements to the right-of-way for proposed developments beyond six months from the date issued on the comment, or when the accompanying land use review process is complete, whichever occurs first. Applicants must resubmit for review by County Engineer any application beyond this deadline, and any application where the development has undergone revisions to the development and/or site plans which are determined to be substantial revisions by the County Engineer.

7.000 Transportation Impact Studies

7.100 The County Engineer may require that a transportation impact study be submitted to the County as a part of a land development proposal at the Engineer's discretion. The scope of the study will be set by the County Engineer and by the standards in the Design and Construction Manual. The County may develop conditions of approval based upon the findings of a traffic study, but the County is not bound by those findings.

8.000 Off-site Improvement Requirements

8.100 It is County policy to require off-site improvements as a condition of a site development permit to satisfy safety requirements, development created capacity needs, County road maintenance requirements, Uniform Fire Code requirements, ADA requirements and other public service requirements, and to protect the public from the detrimental effects of a proposed development.

The most common applications of these requirements are:

A. Connecting street sections which do not abut the development.

1. A land division creating a public road shall be responsible for the cost of constructing a continuous, standard County road to a connection with the nearest publicly maintained road.

2. Any development utilizing a local access road must provide a road that conforms to the requirements of the Design and Construction Manual from their frontage improvement to the nearest publicly maintained road.

3. Any land development which has been determined to be responsible for the dedication of a half-street right-of-way and is required to improve the street as a condition of approval, must acquire/provide additional right-of-way or easement, or an acceptable modified street design, in order to provide a two-way paved road, approved by the County and the fire district, across the frontage and to a connection with a publicly maintained road.

B. Multiple unit developments, subdivisions, and high pedestrian or traffic generators may be required to provide additional travel lanes, left auxiliary lanes, sidewalks or other pedestrian facilities, and/or signalization on off-site facilities. Improvement requirements will be based upon the additional traffic generated by the development that result in conditions that exceed the design capacity of the facility, create a safety hazard or create an on-going maintenance problem.

9.000 Compliance Method

9.100 Once frontage or off-site improvement requirements have been established, one or any combination of the following methods must be used to satisfy those requirements:

9.200 *Construction Permit:* Property owner/developer must obtain a County Permit under Section 18 to construct any of the required improvements.

9.300 *Payment in-lieu-of Construction:* County may at its discretion authorize payment in lieu rather than construction of improvements if the County determines that there is a benefit to the public in delaying the construction of the development- related improvements or combining the improvements with a larger County project. In lieu of construction by the property owner, the County Engineer may require a cash payment in order to satisfy improvement requirements established as a condition of a development permit. Payment will be administered through a Payment in-Lieu-of Construction Agreement, as described in section 18.225 of these rules.

9.400 *Non-Remonstrance Agreement:* This agreement shall be recorded in the County's Deed Records against the affected property and "runs with the land", thereby obligating the property owner and any successors in interest to share in the cost of the necessary improvements and to not remonstrate (object) against a petition or resolution for necessary improvements. In approving this method, the County Engineer may require a temporary improvement appropriate to the circumstances.

9.500 *Project Agreement:* The County, the developer and the property owner execute a written agreement to share the costs of design and construction of a road project consistent with any applicable laws and regulations. The agreement shall identify the roles and responsibilities of the parties and must be signed by both the County Engineer and the developer and all property owners.

10.000 Corridor Specific Cross-Section Overlay

10.100 In addition to a set of standard cross-sections set forth in the Design and Construction Manual at Section 2.2 (2000), the County may develop a corridor specific cross-section overlay design for all or a portion of a County Road, but only in the following circumstances:

A. A topographical, environmental or other constraint makes it

unfeasible or undesirable to construct a typical cross-section within the corridor;

B. The set of land uses within the corridor will be best served by a non-standard cross-section;

C. The corridor is identified as a suitable location for a cross-section pilot project, such as a Green Street design;

D. The corridor is identified as a Boulevard in the Regional Transportation Plan; or

E. The corridor is identified as a freight route in the Regional Transportation Plan or other adopted plan, or the route serves industrial or manufacturing uses that generate a high percentage of freight traffic.

10.200 A corridor specific cross-section overlay design as allowed under this Section for a County Road, must be developed in cooperation with any cities through which the road passes and adopted by the Board. Once a cross-section overlay has been adopted, it will be used for all future improvements within the corridor, including developer-initiated improvements.

11.000 Local Access Roads

11.100 *Improvement Requirements:*

A. For any proposed development where access is to be through a Local Access Road and the development is found to have a Transportation Impact, the owner, applicant or other party responsible for the development (the "Developer") shall be required to improve or cause to be improved the Local Access Road to standards as further provided in this Section.

B. Right of way and or easement dedications shall be required where the existing right of way is of a substandard width or condition.

C. The County Engineer may impose requirements for right of way improvements as necessary to address factors including but not limited to: traffic safety, traffic conditions, bicycle access, pedestrian access and vegetation.

D. Developer shall make required improvements at the County

Engineer's request if the transportation impact warrants additional road improvements. Such additional improvements shall not extend beyond the nearest intersection with the publicly maintained road. Improvements will be constructed in a manner consistent with the standards provided in the Design and Construction Manual.

E. All costs relating to Local Access Road improvements shall be borne by the Developer including all administrative and other costs incurred by the County including but not limited to the oversight, review, inspection, etc, with respect to design, installation, and construction of any improvements on any Local Access Road under County jurisdiction. County shall not begin any work under this Section unless and until an adequate deposit as determined by the County Engineer has been received by the County to cover these costs.

F. Notwithstanding any required improvements or other installations done in the public right of way of a Local Access Road under this Section 11 of these Rules, the County does not maintain such Local Access Road.

11.200 *Naming:* Naming or renaming of local access roads shall be done pursuant to MCC 11.05.500 through 11.05.575 or its successor.

12.000 Private Roads

12.100 *Authority*: Private roads are not subject to the authority of the County Transportation regulations and rules. Authority over private roads belongs to the land use and planning jurisdiction where the private road is located. However, should a proposal to alter or relocate the access point of a private road to a County Road or a Local Access Road, the requisite provisions of these Rules shall apply like any other road right of way access issue.

13.000 Temporary Road or Bridge Closures

13.100 *When Applicable:*

A. A road or bridge is considered closed under this Section when all of its lanes are closed to through traffic for any extended period of time not less than one hour for the purposes of authorized work in the right of way as provided under these Rules.

B. The following temporary bridge and road closures are not

covered by or subject to the requirements of this Section 13.000, unless otherwise indicated:

1. Temporary road closures for Special Events on County Roads are regulated under Section 21 of these Rules.

2. Temporary bridge closure of a Willamette River Bridge as authorized and allowed under MCC 29.700-29.714 and 29.999.

3. A temporary road or bridge closure initiated by the County at the direction of the County Engineer for maintenance or repair work or a public improvement project, including County initiated work because of emergency conditions; provided that for non-emergency temporary road or bridge closures the County shall follow the notice procedures set forth in Subsection 13.250.

13.200 *The Closure of Road or Bridge under County Jurisdiction:* Upon receiving a request in writing to close the County road or bridge to perform work in the right of way, the County Engineer shall consider the request for the temporary closure as provided in this Section 13. If the proposed roadwork is authorized under these Rules, the County Engineer will review any request for temporary closure subject to the following considerations:

A. Traffic safety during the closure, which may be satisfied by a traffic control plan accepted by the County Engineer;

B. Access and circulation for impacted properties in the area during the closure;

C. Maintenance considerations during the closure;

D. Undesirable effects on impacted properties and any other circumstances that can be documented resulting from the closure;

E. Availability of reasonable alternatives to complete closure, if the closure would cause undue interference or hardship with the public's use of the road;

D. Receipt of a sufficient deposit to cover the County's administrative costs and costs of posting or publishing notice as required under these Rules;

F. Emergency road repair; and

G. Appropriate review and coordination with all other affected governments including but not limited to any City, Tri-Met or the State of Oregon.

13.250 *Notice of Intent to Close:*

A. The method of public notice required as a condition of a temporary road closure will be determined by the County Engineer based upon the length of closure, the traffic volume of the road to be closed, the availability of alternate routes and the anticipated impact of the closure on the surrounding transportation system. Possible public notice methods may include one or more of the following:

1. Notice of temporary closure signs at each end of the road or road segment to be closed;
2. Advertisement(s) in a newspaper of general circulation;
3. Individual notices to abutting property owners by telephone, email or regular mail;
4. Posting on the County website; or
5. Through the County's Public Affairs Office.

B. Both posted and published notices shall contain the following information:

1. Description of the proposed action
2. Date(s) of the proposed closure
3. Request for comments to the County Engineer
4. Address of the County Engineer
5. Last date for accepting comments
6. If applicable, the date the matter is to be heard by the County Board of Commissioners, if required under Section 13.600.

13.350 *Physical Barriers:* Shall be selected by the County Engineer to affect the closure giving consideration to aesthetics, safety, maintenance and economics.

13.400 *Traffic Control Plan Required:* The applicant or permitee shall submit a traffic control plan that conforms to the requirements set forth in the Design and Construction Manual for approval by the County Engineer. The road or bridge may not be closed until approval has been granted.

13.450 *Requests for Closures:* Requests for closure of twenty-four (24)

hours or more must be submitted at least 14 days before the proposed closure. Public notice will be required for closures of more than twenty-four (24) hours. Requests for closures of twenty-four (24) hours or less may be authorized by the County Engineer without public notice.

13.500 *Access to Property During Closures:* To the extent feasible, access to property adjacent or abutting any temporary road closure must be maintained for occupants, patrons and emergency services.

13.600 *Extended Temporary Closures, County Board Review; Procedures:*

A. An extended temporary closure is a road or bridge closure of thirty (30) days or more. Any request for an extended temporary closure of a Bridge, County Arterial or Collector is subject to the following procedures:

1. The applicant /permittee must submit a written request 60 days before the proposed extended closure to the County Engineer;
2. The applicant/ permittee must post a deposit to cover the cost of the County's administrative costs and required public notice for submittal to the County Board;
3. The County Engineer will review the request and associated traffic control plan for compliance with County standards;
4. If after completion of the County Engineer's review the County Engineer deems the closure reasonable and finds that is there are alternative routes and there is no undue hardship foreseen by the temporary closure for the requested time, the County Engineer will announce the proposed closure through one or more of the approved methods of notice set forth at Subsection 13.250;
5. A party adversely affected by the proposed road or bridge closure under this Section may request to have a hearing before the County Board to oppose the proposed closure, provided such request is made in writing and received by the County Transportation Program or Bridge Shop within twenty one (21) calendar days of the date of the notice provided under Subsection 13.600 A.4;
6. If the written request is timely received as provided herein, the Transportation Program or Bridge Shop as applicable, shall schedule the matter on the next available County Board Regular Meeting Agenda;

provided the County staff upon the submission of the

request for hearing to the Board shall be under no further obligation to assist the party requesting the hearing, but may continue negotiation with the party to resolve any objections to the proposed closure prior to the scheduled hearing before the Board;

7. The Board's review is denovo and the Board shall review and consider the temporary closure request according to the same criteria as set forth in Section 13.200; and
8. The Board retains full discretion to approve, amend, postpone, remand to the County Engineer or reject the request.

B. If the County Engineer denies a request for an extended temporary closure received under this Section, the party denied the closure may request a hearing before the County Board; any such hearing requested under this Subsection 13.600B. will be subject to the same timelines, procedures and conducted in the same manner as the hearing under Subsection 13.600A.

13.700 *Duration of Temporary Closure*. Any temporary closure of a road or bridge approved under this Section 13 shall not be longer than six (6) months.

14.000 Vacation of Right-of-Way

14.100 Except as provided herein all Vacation of Right-of-Way proceedings shall be conducted in a manner consistent with ORS 368.126, ORS 368.326 to 365.366 and the Multnomah County Code.

14.200 *Preliminary Feasibility Study:* An abutting property owner shall request the County Transportation Division prepare a Preliminary Feasibility Study (PFS) to evaluate a proposal for the vacation of County controlled right-of-way prior to submitting a petition vacation request under 14.400.

14.300 *Fees, Timeline and Scope:* A request for a PFS shall require a non-refundable fee as established by County Resolution. The County's timeline to prepare the PFS shall be flexible, dependent upon staff availability and resources to perform the task, but shall be produced no later than 45 days from the receipt of the required fee. The focus and scope of the PFS will be to assess whether the vacation serves the public interest and is consistent with all applicable State, Regional and Local plans for the County's planning and transportation needs. The PFS shall contain findings sufficient to

support the conclusion to recommend, recommend as modified or

reject the proposed vacation and shall be signed by the County Engineer. The County Engineer will not make a supportive recommendation if the PFS establishes that any of the following circumstances apply:

A. The existing right-of-way currently serves a road purpose or other public purpose;

B. The existing right-of-way will serve a road purpose or other public purpose in the foreseeable future; or

C. A Land Use code violation exists on the property owned by the petitioner.

14.400 *Vacation Petition:* A. The County shall notify in writing the Petitioner of the completion of the Preliminary Feasibility Study (PFS) under Subsection 14.300 which is a prerequisite prior to submitting for a vacation petition.

A. After the completion of the PFS and the issuance of the notice by the County a vacation petition may be submitted to the County pursuant to ORS 368.341(1)(c), and must include:

1. Legal description of the property to be vacated, including all easements;
2. Statement of reason(s) the vacation is necessary or appropriate;
3. Names and addresses of all persons holding any recorded interest in the property to be vacated;
4. Names and addresses of all persons owning any improvements constructed in, under or above the area proposed to be vacated and shall include written responses from such persons (includes written responses from utility companies stating existence of utilities and any easement requirements if utilities exist.);
5. Names and addresses of all persons owning real property abutting public property proposed to be vacated and the names and addresses of any persons holding or owning property interests including but not limited to easements, licenses or other similar kinds of interests that abut the public property to be vacated;
6. Notarized signatures of either owners of record of at least 60 percent of the land abutting the property proposed to be vacated or at least 60 percent of the owners of land abutting the property proposed to be vacated evidencing their consent to the proposed vacation;

7. A subdivision plan or partitioning plan showing the proposed re-division. If the petition is for vacation of property that will be re-divided in any manner;
8. Notarized signatures of persons with the authority to bind any impacted party identified under C or E above evidencing their consent to the proposed vacation;

and

9. Petitioner shall procure comprehensive title reports for all affected property interests as determined by the County and provide complete copies of the reports to the County as exhibits to the Petition.

B. The Petitioner shall be allowed 180 days from the date of the PFS notice to prepare and present to the County a complete vacation petition. Should the allotted time pass without a completed vacation petition being submitted to the County, the Petitioner may be allowed for good cause shown to the satisfaction of the County Engineer up to an additional 60 days to submit the completed vacation petition.

C. If a vacation petition is deemed complete, the County Engineer shall submit the proposed vacation request including a copy of the vacation petition; and a final report of the County Engineer in compliance with ORS 368.346(1); which shall include the County Engineer's recommendation with respect to the proposed vacation to the County Board for the Board's consideration.

D. Notwithstanding Subsection 14.400 D, the County Engineer may submit the vacation request with an edited copy of the vacation petition that excludes the title report exhibits as long as the fact the vacation petition has been edited is noted in the County Engineer's report to the Board.

E. No vacation petition will be approved by the County Engineer if the proposed vacation of public lands would deprive an owner of a recorded property right of access necessary for the exercise of that property right unless the Petitioner has obtained the acknowledged written consent of the owner and such consent is included as a part of the petition.

14.500 *Vacation Request Fees:*

A. All costs associated with preparing a vacation petition are the responsibility of the petitioner.

B. Each filing of a County right-of-way vacation application shall be accompanied by a deposit of 120% of estimated costs based on the projected hours or materials required to investigate and process the petition. An additional fee for the County Surveyor to post the street vacation as required by ORS 271.230 (2) will be required. This deposit does not include any recording fees collected by the County Recorder's Office.

C. The final fee will be determined at completion of the project based on actual costs incurred by the County, including overhead and other related costs. The difference between the actual costs and the deposit amount will be billed or refunded to the applicant. An approved County right-of-way vacation will not be recorded until all outstanding fees are paid.

14.600 *Joint Jurisdiction:* Any vacation proceeding over public right-of-way subject to the joint jurisdiction of the County and another governmental body shall be conducted in a manner consistent with the requirements and procedures set forth under Oregon law.

15.000 Truck and Transit Restrictions

15.100 *Local Roads Restrictions:* Through trucks of any size and transit vehicles are prohibited on local roads within the County's jurisdiction that are not arterials or collectors.

15.200 *Truck/Transit Size Restrictions:* The County Engineer may prohibit or regulate truck or transit movements as authorized under State and Federal law on all roads established as arterial and collectors.

15.300 *Truck Routes:* Consistent with State and Federal law, the County Engineer may designate through truck routes for movement of trucks in the County road system.

16.000 Variance from County Standards and Requirements

16.100 *Variance Requirements:*

A. Multnomah County Code 29.507 provides for a variance by the County Engineer from County standards and requirements when written documentation substantiates that the requested variance is in keeping with the intent and purpose of County Code and adopted rules, and the requested variance will not adversely affect the intended function of the County road system or related facilities. A variance approval may include mitigation measures as conditions of approval.

B. All requests for a variance to these Road Rules that are part of a development that requires approval of that development as a "land use decision" or "limited land use decision," as defined in ORS 197.015, shall be submitted to the County Engineer at the time that application for the land use review is submitted to the applicable planning office having land use jurisdiction. The County Engineer' decision on the variance to these Road Rules shall not become effective until the date that the associated land use decision becomes effective.

C. For properties within unincorporated areas of Multnomah County for which Multnomah County has not contracted for planning and zoning services, the Hearings Officer shall be the final County decision maker for all applications for variances to these Rules that are in conjunction with applications for development classified as a "Type III" or an appeal of a "Type II" land use permit application under MCC Chapter 37 or the corresponding code parts in MCC Chapter 38, as applicable.

16.200 *General Variance Criteria:* In order to be granted a variance, the applicant must demonstrate that:

A. Special circumstances or conditions apply to the property or intended use that do not apply to other property in the same area. The circumstances or conditions may relate to the size, shape, natural features and topography of the property or the location or size of physical improvements on the site or the nature of the use compared to surrounding uses;

B. The variance is necessary for the preservation and enjoyment of a substantial property right of the applicant and extraordinary hardship would result from strict compliance with the standards;

C. The authorization of the variance will not be materially detrimental to the public welfare or injurious to other property in the vicinity, or adversely affect the appropriate development of adjoining properties;

D. The circumstances of any hardship are not of the applicant's making.

16.225 *Access Variance Standards:* Exceptions to access standards may be made by the County Engineer when spacing or other safety considerations make non-standard access acceptable. In addition to the variance requirements of Section 16.200 of these Rules, the applicant will be required to demonstrate that the proposed variance will not negatively impact the safety or capacity of the transportation system for a variance to be granted. The following are examples of variances that may be considered along with specific criteria that must be addressed before such a variance can be granted.

A. *Multiple Access Points:* The County Engineer may allow multiple access points when all spacing standards can be met, or under the exceptions allowed under the criteria identified below so long as the additional access(es) will not negatively impact the safety or functionality of the transportation system and a single access point cannot reasonably serve a site. Movement restrictions, such as right-in, right-out, may be placed on accesses to protect the safety and/or functionality of the transportation system.

The County Engineer may approve and allow a dual access variance if the applicant meets all of the following criteria:

1. The property in question is zoned commercial, industrial, farm or resource lands and the proposed use is in conformance with all applicable laws, planning and zoning codes and regulations.
2. The proposed access points are at least 150 feet apart on any same right of way frontage.
3. The applicant has submitted adequate traffic studies and other reports and information under Subsection 4.100 that indicate the creation of two access points

will not present an unsafe condition or unduly interfere with the movement of traffic, including bicycles and pedestrians.

4. Except has provided in this subsection all other aspects of the applicant's dual access proposal are in compliance with these Rules and the DCM.
5. Applicant must comply with all the requirements of Section 16 of these Rules.

B. *Access Spacing:* If it is not feasible to access a site and meet the access spacing standards, access may be located so as to provide the best access spacing possible. The County Engineer may require additional measures to mitigate sub-standard access spacing, such as a median or other restrictions.

C. *Sight Distance:* If it is not feasible to provide enough sight distance to meet County/AASHTO standards, the site's access must be located so as to provide the most sight distance possible. The County Engineer may require additional measures to mitigate sub-standard sight distance.

D. Notwithstanding any other provision in this Section 16, no variance shall be approved in a public right of way under County jurisdiction that would allow for the installation, placement, or construction of any item of any kind in the "clear zone" of the said public right of way. For purposes of these Rules the phrase "clear zone" shall have the same definition as used and applied in the AASHTO standards.

16.250 *Local Access Roads Variance Standards:* The County Engineer will consider a variance from the improvement standards for a Local Access Road in the Design and Construction Manual if the topography or other features of the site make compliance with the improvement standards infeasible. Any variance issued under this Section must meet the criteria of section 16.200 of these rules as well as the minimum requirements of the local police, fire and emergency service providers, any applicable Building Code Requirements, any applicable Land Use Code requirements and meet any other applicable environmental requirements.

16.300 *Variance Request Procedure:* For the County Engineer to consider a variance request, it must be submitted in writing with the appropriate fee to the County prior to the issuance of any development permit. The written variance request shall be signed by a person with the authority to bind the applicant and shall include the following information as applicable:

A. Applicant name, telephone/fax number(s), email address, mailing address,

B. Property location and zoning;

C. Current or intended use of the property;

D. The nature and a full description of the requested variance;

E. Site plan, sight distance, pedestrian traffic, intersection alignment, traffic generation, vehicle mix, traffic circulation including impact on through traffic, and other similar traffic safety considerations;

F. Existing right-of-way or improvement limitations, and utility considerations;

G. Adjacent land uses, their types, access requirements, and impact of traffic on them;

H. Topography, grade, side hill conditions, and soil characteristics;

I. Drainage characteristics and problems;

J. Fire Department access requirements within a public right-of-way and their written approval of the proposed modification;

K. Natural and historic features including but not limited to trees, shrubs or other significant vegetation, water courses, wetlands, rock outcroppings, development limitation, areas of significant environmental concern, etc;

L. Multnomah County Comprehensive Plan policies applicable to the particular parcel or location.

16.310 *Completeness, Timelines, Public Notice, Decision:*

A. Once a variance request application has been submitted to the County, the County Engineer will review the variance request application to determine if it contains all of the information necessary to make a decision on the variance request. If the County Engineer is satisfied that all of the needed information is included in the application, it will be deemed complete. If the County Engineer requires more information in order to make his or her decision, the application will be deemed incomplete. The County Engineer will determine completeness within 30 calendar days of receiving a variance request application.

B. If an application is deemed incomplete, a letter will be sent to the applicant with a list of the items that must be included in the application for it to be deemed complete. Upon receipt of the completeness letter, the applicant will have 180 calendar days from the original application submittal date within which to submit the missing information or the application shall be rejected and all materials returned to the applicant.

C. Within 30 days of the mailing of the initial completeness letter, the applicant shall submit to the County Engineer a statement accepting the 180 day time period to complete the application. Failure of an applicant to accept the time to complete the application within that 30 day time period will constitute a refusal to complete the application.

D. Once an application is deemed complete by the County Engineer, or the applicant refuses to submit more information, the County shall take final action, pursuant to 16.100(B) and (C), within 120 days within an urban growth boundary or 150 days outside an urban growth boundary unless the applicant waives or extends the 120 or 150 day time period. However, these time periods do not apply to any application that depends upon a comprehensive plan or land use amendment. The final decision maker, the County Engineer or County Hearings Officer, as applicable, will provide a written decision to the variance request, with either approval, approval with modification, or denial. The decision shall contain specific findings supporting the conclusion reached.

E. Public notice of an application for a variance to these Road Rules shall be as follows:

1. For variance applications not in conjunction with a proposed development requiring a land use decision:

a. Notice of the application and invitation to comment shall be mailed to the applicant, the applicable recognized neighborhood association, and all property owners within 100 feet within the urban growth boundary or within 750 feet outside of the urban growth boundary. The County Engineer will accept comments for 14 days after the notice of application is mailed.

b. Notice of a decision of the County Engineer and information regarding an opportunity to appeal shall be mailed to all parties that were previously mailed the invitation to comment. If no appeal is filed, the County Engineer's decision shall become final at the close of business on the 14th day after the date on the decision. If an appeal is received, notice requirements are the same as those for appeal of a Type II Land Use Permit to the County Hearings Officer, whose decision is the County's final decision. All subsequent appeal shall be to the Land Use Board of Appeals.

2. For variance applications in conjunction with a proposed development requiring a land use decision the notice requirements shall be the same in scope and timing as those used in the land use application process of the respective jurisdiction.

17.000 Appeals

17.100 *Dual Jurisdiction Situations:* All appeals of County Transportation conditions imposed under these Rules where the County Road in question is either within the boundaries of a duly incorporated city or other jurisdiction; or is subject to a jurisdiction transfer agreement between the County and a City, shall be considered Dual Jurisdiction Appeals. A County decision on the transportation elements of a development application is not deemed final until a final decision on the application is issued by the City or other jurisdiction exercising jurisdiction over the application. Any appeal of such a condition shall be through the appeals process of the City or other jurisdiction, typically the land use authority.

17.200 *Sole Multnomah County Jurisdiction:* All appeals of County Transportation conditions imposed under these Rules in unincorporated areas other than as provided in section 17.100 shall be conducted pursuant to the appeal procedures contained in Multnomah County Code Chapter 37 or Chapter 38 if the subject area is within the Columbia River Gorge National Scenic Area.

18.000 Right-of-Way Use Permits

18.100 *County Permit Required:* Except where stipulated by an Intergovernmental Agreement between the County and a local jurisdiction, a permit shall be required for any construction, installation, or the placement of any object or fixture; or the planting or placement of any vegetation within the public right-of-way or for any modification of existing construction or use in the right-of-way except as provided in this Section. A Permit shall not be required for any short-term use of 8 hours or less if the County Engineer determines such use is not a hazard to the public and will have no detrimental impact to the right-of-way.

18.110 *Exceptions:* A Permit under this Section 18 is not required for:

A. Any vehicle lawfully parked in the right-of-way;

B. A Banner Permit as provided under Section 19;

C. A Memorial Sign as provided for under Section 20;

D. A Special Event or other event conducted pursuant to a permit issued under Section 21;

E. A permitted Bridge Special event authorized and conducted in compliance with MCC 29.700-29.714;

F. For authorized activities conducted under the Adopt a Road Program as provided at Section 24 and subject to a duly issued Permit under Section 24;

G. For authorized activities conducted under the Owner Maintenance Program as provided at Section 25 and subject to a duly issued Permit under Section 25.

18.120 *Permit Issuance:* Permits are issued subject to the approval of city, state, or other governmental bodies having either joint jurisdiction over the permitted facility, or authority to regulate land use by means of zoning and/or building regulations. It is the applicant's

responsibility to obtain any approvals required by other governmental bodies. The County Engineer may refuse a permit under this Section 18, if in the judgment of the County Engineer the proposed use or improvement is not suitable in the circumstances, will not be uniform with existing or proposed road improvements in the immediate vicinity, or when the improvement contemplates the removal of earth from any road when it may be necessary to secure the deposit of the earth upon any other part of said road.

18.125 *Applicant/Permittee:* For purposes of this Section 18 the terms "applicant" and "permittee" may be used interchangeably and are intended to refer to the same party or parties, i.e. the party who is seeking and or has obtained a County issued permit under this Section 18.

18.130 *Permit Revocation:* A permit may be revoked at any time by mutual consent; for failure of the applicant to abide by the terms and conditions of the permit as determined in the sole discretion of the County Engineer; to protect public safety or to serve the best public interest as determined by the County Engineer; or by the operation of law.

18.135 *Permit Expiration/ Extension* A The time limits provided in a permit to complete construction, placement, installation or similar activities shall be controlling; if the authorized activities are not completed within the specified time the permit shall expire. A permit may be extended at the discretion of the County Engineer for good cause shown upon timely written request of the permittee prior to the original expiration date and the payment of any applicable extension fee as established by the Board of County Commissioners.

18.140 *Utilities:* The applicant shall be responsible for accommodating any utility facilities located in the road right-of-way impacted by the permitted activity. If the project requires relocation or other affects to existing utilities the applicant shall be responsible for coordinating with the affected utilities to comply with Section 18.275 herein and for the performance of any utility relocation or alteration at no cost to the County and in compliance with applicable State law.

18.150 *Dedications:* All required right-of-way interests necessary to allow for the proposed development project as determined by the County Engineer must be dedicated to the County before a permit will be issued.

18.160 *Restoration Requirements:* Granting of permits is conditioned upon replacement or restoration of the road right-of-way by the applicant to an equal or better condition than existed prior to permit issuance.

18.170 *Trench Cutting Concrete Roads:* All panels affected by a trench cut for the placement of utilities within a concrete road must be removed and replaced. Trench cut patching will not be allowed.

18.180 *Special Provisions:* Right-of-way permits may include specific requirements based upon the impacts of the permitted activity on the right-of-way and the traveling public. These special provisions will be included as conditions of a permit.

18.190 *Dual Aspects of a Permit*: A permit issued under this Section 18 has two distinct aspects; in part it is a permit to engage in certain activities within the public right of way that are of a limited time duration, e.g. construction activity to install a driveway access and encroachment into the right of way; but it is also a permit that covers the presence of any alteration, installation, placement, planting, improvement or similar thing or condition that remains upon the completion of those initial activities. The County right of way use permit issued under this Section 18 covers both aspects, i.e. the initial activities and the remaining presence in the right of way as further set forth herein. This dual aspect applies notwithstanding the captioning or the identification of a permit as a "Construction Permit," "Access/Encroachment Permit" or "Utility Permit."

18.200 *Construction Permit:*

A. A Construction Permit is required for any activity in the right of way that involves the construction of a facility, structure or otherwise permanently alters any physical aspect of the right of way, except for those activities covered under subsection 18.250 through an Access/Encroachment Permit.

B. The County Engineer shall not issue a Construction permit unless and until the permit fully addresses each of the following:

1. Complete statement and description of the work to be performed in the County right-of-way, with all applicable documentation including but not limited to any specifications, drawing, plans to be used in construction of the work;

2. Clear statement of the responsibilities of the property owner, developer and contractor(s) including but not limited to: proof of adequate liability insurance, identity, address, phone, fax and or email address of a qualified contact person for each party involved with the project;
3. Required fee and deposit amounts are established and or paid as appropriate;
4. Clear statement of the time period for completion of the work or project;
5. Any special provisions as authorized and applicable under this Section have been included in the permit; and
6. A performance guarantee for the work in the right-of-way and a maintenance guarantee for a 2-year period following the completion of the work as provided under Subsection 18.700.

C. Administrative fees to cover the County's cost of issuing and administering the permit shall be charged to the Permittee. The fee amounts shall be established by Resolution of the County Board of Commissioners.

18.250 *Access/Encroachment Permit:*

A. An Access/ Encroachment Permit (A/E Permit) shall be required for the following activities within the right-of-way:

1. New or altered access to roads under County jurisdiction. An access is considered altered when a change in the development that it serves has a Transportation Impact as defined in section 6.000 of these rules;
2. New or reconstructed driveway approaches, private road approaches, curb cuts, or sidewalks;
3. Structures in the right-of-way, such as signs, posts, fences, flags, non-standard mailboxes, etc.; or
4. Any other minor physical alteration of the County right-of-way, including but not limited to any altered landscape design, vegetation planting or placement.

B. Unless otherwise provided in the special provisions of the permit, any work authorized pursuant to an access/encroachment permit shall be initiated within 120 days from the date the permit issued and completed within a reasonable time thereafter as determined by the County Engineer.

C. Applicants are required to submit a site plan for access / encroachment permits. Site plans must clearly show new or altered access to County roads, and/or any structures or minor physical alterations to the County right-of-way. The County Engineer may require a survey to confirm the proposed locations.

D. Applicants may be required to provide a performance guarantee for the work in the right-of-way and/or a maintenance guarantee for a 2-year period following the completion of the work as provided under Subsection 18.700, if deemed necessary by the County Engineer.

E. Applicants for an access/encroachment permit are required to comply with the insurance requirements of Subsections 18.600-18.640.

F. Fees to cover the County's cost of issuing and administering the permit shall be charged to the Permitee. The fee amounts shall be established by Resolution of the County Board of Commissioners.

18.275 *Utility Right of Way Use Permit:*

A. The utility right of way use permit under this Subsection 18.275 governs the construction, installation, removal, relocation or repair, etc., of utilities and related facilities in the public right-of-way as authorized under State law for county roads in unincorporated areas of Multnomah County. This permit must be obtained by the owner or the authorized agent of the utility or facility for which the work is authorized.

B. Unless otherwise provided in the special provisions of the permit, any work authorized pursuant to a utility permit shall be initiated within 120 days from the date the permit is issued and completed within a reasonable time thereafter as determined by the County Engineer.

C. The utility permit shall comply with all applicable terms and conditions provided under Section 18 of these Rules and may be incorporated or attached to a general permit issued under Sub-section 18. 200 or 18.250 if the general permittee is not the owner of the utility.

D. A utility permit is necessary if:

1. The County has received a written request from the owner of a utility authorized to be located in the right-of-way to construct, install, remove relocate or repair an existing or proposed utility as applicable in the County controlled right-of-way.
2. The County Engineer determines or is otherwise advised that any proposed activity in the right-of-way by a party other than the utility owner will cause the relocation or other impact to any existing utility known to the County at the time the permit is reviewed.

E. Applicants for utility permits, to the extent allowed under State law, may be required to provide a performance guarantee for the utility work in the right-of-way and/or a maintenance guarantee for a 2-year period following the completion of the work as provided under Subsection 18.700, if deemed necessary by the County Engineer.

F. Utilities seeking to do any of the types of work noted in Paragraph A of this Subsection 18.275 in the right of way of a county road located within the incorporated boundaries of city in Multnomah County, shall obtain from said city any required approval or grant of authority to do such work in said road. To the extent the applicable city requires the County issue a permit for the utility work on the county road in that city, any such permit shall issue under this Subsection 18.275.

18. 280 *Recent Right of Way Improvement Policy, Exceptions:*

A. After completion of a County Capital Improvement Project, the County's policy is to discourage cutting or digging up right-of-way for a period of 2 years. The County Engineer may grant an exception to this policy if such a delay would cause undue hardships for a utility, property owner, or other person or corporation. The County Engineer may impose one or more of the following requirements as a condition of an exception:

1. The applicant must pay for a full width overlay of the entire street from curb to curb for the length of the subject property.
2. The applicant must pay for a portion of the cost of a future overlay in addition to making all repairs as directed by the County.
3. The applicant must pay for a share of the cost of road repair equal to the amount the County Engineer estimates it costs in reduced road life and future repair costs in addition to making all repairs as directed by the County.

18.300 *Payment in-Lieu-of Construction Agreement:*

A. In lieu of a standard construction improvement work, the Director may require a cash payment in order to satisfy the improvement requirements established as a condition of a development permit.

B. The Payment in-Lieu-of Construction improvement method may be applied where there is a benefit to the public in delaying the construction of improvements or combining the improvements with a larger County project.

C. The payment amount will be equal to 110 percent of the actual project costs, as estimated by the County Engineer.

D. The agreement will specify the amount of the payment and the improvements that the payment will be used to construct.

E. Once the County has approved and received a payment under this sub-section, it shall:

1. Deposit the payment into a trust account for that project.
2. Schedule the subject improvements in its 5-year Capital Improvement Program.
3. Budget the project and demonstrate that the conditions of the relevant Payment In-Lieu-of-Construction Agreement will be met in order to release the funds.

F. If the County fails to meet any one of the requirements set forth in Section 18.300(E) within ten (10) years of payment, the payment amount and any interest actually earned on that amount while held by the County will be returned to the party

that made the payment. Unless the party who made the payment gives written authorization to the County to retain the funds for an expanded period of time to construct the original improvements.

G. The County may choose to create a single project which satisfies several agreements. The County may oversize or extend the limits of a project, provided that the County bears the additional cost.

18.400 *Additional Permit Standards and Conditions:* Additional conditions and standards for the specific activities and facilities subject to Section 18 may be required under the County's Design and Construction Manual.

18.425 *Permit Implementation:*

A. The applicant or the applicant's contractor shall advise the County at least twenty-four (24) hours in advance of commencing construction of the facility or other work authorized by a permit. The County may require adjustment of the construction schedule to allow for inspection by the County.

B. The road approach or other facility shall be constructed in conformance with the special provisions and exhibits contained in and attached to the permit. The applicant shall notify the County when construction of the driveway approach or other facility has been completed. The County will then inspect the completed work and advise the applicant whether the work has been completed in a satisfactory manner. If not, the applicant shall promptly correct any deficiencies outlined by the County.

18.450 *Non-Compliance:* The obligation to perform all work and authorized activity under the permit in compliance with all applicable terms and conditions of the permit is binding on the applicant and all successors and assignees of the applicant.

A. Failure of the applicant to comply with any of the terms and conditions of a permit shall be sufficient cause for immediate revocation of the permit and may result in removal of the utilities, driveway approach or other facility by the County at the applicant's expense, as provided under ORS 374.320.

B. If the applicant fails to complete construction of the facility or other work covered in a permit within the period specified in the permit, the permit shall be deemed null and void and all privileges and fees forfeited unless a written extension is obtained from the County Engineer.

C. The applicant shall be responsible for all costs incurred by the County to remedy, replace or repair any non-complying work or damage done to any County controlled right-of way as provided under these Rules or other applicable law or regulation.

18.475 *Allocation of Costs:*

A. The entire cost of installing, maintaining, repairing, operating or using the installation or facility, performing miscellaneous operations, or any other expense whatsoever incident to the facilities or operations authorized by a permit shall be paid by the applicant.

B. The applicant shall reimburse the County for any reasonable and necessary expense that the County incurs in connection with the facilities or operation authorized by a permit. The reimbursement to the County shall be made by the applicant within ten days of receiving a bill from the County Engineer. These expenses may include but are not limited to:

1. Emergency repairs by persons other than the applicant when authorized by the County Engineer.
2. Emergency traffic control by persons other than the applicant when authorized by the County Engineer.
3. Quality testing as required under the terms of the permit, or when ordered by the County Engineer to establish permit compliance and the test determined the applicant's work to be noncompliant.
4. Repair of non-conforming installation (non-emergency) thirty (30) days after notification by the County Engineer of a non-conforming use.

18.500 *Liability and Control:*

A. The permittee shall defend, indemnify and hold harmless Multnomah County, its officers, employees and agents against any and all damages, claims, suits, demands, actions, causes of action, costs and expenses of any nature which any of them may sustain by reasons of the acts or

omissions of the applicant, its employees, agents, representatives and invitees in connection with any work or other activity performed under the permit including but not limited to construction, maintenance, repair, operation or use of the permitted installation or facility.

B. Multnomah County, its officers, employees and agents shall not be liable for any personal injury or damages to any permitted installation or facility or any connection thereto caused by or resulting from the performance of reasonable road maintenance and construction operations, or a County contractor or permitted operations, or resulting from or caused by motorists or road user operation.

C. The applicant shall employ any and all methods in performing the operation authorized by a permit, which the County Engineer may require in order to properly protect the public, the right-of-way and private property from injury or damage.

D. During the initial installation or construction of the facility authorized by a permit, or during any failure repair, removal, or relocation thereof, or during any miscellaneous operations, the applicant shall at all times maintain such flaggers, signs, lights, flares, barricades and other safety devices as required or recommended by the Manual of Uniform Traffic Control Devices, produced by the Federal Highway Association, with Oregon Supplements. A traffic control plan or additional traffic control measures may be required prior to permit issuance by the County Engineer if deemed to be reasonably necessary to properly protect traffic upon the road, and to warn and safeguard the public against injury or damage. The applicant shall maintain a watchperson as required to maintain said signs, lights, flares, barricades and other safety devices during non-work hours. The County Engineer may request and be furnished the telephone number and/or address of the watchperson.

E. In the event of an emergency repair the applicant shall so conduct the operation that there will be a minimum of interruption of traffic until a plan for the satisfactory handling of traffic has been approved by the County Engineer. In emergencies, the applicant shall notify the County Engineer as soon as practicable.

F. To ensure compliance with the terms and conditions of the permit, the County Engineer reserves the right to inspect the job whenever the County Engineer deems necessary, to check compliance with the terms of the permit by the applicant and to require the applicant to correct all deviations from those terms and conditions.

G. Any supervision and/or control exercised by the County Engineer shall in no way relieve the applicant of any duty or responsibility to the general public nor shall such supervision and/or control relieve the applicant from any liability for loss, damage or injury to persons or property.

H. The decision of the County Engineer shall be final with respect to any of the conditions, terms, stipulations, and the provisions of the permit.

18.600 *Insurance:* The applicant/permittee shall obtain and carry a liability and property damage insurance policy or policies as provided herein unless this requirement is altered or waived at the sole discretion of the County Engineer

18.610 *Duration:* Insurance must be carried for the period of time required to construct the facilities authorized by the permit, including the repair and restoration of the road facilities, as well as future periods when operations are performed involving the repair, relocation or removal of the facilities authorized by the permit. In addition with respect to any permanent installation, construction or vegetation authorized under the permit in the right of way, the applicant/permittee shall be required to obtain and carry a liability and property damage insurance policy or policies as provided herein for the duration of the permit, unless this requirement is altered or waived at the sole discretion of the County Engineer.

18.620 *Covered Parties:* The insurance policy or policies shall name Multnomah County, its officers, agents and employees as additional insureds and provide coverage against any claim, expense, cost, demand, suit or action for property damage, personal injury, or death resulting from any activities of the applicant, his or her officers, employees, agents or contractor in connection with the permit, except as to claims against the applicant.

18.630 *Insurance Coverage Amount:* The insurance policy or policies shall provide coverage not less than the County requires by appropriate rule or regulation for activities of its public contractors for similar work or activity. The County Engineer reserves the authority to

require larger amounts of insurance protection if he or she reasonably concludes that such greater insurance protection is warranted.

18.640 *Insurance Provider:* The insurance policy or policies shall be with an insurance company duly authorized and licensed to conduct business in the State of Oregon. A copy of the policy or policies, or some other such evidence shall be submitted to and approved by the County Engineer before any work is commenced under a permit.

18.700 *Bonds:* Both the performance guarantee and the maintenance guarantee required under this Section 18 for permits issued under this Section, shall be surety bonds executed by a surety company authorized to transact business in the State of Oregon, or certified checks or other similar third party independent financial surety commitments approved by the County Treasurer, guaranteeing complete performance. The amount of the performance guarantee will be a sum equal to 110 percent of the actual costs of the improvements, as estimated by the County Engineer. The maintenance agreement will be equal to 20 percent of the performance guarantee amount.

18.750 *Disturbance of Existing Conditions:*

A. *Road Surface:* The permittee shall take all reasonable precautions to ensure that the road surface and other improvements are not damaged. The permittee shall repair or replace any damage resulting from the applicant's operations to a level equal to or greater than the previous condition.

B. *Existing Utilities:* All authorized, existing underground utilities shall be protected and kept in operation to the extent possible. If it is necessary to interrupt service of any existing utility, the applicant shall be responsible for proceeding as required under subsection 18.275.

C. *Traffic Signal Detector Loops:* Verification of the existence and location of signal detector loops before excavating in a signalized intersection is the responsibility of the permittee and shall be obtained prior to beginning work. Verification of signal detector loop locations must be obtained from the County and shall be incorporated into the plans as required by the County Engineer.

D. *Protection of Survey Monuments:* The permittee is responsible for locating and protecting all survey monuments in the vicinity of a permitted project during construction. If it is necessary to disturb a monument or if a monument is inadvertently disturbed or destroyed during the course of the applicant's operation, the permittee shall immediately notify the County Surveyor. The applicant shall be responsible for all costs incurred in the restoration or perpetuation of any monuments that may be disturbed due to the permittee's operations.

E. *Drainage:* All road drainage facilities impacted as a result of the permittee's operations shall be repaired or replaced by the permittee to the satisfaction of and at such time as directed by the County Engineer.

F. *Signs and Mailboxes:* All existing streets signs and mailboxes in the way of operation allowed in a permit shall be removed and immediately reset temporarily in a location where they will be noticeable and serve their purpose. After the work is completed or at such time as directed by the County Engineer, the signs and mailboxes shall be permanently reset at their original location or at another location approved by the County Engineer.

G. *Vegetation:* It is strictly forbidden to spray with chemical substances (i.e. herbicides, pesticides, etc.) or cut or trim trees or shrubs growing in the County right-of-way unless written permission is first obtained from the County Engineer or the property owner adjacent to right-of-way to be disturbed has signed an Owner Vegetation Maintenance Agreement (see Road Rules Section 25.000).

18.800 *Maintenance Obligations, Encroachments, Emergency Enforcement:*

A. The permittee of all utilities, facilities, structures, vegetation or other encroachments permitted in the County right-of-way shall at all times keep them in good repair. The permittee must obtain written approval from the County Engineer prior to performing maintenance on a utility, facility, improvement, structure, vegetation or other such encroachment in the County right-of-way, where said maintenance is likely to last longer than two (2) hours time. .

B. The County Engineer shall retain sole discretion as to the extent of the review necessary for any proposed maintenance work in the right-of-way. If the proposed maintenance work requires that the road surface be altered in any way or requires that traffic control be deployed the owner shall obtain written approval from the County, which shall be considered an amendment to the original permit and incorporate and subject to all the terms and conditions of the original.

C. If the County Engineer determines that the lack of maintenance to a permitted facility, utility, structure, vegetation or other encroachment has caused a nuisance or hazard, such lack of maintenance shall be deemed a violation of the terms and conditions of the original permit, and the County Engineer shall proceed as follows:

1. If the County Engineer determines the lack of maintenance creates a nuisance, hazard, a substantial risk of damage, injury or other emergency condition as provided under 368.271(1)(c), the County Engineer shall authorize the County Transportation Division to immediately abate the nuisance or hazard by any means reasonably necessary.
2. If the situation is not deemed an emergency, notify the permittee to perform the repair providing an appropriate time period within which to complete the repair or other work necessary to mitigate the hazard or nuisance. If the owner cannot or will not make the repair within the timeframe set by the County Engineer, the County Engineer may authorize the work to be performed by the County Transportation Division.

D. In either situation identified in subsection 18.800 (C) (1) and (2) the permittee of the utility or facility shall bear the full cost of the work. This may include all County costs and shall be paid to the County within 30 days of the receipt of written notice of the costs incurred by the County and a request for payment. If the permittee or other responsible parties do not make payment as provided herein the County reserves all rights as authorized pursuant to ORS Chapters 368.374 or other lawful means to procure collection and enforcement of the debt.

18.850 *Removal or Relocation of Permitted Facilities:*

A. *County Authorization*: the County may require an /permittee to remove or relocate the pole, pole line, buried cable, pipe line, sign, approach road or miscellaneous facility (hereinafter referred to collectively as "facility" or "facilities") covered by a permit, at the sole cost of the facility owner.

B. *Notice and Instructions*: Within 30 days of receiving written notice from the County Engineer to remove or relocate a facility, the facility /permittee shall make arrangements for removal or relocation at his or her sole cost in accordance with the written instructions from the County Engineer. Owners of utility poles with joint occupancy shall be responsible for the coordination of the removal/relocation of all other occupants of the pole(s) to be removed or relocated. Possible arrangements may include removal or relocation of the facility by the County with all County costs reimbursed by the facility permittee. The facility permittee shall furnish insurance and post a bond as required by the County Engineer before commencing removal or relocation.

C. *Cost Recovery*: Should the facility permittee fail to remove or relocate the subject facility as instructed by the County Engineer or pay all costs incurred by the County for removal or relocation of the facility, the Board may commence an action or proceeding in a court of competent jurisdiction to recover all County costs. In addition, the Board shall be entitled to recover an additional sum that the court deems reasonable for attorney's fees incurred in the cost recovery proceeding.

18.860 *Unpermitted Utilities, Facilities, Construction, Vegetation or Installation:*

A. Any unpermitted utilities, facilities, construction, vegetation, installation or other encroachment in the public right of way (collectively "unpermitted encroachment(s)") shall be deemed a public nuisance and a hazard and will be subject to applicable provisions of ORS Chapters 368 and 374 or other applicable State laws.

B. Notwithstanding Subsection 18.860 (A), the County Engineer may retroactively approve unpermitted encroachments upon the application by the abutting property owner or person otherwise eligible under these rules to apply for a permit,

provided the unpermitted encroachment would otherwise comply with all applicable requirements of these Rules.

C. Upon the determination of the County Engineer that any unpermitted encroachment within the public right of way must be removed as provided under applicable State laws and does not qualify under Subsection 18.860(B) for a retroactive permit, the abutting property owner shall be responsible for the removal as provided under applicable State laws.

D. If not in an emergency situation that necessitates immediate removal, should the unpermitted encroachment be vegetation subject to the potential application of ORS 105.810 to ORS 105.815 or other similar provisions of State law with respect to the removal of vegetation from the public right of way in front of any person's property, the notice required under either ORS 368.261 or 374.320 to the abutting property owner shall also provide the opportunity for said property owner to claim ownership of the unpermitted vegetation.

E. If the abutting property owner does not claim ownership of the unpermitted vegetation as allowed under Subsection 18.860 (D) and sign and return an ownership confirmation document, the ownership of the unpermitted vegetation will be deemed waived by said property owner.

F. If the abutting property owner submits the confirmation of ownership of the unpermitted vegetation as allowed under Subsection 18.860 (D), said property owner shall within the required period of the notice remove the unpermitted vegetation. If the property owner fails to remove the unpermitted vegetation, the County will dispose of such unpermitted vegetation free and clear of any claim for damages under ORS 105.810 to ORS 105.815 or other similar provisions of State law with respect to the removal of vegetation from the public right of way in front of any person's property.

19.000 Banners

19.100 Except where stipulated by an Intergovernmental Agreement between the County and a local jurisdiction, a permit will be required for all banners. All of the following criteria must be met before a permit may be issued:

A. The applicant/permittee for the banner is a governmental body, and the purpose of the banner is to promote a holiday, a public or civic event or other governmental purpose;

B. The banner(s) will be in place for a maximum of 30 days;

C. Banners may not include any advertising, commercial message, brand or product name, or other information about an event such as cost, directions, etc.;

D. The banner(s) must have a vertical clearance of at least 20 feet above the roadway;

E. The banner(s) may not be erected or maintained if they:

1. Interfere with, imitate, or resemble any official traffic control device or attempt or appear to attempt to direct the movement of traffic;
2. Prevent the driver of a motor vehicle from having a clear and unobstructed view of official traffic control devices or approaching or merging traffic;
3. Have any lighting, unless such lighting is shielded to prevent light from being directed at the highway or is of such low intensity or brilliance as not to cause glare or to impair the vision of the driver of a motor vehicle; or
4. Are otherwise a traffic hazard; and

F. Banner material and support must be made from a durable material and constructed to withstand wind pressure of 20 pounds per square foot of exposed surface.

19.200 Applications shall include the following:

A. A signed liability release and insurance certificate.

B. Date proposed for installation of the banner(s).

C. Date for removal of the banner(s).

D. Sketch showing banner layout, graphics, and wording.

E. If appropriate as determined by the County Engineer, provisions for traffic control during installation and removal.

F. If the proposed banner is to attach to a utility pole or other facility within right of way, the written consent of the facility owner(s) for the proposed attachment(s).

19.300 If the County Engineer approves the proposed permit for the banner, the permit shall specify:

A. Date of installation of the banner(s).

B. Date of removal of the banner(s).

C. Any special provisions for installation or removal of the banner(s).

19.400 The number and type of the banner(s) allowed will be at the discretion of the County Engineer.

20.000 Impaired Driving Victim Memorial Signing Program

20.100 *Application:* Upon the request of a member of the immediate family, legal guardian or the registered domestic partner of a fatal victim of an impaired driving motor vehicle crash and subject to the requirements set forth herein, a temporary memorial sign may be installed within the County's right-of-way at the approximate site of a fatal crash.

20.200 *Guidelines:* The following guidelines apply to the County's Impaired Driving Victim Memorial Signing Program:

A. Sign may be installed at the site of a fatal crash:

1. If it was caused by the operator of a motor vehicle who has been convicted of Negligent Homicide or Manslaughter in the first or second degree and was driving under the influence of intoxicants;
2. If it was caused by a vehicle operator, who was convicted of driving under the influence.); or
3. If it was caused by a deceased vehicle operator who had a blood alcohol level of .08 percent of greater.

B. Signs installed will be black on white, 36 inches by 48 inches (24 inches by 30 inches in urban areas) with a legend, which reads "DON'T DRINK AND DRIVE", below which will be a 36 inch by 12 inch (24 inch by 10 inch in urban areas) plaque with the message "IN MEMORY OF (Victim's Name)".

C. Each successful applicant will be entitled to a single sign as described above, mounted on one side of the post only (no back-to-back signs), facing oncoming traffic and only on the side of the road nearest the lane of oncoming traffic.

D. Signs will be installed only in locations where additional signing will not interfere or obstruct other traffic control signing or devices or contribute to sign clutter as determined by the County Engineer.

E. Signs will not be installed adjacent to single-family residences in urban areas.

F. A sign must be paid for by the party requesting the sign. Only one sign will be installed for any accident. The standard sign authorized under sub-section 20.200 (B) can name up to three individual victims. If a given accident event causes more than three fatalities, at the discretion of the County Engineer a larger sign may be installed to accommodate the additional names of the victims. Although only one sign will be allowed per accident, the County will accept joint applications as provided herein by the eligible representatives of multiple victims authorized under Sub-section 20.100. If the victims are not related the County will require that the application submitted is either done on behalf of all the victims or accompanied with written consent by the other eligible parties declining to participate.

G. The cost to install the sign shall cover all expenses incurred by the County to investigate installation locations and necessary materials and labor to construct and place the sign.

H. County staff will investigate all proposed installation sites and make a recommendation to the County Engineer regarding sign placement. If the investigation determines that a location other that the one requested in the application is more appropriate, a distance of as much as one-half mile away will be acceptable, with variations as approved by the County Engineer. In no case will the alternate location be on a road other than the one on which the crash occurred.

I. The County Engineer will approve or deny request based on the criteria set forth herein. If the request is approved the County Engineer will issue to the applicant(s) a Memorial Sign Authorization Permit setting forth the terms and

conditions of the sign installation and establishing the cost to install the sign. The County will install the sign within 60 days of the date of receipt of the requisite funds.

J. Notwithstanding Sub-section 20.200(K), at any time the County Engineer may order the removal of a sign if it is found to cause safety or operational problems for the traveling public.

K. Signs will remain in place until they are weathered (usually seven to ten years). At that time, they will be removed. If a sign that is still in serviceable condition is stolen, vandalized, or otherwise significantly damaged, it will be replaced in the course of regular operations at the County's expense.

20.300 *Application Procedures:* In order to sponsor a memorial sign, a person must submit an application to the County that includes the following:

A. Name, address, and telephone number of applicant and relationship to victim;

B. A brief description of the crash;

C. Date and location of the accident including the road name, direction and distance in feet from the nearest green milepost paddle and distance and direction from any nearby landmarks (such as an intersecting road, or a bridge over a named stream;

D. If available, copies of the local police agency accident or DMV report relating to the crash;

E. Names of all parties involved in the crash;

F. Proof of conviction (unless driver is deceased) and blood alcohol or drug level of driver (from court, police or Medical Examiner's records);

G. Name or names, as they should appear on the sign; and

H. Commitment to provide the installation fee for the sign – payment will be required once a sign is approved.

21.000 Special Events

21.100 *Purpose:*

A. The purpose of this section is to provide regulation of special events requiring the use of County streets, non-Willamette River bridges, rights-of-way, and/or services in order to maximize the safety of participants, reduce inconvenience to the general public, and provide the least disruption to public services.

B. The County's Special Event Permits Program under this Section shall be conducted in a manner consistent with Multnomah County Code (MCC) 29.701 et.seq. relating to Bridge Special Events. Except to the extent that the Sub-sections of MCC 29.701 et.seq. are particularly and solely applicable to the Willamette River Bridges, any event permit issued pursuant to this section shall be issued in general compliance with and subject to all the requirements, terms and conditions of that Chapter.

21.200 *Permit Required:*

A. A permit to hold a special event is required when the County services, rights-of-way, or public streets, as defined in ORS 368.001, are used to stage a special event.

B. No special event shall be allowed on any public street until a permit has been obtained from the County. Failure to obtain a permit is punishable by a fine, as set forth in MCC 29.999.

C. Exception: If the Event is conducted in compliance with all applicable traffic and pedestrian safety laws, requires no County services, and does not exceed 200 participants, no permit shall be required.

21.300 *Obtaining a Permit:* In order to obtain a permit to conduct a special event, the event sponsor must submit the following in writing to the County:

A. A Special Events permit application that describes the type of event, the event date, beginning and ending times, the expected number of participants, the name, address and phone number of the event sponsor, a contact person, and past experience in special events.

B. A map showing the direction and roadways/bridges on which the special event is to be held.

C. Written support from any city or other public agency or chamber of commerce that has regulatory authority over, or that is sponsoring, promoting or endorsing the special event.

D. Exception: If the Event is conducted in compliance with all applicable traffic and pedestrian safety laws and requires no County services, a notice requirement may be substituted for written support at the discretion of the County Engineer.

21.400 *Event Types:*

21.410 *March:* An organized procession conducted or staged in the vehicle travel lane that interferes with the regular flow of vehicle traffic.

21.420 *Block Party:* A temporary road closure (8 hours or less) agreed to by 100 percent of the abutting property owners and allows access to all other residents without undue inconvenience.

21.430 *Parade:* a procession of people, animals, or vehicles or any combination thereof, conducted or staged in the vehicle travel lane that interferes with the regular flow of vehicle traffic

21.440 *Athletic Event:* a competition or fund raising event involving athletic activity by the participants, such as a road run, marathon, or bicycle race.

21.450 *Filming Use:* An event, which uses the County right-of-way for the production of a film, video, or any other visual or audio recording use.

21.460 *Other:* Any Event over 1000 participants.

21.500 *Special Event Fees:* Fees for special events are set by Board resolution.

22.000 Property Owner Maintenance Requirements for Sidewalks and Curbs

22.100 As stated in ORS 368.910, the maintenance and repair of sidewalks and curbs is the responsibility of the owner of abutting real property. If any such sidewalk or curb is out of repair, the County may send notice by mail to the owner of the abutting

property to repair the sidewalk or curb, setting forth the nature and extent of repairs and the time, not less than sixty (60) days, within which the repairs must be completed. Any work within the right-of-way will require a permit. If the owner does not make the repairs within the time allowed, the County may complete the repairs and assess the total cost against the abutting property, in accordance with ORS 368.915 and 368.920.

23.000 Adopt-A-Road Program

23.100 *Purpose:*

The purpose of the Adopt-A-Road Program is to provide citizens of Multnomah County an opportunity to pick up litter, remove noxious weeds, and improve the appearance of the County and the State of Oregon.

23.200 *Scope:*

Any volunteer group, identified as "Applicant" in, may adopt a section of a road under County Jurisdiction for the purpose of picking up litter, removing noxious weeds, or both. Work activities, when approved, may also include graffiti removal or maintenance of landscaped areas.

23.300 *Definitions:*

As used in Section 24 of the Road Rules the following definitions will apply:

A. "Applicant" means the individual or individuals, corporation, company, firm, business, partnership, or public agency volunteering their time by adopting a section of highway, and named in and signing the application, and to whom the Permit is issued.

B. "CE" means the County Engineer or designee.

C. "Division" means the Transportation Division of the County's Department of Community Services.

D. "Road" means the public right of way for vehicular travel that is under the jurisdiction of the Division. It also includes medians, highway shoulders, improvements appurtenant to the road, such as support or tunnel structures, bicycle ways or sidewalks, and right of way used for the operation of the roadway.

E. "Noxious Weed" means any plant identified by State Department of Agriculture in OAR chapter 603, division 52 "Quarantine; Noxious Weeds" or the appropriate county governing body as described in ORS 569.

F. "Participant" means the individual or member of the Applicant actually performing work on the highway under a Permit issued pursuant to Section 24 rules.

G. "Permit" means the application as a fully executed form signed, issued and controlled by the CE on behalf of the Division allowing Applicant and its Participants to perform activities as approved and deemed necessary by the CE. A Permit includes all attached provisions and exhibits. A Permit does not convey any property right or interest.

H. "Work Site" means the area where the permitted work is to be conducted.

23.400 *General Requirements:*

A. The Applicant must apply in writing on the form provided by the Division to the CE to authorize the work. When noxious weed removal is a desired work activity, the Applicant must also provide the CE with a plan approved in writing by the Oregon Department of Agriculture. The plan shall include the species of plant to be removed, the method of removal that does not include the use of pesticides, herbicides, or machine powered equipment, and the timing and frequency of noxious weed removal.

B. An "Adopt-A-Road" permit will be executed by the Applicant and the CE under the authority of this Section 24. The Permit will list the specific requirements and obligations of both the Applicant and its Participants, and the Division.

C. An application is not a Permit until it is approved and signed by the CE. No work is to be done along any public right of way until the Applicant has obtained a valid Permit. The approved Permit must be physically at the work site when the work is being performed.

D. The section of road adopted will be at least two miles in length for litter pickup or noxious weed removal. This minimum may be modified at the discretion of the CE where

there are unique or unusual situations or features having to do with allowed work activities on a specific highway section.

E. The term of the permit will be for a period of one, two, or three years.

F. A section of the road may be adopted by more than one Applicant with only one Applicant for litter pick up and one Applicant for noxious weed removal. If more than one Applicant requests the same section of highway for the same work activity, the CE may make the selection by earliest date of application or by a random drawing.

G. Assignment of a specific section of highway shall be at the discretion of the CE.

H. The CE may consider factors such as width of right-of-way, geometrics, congestion, and sight distance in determining which highways or sections of highway will be eligible for adoption under this Section 24.

I. Subcontracting or assigning work, or hiring or paying a wage or salary for work on the adopted section by the Applicant to any party is prohibited and will result in cancellation of the permit.

J. The CE may cancel a Permit for any reason including, but not limited to safety considerations concerning highway operations, failure of the Applicant to perform the work described in the Permit, or failure of the Applicant to comply with provisions of the Permit. This cancellation will be issued in writing.

K. The Applicant may cancel the permit with 30 days written notice to the CE.

L. An Applicant has the option of renewing the permit for subsequent terms subject to the approval of the CE. Such request must be submitted in writing, signed by the Applicant and submitted to the CE at least 30 days prior to the permit expiration date.

23. 500 *Specific Requirements:*

A. Applicant and Participant Responsibilities:

1. The Applicant will be responsible and liable for the care, control, supervision and assurance of safety of all Participants. Each Participant will be required to execute a Multnomah County indemnity and liability release form reflecting awareness and acknowledgement of the potentially hazardous nature of the work involved;
2. The Applicant and each Participant must comply with and abide by all laws, rules, and regulations relating to safety and use of the highway, and such other terms and conditions as may be required in the Permit. The Applicant or individual Participants may be excluded from participation or the permit canceled, at the discretion of the CE for violation of the terms of the Permit or Section 24 rules;
3. The Applicant will provide adult supervision at the work site by at least one Participant over 18 years of age. Each Participant must be at least 16 years of age. Presence at the work site of individuals under 16 years of age is not allowed;
4. The Applicant and each Participant must review the safety information provided by the Division at least once a year prior to participating in the actual work;
5. The Applicant is to pick up litter at least four times a year; noxious weeds are to be removed at least two times a year. This frequency may be increased by written notice of the CE dependent on condition and appearance of the road section;
6. If maintenance of landscape improvements, or graffiti removal are included as a planned work activity, the scope of work and specific requirements and limitations will be agreed to by the Applicant and the CE, and identified in the permit;
7. Supplies, materials, and work area signs furnished by the CE on behalf of the Division will be obtained from and returned to the CE during regular business hours. The Applicant may furnish its own additional supplies for its exclusive use such as a first-aid kit and drinking water;
8. The Applicant will be responsible for appointing or selecting a spokesperson to act as the representative of the Applicant in matters relating to the Permit. The

Applicant or its spokesperson is responsible for assuring compliance by Participants with safety procedures, proper Participant clothing and footwear, proper parking of vehicle(s) along the road, arranging transportation of the Participants to and from the work site, notifying the CE of the location of large, heavy, or potentially hazardous items found along the highway, checking out and returning supplies provided by the Division, and assuring that a signed indemnity and liability release has been provided to the Division for each Participant;

9. The Applicant will be responsible for placing litter and noxious weeds in trash bags furnished by the CE and conducting other work activities as described in the Permit; and
10. Vehicles used by the Applicant to transport Participants to and from the work site must be parked so as not to create a hazard to motor vehicle traffic or interfere with the regular maintenance of the roadway. Vehicles must be moved by the Applicant upon request of the CE or law enforcement personnel.

B. Division Responsibilities:

1. The CE will consult with an Applicant to determine the specific section of road to be adopted;
2. The CE will furnish work area signs, trash bags, reflective vests, colored flags to mark large, heavy or potentially hazardous litter, and safety awareness information for Applicant safety meetings;
3. The CE will furnish and erect two acknowledgement signs, one at each end of the adopted road section, with the Applicant’s name or acronym displayed. When the section of road adopted is not linear to the road a lesser number of signs may be placed;
4. If the Division determines that the sign(s) would create an unsafe condition for persons using the highway, it may choose not to erect the sign(s). Acknowledgement signs that are repeatedly vandalized or stolen may not be replaced at the discretion of the CE;
5. The Division will be responsible for removal of litter that is large, heavy or potentially hazardous that has been flagged by the Applicant. The removal and disposal of filled litter bags, landscape debris, and noxious weeds will be as described in the Permit.

23.600 *Acknowledgement Signs:*

A. Signs may be placed by the Division acknowledging the Applicant's volunteer contribution with the Applicant's name or acronym. The Applicant may be required to provide evidence of the Applicant's existence such as the Applicant's organizational bylaws, website, or letterhead. When the Applicant is an individual or family group, the individual's name (first name or initial and last name) or the family name (e.g. Smith Family) will be used.

B. The acknowledgement sign is not intended for advertising or as a memorial; items such as an internet address, website, or telephone number will not be allowed. The Applicant's name may be verified with the Secretary of State's business name registry or other information available to the County.

C. The acknowledgement sign(s) may be installed after the Applicant has successfully performed the work activities described in the Permit at least once as determined by the CE.

D. The sign(s) will remain the property of the County and be removed by the Division when the permit is cancelled or has expired.

24.000 Owner-Maintained Vegetation in Right-of-Way Program

24.100 *Program:* Multnomah County uses road maintenance crews to maintain areas within the right-of-way often using the application of herbicide and/or mechanical mowing. Through the Owner Vegetation Maintenance Agreement, a property owner adjacent to right-of-way may be issued a permit from the County to take over vegetation maintenance services subject to the sole discretion and determination of the County Engineer.

Permit: A permit shall be for a period of one year and may be reissued at the sole discretion of the County Engineer. The permit shall be similar in content and scope to the form of permit issued under the Adopt a Road Program of Section 24 and shall require indemnity and liability release from the property owner.

24.300 The County is responsible for installing and maintaining signs designating the adjacent right-of-way is to be maintained by property owner.

25.000 Willamette River Bridges

25.100 *Operations and Maintenance:* The County is responsible for operating and maintaining the Willamette River Bridges pursuant to ORS 382.305 and ORS 382.310; specifically, the County has operating and maintenance responsibilities for the Sellwood, Hawthorne, Morrison, Burnside, Broadway, and Sauvie Island bridges (hereafter, the "Willamette River Bridges"). The County also has authority pursuant to ORS 382.310 to develop rules and regulations for the operation and maintenance of the Willamette River Bridges.

25.200 *Setback Requirement*: Beginning March 1, 2017, development of structures, fixtures, or appurtenances around, over, above, below or adjacent to the Willamette River Bridges or their approaches are not allowed within ten feet from the outer edge of the bridge structure in order to preserve the County's ability to operate and maintain the Willamette River Bridges and their approaches. All completed structures already in existence on March 1, 2017, and within ten feet of the outer edge of a Willamette River Bridge or an approach to a Willamette River Bridge, are deemed to be in compliance with this section of the Multnomah County Road Rules.

25.300 *Permit*: The setback for all permanent structures constructed along Willamette River Bridges or their approaches is 10 horizontal feet from the public right of way or 10 horizontal feet from the outer edge of the bridge structure, including the space above and below such area (the "Bridge Site"). All permit applications seeking authorization for the construction of temporary structures within the Bridge Site will be reviewed by the Multnomah County Engineer to ensure the encroachment will not compromise public safety or impede operation and maintenance of the Willamette River Bridges. During the review and evaluation of all applications seeking authorization for the construction of temporary structures within the setback, every effort will be made to locate any structure authorized as far from the bridge structure as practicable to reduce the potential for impacts to neighboring structures during future repairs or improvements to the Bridges.

26.000 Stormwater and Drainage

26.100 Onsite management of Stormwater is a priority for County.

26.150 Applicants for a development or redevelopment that impacts impervious surface will be required to provide a Stormwater certificate and/or analysis showing method of and ability to retain Stormwater on site. Stormwater solutions must be consistent with Multnomah County Design and Construction Manual standards.

26.200 Any development or redevelopment of a site which proposes Discharge of Stormwater onto County right of way is subject to Stormwater Discharge permit requirements outlined below, and must comply with drainage requirements identified in the Multnomah County Design and Construction Manual..

26.300 Stormwater Discharge permit requirements: The County Engineer may allow drainage of Stormwater to County right of way when the following standards are met:

A. Applicant demonstrates that they are not able to meet the Discharge hierarchy of the Portland Stormwater Manual.
B. An Analysis conducted by a registered engineer shows that soil infiltration is not feasible.
C. A Drainage analysis is conducted by a registered engineer that ensures the storm sewer pipe/system can handle conveyance of a 25-year storm event or another storm event as identified by the County Engineer based on site/area/facility conditions.
D. Standards under Section 16.200 of these rules are addressed.