

**BEFORE THE BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON  
GOVERNING BODY FOR MID-MULTNOMAH COUNTY STREET LIGHTING  
SERVICE DISTRICT NO. 14**

**ORDINANCE NO. 1298**

Establishing Permit Requirement and Delegating Authority to Adopt, Amend, and Repeal Implementing Administrative Rules and Authority to Acquire Ownership of Street Lighting Facilities.

**The Multnomah County Board of Commissioners Acting as the Governing Body for Mid-Multnomah County Street Lighting Service District No. 14 Finds:**

- a. The Mid-Multnomah County Street Lighting Service District No. 14 (“District”) was formed as a special district under Oregon Revised Statute (“ORS”) Chapter 451 through a special election in 1967. The District was originally named the Tulip Acres Street Lighting Service District, and the Board of County Commissioners (“Board”), which serves as the governing body for the District, renamed the District to its current name by Order in 1970.
- b. The District was formed for the purpose of providing street lighting facilities for the District, which covers unincorporated Multnomah County and the cities of Troutdale, Fairview, and Maywood Park.
- c. As a condition of development approval or as otherwise required by the code of a local jurisdiction, developers often are required to construct, install, or alter street lighting facilities within the District, which are or become District assets.
- d. To ensure best practices, it is in the best interest of the District to adopt standards for new street lighting facilities installed within the District, as well as standards for alterations made to existing street lighting facilities within the District. Those standards should be implemented through a permitting process administered by a District manager or representative.
- e. Utilities and other entities often want to attach equipment to existing or new District street light poles or other District facilities. To ensure best practices, it is in the best interest of the District to adopt standards for attachments to District street light poles and other facilities. Those standards should be implemented through a permitting process administered by a District manager or representative.
- f. Given the evolving nature of technology and electrical standards, the District requires flexibility to amend its processes and standards to stay current with generally accepted best practices.
- g. Delegating authority to a District manager or representative to adopt administrative rules to implement standards for District facilities and attachments to those facilities, as well as to acquire street light facilities, will allow the District to more efficiently carry out its duties.

h. Under ORS 451.550(1), the District may supervise, manage, control, operate and maintain the District's street lighting facilities. Under ORS 451.600, no person or entity may alter, repair or make a connection with any service facility maintained by the District, unless that person or entity obtains permission from the District and pays all deposits, charges or fees required by the District for granting such permission before undertaking the work.

i. Under ORS 451.570, the District may adopt and enforce reasonable and necessary regulations for the protection of public health, safety, and general welfare and for all purposes consistent with the District's authorization to construct, operate and maintain street lighting facilities.

j. Under ORS 451.550(3), the District may acquire such real and personal property and rights of way, either within or without the county, as in the judgment of the governing body of the District are necessary or proper in the exercise of the powers of the District, and to pay for and hold the same. Under ORS 451.550(4), the District may make and accept contracts, deeds, releases and documents, which, in the judgment of the governing body of the District, are necessary or proper in the exercise of the powers of the District.

k. Under ORS 198.530, because the Multnomah County Home Rule Charter provides a process for enacting, amending, and repealing ordinances, the District has followed that process to adopt this Ordinance and set the manner of adopting, amending, and repealing associated regulations.

**The Mid-Multnomah County Street Lighting Service District No. 14 Ordains as Follows:**

**Section 1.** A permit is required for the following new development or redevelopment in the public right-of-way within the Mid-Multnomah County Street Lighting Service District No. 14 service area:

- A. Any new construction or installation of poles, luminaires, circuits, junction boxes, service cabinets, foundations, or other related facilities that are or will become a facility or property owned by the Mid-Multnomah County Street Lighting Service District No. 14;
- B. New development or redevelopment that interferes with or otherwise impacts existing facilities owned by the Mid-Multnomah County Street Lighting Service District No. 14 by removing or altering the location, function, or operation of those facilities;
- C. Installation of attachments on poles owned by the Mid-Multnomah County Street Lighting Service District No. 14; and
- D. Installation of small wireless facilities on facilities owned by the Mid-Multnomah County Street Lighting Service District No. 14.

**Section 2.** A manager or representative of the Mid-Multnomah County Street Lighting Service District No. 14 may adopt, amend, and repeal administrative rules to establish standards and a permitting and enforcement process for development and redevelopment of street lighting facilities within the Mid-Multnomah County Street Lighting Service District No. 14 service area.

**Section 3.** A manager or representative of the Mid-Multnomah County Street Lighting Service District No. 14 may acquire and accept ownership of street lighting facilities by any means allowed under ORS 451.550(3), as in the judgment of the manager or representative are necessary or proper in the exercise of the powers of the Mid-Multnomah County Street Lighting Service District No. 14, and may pay for and hold the same.

**Section 4.** The District may charge fees for District services provided as part of the permitting process. The Board will set the fee amounts by resolution.

FIRST READING: July 8, 2021

SECOND READING AND ADOPTION: July 15, 2021



BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON  
GOVERNING BODY FOR MID-MULTNOMAH  
COUNTY STREET LIGHTING SERVICE  
DISTRICT NO. 14

*Deborah Kafoury*

Deborah Kafoury, Chair

REVIEWED:  
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Katherine Thomas, Assistant County Attorney

**SUBMITTED BY: Jamie Waltz, Director, Department of Community Services**