

BEFORE THE BOARD OF COUNTY COMMISSIONERS

MULTNOMAH COUNTY, OREGON

Ordinance No. 162

An ordinance relating to the establishment of: standards and procedures for streets, roads, and related facilities; street and facility improvement requirements for abutting property owners.

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Multnomah County ordains as follows:

Section 1. Intent and Policy

1.01 Title, Scope and Definitions

1.011 Title

This ordinance shall be known as the "Multnomah County Street Standards Ordinance," and may be cited as such and will be referred to herein as "this ordinance."

1.012 Scope

The provisions of this ordinance are applicable to every public right of way within the unincorporated area of Multnomah County and all County roads within incorporated cities.

1.013 Definitions

For the purpose of this ordinance, certain forms, phrases, and words and their derivatives shall be construed as specified in this section. Words used in the plural shall include the singular, and words used in the singular shall include the plural.

a. Director

Director means the Director of the Multnomah County Department of Environmental Services or designated representative.

b. Functional Road and Street Classifications

The following functional types of streets and roads are defined in Section 3.111 of this Ordinance: Local Streets, Collector Streets, Arterials, Freeways, Transitways.

c. Person

"Person" includes "corporation" unless the context wherein the word is used indicates otherwise.

d. Plan

Plan refers to the Multnomah County Comprehensive Land Use Plan or any of its component parts, such as the Framework Plan, any of the Community Plans, etc.

e. Rule

Rule refers to rules and regulations adopted under this ordinance.

1.1 Intent - Relationship to Comprehensive Plan and Plan Policies

It is intended that this ordinance shall implement and enforce the Comprehensive Plan and it shall be liberally construed to effectuate that purpose.

1.2 Policy

It shall be County policy and the Director shall be charged with the responsibility to:

1.21 Exercise the County's authority under ORS 368.205 and other authorizing statutes to adequately

supervise, direct and control the laying out, opening, establishment, changing, alteration, straightening, working, grading, maintaining and keeping in repair of streets and roads; for the improvement and for the vacation of streets and roads where appropriate.

1.22 Promulgate such rules and regulations as shall be necessary for the administration and enforcement of this ordinance.

1.23 Require the following from abutting property owners, to the extent that they benefit from required or permitted improvements and to the extent that improvements are necessary to protect the public from the deleterious effects of proposed land uses:

- a. Dedication of right of way required by County standards.
- b. Improvement of road or street to County standards.
- c. Construction of storm drainage facilities at County standard to serve abutting property development(s) and street and road improvements.
- d. Traffic controls, at County standard, necessary to accommodate circulation and a mix of traffic types.
- e. Pedestrian and bicycle facilities, at County standard, necessary for safe circulation.
- f. If sanitary sewers are to be constructed, they shall be at County Standard.
- g. Payment of all engineering and construction costs for improvements and facilities required in Sections 1.23 a. to f. above. The County may participate in improvements that exceed these requirements and where it is in the general public interest it may require payment equivalent to the cost of improvements and facilities rather than actual construction of those facilities and improvements. In such cases the County shall provide at least the equivalent improvements and facilities within a specified time period.

Section 2. Administration

2.01 The Director shall be responsible for administering this ordinance and all rules adopted under it.

2.1 Adoption of Rules

2.101 Initiation

The Director, a member of the Planning Commission or any member of the Board of County Commissioners may propose adoption, amendment or repeal of a rule.

2.102 Filing

A proposed rule shall be approved as to form by County Counsel and filed with the Director, the Clerk of the Board of County Commissioners, and with the staff of the Planning Commission.

2.103 Notice of Intent

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

- a. Description of the proposed action; i.e., adoption, repeal or amendment.
- b. A summary of the intent, subject and content of the proposed rule.
- c. Complete text of the proposed rule where practicable, or the location, time and contact person for obtaining a copy of the complete text of the proposed rule.
- d. The time limit, location, contact person and format for submitting views and comments on the proposed rule.
- e. The time limit, location, format and contact person for requesting postponement of the action on the proposed rule.
- f. The time limit, location, format and contact person for requesting a public hearing on the proposed rule.

2.104 Notification Process

In addition to such notice as may be required by law, notice of intent to adopt a rule shall be made in the following manner:

- a. Publication in a newspaper of general circulation at least 15 days before the close of the review period.
- b. Posting in a prominent location in the County Courthouse at least 15 days before the close of the review period.

2.105 Review and Comment Period

Notice of intent to adopt a proposed rule shall be made after the notice is filed with the Clerk of the Board of County Commissioners. The review period for submitting comments shall be 15 days and shall commence with publication of notice of intent to adopt a proposed rule.

2.106 Adoption

If at the close of the review period there have been no requests for a postponement or a public hearing, the County shall within 10 days of the close of the review period, consider the review comments and either adopt or reject the proposed rule or adopt the rule with modifications. If a proposed rule is to be substantially amended as a result of review comments, it must be considered as a newly proposed rule. The adopted rule shall be filed with the Director, the Clerk of the Board of County Commissioners and with the Staff of the Planning Commission, within 10 days of the close of the review period.

2.107 Postponement

If within the review period an interested person requests postponement of the intended action, the County, if the grounds are judged to be sufficient, shall postpone the intended action, no less than 10 days nor more than 90 days to allow the requesting person an opportunity to submit data, views or arguments. A request for postponement must be made in writing to the County and must include a statement of the identity and interest of the requesting person and of the grounds for requesting postponement.

2.108 Request for Public Hearing

If, within the review period, 10 or more persons, or an association with 10 or more members or a corporation requests, in writing, a public hearing on the proposed rule, the County shall announce and conduct a public hearing.

2.112 Appeal to the Board of County Commissioners

Any interested person may appeal the action of the County on a rule after a public hearing on the matter. Any member of the Board of County Commissioners may also request review of such action. Appeal must be made in writing and filed with the Director within 10 days of the filing of the notice of action with the Clerk of the Board of County Commissioners. Members of the Board of County Commissioners must request review within the same period.

2.113 Appeal and Review Request

The appeal request shall contain the following information:

- a. An identification of the decision or action being appealed, including the date thereof.
- b. A statement of the identity and interest of the person making the appeal.
- c. The specific grounds for the appeal.

2.114 A member of the Board of County Commissioners may initiate review by requesting that the matter be placed on the agenda for the Board's next regular meeting.

2.115 Hearing Date

Upon receipt of a valid appeal, the Director shall schedule a hearing by the Board of County Commissioners at the Board's next regular meeting for which the agenda has not closed and the date of which permits 10 days to publish notice in a newspaper of general circulation.

2.116 Notice of Appeal Hearing

The County shall prepare notice for appeal hearings. The notice shall contain the information described in Section 2.109, subsections d. through e. above. Notice shall be published in a newspaper of general circulation in the County and posted prominently in the County Courthouse at least 10 days prior to the hearing. The County shall also notify by mail persons who have submitted comments on the proposed rule and to the mailing list of interested parties.

2.117 Conduct of Hearing

The appeal hearing shall be conducted as a regular meeting of the Board of County Commissioners. The Board may adopt, repeal or amend the rule in question. The Board's action shall take the form of a Board Order.

2.118 Temporary Rules

The County may be confronted with a situation where it is necessary to put a rule into immediate effect in order to protect the public or the interest of particular parties. In such case and where there is not sufficient time to follow the procedural requirements set forth hereinabove, the County is authorized to use temporary rules.

a. Requirements for Making Temporary Rule Effective

The County may proceed without prior notice or hearing, or upon any abbreviated notice or hearing that it finds practicable, to adopt a rule without the notice otherwise required by this ordinance. In such case, the County shall:

1. File a certified copy of the rule with the Director, the Clerk of the Board of County Commissioners, and with the Staff of the Planning Commission.
2. File with the rule the County's finding that failure of the County to act promptly will result in serious prejudice to the public interest or to the interest of the parties concerned. Findings shall be supported by a statement of specific facts and reasons.
3. Take appropriate measures to make the temporary rule known to the persons who may be affected by the temporary rule, including publication in a newspaper of general circulation in the County as promptly after filing the said rule as practicable and giving notice of the said rule by mail to persons who may be affected by it.

Section 3. Guidelines and Contents of Rules for Standards and Procedures

3.1 Streets, Roads, and Right of Way: Urban and Rural

3.110 Guidelines

The definitions and standards in Sections 3.111 and 3.112 shall serve as guidelines for rules and regulations.

3.111 Functional Classification and Definition

Functional classification categorizes roads and streets by their operational purpose. Some of the key factors for functional classification are the following:

- Relation of street traffic to abutting properties.
- Volume of traffic.
- Traffic speed.
- Relative origins and destinations of traffic and lengths of trips.

The basic hierarchy of functional classification is local street, collector, arterial and freeway. The following categories define these functional classifications as well as some other items necessary for street standards. Table 1 illustrates the access requirements of the Framework Plan for different land uses in terms of functional classification.

The Director may designate particular County roads by functional classification after appropriate input from Community Planning groups, other citizens, affected agencies, DES staff, and other interested parties.

- a. Local streets. Local streets provide access to abutting property and do not serve to move through traffic. Local streets are further categorized by adjacent land use into residential and non-residential local streets.
- b. Collector streets. Collector streets collect the traffic from local streets and connect it to arterials. They may be further categorized

3.200 Drainage

Standards for drainage facilities may be established by rule. Such rules may include the following subjects.

- a. Criteria for determination of need.
- b. Permits and issuance procedures.
- c. Plan and profile format and submission.
- d. Design factors, including:
 - run-off values
 - capacity
 - diameter
 - grade
 - location
 - alignment
 - separation from sanitary sewers
- e. Construction factors, including:
 - materials
 - manholes
 - joints
 - anchor walls
 - connections to existing buildings and sewers
 - testing
 - easements
 - specifications
- f. Other matters of design, construction or procedure.

3.201 Traffic Control

Standards for traffic control facilities may be established by rule. Such rules may include the following subjects:

- a. Functional classification.
- b. Criteria for establishing need.
- c. Permits and issuance procedures.
- d. Plan and profile format and submission.

3.202 Pedestrian Paths and Bikeways

Standards for pedestrian paths and bikeways may be established by rule. Such rules may include the following subjects:

- a. Functional classification.
- b. Criteria for establishing need.
- c. Permits and issuance procedures.
- d. Plan and profile format and submission.
- e. Standard drawings - typical and structural section.
- f. Horizontal and vertical alignment.
- g. Other matters of design, construction or procedure.

3.203 Sanitary Sewer

Standards for sanitary sewer may be established by rule under this ordinance. Such rules may include the following subjects:

- a. Relationship to State DEQ standards.
- b. Plans and profiles.
- c. Specifications.
- d. Separation from drainage.
- e. Capacity, diameter.
- f. Location, grade, depth, alignment, and easements.
- g. Materials.
- h. Testing.
- i. Other matters of design, construction, and procedure.

3.204 Utility Location

Standards for the location of utilities in the right of way may be established by rule. Such rules may include the following subjects:

- a. Permits and issuance procedures.
- b. Liability, insurance and bonds.
- c. Construction and location details.
- d. Maintenance, removal and relocation.
- e. Inspections.

3.205 Right of Way Use

Standards for right of way use may be established by rule. Such rules may include the following subjects.

- a. Permits and issuance procedures.
- b. Allocation of costs.
- c. Location.
- d. Design factors and standards.
- e. Construction.
- f. Maintenance and removal.
- g. Liability and control.
- h. Other matters of design, construction and procedure.

3.206 Street Lighting

Standards for street lighting may be established by rule adopted under this ordinance. Such rules may include the following subjects.

- a. Need criteria
- b. Location
- c. Design
- d. Construction
- e. Jurisdiction
- f. Other matters of design, construction, and procedure.

3.207 Street Trees

Standards for street trees may be established by rules and regulations adopted under this ordinance. Such rules and regulations may include the following subjects.

- a. Permit format and issuance procedures.
- b. Species and location.
- c. Maintenance and removal.
- d. Other matters of design, installation and procedure.

3.208 Development Support and Financing

Standards for development support and financing may be established by rule. Such rules may include the following subject.

- a. Cost sharing for oversizing
 - selection criteria and procedures
 - design criteria
 - administrative procedures
- b. Payment in lieu of construction
 - selection criteria and procedures
 - design criteria
 - administrative procedures
- c. Other matters concerning development support and financing.

Section 4. General Provisions

4.1 Severability and Legality

If any provision of this ordinance, or its application to any person or circumstances, is held to be invalid or is decided by the courts to be invalid, the remainder of this ordinance, or its application to any person or circumstances, shall remain valid.

4.2 Enforcement and Penalties

4.21 Authority for Enforcement

The Director shall be responsible for the enforcement of this ordinance and all rules and regulations adopted under it. The Director shall have the authority to initiate enforcement proceedings.

4.22 Institution of Legal Proceedings

Upon recommendation of the Director, County Counsel, acting in the name of the County, may bring an action or proceeding in a court of competent jurisdiction to compel compliance with or restrain by injunction any violations this ordinance or rules and regulations adopted under it.

4.23 Penalty for Violations

It shall be unlawful for any person to violate or fail to comply with any requirement of this ordinance or rules and regulations adopted under it. Violation or failure to comply shall subject the violator or person failing to comply to imposition of a civil penalty not to exceed \$500 per violation. It shall be a separate violation for each and every day during any portion of which any violation of any provision of this ordinance or rules and regulations adopted under it is committed, continued or permitted and penalties may be imposed accordingly.

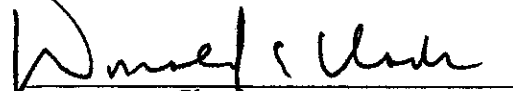
4.24 Effective Date

No person shall be prosecuted or otherwise subject to legal proceeding for a violation of this ordinance occurring before May 20, 1978.

ADOPTED this 20th day of April, 1978, being the date of its second reading before the Board of County Commissioners for Multnomah County, Oregon.

BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

By


Chairman

APPROVED AS TO FORM:

JOHN B. LEAHY
County Counsel for
Multnomah County, Oregon

By



Charles S. Evans
Chief Deputy County Counsel

Table 1

DIRECT ACCESS REQUIREMENTS FOR LAND USES BY FUNCTIONAL CLASSIFICATION OF STREETS AND ROADS

Land Uses	Public Road Or Street	COLLECTOR			ARTERIAL			FREEWAY		Public Transit Routes
		Residential	Non-Residential		Principal	Major	Minor			
Minor Residential Project	X									
Major Residential Project	X									within 1/4 mile
New Neighborhood, Minor		X								*within 1/4 mile
New Neighborhood, Major		X			X	or	X	or	X	*to site
New Community						N/S & E/W				to site
Super Regional Shopping Center						N/S & E/W			Intchg.	to site
Regional Shopping Center						N/S & E/W				to site
Community Shopping Center		X	or	X	X	or	X	or	X	to site
Neighborhood Shopping Center		X	or	X						to site
Local Isolated Business and Home Occupation										
Land Extensive Commercial District					X	or	X	or	X	
Regional Office					X	or	X	or	X	to site
Community Office		X	or	X						to site
Neighborhood Office										within 1/4 mile
Isolated Office										
Regional Industrial						N/S & E/W			N/S	within 1/4 mile
Community Industrial		X	or	X	X	or	X	or	X	Intchg. within 1/4 mile
Neighborhood Industrial		X	or	X	X	or	X	or	X	
Isolated Light Industrial		X	or	X						
Isolated Heavy Industrial		X	or	X						
Minor Community Public Facilities		X	or	X						within 1/4 mile
Major Community Public Facilities		X	or	X						to site
Minor Regional Public Facilities		X	or	X						within site
Major Regional Public Facilities							X		Intchg.	to site

* Present or Planned

Table 2
BASIC URBAN STANDARDS FOR RIGHT OF WAY AND IMPROVEMENTS BY FUNCTIONAL CLASSIFICATION

Functional Classification of Street or Road	Right of Way Width	Pavement Width	Travel Lanes	Left Turn Lanes	Parking	Curbs	Sidewalks
Local							
Residential	50 ft.	28 ft.	1	no	both sides	yes	yes
Non-Residential	50 ft.	28 ft.	1	no	both sides	yes	yes
Collector							
Residential	50-60 ft.	38-40 ft.	2	no	both sides	yes	yes
Non-Residential	60 ft.	44 ft.	2	possible	variable	yes	yes
Arterial							
Principal	90-120 ft.	76 ft.	4	continuous	both sides	yes	yes
Major	80-90 ft.	66 ft.	4	intersections and as needed	variable	yes	yes
Minor	60-80 ft.	44-48 ft.	2-4	as needed	variable	yes	yes

Table 3

BASIC RURAL STANDARDS FOR RIGHT OF WAY AND IMPROVEMENTS BY FUNCTIONAL CLASSIFICATION

Functional Classification of Street or Road	Right of Way Width	Pavement Width	Travel Lanes	Left Turn Lanes	Parking	Curbs	Sidewalks
Local							
Residential	40 ft.	24 ft.	1-2	no	variable	no	no
Non-Residential	40 ft.	24 ft.	1-2	no	variable	no	no
Collector							
Residential	50 ft.	32 ft.	2	no	variable	no	no
Non-Residential	50 ft.	32 ft.	2	no	variable	no	no
Arterial							
Principal	60-90 ft.	variable	variable	variable	variable	no	no
Major	60-90 ft.	variable	variable	variable	variable	no	no
Minor	60-80 ft.	variable	variable	variable	variable	no	no