

**BEFORE THE BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON**

**ORDINANCE NO. \_\_\_\_\_**

Adopting Multnomah County Code Chapter 39, *Zoning Code of Multnomah County, Oregon*; Repealing Multnomah County Code Chapters 11.05, 11.10, 11.12, 11.15, 11.45, 33, 34, 35, 36 and 37, Except to the Extent Continued Herein; and Amending Chapters 29 and 38 Accordingly.

(Language ~~stricken~~ is deleted; underlined language is new.)

**The Multnomah County Board of Commissioners Finds:**

- a. On May 26, 1953, Multnomah County adopted its first zoning ordinance, known as the Interim Zoning Ordinance.
- b. Since 1953, the zoning code has grown to include more than 10 chapters, making the code cumbersome and difficult to navigate.
- c. A Code Consolidation and Reorganization Project (“Project”) began in 2015 as a parallel task to the County Comprehensive Plan update. The primary objectives of the Project are to make the zoning code more streamlined, easier to navigate, and easier to amend and update.
- d. The Project combined, reconciled, and reorganized ten existing chapters (Chapters 11.05, 11.10, 11.12, 11.15, 11.45, 33, 34, 35, 36 and 37) of zoning and certain development regulations (Chapter 29) into one new chapter, Multnomah County Code Chapter 39, *Zoning Code of Multnomah County, Oregon*.
- e. Four chapters of the existing zoning code correspond to geographically discrete planning areas: MCC Chapters 33 (West Hills Rural Plan Area), 34 (Sauvie Island/Multnomah Channel Rural Plan Area), 35 (East of Sandy River Rural Plan Area), 36 (West of Sandy River Rural Plan Area). However, the majority of the text in the four chapters is the same, resulting in unneeded redundancy that has been eliminated in Chapter 39.
- f. Where appropriate, Chapter 39 retains standards that are unique to specific planning areas.
- g. Where sections with similar, but slightly different, standards have been merged in Chapter 39, the more permissive standard has been retained.
- h. The Grading and Erosion Control and Flood Hazard provisions of Chapter 29 (Building Regulations) have been moved into Chapter 39 to more closely tie those provisions to the related topics addressed in the Large Fill and Geologic Hazards (formerly Hillside Development) provisions in Chapter 39.

- i. The existing zoning code contains urban zones that are no longer applied in unincorporated Multnomah County because of annexations. Those zones are deleted from Chapter 39.
- j. Existing Chapter 38, Columbia River National Scenic Area zoning code, has not been merged into Chapter 39 because the standards in Chapter 38 implement and derive from the Columbia River National Scenic Area Management Plan, as opposed to the state and local laws that provide the framework for the other chapters. Cross references in Chapter 38 to standards in Chapter 39 have been updated as part of this Project.
- k. In this ordinance, it is intended that the repeal of a provision of Code is a repeal of that provision as adopted by ordinance.
- l. This ordinance does not affect any violation committed or penalty incurred or any right established prior to the effective date of this ordinance.
- m. The Planning Commission held a public hearing on September 11, 2017, during which all interested persons were given the opportunity to appear and be heard. Notice of the Planning Commission hearing was published in the Oregonian newspaper and on the website of the Multnomah County Land Use Planning Program. In addition, the County mailed notices of the September 11, 2017 hearing to individual property owners as required by ORS 215.503 (commonly referred to as Ballot Measure 56 notice). The Planning Commission continued the September 11, 2017 hearing to October 2, 2017. At the conclusion of the October 2, 2017 hearing, the Planning Commission recommended that the Board enact an ordinance adopting Chapter 39 and the associated amendments in a form substantially similar to that presented to the Planning Commission.
- n. The Planning Commission's recommendation is sound and derives from the proper execution of its duties and authority. It is in the public interest to adopt this ordinance.

**Multnomah County Ordains as Follows:**

**Section 1.** Multnomah County Code Chapter 39 is adopted in the form set forth in Exhibit A.

**Section 2.** Multnomah County Code Chapters 11.05, 11.10, 11.12, 11.15, 11.45, 33, 34, 35, 36 and 37 are repealed, except that the provisions therein are continued to the extent they are included and reenacted in whole or in part as amended, reorganized, and consolidated in Chapter 39.

**Section 3.** MCC 29.002 is amended as follows:

**§ 29.002 POLICY.**

The Board has determined that it is necessary to provide for the regulation of building construction and administration of standards, including enforcement, of the state building code adopted by the state and that this subchapter is necessary for the protection of the public health, safety and general welfare of the

residents of the county. In addition, the Board has determined that certain optional state building code regulations providing standards for fire-flow, fire apparatus means of approach, and alternatives to those standards are necessary to implement Comprehensive Framework Policy 38: Facilities for Comprehensive Plan policies pertaining to fire protection.

**Section 4.** MCC 29.003 is amended as follows:

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

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

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

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

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

**Section 5.** MCC 29.004 is amended as follows:

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

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

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

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

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

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

~~(4) — State registered architect;~~

~~(5) — General contractor;~~

~~(6) — Home builder;~~

~~(7) — Building designer;~~

~~(8) — Plumber; and~~

~~(9) — Fire protection specialist.~~

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

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

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

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

~~*Cross reference:*~~

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

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

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

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

(B) For properties located outside of the boundaries of a structural fire service provider, the property owners shall provide to Land Use Planning, evidence that a request for structural fire service has been made to the appropriate fire district. If structural fire protection is not available, alternative

means of fire protection may be authorized by the applicable building official in accordance with the Oregon Fire Code.

**Section 6.** MCC 29.005 is deleted as follows:

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

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

- ~~(A) — Provide interpretations of this subchapter;~~
- ~~(B) — Determine the suitability of proposed alternate methods of construction;~~
- ~~(C) — Determine the suitability of proposed alternate materials;~~
- ~~(D) — Provide recommendations to the Board for such ordinances and rules as may be consistent with the purposes of this subchapter;~~
- ~~(E) — Grant alternatives to provisions of this subchapter in specific instances where the board of appeals has determined to its satisfaction and by unanimous vote that practical difficulties, unnecessary hardship or consequences inconsistent with the general purposes of this subchapter may result from literal interpretation and enforcement of this subchapter. The board of appeals may impose such conditions and safeguards upon approval of alternatives as it determines are consistent with the general purpose, intent and spirit of this subchapter and which assure protection of the public safety and welfare;~~
- ~~(F) — Grant temporary permits as provided by this subchapter; and~~
- ~~(G) — Perform any other function assigned to it by ordinance, order, resolution or rule.~~  
~~(‘ 90 Code, § 9.10.050, 07/01/1998; Ord. 164, passed, 05/11/1978)~~

**Section 7.** MCC 29.014 is added as follows:

**§ 29.014 — CERTIFICATE OF OCCUPANCY.**

- (A) No building or structure, except single family and duplex dwellings, and no land shall be used or occupied, and no change in the existing occupancy of a building, structure or land or portion thereof shall be made, until a Certificate of Occupancy as required by the Building Code has been issued by the Building Official.
- (B) Changes in the use of a building, structure or of land shall not be made except in compliance with the provisions of the Zoning Code.
- (C) If it is found that the building, structure or land complies with the provision of the Zoning Code, the Building Official shall issue a Certificate of Occupancy as required by the Building Code.

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

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

**Section 8.** MCC 29.203 is deleted as follows:

**§ 29.203 — PLUMBING CODE BOARD OF APPEALS.**

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

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

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

~~*Cross-reference: Building code board of appeals, see § 29.004 et seq.*  
(‘90 Code, § 9.30.040, 07/01/1998; Ord. 362, passed, 01/13/1983)~~

**Section 9.** MCC 29.207 is amended as follows:

**§ 29.207 FEES.**

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

**Section 10.** MCC 29.330, 29.331, 29.333, 29.336, 29.339, 29.342, 29.345 and 29.348 are deleted as follows:

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

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

**§ 29.330 — PURPOSES.**

~~The purposes of the Grading and Erosion Control Subdistrict are to promote the public health, safety and general welfare, and minimize public and private losses due to earth movement hazards in specified areas~~

~~and minimize erosion and related environmental damage in unincorporated areas of the county, all in accordance with ORS 215, OAR 340-41-455 for the Tualatin River Basin, and the County Comprehensive Framework Plan Policy No. 37. This subdistrict is intended to:~~

~~(A) — Protect human life;~~

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

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

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

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

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

~~(Ord. 1042, Renum 29.300 & Amd, 07/08/2004; '90 Code, § 9.40.005, 07/01/1998; Ord. 847, passed, 03/21/1996)~~

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

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

##### **~~CUT.~~**

~~(1) — An excavation;~~

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

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

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

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

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

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

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

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

~~**FILL.**~~

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

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

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

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

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

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

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

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

~~**SLOPE.**~~



- ~~(1) — Any ground whose surface makes an angle from the horizontal; or~~
- ~~(2) — The face of an embankment or cut section.~~

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

~~**STREAM.** Areas where surface waters flow sufficient to produce a defined channel or bed. A defined channel or bed is indicated by hydraulically sorted sediments or the removal of vegetative litter or loosely rooted vegetation by the action of moving water. The channel or bed need not contain water year round. This definition is not meant to include irrigation ditches, canals, stormwater runoff devices or other entirely artificial watercourses unless they are used to convey Class 1 or 2 streams naturally occurring prior to construction. Those topographic features resembling streams but which have no defined channels (such as, swales) shall be considered streams when hydrologic and hydraulic analyses performed pursuant to a development proposal predict formation of a defined channel after development.~~

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

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

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

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

- ~~(1) — Permanent seeding, producing long term vegetative cover;~~
- ~~(2) — Short term seeding, producing temporary vegetative cover;~~
- ~~(3) — Sodding, producing areas covered with a turf or perennial sod forming grass; or~~
- ~~(4) — Netting with seeding if the final grade has not stabilized.~~

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

~~**WATERCOURSE.** A channel in which a flow of water occurs, either continuously or intermittently with some degree of regularity. Watercourses may be either natural or artificial.— (Ord. 1042, Renum29.301&Amd, 07/08/2004; Ord. 978, Amended, 03/07/2002; Ord. 971, Amended, 12/20/2001; Ord. 956, Amended, 01/18/2001; ‘90 Code, § 9.40.050, 07/01/1998; Ord. 847, passed, 03/21/1996)~~

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

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

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

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

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

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

~~(Ord. 1042, Add, 07/08/2004)~~

### **~~§ 29.336 — PERMITS REQUIRED.~~**

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

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

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

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

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

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

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

~~(C) — Development projects subject to a hillside development permit do not require a separate grading and erosion control permit.  
(Ord. 1042, Renum29.302&Amd, 07/08/2004; '90 Code, § 9.40.010, 07/01/1998; Ord. 847, passed, 03/21/1996)~~

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

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

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

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

~~(C) — Excavations for wells.~~

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

~~(Ord. 1042, Renum29.304&Amd, 07/08/2004; ‘90 Code, § 9.40.030, 07/01/1998; Ord. 847, passed, 03/21/1996)~~

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

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

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

~~(1) — *Grading standards.*~~

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

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

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

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

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

~~(2) — Erosion control standards.~~

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

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

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

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

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

1. ~~—— A 100-foot undisturbed buffer of natural vegetation shall be retained from the top of the bank of a stream, or from the ordinary high watermark (line of vegetation) of a water body, or within 100 feet of a wetland;~~
  2. ~~—— The buffer required in subsection (e)1. may only be disturbed upon the approval of a mitigation plan which utilizes erosion and stormwater control features designed to perform as effectively as those prescribed in the currently adopted edition of the “Erosion Prevention & Sediment Control Plans Technical Guidance Handbook (1994)” and the “City of Portland Stormwater Quality Facilities, A Design Manual (1995)” and which is consistent with attaining equivalent surface water quality standards as those established for the Tualatin River Drainage Basin in OAR 340;~~
- (f) ~~—— Permanent plantings and any required structural erosion control and drainage measures shall be installed as soon as practical;~~
- (g) ~~—— Provisions shall be made to effectively accommodate increased runoff caused by altered soil and surface conditions during and after development. The rate of surface water runoff shall be structurally retarded where necessary;~~
- (h) ~~—— Sediment in the runoff water shall be trapped by use of debris basins, silt traps, or other measures until the disturbed area is stabilized;~~
- (i) ~~—— Provisions shall be made to prevent surface water from damaging the cut face of excavations or the sloping surface of fills by installation of temporary or permanent drainage across or above such areas, or by other suitable stabilization measures such as mulching or seeding;~~
- (j) ~~—— All drainage provisions shall be designed to adequately carry existing and potential surface runoff to suitable drainageways such as storm drains, natural watercourses, drainage swales, or an approved drywell system;~~
- (k) ~~—— Where drainage swales are used to divert surface waters, they shall be vegetated or protected as required to minimize potential erosion;~~
- (l) ~~—— Erosion and sediment control devices shall be required where necessary to prevent polluting discharges from occurring. Control devices and measures which may be required include, but are not limited to:~~
1. ~~—— Energy absorbing devices to reduce runoff water velocity;~~
  2. ~~—— Sedimentation controls such as sediment or debris basins. Any trapped materials shall be removed to an approved disposal site on an approved schedule;~~

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

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

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

~~(B) Responsibility.~~

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

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

~~(C) Implementation.~~

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

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

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

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

**~~§ 29.348 — PERMIT FEE.~~**

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

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

**Section 11.** MCC 29.350, 29.351, 29.353, 29.356, 29.359, 29.362 and 29.365 are deleted as follows:

***WEST OF SANDY RIVER GRADING AND EROSION CONTROL***

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

**~~§ 29.350 — PURPOSES.~~**

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

~~(A) — Protect human life;~~

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

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

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

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

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

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

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



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

~~**CUT.**~~

~~(1) — An excavation;~~

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

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

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

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

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

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

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

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

~~**FILL.**~~

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

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

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

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

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

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

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

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

**~~SLOPE.~~**

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

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

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

**~~STREAM.~~** Areas where surface waters flow sufficient to produce a defined channel or bed. A defined channel or bed is indicated by hydraulically sorted sediments or the removal of vegetative litter or loosely rooted vegetation by the action of moving water. The channel or bed need not contain water year round. This definition is not meant to include irrigation ditches, canals, stormwater runoff devices or other entirely artificial watercourses unless they are used to convey Class 1 or 2 streams naturally occurring prior to construction. Those topographic features resembling streams but which have no defined channels (such as, swales) shall be considered streams when hydrologic and hydraulic analyses performed pursuant to a development proposal predict formation of a defined channel after development.

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

**~~TOPOGRAPHIC INFORMATION.~~** Surveyed elevation information which details slopes, contour intervals and drainageways. Topographic information shall be prepared by a registered land surveyor or a

~~registered professional engineer qualified to provide such information and represented on maps with a contour interval not to exceed ten feet.~~

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

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

- ~~(1) — Permanent seeding, producing long term vegetative cover;~~
- ~~(2) — Short term seeding, producing temporary vegetative cover;~~
- ~~(3) — Sodding, producing areas covered with a turf or perennial sod forming grass; or~~
- ~~(4) — Netting with seeding if the final grade has not stabilized.~~

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

**~~WATERCOURSE.~~** A channel in which a flow of water occurs, either continuously or intermittently with some degree of regularity. Watercourses may be either natural or artificial.  
(Ord. 1042, Renum29.321&Amd, 07/08/2004; Ord. 996, Added, 10/31/2002, eff. 1/1/2003)

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

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

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

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

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

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

**~~§ 29.356 — PERMITS REQUIRED.~~**

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

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

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

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

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

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

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

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

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

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

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

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

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

~~(C) — Excavations for wells.~~

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

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

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

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

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

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

~~(J) — Grading activities attributed to routine road maintenance when undertaken by an organization operating under Limit 10, Section 4d of the Endangered Species Act.  
(Ord. 1042, Renum29.323&Amd, 07/08/2004; Ord. 996, Added, 10/31/2002, eff. 1/1/2003)~~

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

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

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

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

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

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

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

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

~~(D) — Narrative, map or plan information necessary to demonstrate compliance with applicable provisions of the county zoning code. The application shall provide applicable supplemental reports;~~

~~certifications, or plans relative to: engineering, soil characteristics, stormwater drainage, stream protection, erosion control, and/or replanting.~~  
(Ord. 1042, Renum29.324&Amd, 07/08/2004; Ord. 996, Added, 10/31/2002, eff. 1/1/2003)

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

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

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

~~(1) — Grading standards.~~

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

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

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

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

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

~~(2) — Erosion control standards.~~

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

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

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

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

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

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

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

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

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

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

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

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

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

- ~~1. — Energy absorbing devices to reduce runoff water velocity;~~
- ~~2. — Sedimentation controls such as sediment or debris basins. Any trapped materials shall be removed to an approved disposal site on an approved schedule;~~
- ~~3. — Dispersal of water runoff from developed areas over large undisturbed areas.~~

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

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

~~(B) — Responsibility~~

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

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

~~(C) — Implementation.~~

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

~~(2) — Inspection and enforcement. The director may take steps to ensure compliance with the requirements of this sub-section, including but not limited to, inspections, peer review of engineering analysis (at the applicant's expense), post construction certification of work, and the posting of a notice providing County contact information in the event that questions~~



~~arise concerning work occurring on site. The requirements of this subdistrict shall be enforced by the planning director. If inspection by county staff reveals erosive conditions which exceed those prescribed by the Grading and Erosion Control Permit, work may be stopped until appropriate correction measures are completed.~~

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

~~(Ord. 1042, Renum 29.325 & Amd, 07/08/2004; Ord. 996, Added, 10/31/2002, eff. 1/1/2003)~~

**Section 12.** MCC 29.400 and 29.401 are deleted as follows:

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

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

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

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

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

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

**Section 13.** MCC 29.501 is amended as follows:

**§ 29.501 DEFINITIONS.**

\* \* \*

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

***PLAN.*** The county comprehensive land use plan or any of its component parts, such as the ~~framework~~ transportation system plan, any of the community plans, and the like.

**Section 14.** MCC 29.504 is amended as follows:

**§ 29.504 ADMINISTRATION AND ENFORCEMENT.**

\* \* \*

(C) Consistent with MCC ~~37.0915~~ 39.1510 and notwithstanding any provision of this subchapter or the rules or manuals adopted hereunder; the director shall enforce this subchapter, and the rules and manuals adopted hereunder as provided in MCC §§ ~~37.0940~~ 39.1515 through ~~37.0970~~ 39.1565.

**Section 15.** MCC 29.560 is amended as follows:

**§ 29.560 GENERAL GUIDELINES.**

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

\* \* \*

**Section 16.** MCC 29.568 is amended as follows:

**§ 29.568 URBAN AND RURAL STREETS CATEGORY.**

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

**Section 17.** MCC 29.600 to 29.611 are deleted as follows:

***FLOOD HAZARD REGULATIONS***

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

**~~§ 29.600—PURPOSES.~~**

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

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

**~~§ 29.601—DEFINITIONS.~~**

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

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

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

~~The Areas of Special Flood Hazard identified by the Federal Insurance Administration in the scientific and engineering report entitled “Flood Insurance Study Multnomah County Oregon and Incorporated Areas”, with accompanying Flood Insurance Rate Maps (FIRM) effective December 18<sup>th</sup>, 2009, are hereby adopted by reference for the rural and unincorporated portions of Multnomah County. Maps produced by the Metro Data Regional Center that identify the area of inundation for the February 1996 flood are also adopted by reference. The Flood Insurance Study is on file at the Multnomah County Planning Office. The best available information for flood hazard area identification as outlined in MCC 29.608 shall be the basis for regulation until a new FIRM is issued.~~

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

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

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

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

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

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

~~**DEVELOPMENT.** Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials located within the areas shown within 100-year flood~~

~~boundary as identified on the Flood Boundary and Floodway Maps and the Flood Insurance Rate Maps as published by the Federal Emergency Management Agency (FEMA) or within any watercourse.~~

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

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

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

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

- ~~(1) — The overflow of inland or tidal waters, and/or~~
- ~~(2) — The unusual and rapid accumulation of runoff of surface waters from any source.~~

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

~~**FLOOD INSURANCE STUDY.** The official report provided by the Federal Insurance Administration that includes flood profiles, the Flood Boundary Floodway Map, and the water surface elevation of the base flood.~~

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

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

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

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

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

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

**~~START OF CONSTRUCTION.~~** Includes substantial improvement to existing structures, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include the land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement to an existing structure, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

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

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

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

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

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

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

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

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

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

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

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

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

#### ~~§ 29.602 — AREAS AFFECTED.~~

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

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

#### ~~§ 29.603 — PERMITS.~~

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

~~(1) — Improvements to a structure, dwelling or mobile home or other development, which do not meet the definition of “Development” under MCC 29.601, are exempted from obtaining a Floodplain Development Permit.~~

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

~~(C) — Transportation maintenance activities may be evaluated in an annual Flood Hazard permit. This permit will confirm that the typical Best Management Practices used to accomplish routine transportation maintenance projects meet applicable Flood Hazard regulations. Eligible activities include routine cleaning and maintenance of ditches and culverts, replacement culverts, unanticipated emergency~~

~~response activities and the permitting of new driveway culverts crossing a county maintained ditch. After the fact notification of the location and scope of all transportation maintenance activities is required. (Ord. 1120, Amended, 10/11/2008; Ord. 931, passed, 04/15/1999)~~

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

~~The following are exempt:~~

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

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

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

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

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

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

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

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

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

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

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

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

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

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

~~(E) — Evidence that the applicant has obtained, when necessary, prior approval from those Federal, State and/or local governmental agencies with jurisdiction over the proposed development.~~  
~~(Ord. 1120, Amended, 10/11/2008; Ord. 931, passed, 04/15/1999)~~

#### **~~§ 29.606 — DEVELOPMENT STANDARDS.~~**

~~Unless otherwise stated below, the following development standards shall apply within all portions of unincorporated Multnomah County to all new construction, substantial improvement or other development in areas of special flood hazard, as defined in 29.601: (The General Development Standards of 29.606(A) are only applicable in the West of Sandy River Rural Plan area and/or within the Metro Jurisdictional Boundary)~~

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



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

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

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

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

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

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

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

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

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

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

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

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

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

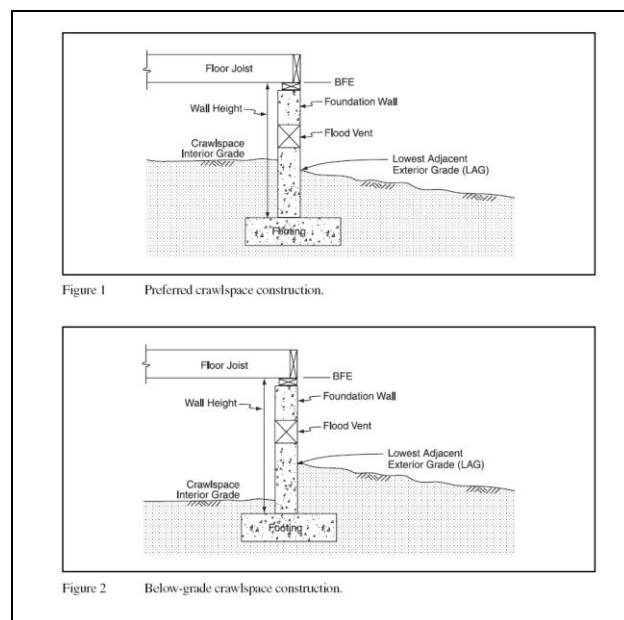
~~a. — A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.~~

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

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

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

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



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

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

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

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

~~(e) — The below grade crawlspace area should be designed so that it is easily accessible for physical post flood clean up and ventilation. The land owner must record a notice acknowledging below grade crawlspace construction is not recommended by the Federal Emergency Management Agency and that this type of construction can increase flood insurance premiums for homeowners.~~

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

~~(C) — Residential Structures:~~

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

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

~~State of Oregon registered professional engineer or architect shall also verify that the proposed construction will be reasonably safe from flooding.~~

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

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

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

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

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

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

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

~~released upon submittal of the finished construction elevation certificate, unless utilized to obtain compliance.~~

~~(D) — Nonresidential Structures.~~

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

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

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

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

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

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

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

~~(b) — Prior to issuance of a building permit or start of development, a performance bond or cash deposit of \$1000.00 shall be required to assure that the finished~~

~~construction elevation certificate and stamped documentation is submitted. The bond/deposit may be used to obtain the elevation certificate or documentation, without notice, if it is not completed and submitted prior to occupancy or use of the structure or development. The performance bond or cash deposit shall be released upon submittal of the finished construction elevation certificate or stamped documentation, unless utilized to obtain compliance.~~

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

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

- ~~(1) — Minimize infiltration of floodwaters into the system;~~
- ~~(2) — Minimize discharge from systems into floodwaters;~~
- ~~(3) — Avoid impairment or contamination during flooding.~~

~~(F) — Recreational Vehicles~~

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

- ~~(1) — Be on the site for fewer than 180 consecutive days, or~~
- ~~(2) — Be fully licensed and ready for highway uses, on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions; or~~
- ~~(3) — Meet the requirements of section 29.606(B) and (C).~~

~~(G) — Critical Facilities~~

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

- ~~(1) — No feasible alternative is available,~~
- ~~(2) — The lowest floor is elevated three feet above the base flood elevation, or to the elevation of the 500-year flood, whichever is higher,~~
- ~~(3) — At least one access route to the critical facility shall be either located or elevated at or above the flood elevation referenced above to assure the route will remain passable during flood events.~~

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

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

~~(H) — Land Division Proposals~~

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

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

~~**§ 29.607 — FLOODWAY REQUIREMENTS.**~~

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

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

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

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

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

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

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

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

~~(D) — A proposed structure accessory to a manufactured dwelling shall have the finished floor elevated a minimum of 18 inches above the base flood elevation.  
(Ord. 1149, Amended, 10/29/2009; Ord. 1120, Amended, 10/11/2008; Ord. 931, passed, 04/15/1999)~~

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

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

~~(B) In areas where detailed base flood elevation data has not been provided by FEMA, all proposals for subdivisions or other new developments greater than 50 lots or five acres, whichever is less, shall provide detailed base flood elevation data and floodway data.  
(Ord. 931, passed, 04/15/1999)~~

**~~§ 29.609 — WATERCOURSE RELOCATION AND ALTERATION.~~**

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

~~(A) — No relocation, encroachment or alteration of a watercourse shall be permitted unless a detailed hydraulic analysis, certified by a State of Oregon Registered Professional Engineer, is provided which demonstrates that:~~

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

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

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

**~~§ 29.610 — COUNTY RECORDS.~~**

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



~~(A) For all new or substantially improved floodproofed structures in areas subject to the provisions of this Section, Multnomah County shall obtain and maintain on file the actual elevation (in relation to NGVD 1929 or NAVD 1988) to which the structure was floodproofed and shall also maintain the floodproofing certifications required pursuant to MCC 29.606. (Ord. 1120, Amended, 10/11/2008; Ord. 931, passed, 04/15/1999)~~

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

~~A fee for a flood plain review is imposed and the amount will be set by Board resolution. (Ord. 944, Added, 04/13/2000, Ord. 945 amended Ord. 944 to add effective date of 6/1/2000)~~

**Section 18.** MCC 29.702 is amended as follows:

**§ 29.702 FINDINGS**

\* \* \*

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

\* \* \*

**Section 19.** MCC 29.706 is amended as follows:

**§ 29.706 SPECIAL EVENT PERMIT APPLICATION DEADLINES**

(A) Except as otherwise provided in subsection (B), a completed permit application for a special event must be submitted to the county ~~Landuse and~~ Transportation Program (~~LUTP~~) as follows:

\* \* \*

**Section 20.** MCC 29.707 is amended as follows:

**§ 29.707 PERMIT APPLICATION REVIEW PROCEDURE**

\* \* \*

(J) The Chair or the Director will complete review of a permit within three working days of receipt from the ~~LUTP~~ County Transportation Program.

\* \* \*

**Section 21.** MCC 29.708 is amended as follows:

**§ 29.708 PERMIT APPLICATION REVIEW CRITERIA**

(A) The sponsor must submit a completed special event permit application to the county ~~LUTP~~ transportation program no later than the date required by § 29.706 for an application to be accepted by the county. The county will issue a special event permit if the county determines that the application establishes compliance with all requirements and applicable criteria as set forth in subsection (B) and (C) respectively.

(B) Each permit application must be submitted with the application fee and must contain:

\* \* \*

(4) The date the application is received by the ~~LUTP~~ County Transportation Program;

\* \* \*

**Section 22.** MCC 29.712 is amended as follows:

**§ 29.712 SPECIAL EVENT PERMIT APPLICATION FEE, DEPOSIT AND COST RECOVERY**

\* \* \*

(B) The deposit will be required if the ~~LUTP~~ County Transportation Program estimates, based upon initial review of the permit application, that the event is likely to require any of the following:

\* \* \*

**Section 23.** MCC 38.0910 is amended as follows:

**§ 38.0910 VIOLATIONS AND ENFORCEMENT**

Multnomah County Code Chapter ~~37~~ 39, Part 1 provides the enforcement procedures and fines for violation of any provision of this chapter, state law, LCDC goals and rules applicable to the County under ORS 197.646 or the terms and conditions of any permit issued under any County code.

**Section 24.** MCC 38.0980 is amended as follows:

**§ 38.0980 STREET NAMING AND PROPERTY NUMBERING PROCEDURES**

The Street Naming and Property Numbering Procedures set forth in MCC ~~37.1500 et. seq.~~ 39.9905 through 39.9985 shall apply in the Columbia River Gorge National Scenic Area.

**Section 25.** MCC 38.7794 is amended as follows:

**§ 38.7794 CONSOLIDATION OF PARCELS AND LOTS**

This section states the procedures and requirements for removing property lines between adjacent parcels or lots in the same ownership in order to create one parcel or lot. The act of parcel or lot consolidation does not, in itself, remove prior conditions of land use approvals. A property owner may also choose to consolidate parcels or lots as part of a land division application. The parcel and lot consolidation process described in this section is different from (and does not replace) the process used by the County Assessment and Taxation Program to consolidate parcels and lots under one tax account.

\* \* \*

(A) Consolidation of parcels created by “metes and bounds” deed descriptions may be approved under the standards of either subsections (1) or (2) as follows:

(1) If all the subject parcels proposed for consolidation were created by deed instruments prior to October 19, 1978, (the effective date of Ord. 174), or are Lots of Record created by deed instrument under the “minor partitions exempted” section 1.224 of Ord. 174 and MCC section 11.45.110, then the following shall apply:

(a) Under a Type I Permit Review and in accordance with MCC ~~37.0550~~ 39.1115, an application and fee shall be submitted to the Land Use Planning office. The contents of the application shall include maps, copies of all current deeds, a title report, an affidavit signed by the owner that verifies that the owner has the authority to consolidate the parcels, and any supplementary material that is determined by the Planning Director to be necessary and relevant to demonstrate compliance with the standards in (b);

\* \* \*

**Section 26.** MCC 38.8020 is amended as follows:

**§ 38.7797 REPLATTING OF PARTITION AND SUBDIVISION PLOTS**

\* \* \*

(D) The Planning Director may approve a replatting application under a Type II Permit Review upon finding that the following are met:

(1) In accordance with MCC ~~37.0550 or 38.0550~~ or 39.1115, an application and fee shall be submitted to the Land Use Planning office. The contents of the tentative plan shall include those maps, written information and supplementary material listed for contents of a

Category 3 tentative plan that are determined by the Planning Director to be adequate to demonstrate compliance with the applicable approval criteria;

\* \* \*

**Section 27.** MCC 38.8020 is amended as follows:

**§ 38.8020 INFORMATION REQUIRED ON SUBDIVISION PLAT OR PARTITION PLAT**

In addition to the information required to be shown on the tentative plan, the following shall be shown on the subdivision plat or partition plat:

\* \* \*

(C) Any plat that includes land in areas of Special Flood Hazard or includes a water body or watercourse, as those features are described in MCC Chapter ~~29~~ 39.5000 through 39.5055 Flood Hazard Regulations, shall contain a plat note indicating that portions of the plat are subject to flooding and/or high water.

\* \* \*

**Section 28.** MCC 38.8025 is amended as follows:

**§ 38.8025 SUPPLEMENTAL INFORMATION WITH SUBDIVISION PLAT OR PARTITION PLAT**

The following shall accompany the subdivision plat or partition plat, as appropriate:

\* \* \*

(D) A map, prepared by an Oregon licensed surveyor, of the subdivision plan or partition plat that depicts the normal flood plain or high water line for any water body or watercourse and the extent of areas of Special Flood Hazard as defined in MCC ~~29~~ 39.5000 through 39.5055.

FIRST READING: \_\_\_\_\_

SECOND READING AND ADOPTION: \_\_\_\_\_

BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

\_\_\_\_\_  
Deborah Kafoury, Chair

REVIEWED:

JENNY M. MADKOUR, COUNTY ATTORNEY  
FOR MULTNOMAH COUNTY, OREGON

By \_\_\_\_\_  
Katherine Thomas, Assistant County Attorney

SUBMITTED BY: Kim Peoples, Director, Department of Community Services